

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE	Date 4 June 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London		
Proposal	Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.		
Agent	DP9		
On behalf of	Marlborough Prop Co Limited		
Registered Number	18/10886/FULL	Date amended/ completed	8 April 2019
Date Application Received	24 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

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

- i. Dedication of land as public highway;
- ii. A Carbon Off-set Contribution of £44,586 (index linked), payable prior to commencement of the development.
- iii. A walkways agreement
- iv. 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 Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

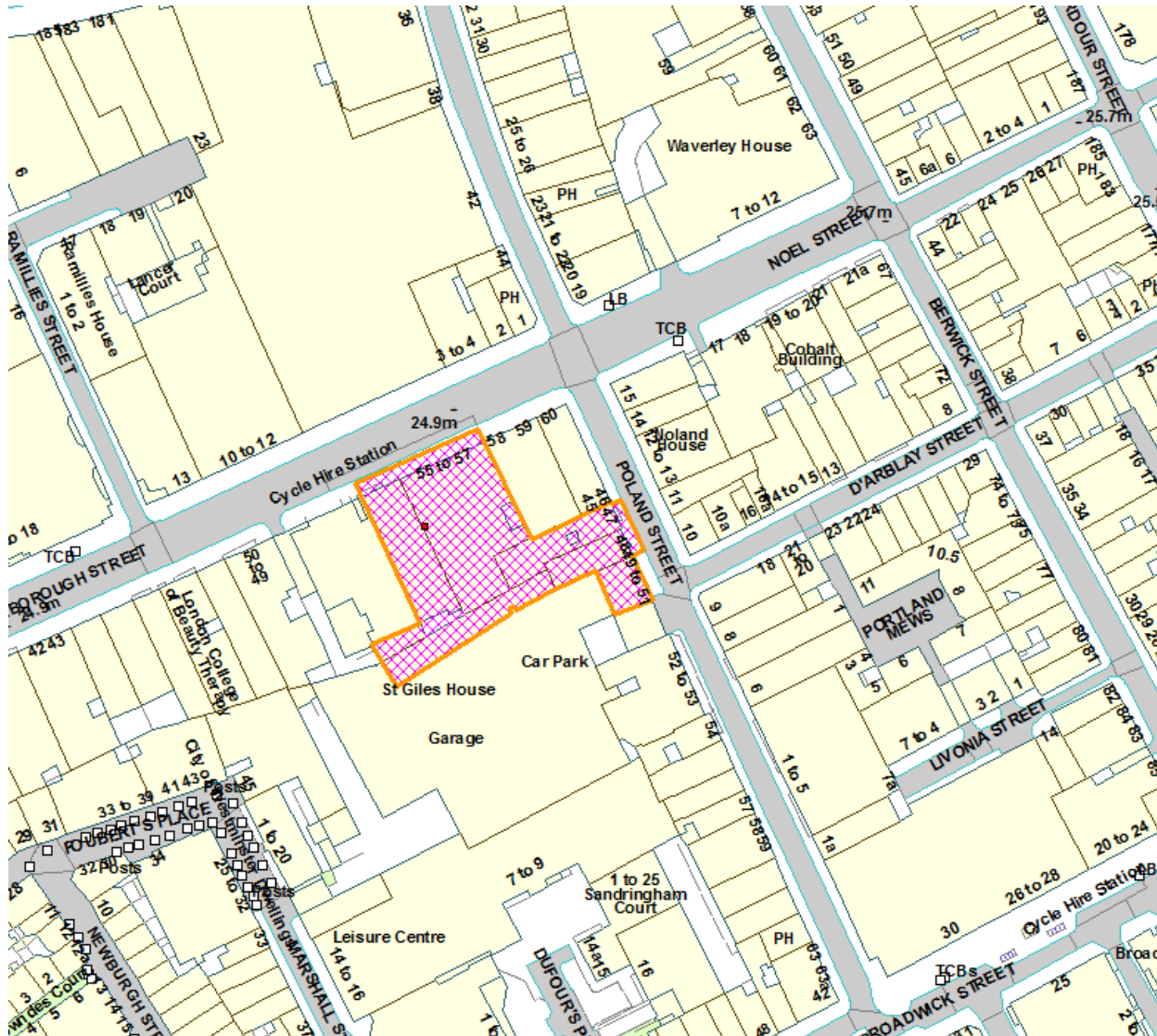
Permission is sought for the demolition of the existing buildings, with the part retention and alteration of the Poland Street buildings and redevelopment of the site to provide an eight-storey (with double basement) 194-bedroom hotel. The proposals include a new internal courtyard, enclosed by a glazed atrium, which will provide pedestrian access between Poland Street and Great Marlborough Street framed by retail spaces, and a restaurant and bar.

The main issues are:

- * the loss of existing buildings in the Soho Conservation Area;
- * the scale, massing and detailed design of the new buildings;
- * the land use implications of the proposal;
- * the impact of the proposals on the surrounding highway network;
- * the amenity impact on adjacent neighbours.

The proposals are considered acceptable and broadly comply with Unitary Development Plan (UDP) and City Plan policies in land use terms. It is considered that the proposed building onto Great Marlborough Street is of outstanding and exemplary design quality and will relate sensitively to its conservation area context. The additional massing onto Poland Street will not be readily visible from street level and is considered acceptable in principle. The proposals are therefore considered to be in line with UDP design and conservation policies and NPPF advice. Concerns from residents to noise break out from the central courtyard are considered to be addressed by conditions and approval is recommended subject to a legal agreement to secure dedication of the enhanced pavement on Great Marlborough Street as public highway and a carbon off-set payment.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Great Marlborough Street



Poland Street



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to offer any comments.

HISTORIC ENGLAND ARCHAEOLOGY

The proposal is unlikely to have significant effect on heritage assets of archaeological interest.

CROSS LONDON RAIL LINKS LTD (1)

No objections subject to conditions.

CROSS LONDON RAIL LINKS LTD (2)

No comments raised.

SOHO SOCIETY

Welcome both the overall reduction in number of bedrooms over the consented schemes and the new pedestrian walkway between Great Marlborough Street and Poland Street. Believe that there are real and legitimate noise worries from neighbouring residents and consider that the courtyard should be enclosed to offer an effective acoustic barrier to noise breakout and that the sixth-floor bar should be removed and relocated internally. Request a financial contribution to enable monitoring of the delivery service plan and operational management plan to ensure that these plans are adhered to once the hotel is in operation.

HIGHWAYS PLANNING MANAGER

Considers that activity from guests arriving and departing would not cause significant detrimental highway safety issues but raises concerns on the grounds that the off-street holding area for delivered goods is not sufficient in size and that use of this holding bay would conflict with existing cycle parking spaces. Requests additional cycle parking and information on how coach parking would be managed. Suggests that the lightwell on Poland Street is removed from the scheme to provide a widened footpath.

WASTE PROJECT OFFICER

Request further details.

DESIGNING OUT CRIME

No response to date

BUILDING CONTROL

No response to date

ENVIRONMENTAL HEALTH OFFICER

Raise no objection to the proposed plant or to air quality emissions but request a noise impact assessment for the courtyard and roof top bar. Request a Site Environmental Management Plan (as part of compliance with the Code of Construction Practice) to ensure suitable construction mitigation measures.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 228; Total no. of replies: 11 (from 10 respondents)

11 letters of objection on the following grounds:

Amenity

- * An open courtyard of this scale will create adverse noise and will be very difficult to control and manage
- * The rooftop bar will create noise and disturbance
- * Noise from externally accessed guest lounge
- * Noise created by setting up and clearing of tables and cleaning of the passageway
- * Noise and vibration from air conditioning plant, kitchen extract and machinery
- * Noise from waste disposal include bottles

Land use

- * Proposal appears to be principally an eating/drinking establishment rather than a hotel

Design

- * Additional massing and height on Poland Street has a negative visual impact

Highways

- * Increased traffic
- * Increased servicing

Other issues

- * Health implications from passive/secondary smoking
- * Fire risk
- * Security
- * Increase in rodents and pests
- * Rough sleeping and anti-social activities
- * Noise from construction

Re-consultation following submission of revised plans**COUNCILLOR GLANZ**

Supports concerns raised by residents

HIGHWAYS PLANNING MANAGER

Welcomes the removal of the lightwell onto Poland Street and the alterations to the off-street goods holding area. Requests additional cycle parking, a servicing management plan and information on how coach parking would be managed.

ENVIRONMENTAL HEALTH

Raise no objection subject to the provision of a supplementary noise report to demonstrate that the acoustic design of the courtyard atrium meets the standard internal noise condition. Recommends that the courtyard area is restricted to the hours of 07:00 to 23:00, that no music is played in the courtyard and that details of the number of tables and chairs in the courtyard area are submitted for approval. Recommends that

conditions are imposed to ensure that noise and vibration associated with the operation of the Crossrail tunnel will be acceptable.

WASTE PROJECTS OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 228; Total No. of replies: 10

10 letters of objection on the following grounds:

Land Use

* Relocating the roof level bar to the first floor results in a major increase to the restaurant, bar and lounge space

Amenity

* Noise break out from central courtyard area, specifically on the grounds that there would be conflict between the need to keep the courtyard cool and the need to control noise break out

* Courtyard is likely to be packed during the summer days and evenings, with the access routes open until midnight

* Insufficient detail to assess compliance of the roof plant with plant noise and vibration requirements.

* Amplified music should not be permitted in any external/public areas, including the courtyard

* The access routes and courtyard area should be restricted to hours of 8am to 10pm on Sundays to Thursdays and 8am and 11pm on Fridays and Saturdays

* Insufficient information has been provided to demonstrate that the kitchen extract ducting would not have a detrimental impact on neighbouring residential amenity

* The additional massing at the rear is not justified and results in loss of light, air and an adverse sense of enclosure.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site lies on both Great Marlborough Street and Poland Street, and comprises five buildings, including 54 Great Marlborough Street, 55-57 Great Marlborough Street, 47 Poland Street, 48 Poland Street and 49-50 Poland Street (excluding the basement and ground floor levels of 50 Poland Street which are currently occupied by Phonica Records and the Vinyl Factory gallery space).

Nos. 54 and 55-57 Great Marlborough Street are located on the south side of Great Marlborough Street and are both identified as unlisted buildings of merit within the Soho Conservation Area. No. 54, known as Europa House, is seven storeys in height, with a recessed plant room whilst 55-57 (Fenton House) is six storeys in height, also with a recessed plant room. Both buildings are currently vacant. No.54 was formerly in use

as showroom accommodation at basement and ground floor levels and office accommodation above and No. 55-57 was in retail use at basement and ground floor levels with office and light industrial (sound recording and post-production studio uses) on the upper levels.

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

The site also includes 47 and 48 Poland Street. No. 47 is currently vacant restaurant space at basement and ground floors with three floors of office accommodation on the upper floors. 48 Poland Street is a vacant betting shop (Class A2) at basement and ground floor levels with office use also on the upper floors.

The site is within the Core Central Activities Zone and the West End Special Retail Policy Area (WESRPA). It is also located within the Creative Industries Special Policy Area (SPA) as defined in the Unitary Development Plan (UDP). This SPA designation is not included within the City Plan. The site is also within the protected corridor of the view 4A.2 from Primrose Hill to the Palace of Westminster.

The surrounding area has a mixture of mainly commercial uses, although the rear of the site lies directly adjacent to the recently redeveloped Soho car park, now known as Regents Lofts/the Marshall Street development, a residential redevelopment scheme. There are also other residential properties at 1, 51-53 and 9 Poland Street. In 2014 permission was granted for four flats at 3-4 Great Marlborough Street.

6.2 Recent Relevant History

54, 55-57 GREAT MARLBOROUGH STREET AND 47, 49-50 POLAND STREET

Planning permission was granted in February 2012 for the demolition and redevelopment of 54 and 55-57 Great Marlborough Street to provide a seven storey building for offices (Class B1), retail (Class A1) and restaurant purposes at rear ground floor level (Class A3); new facade to upper floors of 49-50 Poland Street and use of first to fourth floors for offices (Class B1), fifth floor as residential and erection of new sixth floor for residential purposes (1 x 1 bed and 2 x 3 bed flats) and use of rear ground floor for studio/workshop use (Class B1c); refurbishment of 47 Poland Street for use as retail (Class A1) at basement and ground floor level and residential on the upper floors (1 x 1 bed, 1 x 2 bed and 1 x 3 bed flats), together with associated works and plant.

54, 55-57 GREAT MARLBOROUGH STREET

Planning permission was granted in April 2016 for the demolition and redevelopment behind retained street facades at 54 and 55-57 Great Marlborough Street to provide a new building comprising basement, ground and first to seventh floor levels. Use of the part basement and ground floor levels as two retail units (Class A1) and one dual/alternative retail or restaurant (Class A1/A3) unit at part basement and ground floor levels. Use of part basement and ground and the entire first to seventh floor levels as residential accommodation comprising 27 units with associated terraces at rear first floor

and balconies at fifth and sixth floor levels. Excavation at basement level, the provision of a green roof at main roof level and installation of plant in the basement and at seventh floor level. (Site includes 54 Great Marlborough Street)

In August 2018 planning permission was granted for the demolition of 54 and 55-57 Great Marlborough Street and demolition of rear ground, first and second floors of 47 Poland Street and redevelopment of the site to provide a new building comprising two basement levels, ground floor and seven upper levels. Use of part ground floor / basement level 1 as retail (Class A1). Use of part basement level 1 and part ground floor level and basement level 2 and seven upper levels as a hotel (Class C1). Terrace and plant at seventh floor level, pv panels at roof level and associated external works.

49-50 POLAND STREET

In April 2016 planning permission was granted for demolition of 47, 48 (behind part reconstructed facade) and 49-50 Poland Street and part rear of 54 and 55-57 Great Marlborough Street and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to sixth floor levels. Use of the part ground floor as restaurant/bar (Class A3/A4). Use of the basement, lower ground, part ground floor and first to sixth floors as hotel (Class C1) with roof garden and associated works.

7. THE PROPOSAL

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

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	6,097	0	-6,097
Retail (Class A1)	774	483	-291
Retail (Class A2)	195	0	-195
Restaurant/bar (Class A3/4)	312	639	+327
Showroom	424	0	-424
Nil use	327	0	-327
Hotel	0	11,933	+11,933
Overall commercial	8,129	13,055	+4,926

Permission is sought for the demolition of the existing buildings, with the part retention of the Poland Street buildings and redevelopment of the site to provide an eight-storey 194-bedroom hotel with an independently run restaurant onto Poland Street and retail units facing Great Marlborough Street. The proposal also involves two basement levels for plant, storage, residents' gym, retail floorspace and back of house facilities. The hotel will be operated by Shiva Hotels and a draft Operational Management Statement (OMS) has been submitted.

Although the majority of plant equipment would be provided within the basement, plant would also be located in rooftop enclosures. PV panels are also proposed on the roof.

A new internal courtyard will provide pedestrian access between Poland Street and Great Marlborough Street and will be framed by activated retail spaces, and a restaurant and bar. The application has been amended since it was initially submitted to remove a

roof level bar, to enclose the courtyard space by a glazed atrium and to extend the bulk and massing of the rear wing of the proposed building onto Great Marlborough Street.

The hotel bars and restaurants would be open to the general public.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in the loss of all the office floorspace (6,097 sqm) on the site. However, the current application results in a substantial commercial uplift on the site (5,634 sqm) in the form of hotel accommodation and in these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

New hotel use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. In addition to providing 194 rooms, the hotel will provide a restaurant and cocktail bar at first floor level which would also be open to the public. A further café/bar within the courtyard area and a restaurant unit onto Poland Street are also proposed, which are to be independently run, but would still fall within the overall management of the hotel.

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

Notwithstanding recent permission for developments incorporating new residential floorspace, Great Marlborough Street is still predominantly commercial in character. The provision of a hotel (Class C1) on this site was assessed and considered acceptable as part of the previous consented hotel applications, and in these circumstances, the introduction of a new hotel here is once again considered acceptable in principle in land use terms.

The application is supported by an Operational Management Statement which includes measures designed to ameliorate the impact of the hotel and entertainment uses on residents' amenities and local environment quality and this is discussed below. The impact of the proposals on traffic and parking is set out in section 8.4.

Operational Details

Shiva are the intended hotel operator and have stated that their aim is to create a high quality, 4-star accommodation. The hotel will comprise 194 bedrooms with an independently run restaurant/bar and café/bar at ground floor and a restaurant/bar and

cocktail bar at first floor. The enclosed ground floor courtyard would also provide seating and dining facilities associated with the ground floor restaurant and café/bar.

The hotel would be open to guests 24 hours a day seven days a week.

New restaurant and bar use

Although the first floor restaurant and bar would be an integral and ancillary part of the hotel and under the same management, as is typical of a hotel of the nature proposed, these areas would be open to non-residents. The impact of these entertainment areas, and the independently run Poland Street restaurant and courtyard café/bar, therefore need to be assessed against the City Council's entertainment policies.

The proposed restaurant and bar areas in total measure 639sqm. Entertainment spaces of this type and size located within the Core Central Activities Zone and the West End Stress Area would be considered against Policies TACE10 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'.

The principle of ancillary hotel restaurant/bar use in this location has been accepted on two previous occasions. In the consented Poland Street hotel scheme, the restaurant/bar measured 492sqm and that in the Great Marlborough Street hotel measured 188sqm, a total combined floorspace of 680sqm. The current application proposes a total entertainment floorspace of 639sqm which is similar in area to that of the combined hotel schemes.

In terms of the impact of the use on residential amenity, the entertainment areas are located within relatively close proximity to residential properties on the upper floors of the adjoining building, and objections have been on the grounds that the proposal involves a large increase in entertainment floorspace. Comments have also been made citing that the application appears to be principally an eating/drinking establishment rather than a hotel. However, as set out above, the size of the entertainment areas is similar to the combined consented schemes and given the location of hotel bedrooms directly above, it will also be in the interests of the hotel to ensure that these areas are properly managed. Furthermore, the Poland Street restaurant and bar is intended as a sit-down facility with waiter service with no take-away facilities.

Overall, the entertainment areas are considered to be relatively small given that up to 388 guests may stay at the hotel per night.

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

- The entrance will be attended at all times by door staff.
- Security personnel and monitoring systems will be provided
- Hours that non-resident guests may use the restaurant and bar areas
- Provision of a glass crusher at basement level to prevent the sound of glass outside the building
- Guests requiring a taxi will be directed to the taxi rank on Great Marlborough Street
- The management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.
- The hotel would not be marketed for coach parties.
- Shiva will provide local residents and businesses with a direct contact number

The OMS is considered to be robust and it will ensure that activity associated with the hotel and restaurant would not be harmful to the character of the area and more specifically to residential amenity. As the submitted OMS is in draft form, a revised OMS is secured by condition.

Use of central courtyard

The main source of residents' concerns relates to noise break out from the central courtyard area, the management of this space and its hours of operation, which residents argue should be between 08:00 to 22:00 on Sundays to Thursdays and between 08:00 and 23:00 on Fridays and Saturdays. The application has been amended since it was originally submitted to enclose this area in its entirety with a glazed atrium, with roof level louvres to provide natural ventilation. The applicant has also confirmed that no background music will play in this area and therefore, the main noise source from this area is expected to be voices and noise from tables and chairs moving etc. The applicant advises the number of tables and chairs in this area to be 11 tables of 4 with a central bench seating around 6-8 people. Therefore, the total maximum number of people who could be seated in this area would be 52 with additional members of the public passing through and waiting staff etc.

A noise report has also been submitted to predict the potential impact of the noise from the courtyard area. This report has been assessed by Environmental Health who advise that the report predicts that the relevant noise criteria can be met during the night time, which strongly suggests the noise criteria could be met during the day time. However, as the detailed design of the glass structure has not yet been confirmed, Environmental Health recommend that this is required by condition, together with a requirement for a supplementary acoustic report to demonstrate compliance with the council's standard noise condition relating to internal activity.

The applicant has requested that the hours of use for the courtyard space to be between 6:00 am and midnight. However, given that the detailed design of the atrium has yet to be established, Environmental Health recommend this is restricted to 07:00 - 23:00. This will be secured by way of condition. Further conditions are also proposed to ensure all doors and windows opening into this area are also closed between 23:00 and 07:00 and to limit the number of tables and chairs within this area. Whilst residents believe that there should be a limit on the total capacity for this area, as this area also

acts as a thoroughfare between Poland Street and Great Marlborough Street, a condition limiting capacity would be unenforceable.

The applicant has also offered to close the louvres by 22:30 each night. The closure of the louvres is also requested by residents who suggest that this is also secured by condition, but with a terminal hour of 22:00. This request has been considered by Environmental Health who do not believe that a condition of this nature is necessary given the terminal hour of 23:00 and the requirement to attenuate the louvres (which will be a matter to be agreed within the supplementary acoustic report). Environmental Health also consider that reducing ventilation during a time when the space is still occupied would be contrary to health and safety legislation.

Loss of retail

There is no policy basis to protect the former betting shop (Class A2 use) at 48 Poland Street. However, there is currently one retail unit at basement and ground floor at 55-57 Great Marlborough Street which has been vacant for a number of years. The existing accommodation is a relatively long linear ground floor retail space which contains a large amount of storage at basement level. The proposals will provide 483 sqm of retail floorspace, which represents a reduction of 291 sqm compared to that existing. Two retail units will be provided at basement and ground floor levels accessed from Great Marlborough Street.

UDP SS5 states that A1 uses at ground, basement or first floor level in the CAZ will be protected. City Plan policy S7 aims to maintain and enhance the unique status and offer of the WESRPA whilst policy S21 seeks to protect existing retail uses throughout Westminster, except where it can be demonstrated that the unit is unviable through long term vacancy, despite attempts to let.

Whilst the loss of retail floorspace would be strictly contrary to Policy SS5 the new retail floorspace would be better configured than the existing retail unit on the site. There would also be one additional unit when compared against the lawful position. Overall it is considered that the proposal would improve the retail function on the south side of Great Marlborough Street and in doing so would add to the retail character and function of the area and the vitality and viability of the Core CAZ and WESRPA.

Loss of Showroom Use

54 Great Marlborough Street was last occupied as a showroom by Steilmann, a German fashion company. With regard to the loss of showroom space, as the site lies outside the East Marylebone Special Policy Area, and the former occupiers of the showroom have now vacated No.54 it is not considered that the former showroom use makes a significant contribution to the character and function of the area. The loss of the showroom space was assessed and considered acceptable as part of the previous consented hotel applications for the site and its loss here is once again considered acceptable.

Loss of Light Industrial Uses

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

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

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

The first floor of 55-57 Great Marlborough Street is the subject of a restrictive condition which protects a sound recording studio, which is a light industrial use (Class B1c). However, this is a personal permission, to The Bridge, and this occupier vacated the building several years ago. Accordingly, this part of 55-57 is considered to have a nil planning use rather than light industrial (Class B1c). As such no light industrial space would be lost from that building as a result of the application and there would be no conflict with policy COM8. This approach was taken as part of the previous permissions approved for this site.

8.2 Townscape and Design

In urban design and conservation terms the current proposals are similar to those previously granted planning permission. The replacement of the existing buildings on Great Marlborough Street, which make a positive contribution to the character and appearance of the Soho Conservation Area, has been accepted previously, but only on the basis that they were to be replaced by a high quality new building which would preserve and enhance the conservation area. The Great Marlborough Street facade now proposed is based very closely on that approved, and, subject to the detailing and materials matching the planning permission scheme, this is considered acceptable. The harm caused to the conservation area by the demolition of the existing buildings is outweighed by the benefit of the proposed replacement building which will preserve and enhance the character and appearance of the conservation area.

In Poland Street the new facades are again, based on the approved facades, with some amendments, such as changes to the fenestration and shopfront. These facade changes are relatively minor and uncontentious. The main change is to roof level of no. 48. This is a much altered Georgian building and the façade is to be retained and extended, as previously approved. In the current scheme an additional floor, above that already approved, is proposed. This additional storey will mean the building will be the same height as the approved building at no. 49 adjoining to the south. Objections to the increased massing height here have been received however this additional massing will not be readily visible from street level and is considered acceptable in principle.

However, the current form is a vertical facade facing Poland Street. It is considered that this should be either set back further or pitched to improve its architectural relationship to the building below. An amending condition is proposed to address this amendment. The fourth floor of no.48 has been amended to show a more traditional 'Weavers' type dormer. This is appropriate and acceptable.

The creation of a pedestrian route through the site, with a small courtyard with glazed roof, and ground floor active uses, is considered to be an urban design and conservation area benefit. The route is inspired by historic pedestrian routes in Soho, such as Portland Mews and Smith's Court. It will be a semi-public space and will need to be gated at night to prevent anti-social behaviour.

The courtyard facades of the Great Marlborough Street building are designed in a robust, light-industrial manner, faced in brickwork with small paned windows. A green wall is also included. The north facing façade is treated in a more modern manner, with curtain wall glazing over two storeys and precast concrete panels and projecting windows above. The roof level plant is with a pitched, metal enclosure. The design approach is considered acceptable in the context of the rear area.

It is considered that this is a high quality scheme which will preserve and enhance the character and appearance of the Soho Conservation Area. In terms of the NPPF heritage test, the less than significant harm caused will be outweighed by public benefits. It complies with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and policies DES1, DES4 and DES9 of the Unitary Development Plan.

8.3 Residential Amenity

The closest affected residential properties are within the Marshall Street development (Regents Lofts) to the immediate south of the site. There are also residential flats on the upper floors of 58-59 Great Marlborough Street and opposite the site at 1, 2 and 3-4 Great Marlborough Street.

A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

Daylight

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

The sunlight/daylight assessment submitted with the application demonstrates that two fourth floor bedroom windows and one bedroom window at fifth floor within Regents Loft

would experience VSC losses of 33.13%, 20.48% and 20.60%. The bedroom window that results in the greatest loss (33.13%) would also experience a NSL loss of 66.4%. Two other bedroom windows at this level would also experience NSL losses of 43.1% and 49.1%. These rooms are however over 8m deep and the BRE Guidance acknowledges that if an existing building contains rooms “lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable.” In addition, VSC levels to two of these rooms retain VSC values of 24.29% and 25.35%, which is only marginally below the 27% VSC value recommended in the BRE guidance. The third room would still retain an absolute VSC of 15.12% which is not unusual for a dense urban environment. In these circumstances, and as these windows serve bedroom accommodation, which the BRE guidelines also state as being less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal.

Sunlight

With regard to impact on levels of sunlight, the BRE guidance state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former value. The habitable windows to the flats within Regents Loft facing the application site do not face within 90 degrees of due south and therefore are not required to be analysed for the purposes of loss of sunlight under the BRE guidelines. With regard to the residential flats at 58-59 Great Marlborough Street and 1, 2 and 3-4 Great Marlborough Street, all windows will retain satisfactory values in terms of annual sunlight hours.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity. The proposed new hotel where it fronts Great Marlborough Street will be approximately the same height as the existing plant room at 54 Great Marlborough but between one and two storeys taller than 55-57.

The scheme has been amended since it was originally submitted and the rear wing of the Great Marlborough Street building has been extended in height by two floors. Objections have been received on the grounds that the additional massing at the rear is not justified and results in loss of light, air and an adverse sense of enclosure. Whilst the proposed new hotel building would clearly be of a greater bulk than that existing, the additional massing is still some 15m from the nearest windows in Regent Lofts and it is not considered that given the relationship with adjoining and adjacent residential flats that there would be an adverse increased sense of enclosure.

Privacy/Noise

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. There are windows within the existing office building at 49-50 Poland Street that currently lie perpendicular to fourth floor windows in the east elevation of Regents Loft. As in the consented Poland Street hotel scheme,

these windows have been recessed from the façade of the building such that any overlooking would be from an oblique angle.

Only dummy windows are proposed at fifth and sixth floor within the extended rear projecting wing and the proposed roof level terrace at sixth floor, initially proposed for use in connection with a bar at this level, is now intended as an external space for one of the guest suites. Given that this terrace is set back from the frontage of Poland Street and away from any nearby residential accommodation, its use is not considered to create any undue noise disturbance. On this basis, it is not considered that the proposal would result in any harmful impact on overlooking or noise to neighbouring properties.

8.4 Transportation/Parking

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

Adjacent to the site, on the northern side of Great Marlborough Street, is a taxi waiting bay with capacity for two taxis to wait. A London Cycle Hire docking station extends across the entirety of the great Marlborough Street frontage, providing 38 bikes. Pick-up and drop-off, as well as loading and unloading facilities are available to the northwest and northeast of the site, on the southern site of Great Marlborough Street.

The proposed hotel use will result in higher levels of activity at different times compared to the lawful uses on the site and objections have been received on the grounds of increased traffic activity. However, the Highways Planning Manager concludes that the activity of guests arriving and departing the site that will not result in significant detrimental highway safety or operation of the wider highway network.

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”. Policy S42 contains similar requirements.

The applicant’s Transport Assessment estimates that the hotel will be serviced on average by 8 service vehicles daily with up to 4 trips for the retail units and 4 deliveries per day for the restaurant unit. The vehicles are likely to be larger than those associated with the existing use (eg laundry and food delivery vehicles). All servicing is proposed on-street and the submitted a Servicing Management Plan (SMP) demonstrates how servicing will be managed. However, the document only contains many overarching principals of how servicing will be managed. While broadly acceptable in principle, there is a lack of information on how the time goods spend on the highway will be limited.

The applicant has amended the size of the proposed off-street goods holding area. This is a welcomed amendment to the proposal. A revised SMP is to be secured by condition that sets out internal storage locations, scheduling of deliveries and staffing. This is considered to address the concerns raised by residents on increased servicing

Coach and taxis

There is a taxi waiting bay with capacity for two taxis to wait on the northern side of Great Marlborough Street, however no provision for coach party arrivals or departures is provided. The applicant suggests that the hotel is not marketed to coach parties or groups who would arrive by coach, however it is recognised that in time, the hotel may change focus and attract a different type of guest. This could lead to an increase in coach activity associated with the site.

Concern is raised that without sufficient coach parking or a plan to deal with coaches dropping off and picking hotel guests, coaches will stop in the carriageway and obstruct traffic. The applicant indicates that any coaches would need to utilise existing on-street restrictions, however no additional space is available on-street to provide coach facilities for the proposed use. The submitted Operational Management Plan does not make sufficient reference to how coach activity associated with the hotel will be managed and therefore a revised SMP is required to include such measures. This will be secured by condition.

Changes to Building line and Dedication of Highway

The proposals involve the removal of railings and entrance stair from the façade of 54 Great Marlborough Street and a slight setting back of the existing building line. The proposals have also been amended to include removal of the railings and lightwell protruding from the Poland Street façade. Given the high pedestrian volumes in these areas, these works are considered a positive benefit of the proposals. The area where the stair and railings are to be removed on the Great Marlborough Street and Poland Street frontage are to be dedicated as highway and secured by legal agreement.

Walkway

A new pedestrian access between Poland Street and Great Marlborough Street is proposed and following concerns raised, the passageway has been adjusted to provide a direct line of sight from both entrances into the courtyard. The passageway is proposed to be predominantly glazed, to create a bright and safe environment. The pedestrian link is welcomed, and the applicant has agreed that it will be secured with a formal Walkways Agreement, this will be secured by legal agreement to ensure that the benefit is delivered and retained. To prevent anti-social behaviour a condition is recommended to ensure that the passageway is closed between 23.00 and 07.00 daily.

Existing Public Car Park Access

The proposals retain access to the Poland Street car park. No changes are indicated to its height or structure, the proposal will not affect the functionality of the existing public car park.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 20 hotel bedrooms and 1 space per 174m² of A class retail. The hotel use (with 194 hotel rooms) therefore requires a

minimum requirement of 10 cycle parking spaces. 782sqm of A class retail requires a minimum requirement of 5 cycle parking spaces.

The submitted drawings indicate a space within the basement, for cycle spaces for the hotel. However, the detail design is limited and it is unclear if the space is sufficient to accommodate the minimum number of cycle parking spaces required. In addition cycle parking has only been provided within two of the 4 A class units. Additional details of cycle parking for both the hotel and A class units is therefore to be secured via condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

Level access will be provided for the retail, restaurant and to the hotel entrance. Lift access is provided to the upper floors of the hotel.

8.7 Other UDP/Westminster Policy Considerations

Plant

External plant is proposed both at roof level and at seventh floor with additional equipment enclosed at basement and fifth and sixth floor levels. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within UDP Policy ENV 7. On this basis Environmental Health raise no objections to the application and, despite the concerns raised, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

Details of the termination point for the full height extract duct, and CHP flues have also been submitted. The revised location of the extract duct to its full height position is considered to overcome the concerns raised by residents and it will be secured by condition.

Noise disturbance from the operation of the hotel

The application includes proposed uses which could have noise generated from entertainment type activity (music, performance etc) and the Council's standard noise conditions relating to internal activity is imposed.

Noise generated within the development (including plant and machinery and entertainment noise) will need to comply with the Council's standard requirements relating to proposed and existing adjoining residential uses. Objections have also been raised on the grounds of noise from bottle disposal, however, a bottle crusher at basement level is provided.

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

Air Quality

The site is located within the designated Westminster Air Quality Management Area. The applicant has submitted an Air Quality Assessment which includes measures to ensure that the proposal is air quality neutral. These measures are secured by condition and a further condition is imposed that requires details of the Combined Heat and Power (CHP) and gas boilers to demonstrate that this meets air quality neutral benchmarks.

Refuse /Recycling

A dedicated hotel refuse and recycling store is to be provided at basement level and each retail unit is provided with retail waste stores. These arrangements are considered to be in accordance with the requirements of the City Council.

Sustainability

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is accompanied by an Energy Statement which sets out the sustainability credentials of the building. The energy efficiency and sustainability initiatives of the site have been optimised to address the Mayor's Energy Hierarchy and to address the requirements of policies in Chapter 5 of the London Plan and Policy S28 of the City Plan.

The Energy Statement submitted as part of the application states that the proposed Combined Heat and Power (CHP) plant, as well as air source and heat pumps will reduce the regulated emissions of the Proposed Development by 32%. This equates to an emission saving of 228 tonnes of carbon dioxide per annum. As these savings are 3% below the targets set out in London Plan a carbon off-set payment of £44,586 is proposed to secure the delivery of carbon reduction measures elsewhere.

A BREEAM pre-assessment has also been undertaken to establish the likely and potential score and rating for the development. The results show that the development achieves a BREEAM Excellent Rating.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal

consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There are no adopted Neighbourhood Plans that are relevant to this part of the City or the proposed development.

8.10 London Plan

The London Plan contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2031, to improve the quality, variety and distribution of visitor accommodation and facilities (Policy 4.5). The need to accommodate a wide range of provision is highlighted. The proposed 118 hotel bedrooms will help meet London Plan targets.

8.11 National Policy/Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, a requirement for a contaminated land survey, a construction contract to ensure demolition only occurs immediately prior to development, and for the requirement for detailed design, method statements and load calculations to accommodate the location of the existing London Underground structures and tunnels. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

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

- i. Dedication of land as public highway;
- ii. A Carbon Off-set Contribution of £44,586 (index linked), payable prior to commencement of the development.
- iii. A walkways agreement
- iv. Monitoring costs

The Soho Society have requested a financial contribution towards monitoring of the servicing management plan and operational management plan. It is not considered that such a request could however reasonably be requested under the (CIL) Regulations.

The estimated CIL payment is:

Mayoral CIL £36,270
Borough CIL £1,192,419

8.13 Environmental Impact Assessment

The application is not of a sufficient scale to require an Environmental Impact Assessment.

8.14 Other Issues

Basement

The proposal includes excavation to the existing basement level and the creation of an additional basement level. Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

As the site is a commercial building in the Core CAZ Part B of the policy applies. This means there is no restriction on the depth or extent of the basement excavation provided it complies with the relevant stipulations of the policy. This requires all basement developments to have regard to the site specific requirements and a structural methodology statement to be submitted in support of the development. This documentation has been submitted to the City Council. Building Control have been consulted on this report and any comments will be reported verbally at the committee meeting.

Construction impact

The site adjoins post-production sound studios in 51-53 Great Marlborough Street who previously raised strong concerns on noise grounds, primarily on the basis that the extent of demolition and construction works would result in significant disturbance in respect of noise and vibration affecting their ability to carry out their business. No such objections have been received as a result of this application and the applicant confirms that wherever possible, construction processes will be selected that minimise noise and vibration and that close liaison with the sound recording studio, and all other neighbouring occupiers, will be maintained to ensure that they are made aware of planned works and the likely impact on them. Additionally, monitoring will be installed on the adjacent buildings to monitor the noise and vibration levels during the demolition, piling, groundworks and concrete frame elements of the project.

One neighbouring resident has raised comments on noise during construction. Construction matters are now specifically covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP 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. Conditions are also imposed controlling ground borne noise from the transmission of underground trains.

Archaeology

The site lies in an area of archaeological interest. Historic England, however, raises no objection from an archaeological perspective.

Crime and security

A security design strategy has been submitted which outlines the following measures:

- Security and concierge staffing in public areas
- A dedicated security office
- Lockable gates to the courtyard area
- Lighting to vulnerable areas to deter crime and antisocial behaviour
- Video surveillance to frontages

Concerns have been raised regarding rough sleeping and anti-social activities, however, the amendment to the alignment of the Poland Street passage and the measures above are considered to address the concerns raised.

Statement of Community Involvement (SCI)

The applicant has submitted a SCI, which sets out the consultation with the local community. This has included a two-day public exhibition, letter drops and individual meetings with the Soho Society, ward councillors and Grand Central Recording Studios.

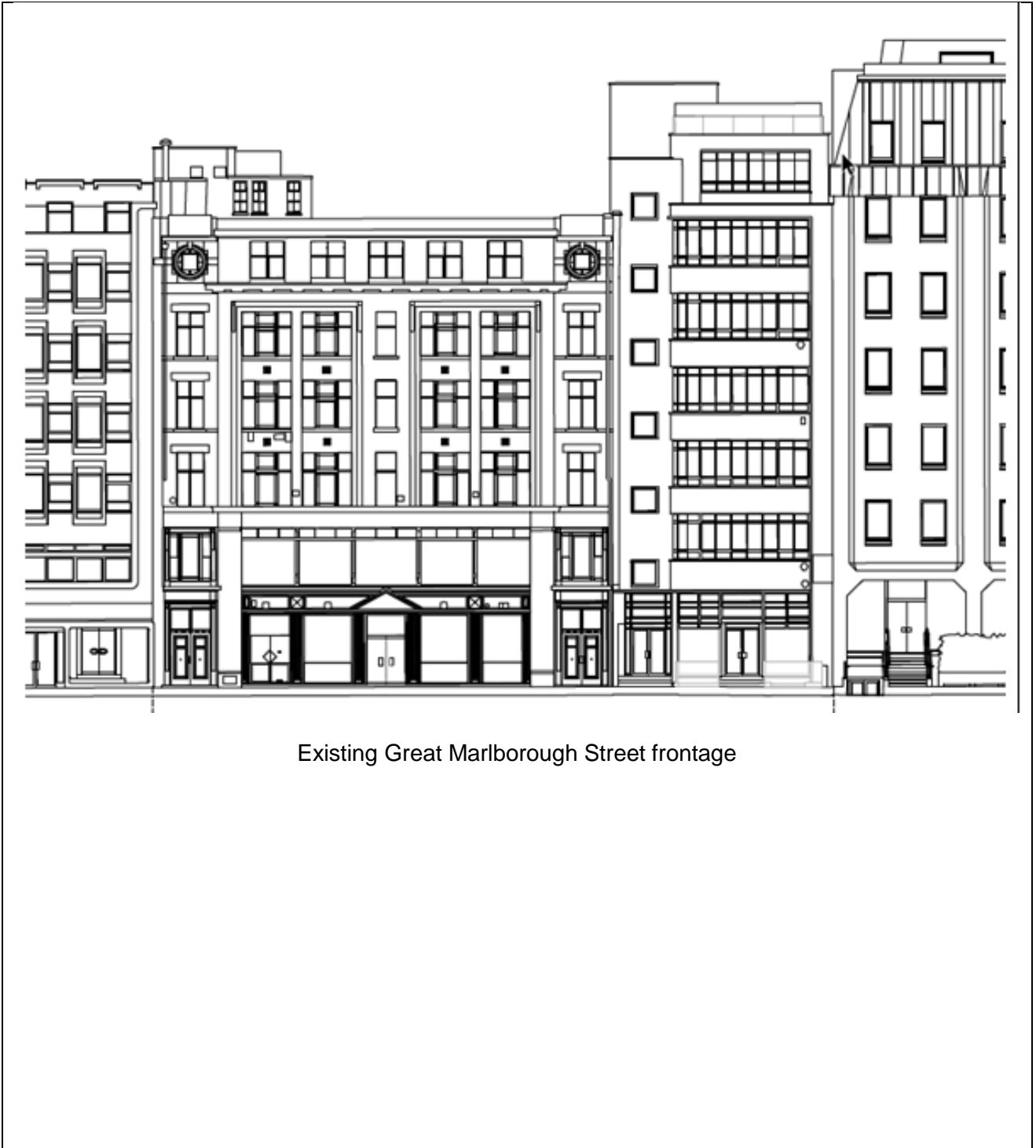
Other issues

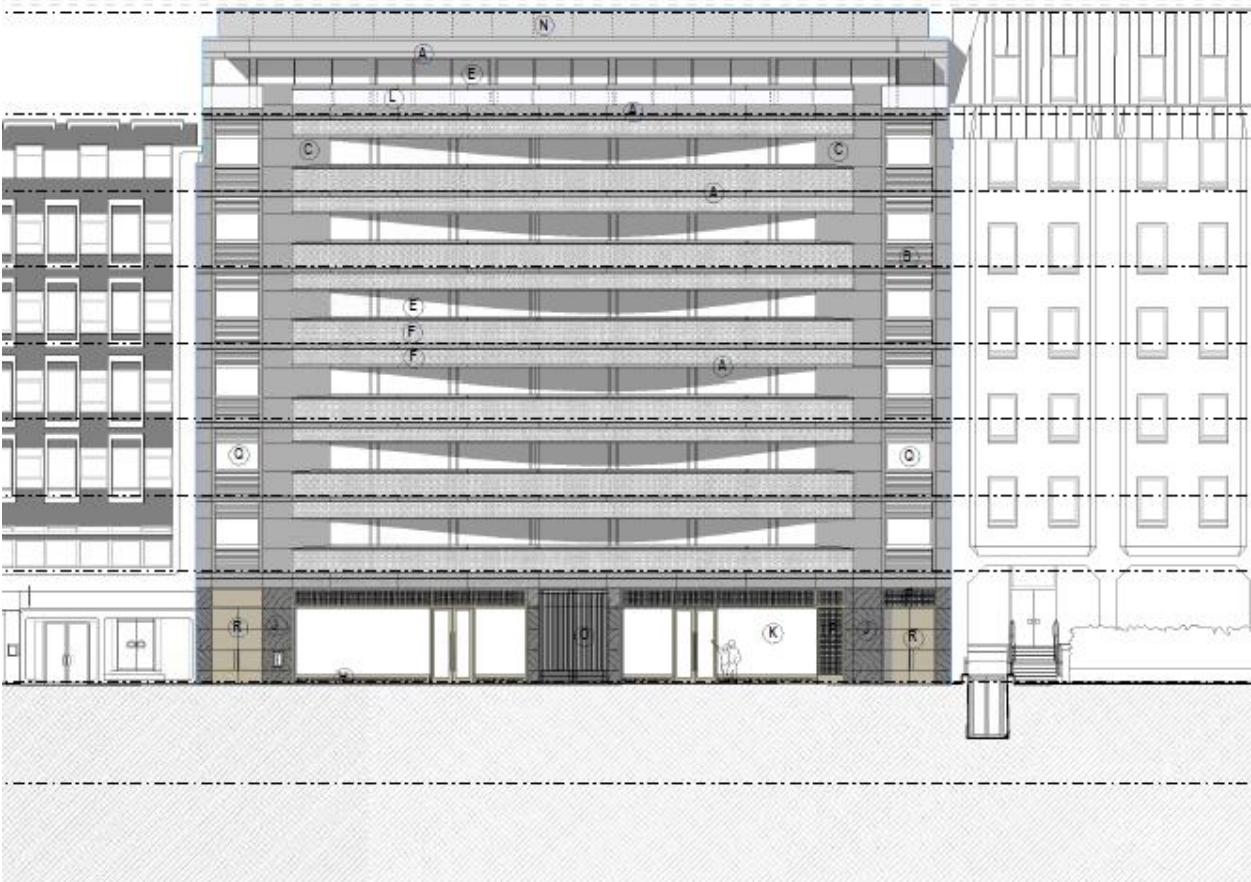
Concerns have also been raised regarding fire risk, increase in rodents and health implications from passive/secondary smoking. As the courtyard area is now entirely enclosed the concerns regarding smoking are considered to be addressed. Fire risk is a matter for the Building Regulations and it is not considered that the proposals, which provide sufficient measures for waste storage, will create a rodent/pest issue.

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

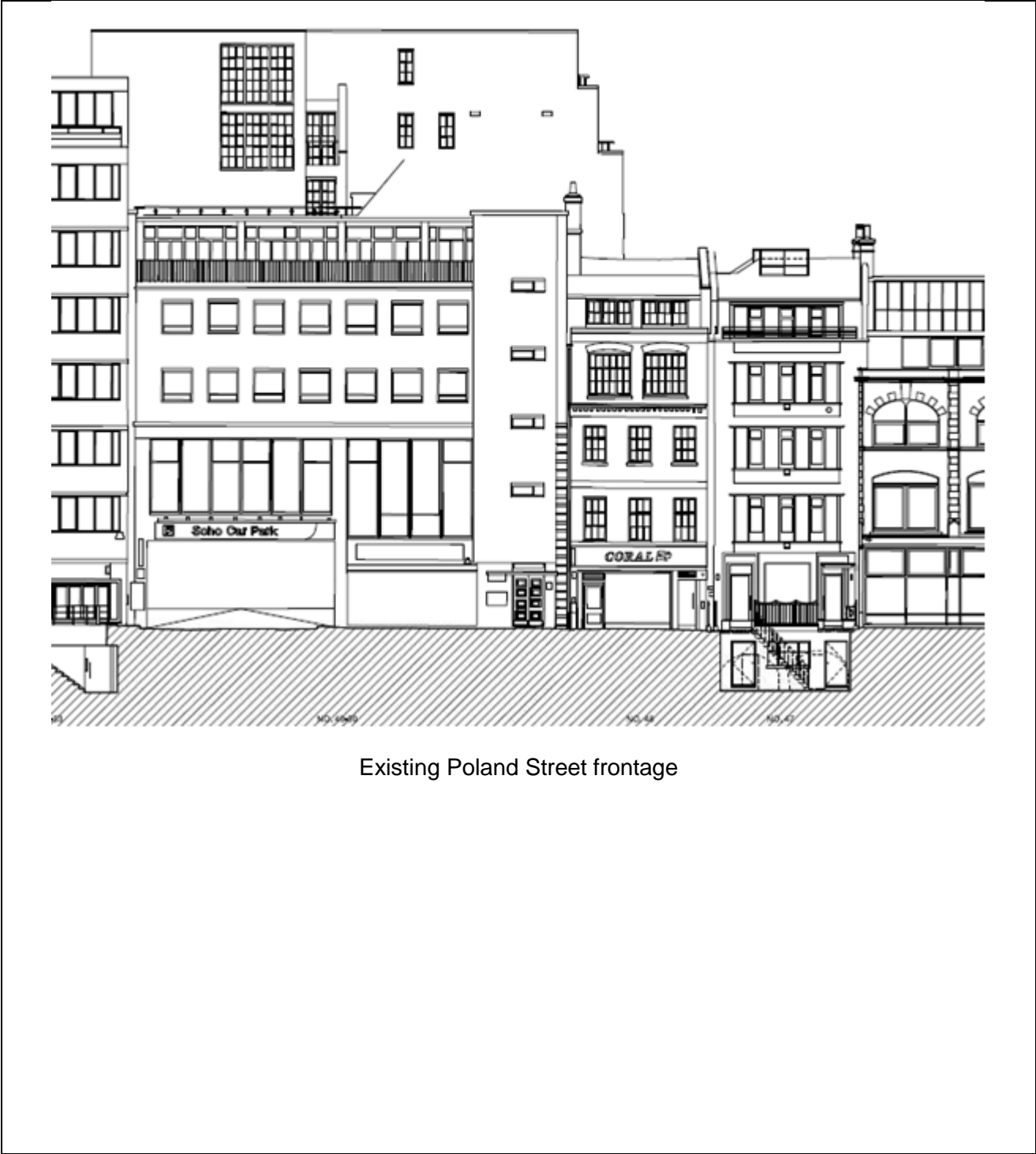
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

9. KEY DRAWINGS

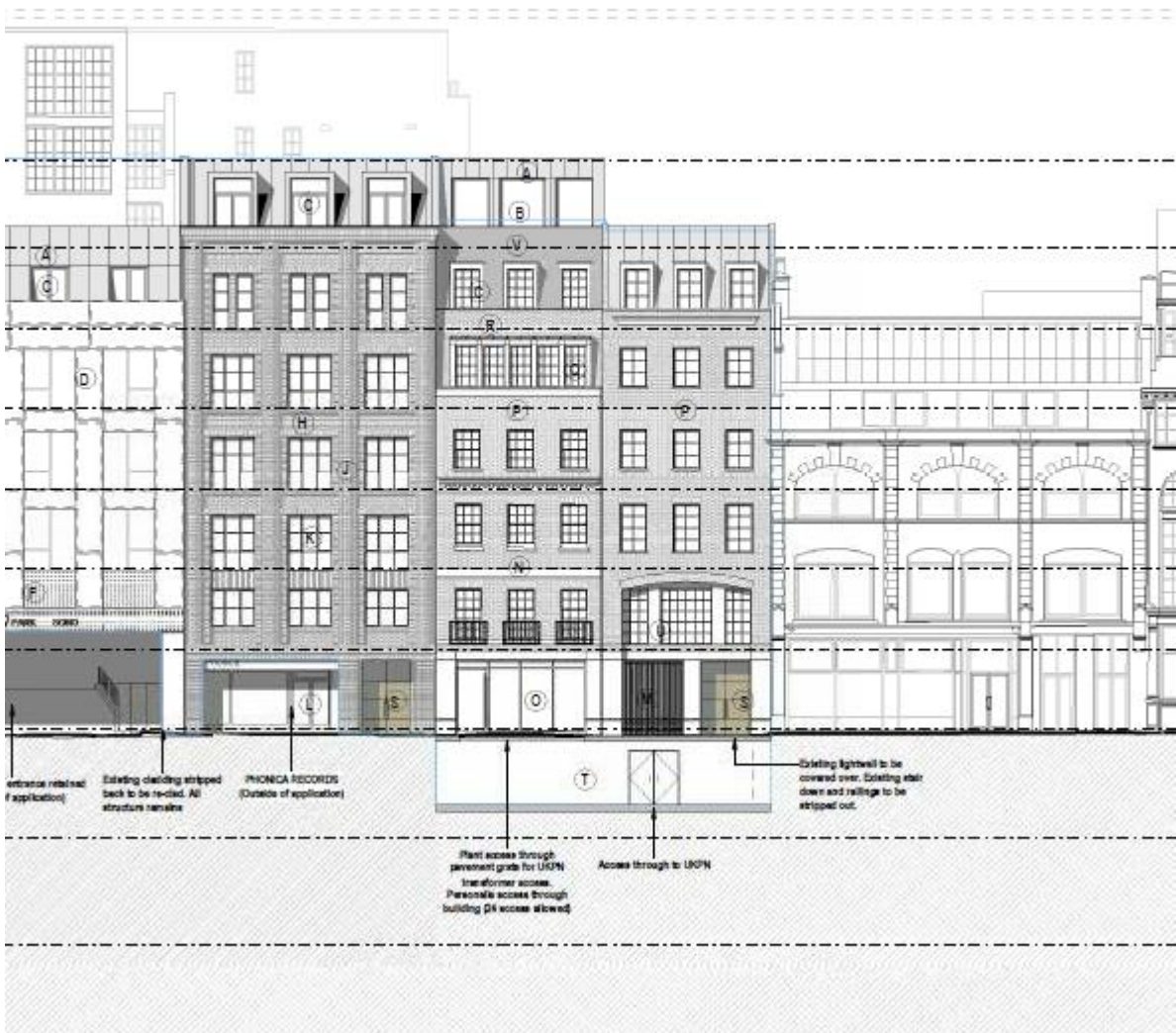




Proposed Great Marlborough St



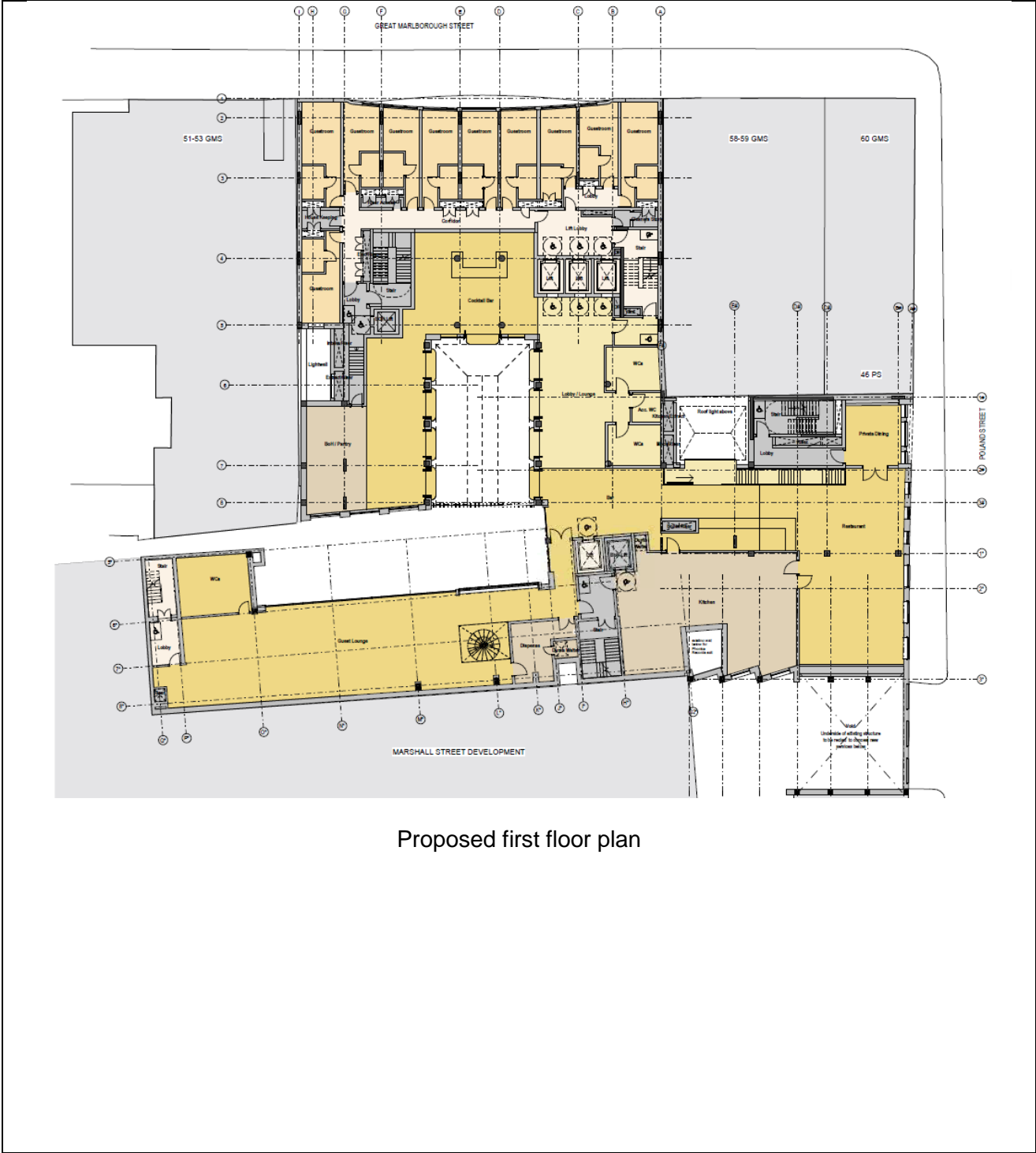
Existing Poland Street frontage



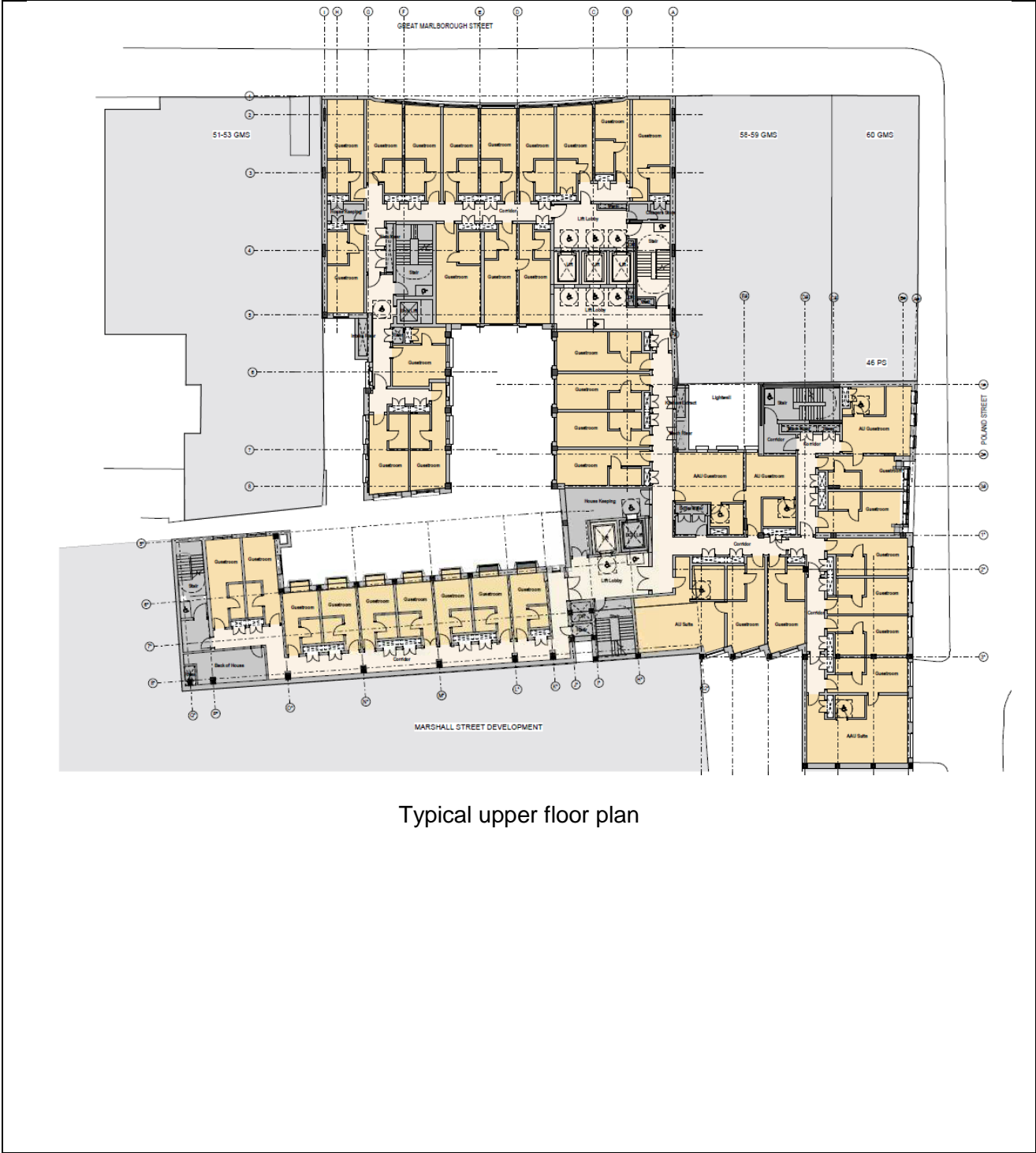
Proposed Poland Street frontage



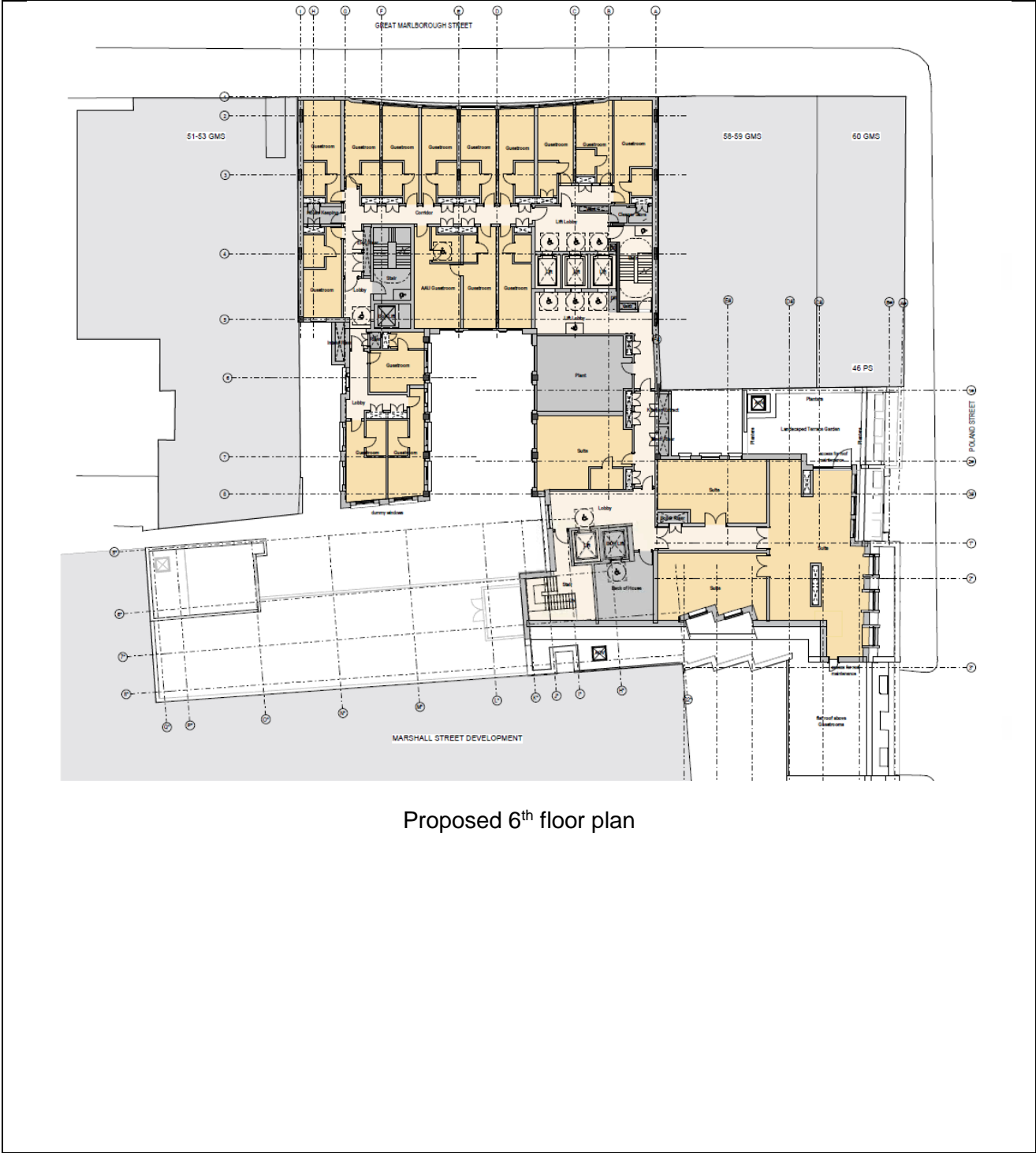
Proposed ground floor plan



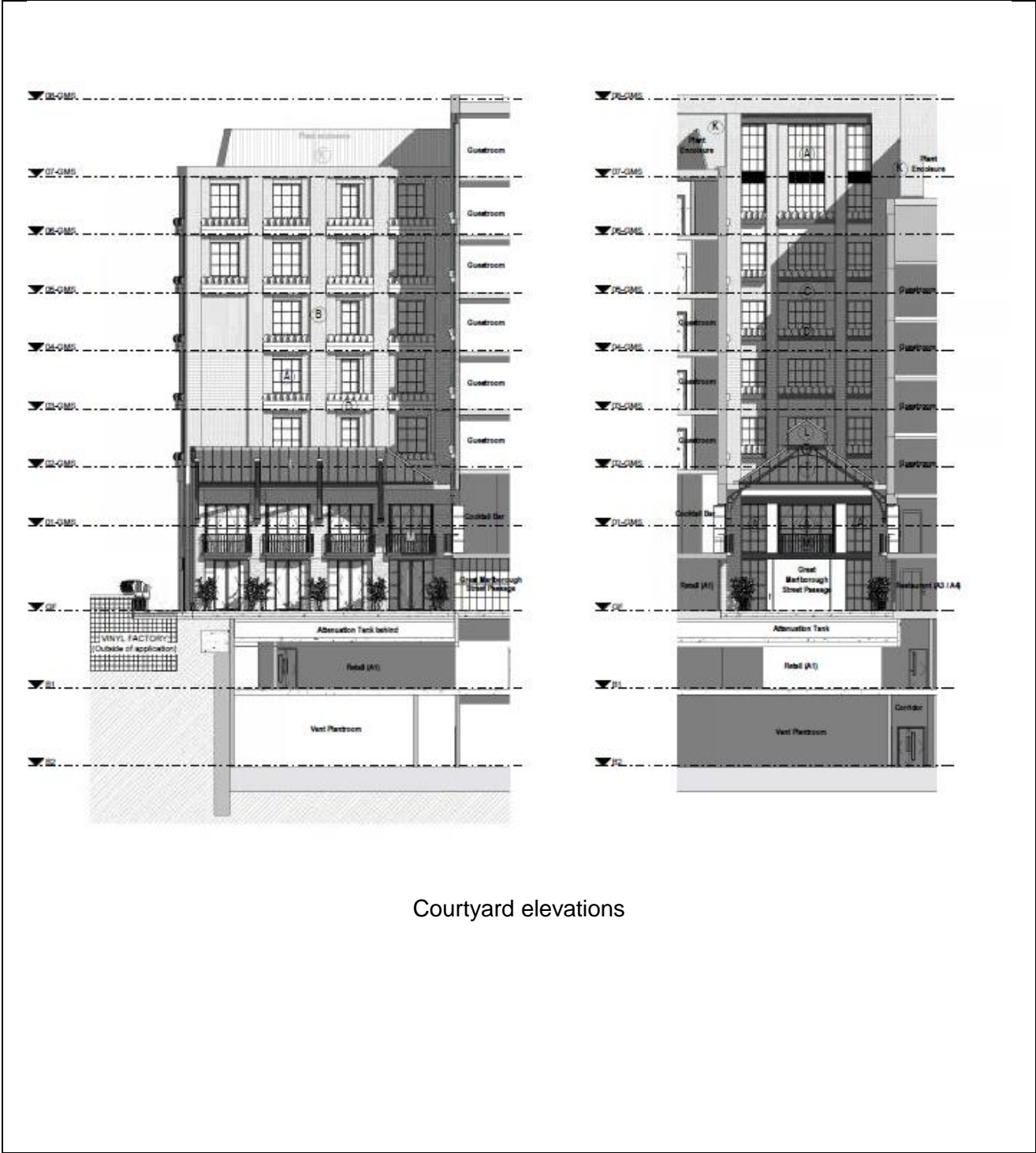
Proposed first floor plan



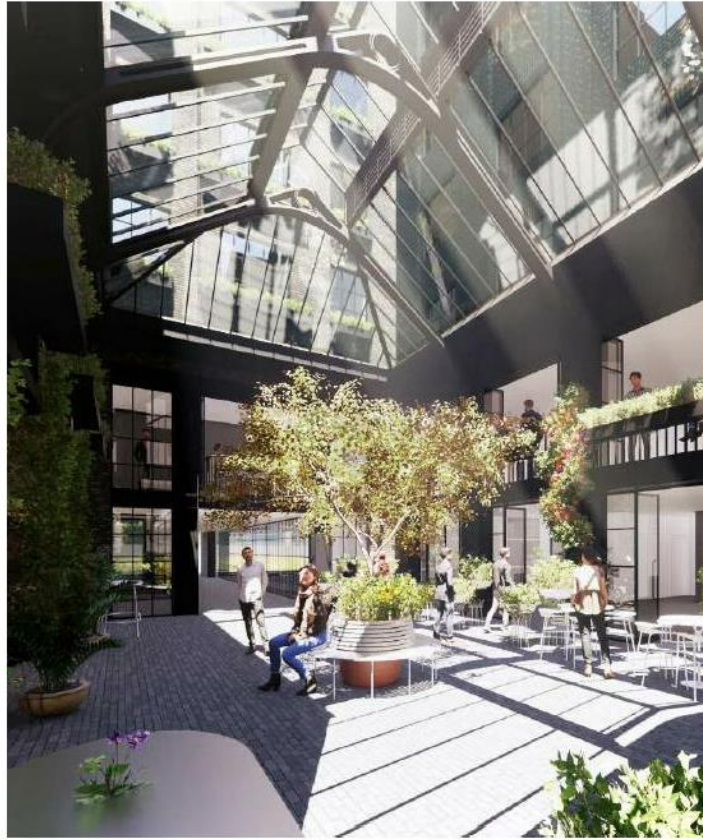
Typical upper floor plan



Proposed 6th floor plan



Courtyard elevations



Atrium

DRAFT DECISION LETTER

- Address:** Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London
- Proposal:** Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floor and roof level, services and associated works.
- Reference:** 18/10886/FULL
- Plan Nos:** 10853-EPR-01-B1-TP-A-01-0099 Rev3, 0100 Rev3, 0101 Rev3, 0102 Rev3, 0103 Rev3, 0104 Rev3, 0105 Rev3, 0106 Rev3, 0107 Rev3, 0108 Rev3; 10853-EPR-01-B1-TP-A-02-0098 Rev7, 0099 Rev9, 0100 Rev9, 0101 Rev7, 0102 Rev7, 0103 Rev7, 0104 Rev7, 0105 Rev7, 0106 Rev9, 0107 Rev9, 0108 Rev10; 10853-EPR-01-ZZ-TP-A-01-0304 Rev3, 0305 Rev3, 0306 Rev3, 0307 Rev3; 10853-EPR-01-ZZ-TP-A-02-0301 Rev6, 0302 Rev6, 0303 Rev7, 0304 Rev8, 0304 Rev6, 0305 Rev6, 0306 Rev6, 0307 Rev6; 10853-EPR-01-ZZ-TP-A-01-0401 Rev3, 0402 Rev3; 10853-EPR-01-ZZ-TP-A-02-0401 Rev7, 0402 Rev6, 0403 Rev6, 0404 Rev6, 0405 Rev6, 0406 Rev6; 10853-EPR-01-ZZ-TP-A-02-0501 Rev6, 0502 Rev5, 0503 Rev5, 0504 Rev5
- EPR-01—B1-DR-A- SK-0030 Rev4, 0031 Rev4,
- Structural Methodology Statement by WSP dated December 2018 (INFORMATION ONLY)
- Case Officer:** Jo Palmer **Direct Tel. No.** 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 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,
 - (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures.
 - (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 1(i), 1 (iii) and 1(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)

- 4 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)

- 5 Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurants, bars, lobby and lounge areas except between 06.30 to 00.00

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 The courtyard area shall not be occupied by any person between the hours of 23:00 to 07:00 except in an emergency.

Any doors and windows opening into this courtyard space must also remain closed between the hours of 23:00 and 07:00 except for emergency escape purposes.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 No music, amplified or unamplified, including buskers, shall be played in the courtyard area at any time.

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)

- 9 You must apply to us for approval of the extent of space to be used for tables and chairs in the courtyard area. You must not use this space for tables and chairs until we have approved what you have sent us. You must then not put the tables and chairs in any other position than that approved by the City Council.

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)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 11 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 13 You must provide the waste store shown on drawings EPR-01—B1-DR-A- SK-0031 Revision 4 and EPR-01—B2-DR-A- SK-0030 Revision 4 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 15 You must apply to us for approval of details of a servicing management plan for the hotel/retail use identifying the process, storage locations, scheduling of deliveries and staffing for servicing purposes as well as a clear process for managing coach party arrivals and departures as well as taxis. The servicing management strategy must also include an assessment of delivery noise combined with mechanical services, noise from doors and gates and activity noise from trolleys and/or human voices. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

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)

- 16 Servicing must only take place between 07:00 and 19:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R21HB)

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

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 10 and 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51BB)

- 19 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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

Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

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

20 (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, courtyard, restaurants and bars 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, courtyard, restaurants and bars 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. (R47AB)

21 You must apply to us for the details of an acoustic report demonstrating how the noise from the courtyard area will meet the requirements of condition C47 AB. The assessment must provide the following information:

- An assessment of predicted source noise, to include information on any proposed acoustic absorption materials within the space;
- An assessment of the likely impact at the nearest noise sensitive receptor and at the nearest residential receptor;

- Detailed information on the glazing specification;
- Detailed information on the attenuation for the ventilation systems;
- Detailed information on any other mitigation measures to be installed which are necessary to meet the required noise criteria; and
- An assessment of the potential impact on the operation of the restaurants, with mitigation measures recommended where necessary to ensure the operation of the restaurants are not unduly affected by noise from the use of the courtyard.

The mitigation measures recommended by this report must be installed prior to occupation of this space and be permanently retained thereafter.

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. (R47AB)

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

Reason:

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

- 23 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations. A report outlining how this will be met should be submitted for approval to the local planning authority prior to the commencement of the basement excavation works.

Reason:

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

- 24 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., ,

PV panels, ,

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

Reason:

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

- 25 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)

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

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

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

Reason:

To maintain the character of the Soho Conservation Area as set out in S25 and S28 of Westminster's City Plan (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)

- 27 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)

- 28 The air quality mitigation measures as specified in the air quality assessment by WKC dated 12th December 2018 must be installed before you start to use any part of the development and permanently retained thereafter.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)

- 29 You must apply to us for approval of details to demonstrate how the CHP and gas boilers will meet the required air quality neutral benchmarks of the Greater London Authority SPG on Sustainable Design and Construction. You must not install the CHP until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)

- 30 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development - , ,
1. Typical bays - all elevations,
 2. Windows,
 3. Entrance doors,
 4. Shopfronts,
 5. Roof storeys,
 6. Roof level plant,
 7. Public art.

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 details (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)

- 31 You must apply to us for approval of sample panels of:

1. Cladding for the Great Marlborough Street façade
2. Rebuilt Georgian façade at 48 Poland Street (to replicate the existing)
3. Cladding for new Poland Street facades

You must not start 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 the approved sample panels. (C27DB)

Reason:

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

- 32 Prior to the commencement of any:,
- (a) demolition, and/or,
 - (b) earthworks/piling and/or ,
 - (c) construction ,
- on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A

checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of people in neighbouring properties, as set out in 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. (R13BC)

- 33 At least 10% of all guest bedrooms must be DDA accessible or adaptable.

Reason:

To make sure that there is reasonable access for people with disabilities, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 34 You must install the high level extract duct, and CHP flues, as shown on the approved drawings before the restaurant operations hereby approved can begin.

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)

- 35 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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)

- 36 The Poland Street and Great Marlborough Street gates can only be opened between 07:00 and 23:00. Outside these times the gates shall only be opened in case of emergency access.

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.

- 37 You must hang all doors and gates so that they do not open over or across the road or pavement.

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.

- 38 You must apply to us for approval of the detailed design of the proposed treatment of the substation cover in Poland Street, to ensure a suitable pedestrian footway surface is provided. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

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.

- 39 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Top floor of 48 Poland Street to be more recessive.

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)

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 You are advised to contact Richard McEllistrum (Transport for London) on 0203 054 8966 to discuss whether construction works require the suspension of the Cycle Hire Station on Great Marlborough Street. You will need the consent of Transport for London for such a suspension.
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 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)
- 6 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)
- 7 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.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution towards a carbon off-set payment, a walkways agreement and dedication of land as public highway.

- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 10 It is anticipated that the assessment of Condition 22 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the following points relating to standard deviation taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 22 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation may be deployed. Measurement assessment of Condition 22 may require that third parties allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 22 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the adjacent properties. It is possible that existing background, ambient and maximum levels within the adjacent properties could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment.
- 11 Condition 39: The top floor should either be set further back or pitched in order to reduce its visibility from street level.

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.