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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 22 August 2023 | Classification For General Release | |
| Report of Director of Town Planning & Building Control | | Ward(s) involved St James's | |
| Subject of Report | Trocadero, 13 Coventry Street, London, W1D 7DH | | |
| Proposal | Variation of conditions 22, 23 & 24 of planning permission dated 15th May 2020 (RN:19/08886/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4); NAMELY, to allow the Skybar roof top restaurant/bar (Condition 24) to operate between 07:00 and 03:00 hours the following morning and to enable the roof terrace area (Condition 22) to operate from 10:00 to 03:00 the following morning; and to amend the wording of Condition 23 relating to noise levels on the roof terrace. [S73 application] | | |
| Agent | Centro Planning Consultancy | | |
| On behalf of | London Trocadero (2015) LLP | | |
| Registered Number | 22/06688/FULL | Date amended/ completed | 4 October 2022 |
| Date Application Received | 4 October 2022 | | |
| Historic Building Grade | II | | |
| Conservation Area | Soho | | |
| Neighbourhood Plan | Not applicable | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

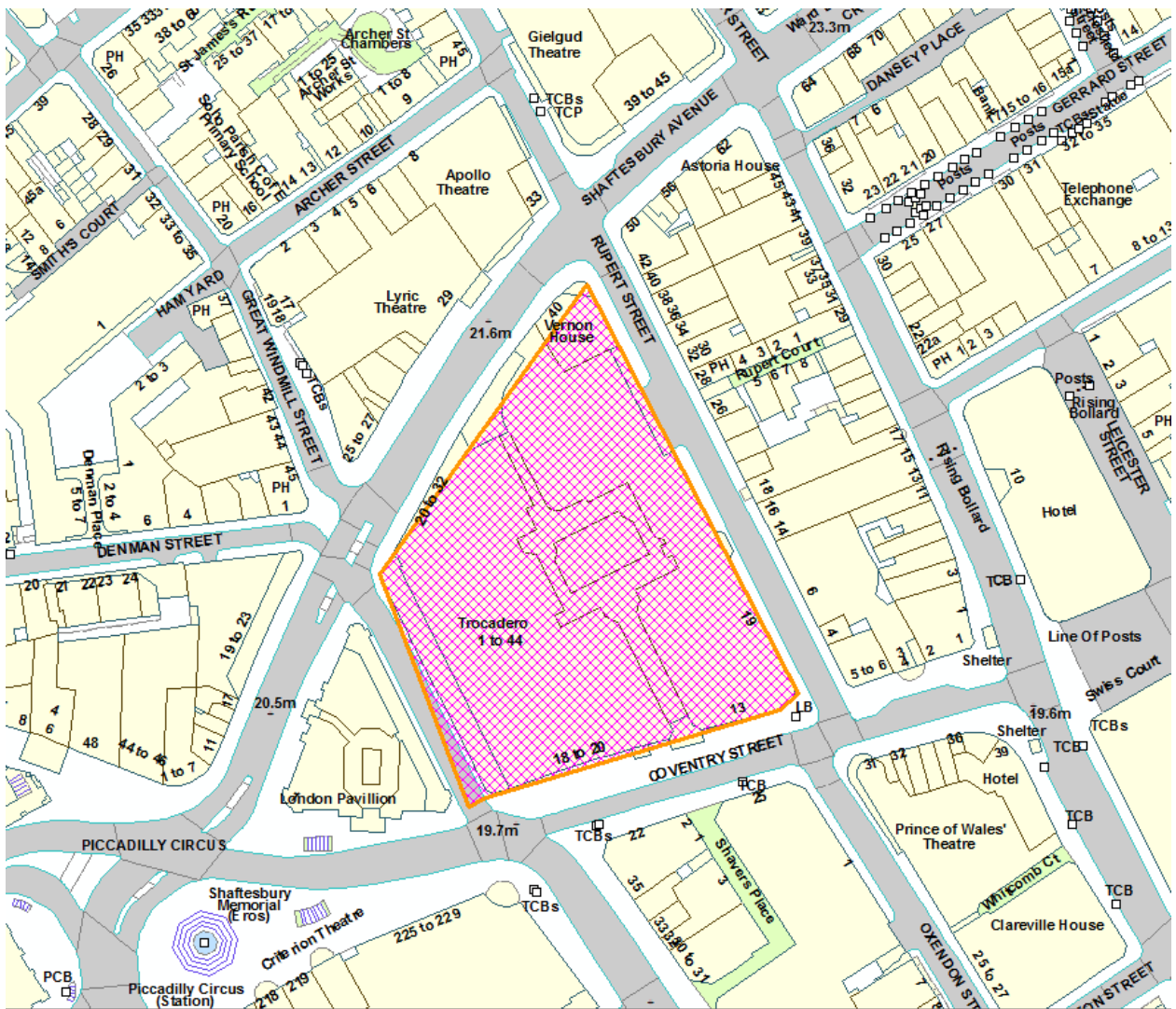
The application relates to the Trocadero complex which occupies a prominent site within the West End. A large part of the building was formerly in leisure use, but the majority of the upper floors have been converted to hotel use following a consent originally granted in 2012. That consent also included a roof extension for restaurant and bar use. This application proposes to extend the

permitted closing times of the restaurant/bar and rooftop terrace at the site until 03:00 daily. In addition, Condition 23 currently prevents any music or amplified sound played on the roof top terrace area from being audible and the application also seeks to vary this condition.

The key consideration in this case is the impact on the amenity of neighbouring residential properties.

The amended terminal hour of the rooftop restaurant/bar and the later operation of the terrace are of concern in relation to the impact this would have on the amenity of neighbouring residential occupiers. The application is however, supported by acoustic information which demonstrates any noise from music and patrons of the terrace to be within acceptable levels at the nearest residential windows. The licensing Sub-committee has also recently granted a Premises Licence which enables the premises to operate until 03:00 daily. The application is considered acceptable and recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

5.1 Application Consultations

CROSS LONDON RAIL (1) LINKS LTD
No comment.

CROSS LONDON RAIL (2) LINKS LTD
No comment.

SOHO SOCIETY

Objects to any change to Conditions 22 and 23 and are concerned that a decision of a Licensing Committee to overturn conditions imposed by the Planning Committee is a misuse of the system. Sceptical about the usefulness of the acoustic report as noise levels where alcohol is a factor are significantly higher than 'normal conversational levels'. Experience in the West End shows that this sort of 'crowd' noise can be very disturbing, and this would be exacerbated in the early hours. With 500 people, alcohol and music (and depending on wind conditions) there could well be noise nuisance which will affect neighbouring residents. The community consultation does not show that residents are satisfied on this point. Therefore, the use of the outdoor roof terrace after 11pm should not be permitted, and there should be no change to the restriction on music and amplified music on the roof terrace. If, for some reason, the council decided to permit a change to Condition 23, this should include a requirement for a real-life test of the acoustic mitigation (not just installation) to satisfy the council that it is effective in preventing (not minimising) any impact on residential properties before the Skybar can open.

ENVIRONMENTAL SCIENCES
No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 227
Total No. of replies: 1
No. of objections: 1
No. in support: 0

One letter of objection on the grounds of noise generated by the proposed rooftop venue and its entry/queueing system.

PRESS NOTICE/ SITE NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance.

The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) were a leaflet drop on three separate occasions in September 2022 to local residents.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were increased foot traffic throughout the night and the increased noise near residential buildings.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The Trocadero complex occupies the street block bounded by Coventry Street, Rupert Street, Shaftesbury Avenue and Great Windmill Street and comprises four Grade II listed buildings known as Lyons Corner House, Lyons Corner House Extension, Scott's Corner building and Avenue Mansions. The other buildings on the site are unlisted, are modern and of generally little merit, with the exception of Vernon House on the corner of Shaftesbury Avenue and Rupert Street (which falls outside of the application site). The whole of the block falls within the Soho Conservation Area, the Central Activities Zone (CAZ) and the West End Special Retail Policy Area (WESPRA). Part of the site lies within the Strategic Viewing Corridor 2: Primrose Hill to the Palace of Westminster.

The Trocadero complex originally comprised a variety of uses primarily permitted as part of the original mixed-use concept approved by the Greater London Council in 1980. A large part of the Trocadero complex now houses the Zedwell Piccadilly hotel which has 728 windowless rooms and a large rooftop bar.

The site is bounded to the south-west by the Regent Street Conservation Area, to the south by the Haymarket Conservation Area, to the south-east by the Leicester Square Conservation Area and to the west by the Chinatown Conservation Area.

The area is characterised by ground floor commercial uses. The nearest residential properties are within Coventry House on Coventry Street (18 apartments). There are also a number of residential properties on Rupert Street. There are also residential flats on the upper floors of Great Windmill Street and Denman Street. The theatres on the opposite side of Shaftesbury Avenue are also defined within the City Plan as 'noise sensitive receptors'.

7.2 Recent Relevant History

The London Trocadero was created in the early 1980s under a Greater London Council permission issued on 22 January 1980. Following this a major scheme of refurbishment works was approved by the City Council on 24 November 1989 which permitted, inter alia, alterations and extensions to allow for an expanded mixed use complex incorporating retail, restaurant, entertainment, cinema and office uses. This scheme was substantially completed by the end of 1992.

Planning permission was granted in September 2018 for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). This permission has now been implemented.

Planning permission was granted in May 2020 for the variation of condition 1 of planning permission dated 05 September 2018 (RN 17/08541/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4). from RN 17/08541/FULL, NAMELY, to vary the relocation of the hotel entrance to Great Windmill Street, relocation of the dedicated Skybar entrance on Shaftesbury Avenue; and retaining the Bar Rumba entrance onto Shaftesbury Avenue.

Licensing position

A premises license was granted in December 2021 (21/06624/LIPN) which enables the premises to operate until 03:00 with a capacity of 1,000.

8. THE PROPOSAL

The permission granted in 2018 introduced a restaurant/bar at the top floors of the building, now known as the Skybar with a dedicated entrance on Shaftesbury Avenue.

Under this application, Condition 22 stipulates that the use of the roof terrace areas is only permitted between 10:00 and 23:00. Condition 23 required that no music or amplified sound is audible from the nearest noise sensitive property at any time. Condition 24 restricted the opening hours of the Skybar to 07:00 to 02:00 the following morning.

Following the grant of planning permission, the applicant secured a premises license for the Skybar which enables the premises to operate between 10:00 to 03:00 the following morning (with hotel residents and guests able to access the Skybar at any time).

The present application is made to vary the conditions of the existing consent, to enable the roof terrace and the Skybar to operate until 03:00 (Conditions 22 and 24). The applicant has also suggested the following wording for Condition 23:

“Prior to first occupation of the Skybar, the mitigation package set out in Section 5 of Sustainable Acoustics Ltd report 20-0007-0 R01v2, dated 6th April 2020 would be implemented, in order to mitigate the noise impact from people using the roof terrace on the closest noise sensitive receivers.”

The intended operator of the Skybar is Tao Group Hospitality who currently operate Hakkasan in Mayfair and Hanway Place and Yauatcha in Soho.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Application Context

The application is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to develop land without compliance with the conditions previously attached. Section 73(2) of the Act states:

‘On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application’.

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. The application must be determined in accordance with the development plan (i.e. the London Plan (March 2021) and the City Plan (April 2021) unless material considerations indicate otherwise. The fall-back position of the original planning permission carries great weight in the decision-making process.

Land Use Overview

The land use elements of the proposals have already been accepted in the original consent which is being varied. The amenity impacts of the proposed change to the operation of the hours of use are considered in section 9.5 below.

9.2 Environment & Sustainability

The proposed changes to conditions have no environmental or sustainability implications.

9.3 Biodiversity & Greening

The proposed changes to the conditions have no biodiversity or greening implications.

9.4 Townscape, Design & Heritage Impact

The proposed changes to the conditions have no townscape, design or heritage implications.

9.5 Residential Amenity

The nearest residential properties are within Coventry House on Coventry Street (18 apartments). There are also a number of residential properties on Rupert Street (to the east). There are also residential flats on the upper floors of Great Windmill Street and Denman Street. The theatres on the opposite side of Shaftesbury Avenue are also defined within the City Plan as 'noise sensitive receptors'.

The City Council places high priority on protecting residential amenity, with City Plan Policy 33(A) stating that, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'. Part (C) of Policy 33 states that 'development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds'. In assessing the impact of development proposals, the Council will apply the 'Agent of change' principle which places the burden on the applicant to mitigate negative environmental impacts and ensures development does not cause existing nearby uses from having to curtail their activities.

Licensing position

The proposal lies within the West End Cumulative Impact Zone, as set out within the City Council's Cumulative Impact Assessment which has been produced as an approach to licence applications. In cumulative impact areas, there is a presumption that the licensing authority will refuse or impose limitations on applications which are likely to add to the cumulative impact unless the applicant can demonstrate that there will be no negative cumulative impact on the licensing objectives. However, Planning and Licensing are distinct and separate regulatory regimes, each with its own specific statutory considerations and policy considerations.

Impact of Extended Opening Hours

The proposed variation of Condition 22 and 24 will allow an additional hour of operation, to 03:00 for the approved restaurant for each day and an additional 4 hours for the roof terrace, until 03:00 hours each day. The hours for the roof terrace are significantly later than the extant planning permission which has a terminal hour of 23:00. The licensing sub-committee has however granted a Premises Licence under the Licensing Act 2003 which enables the premises, including the roof terrace, to operate until 03:00 daily with a total capacity, for the combined restaurant and terrace of 1,000 people, with 250 at 13th floor and 750 at 12th floor level.

There are a number of other licensed establishments in the vicinity including Bar Rumba which has licensed opening hours of 09:00 till 06:00 Monday to Saturday and 09:00 till 03:30 on Sundays; The Windmill nightclub to the north at 17-19 Great Windmill Street has licensing opening hours of 09:00 till 05:30 Monday to Saturday and 09:00 till 03:00 on Sunday; and The Piccadilly Institute operates with licensed opening hours of 07:00 till 03:00 Monday to Saturday and 07:00 till 01:00 on Sundays.

Shaftesbury Avenue is an extremely busy frontage at all hours so that any effects from patrons outside, particularly when leaving, are likely to be sufficiently masked by the existing external noise environment. There are also few residents in Shaftesbury Avenue, the closest being above St James Tavern on the corner of Shaftesbury Avenue with Great Windmill Street. Given the commercial nature of this part of Shaftesbury Avenue, it is not considered the extension of the terminal hour of an additional hour would result in a materially adverse impact upon residential amenity in the area.

The original permission for the rooftop restaurant/bar is also subject to a condition requiring the submission of a management plan to ensure that customers do not cause noise nuisance when leaving the restaurant/bar. A fully worked up operational management plan, to secure these measures, is once again secured by condition.

Noise from terrace

The License also allows the 12th floor terrace to operate until 03:00, with live music until 22:00 hours and recorded music permitted until 00:00 hours, provided that a noise limiter is fitted to the musical amplification system, set at a level determined by Environmental Health. There are two openable doors which will allow access onto the 12th floor terrace, which the License requires to be kept closed after 23:00 hours, except for immediate access and egress purposes.

The License does set out that live music, (including percussion) and recorded music may be permitted beyond these times and until 03:00 hours if the external terrace is enclosed with a retractable roof to the satisfaction of Environmental Health Service.

Objections to the application have been received from both the Soho Society and Nimax Theatres on the grounds of noise disturbance, both from operational noise, and noise from queuing. The Soho Society object to the application and believe that there could well be noise nuisance which will affect neighbouring residents. They also query the usefulness of the acoustic report and argue that noise levels where alcohol is a factor are significantly higher than 'normal conversational levels' and that experience in the

West End shows that this sort of 'crowd' noise can be very disturbing and with 500 people, alcohol and music (and depending on wind conditions) there could well be noise nuisance which will affect neighbouring residents. They believe that the use of the outdoor roof terrace after 11pm should not be permitted, and that any change to the restriction on music and amplified music on the roof terrace should only be subject to a requirement for a real life test of the acoustic mitigation (not just installation) to satisfy the council that it is effective in preventing (not minimising) any impact on residential properties before the Skybar can open.

With regard to noise from the roof level terrace, this area is set back some 60m from Shaftesbury Avenue, and approximately some 80m from the Lyric, the nearest theatre, which is also fully screened from Shaftesbury Avenue by the recently completed roof extensions. The closest residential properties are the flats on the upper floors of Coventry House directly opposite the application site on the south side of Coventry Street. These residents are some 30m from the proposed terrace. There are also residential properties within Rupert Street to the east of the site, some 35m from the terrace. The roof terrace is, however, some three floors above the nearest residential flats on Coventry Street.

During the course of the application further acoustic information has been submitted in relation to proposed noise levels from the terrace use and existing background noise levels. Policy 33 of the City Plan states that development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds. The adopted Environmental Supplementary Planning Document requires noise from both amplified/unamplified music and from human voices to be at least 10db below existing background noise levels at surrounding receptors.

Environmental Services have assessed the report and advise they have no objections. They advise that the assessment indicates that noise levels emanating from the use of the terrace from 250 people (ie. half of the assumed capacity) all talking at once on the roof terrace are significantly below background noise levels at receptors, indicating that people noise will be well below the target levels, and likely to be inaudible at normal speech levels at sensitive facades. The noise report (following the concerns raised both by the Soho Society and the Environmental Sciences Officer) also makes a more onerous assessment of both combined people noise of up to 200 people speaking with raised vocal effort (which is likely given the impact of alcohol on voice levels) together with a PA system operating with noise levels up to 75dB(A) for ambient background music. This assessment also predicts that noise targets would not be exceeded and would remain within the noise criteria.

The Soho Society believe that the applicant is attempting to use a decision of a Licensing Committee to overturn conditions which have been imposed after consideration by a Planning Committee. However, as set out above, Planning and Licensing are two separate statutory systems with their own statutory rules, criteria, policies and guidance. In this case, the proposal is considered to comply with the noise policies set out in the Development Plan and Environmental SPD.

With regard to the revised wording for Condition 23, relating to noise levels from the terrace, it is recommended that, rather than the wording suggested by the applicant (which refers to the potential for noise levels to be higher than 75dB(A)), that the terrace

is operated in accordance with an approved noise management plan. The noise management plan should include measures that manage behaviour on the terrace, limit the number of people on the roof terrace, and restricts any event that may cause patrons to raise their voices, for example, the showing of sporting events, karaoke/singalong events, comedy nights etc, with music levels enforced by a limiter device. The revised Condition 23 is much more precise than the original condition which only prevents music and amplified sound played from being audible from the nearest noise sensitive premises. It also places more controls on activity on the terrace than was secured originally. Subject to these operational restrictions the extended hours of the 12th floor terrace is considered to be acceptable.

Noise from queuing

As set out above, concerns have been raised from Nimax Theatres on the grounds that noise from the Skybar's entry/queueing system remains one of their primary concerns. However, access to the roof bar is now being proposed via a new dedicated entrance on Rupert Street which also has a substantial lobby area to enable queuing to take place off-street. The planning application to relocate the existing entrance on Shaftesbury Avenue to Rupert Street is the subject of a separate planning application which is considered elsewhere on this agenda (Item 1). In the event that the planning committee is minded to approve that application, then this could be secured as part of this application (and a draft condition to that effect has been included on the draft decision notice.)

9.6 Transportation, Accessibility & Servicing

The proposed changes to conditions have no transportation implications.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the fit out phase through the generation of increased opportunities for local employment, procurement and spending.

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing an already permitted use to operate slightly longer. The occupation of the unit will also provide employment opportunities, leading to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application. The Crossrail payment, employment and training strategy, highway works required by the original legal agreement have been completed/paid.

10. Conclusion

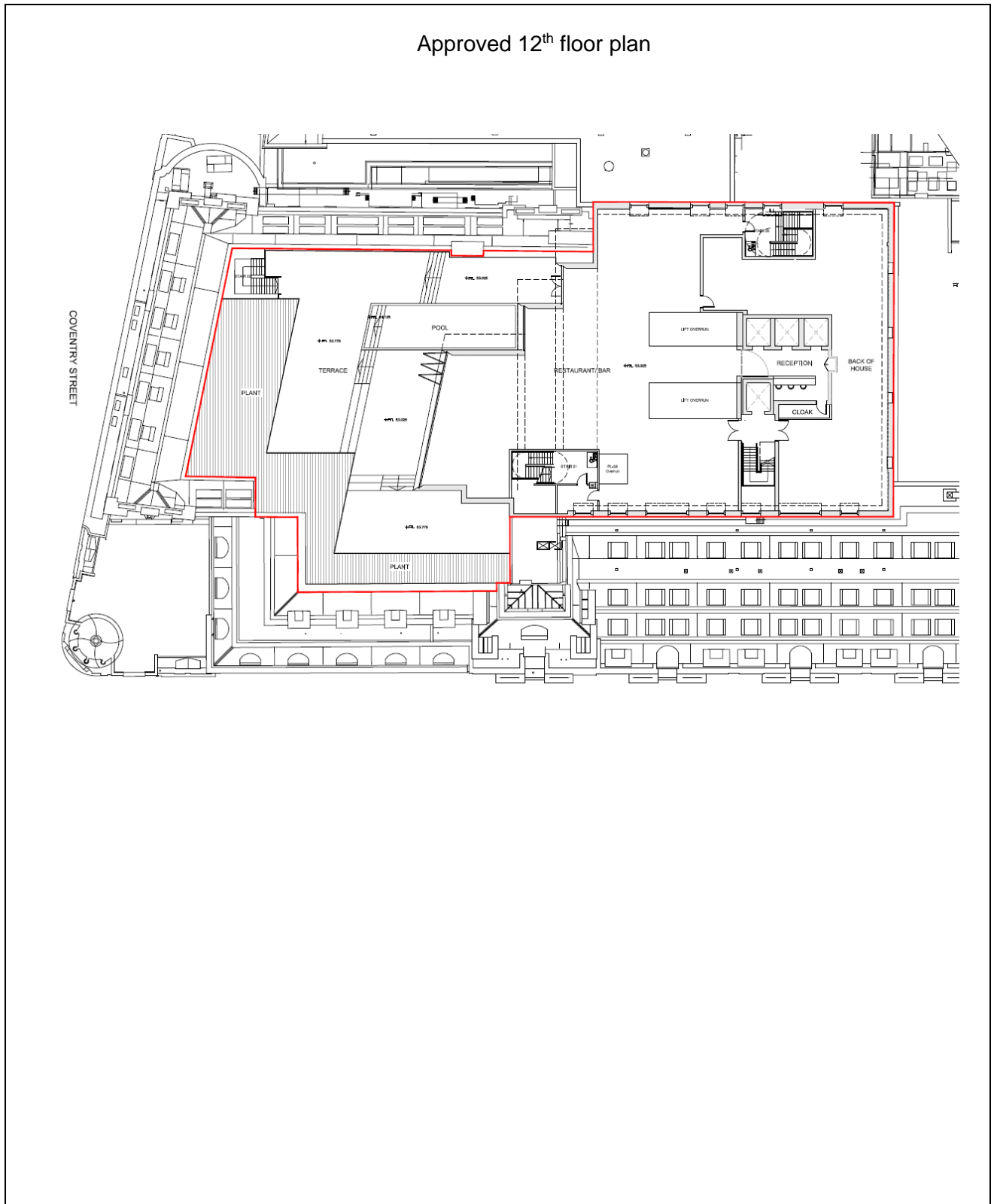
The proposed variations of Conditions 22, 23 and 24 are considered acceptable.

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

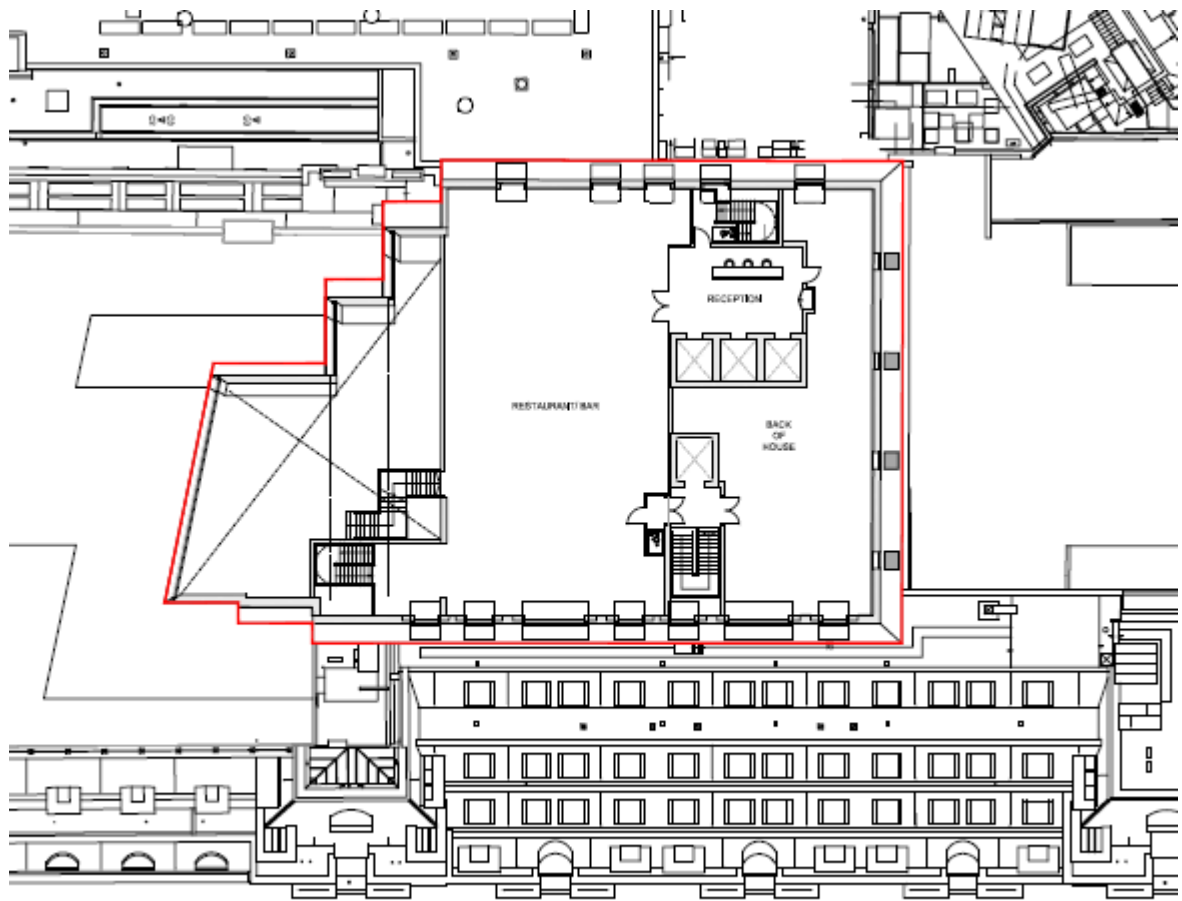
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

11. KEY DRAWINGS

Approved 12th floor plan



Approved 13th floor plan



RUPERT STREET

RUPERT STREET

DRAFT DECISION LETTER

Address: Trocadero, 13 Coventry Street, London, W1D 7DH

Proposal: Variation of condition 22, 23 & 24 of planning permission dated 15th May 2020 (RN:19/08886/FULL) for the use of part basement levels, part ground and part first to eleventh floor levels as a hotel (Class C1) comprising up to 740 bedrooms; erection of entrance canopy on Shaftesbury Avenue and plant enclosures at levels 07 to 11 and associated works; erection of roof extensions, plant, pool and terraces at levels 12 and 13 for use as a restaurant and bar (Class A3 and A4); NAMELY, to allow the Skybar roof top restaurant/bar (Condition 24) to operate between 07:00 and 03:00 hours the following morning and to enable the roof terrace area (Condition 22) to operate from 10:00 to 03:00 the following morning; and to amend the wording of Condition 23 relating to noise levels on the roof terrace.

Reference: 22/06688/FULL

Plan Nos: 19/08886/FULL
TROC-P-1906 Rev C, TROC-P-62-GF-2-2 Rev C0

17/08541/FULL
TROC-P-1400 Rev 1; TROC-P-1401 Rev 1; TROC-P-1402 Rev 1; TROC-P-1403 Rev 1; TROC-P-1404 Rev 1; TROC-P-1405 Rev 1; TROC-P-1406 Rev 1; TROC-P-1407 Rev 1; TROC-P-1408 Rev 1; TROC-P-1409 Rev 1; TROC-P-1410 Rev 1; TROC-P-1411 Rev 1; TROC-P-1412 Rev 1; TROC-P-1413 Rev 1; TROC-P-1414 Rev 1; TROC-P-1415 Rev 1; 17278- TP(11)201 Rev 6; 17278- TP(11)202 Rev 6; 17278- TP(11)203 Rev 6; 17278- TP(11)204 Rev 6; 17278- TP(11)205 Rev 6; TROC-S-11-20; TROC-S-11-22; 16-352-103 Rev D

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 1. You must carry out the development in accordance with the plant screen, window and door details and decorative screen details approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with alternative detailed drawings of all new windows and external doors, plant screen and decorative screen details to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved details.
2. You must apply to us for approval of detailed drawings (at scales 1:10) of the following parts of the development, i. The new canopy on the Shaftesbury Avenue façade - including its height and distance from Shaftesbury Avenue;
ii. Each new external door type on the south facade of the roof extension (with 1:1 details of a typical example of each).

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must carry out the development in accordance with the samples approved 29.01.2021 (RN 20/06272/ADFULL), or in accordance with alternative samples of the facing materials, to be submitted to and approved by the City Council. You must then carry out the work using the approved materials.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 8 The hotel and restaurant/bar use allowed by this permission must not begin until you have completed the alterations to the loading bay as set out in the approved drawings. Thereafter you must use the parking, access, loading, unloading and manoeuvring areas shown on the approved drawings only for those purposes.

Reason:

To ensure the loading bay is provided as set out on the approved drawings and to make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

- 9 You must provide the waste and recycleable material stores shown on drawing no 16-352-103 Rev D before you use the building for hotel or restaurant/bar use. 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.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 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 L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the

intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 12 You must carry out the development of the site in accordance with the details approved by the City Council as Local Planning Authority on 15 April 2020 under reference RN/20/02051/ADFULL or in accordance with an alternative supplementary noise report demonstrating compliance with Condition 12 as submitted to and approved by the City Council.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

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

mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the internal activity within the restaurant/bar will comply with the Council's noise criteria as set out in Condition 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 15 1. You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the rooftop restaurant/bar from causing nuisance for people in

the area, including people who live in nearby buildings. You must not start the rooftop restaurant/bar use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant/bar is in use.

2. You must carry out the hotel use in accordance with the management strategy approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with an alternative operational management strategy, to be submitted to and approved by the City Council. You must then carry out the hotel use in accordance with the approved strategy.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 16 You must provide each bicycle space shown on the approved drawings prior to the use of the building for either hotel or restaurant/bar use and these spaces shall only be used for the parking of bicycles of people visiting, living or working at the development.,

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 17 You must provide the environmental sustainability features (environmentally friendly features) as set out in your Energy Statement dated July 2017 before you start to use any part of the development.

You must not remove any of these features, unless we have given you our permission in writing.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 18 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods (other than collection of compacted waste) only if they are unloaded or loaded within the loading bay area.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 19 All deliveries and collections to the loading bay can only take place between 08:00 and 18:00 hours on Monday to Fridays and 08:00 and 12:00 on Saturdays. No deliveries or collections to the loading bay shall take place on Sundays or Bank Holidays. Outside of

these hours the loading bay door must remain closed.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 20 You must carry out the development in accordance with the servicing management strategy approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with an alternative servicing management strategy, to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved strategy.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 22 The use of the roof terrace areas hereby approved can only take place between 10:00 and 03:00 the following morning daily.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 23 You must apply to us for approval of a noise management plan to show how the 12th floor terrace will be used. You must not use the terrace until we have approved what you have sent us. You must then carry out the measures included in the noise management plan at all times that the 12th floor terrace is in use.

Reason:

To protect neighbouring residents and theatres from noise nuisance as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 24 Customers shall not be permitted within the roof top restaurant/bar before 07:00 or after 03:00 hours the following morning.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 25 All doors and windows within the restaurant/bar shall be remain closed between the hours of 23:00 and 10:00 except for immediate access and egress purposes.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 26 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the rooftop restaurant use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

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

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 28 You must carry out the development in accordance with the air quality neutral benchmarks approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with alternative air quality neutral benchmarks, to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved strategy.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in Policy 32 of the City Plan 2019 - 2040 (April 2021).

- 29 You must not cook raw or fresh food in the area marked 'grab and go' at basement level. (C05DA)

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

- 30 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the number, size, species and position of trees and shrubs on the roof terrace. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 31 You must carry out the development in accordance with the management plan approved 02.03.2021 (RN 19/08845/ADFULL), or in accordance with an alternative management plan to ensure that coaches do not wait outside the premises, to be submitted to and approved by the City Council. You must then carry out the work in accordance with the approved management plan.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 32 The entrance onto Rupert Street shown on Drawing TROC-P-1906 Rev C can only be used by staff and/or means of escape only.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 33 The extended hours of operation allowed by this application, cannot commence until you have installed the new entrance and queueing area on Rupert Street (RN: 22/06174/FULL approved on xx/xx/2023). Thereafter, after midnight, the access doors on Rupert Street cannot be used as an exit except in an emergency.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set

out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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:
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 Conditions 10-11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

- 5 Details to discharge Condition 23 should include measures to manage behaviour on the terrace, limit capacity and restricts any event that may cause patrons to raise their voices, such as, any competitive sporting events, karaoke/singalong events, comedy nights etc with music levels enforced by a limiter device to be set at a level determined by Environmental Health.
- 6 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (161AB)
- 7 Under condition 29 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

The hot food operation as described in the approved documents shall not be altered in any way with regards to cooking methods, cookline equipment or hot food types sold.

Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation). For further information please contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to ehconsultationteam@westminster.gov.uk.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.