

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	47 Great Marlborough Street, London, W1F 7JP		
Proposal	Demolition of existing 4 th floor mansard and rear 2 nd floor extension, alterations including the erection of a replacement 4 th floor mansard and 2 nd and 4 th floor rear extension, new entrance in connection with dual alternative use of part basement and part ground floor as a retail shop (Class A1) or restaurant (Class A3), use of the upper floors as offices (Class B1) and a residential flat (Class C3) at 4 th floor level.		
Agent	DP9		
On behalf of	Satlia Studios and Half Moon Investments Limited		
Registered Number	17/05944/FULL	Date amended/ completed	5 July 2017
Date Application Received	5 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application premise is an unlisted building on the south side of Great Marlborough Street, within the Core central Activities Zone and the West End Stress Area. The building is currently vacant but was formerly occupied for educational purposes (Class D1). The property also has an alternative lawful use as a retail shop on part basement and part ground floors, with Class B1 offices above.

The key issues in this case are:

- the acceptability of the proposed restaurant use in land use and amenity terms and
- the impact of the proposed alterations upon the appearance of the building and the character of this part of the Soho conservation area

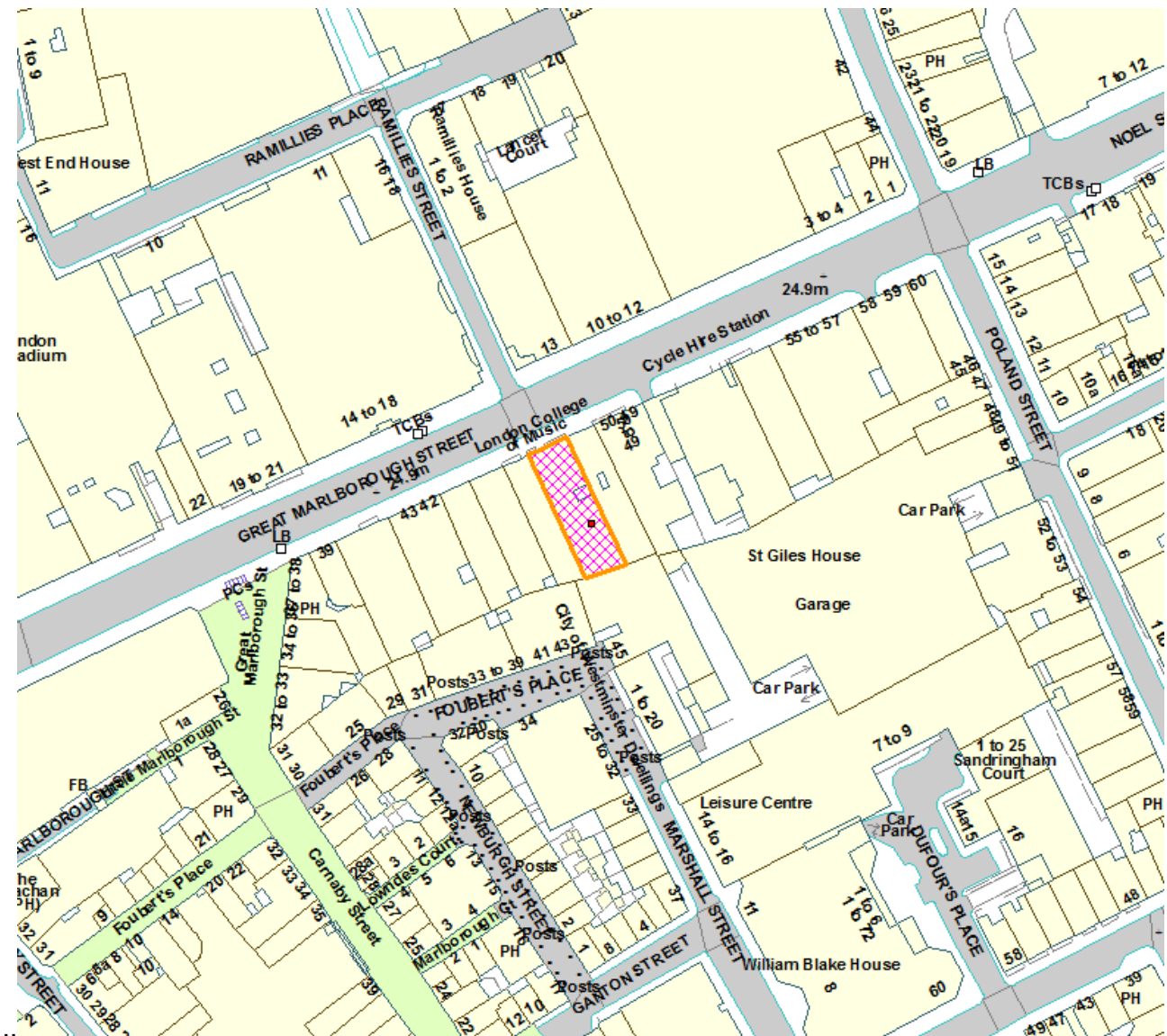
The Soho Society have objected to the introduction of a restaurant use, on unspecified grounds. However, subject to conditions, it is not considered that this use would have an adverse impact upon neighbours' amenity, local environmental quality or the character of the area. The scheme is

Item No.

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considered acceptable in land use, amenity, highways and design terms, in accordance with adopted Unitary Development Plan and City Plan policies and is therefore recommended for approval.
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3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

SOHO SOCIETY

Objection to restaurant use, no objection to retail use

CLEANSING

Arrangements for the storage of refuse and recyclable materials are acceptable and should be secured by condition

HIGHWAYS PLANNING

No objection subject to conditions requiring the submission of a Servicing Management Plan and securing cycle parking provision.

ENVIRONMENTAL HEALTH

No objection subject to appropriate conditions, including details of the kitchen extract system.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 30

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application property is located on the south side of Great Marlborough Street and is identified as an unlisted building of merit within the Soho Conservation Area. The property comprises basement, ground and four uppers, with a rear extension rising to second floor level, with roof plant above, which infills the whole of a rear yard area.

The lawful use of the building is either for educational purposes (Class D1) or as a retail shop (Class A1) on part basement and ground floors with offices (Class B1) above, pursuant to a dual use permission which expires in December 2019. The building is now vacant but was last occupied for educational purposes by the London College of Beauty Therapy.

The site is within the core Central Activities Zone and the West End Stress Area

The area is principally characterised by commercial uses, the nearest residential premises are at 1 and 2 Great Marlborough Street on the northern side of the street, at nos. 37-39 to the west, at no. 58 to the east and 29-31 Foubert's Place at the rear.

There is also extant permission (29 April 2016) for the redevelopment of 54 and 55-57 Great Marlborough Street to include 27 flats on the upper floors.

6.2 Recent Relevant History

19 December 1991: Permission granted for the use of the building for retail purposes on part basement and ground floors with Class B1 offices above (09/13319/FULL.

15 August 2000: Permission granted for the use of the building for (Class A1) retail purposes on part basement and ground floors with Class B1 offices above (the continuation of the existing uses) or for educational purposes (Class D1) (00/04482/FULL)

This permission was renewed on 21 December 2009 (09/06573/FULL). Whichever use is in existence on 20 December 2019 would then become the lawful use of the building.

7. THE PROPOSAL

The existing and proposed floorspace figures are as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Educational (D1)	1226 *	0	- 1226
Retail (A1)	106		
Retail (A1) OR Restaurant (A3)		481**	
Offices (Class B1)	1120	933	
Residential (Class C3)	0	88	+88
Total	1226	1502	

*Existing lawful use for either Class D1 purposes (whole building) or as a retail shop with offices above.

** Proposed use of the part basement and ground floors as either a shop OR a restaurant

The application involves the refurbishment, alteration and extension of the existing building including:

- the replacement and extension of the existing fourth floor mansard roof extension
- the demolition of the rear second floor rear mansard roof extension and roof plant above, and its replacement with a sheer extension on second to fourth floors incorporating balconies on the western facade, an integral plant area for the development and a living roof.
- the infilling of the basement to second floor lightwell on the eastern site boundary
- the creation of a separate ground floor entrance and associated alterations to the pavement railings
- the reinstatement of pavement lights in place of the raised ground floor area behind the, altered, pavement railings and
- the use of the basement and ground floors for either retail (Class A1) or restaurant (Class A3) purposes, with an internal kitchen extract duct
- the use of the first to third and rear fourth floors as offices (Class B1, with a second floor roof terrace
- the use of the fourth floor front as a flat, with terraces at rear fourth floor and roof levels (Class C3

- the installation of plant within a sunken area at rear fourth floor level and
- the creation of a living roof.

8. DETAILED CONSIDERATIONS

8.1 LAND USE

8.1.1 Loss of social and community use

The proposal would result in the loss of the existing educational use, which falls within the definition of a 'social and community use' within the adopted development plans.

UDP policy SOC 1 (D) states that all community facilities will be protected. Under SOC 1(E), schemes involving the redevelopment or change of use of community facilities are required to include adequate replacement facilities. Where the facility is surplus to the needs of the existing provider, any new development should include an alternative community facility. Where adequate replacement facilities are not proposed, the City Council will refuse planning permission. Educational uses are also protected under City Plan Policy S34 '...except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider.' In all such cases, the council will need to be satisfied that the overall level of social and community provision is improved and that there is no demand for an alternative social and community use for that accommodation. Where the Council accepts the loss or reduction of social and community floorspace, the priority replacement use will be for commercial purposes on sites within the core CAZ.

The applicants have not sought to demonstrate that there is no demand for a Class D1 use on the site. However, as the premises have an alternative lawful use for retail and office purposes and the scheme provides replacement commercial floorspace, the loss of social and community floorspace is considered acceptable in land use terms. The applicants have advised that the previous occupier has relocated to alternative premises in the locality (with training facilities in Ramillies Street and administrative headquarters in Poland Street).

8.1.2 Office floorspace

Policy S20 of the City Plan places an increased emphasis on the provision of new office accommodation in appropriate locations within Westminster, including within the Core Central Activities Zone. Policy S1 also identifies the Core CAZ as a suitable location for office development, contributing to its mixed use character and ensuring the continued vitality and economic success of Central London.

The scheme would provide 933m² of office floorspace on the site, which represents a slight reduction in office floorspace when compared to the potential lawful office use. However, as this floorspace would be lost to an alternative commercial use this is acceptable under the terms of policy S1.

8.1.3 Retail use

The lawful use of part basement and ground floors is for Class A1 purposes (106m²). The scheme would potentially provide 481m² of retail accommodation on these floors. Any proposed extension of this retail floorspace within this part of the Core CAZ is considered acceptable in land use terms under policy S6.

Policy S21 of the City Plan protects existing retail floorspace within the Core CAZ. The proposals would include either retail or restaurant accommodation on the lower floors. Given that there is an alternative lawful use of these floors, for Class D1 purposes, the potential loss of retail floorspace could not be reasonably be resisted in land use terms

8.1.4 Restaurant use

The proposal includes a potential restaurant use, with ancillary bar, on part basement and ground floors, measuring 481m² sqm. The Soho Society has raised an unspecified objection to this use.

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core Central Activities Zone. However, as the site is located within the West End Stress Area, the introduction of new entertainment uses is considered more sensitive. In this area, policy S6 states that “new entertainment uses will only be allowed where the council considers that they are small-scale, low-impact and they will not result in an increased concentration of late-night uses”.

Policy S24 requires new entertainment uses to demonstrate that they are appropriate in terms of 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 affect residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale, late-night entertainment uses will not generally be appropriate.

Given the size of the proposed restaurant and its location within the West End Stress Area, UDP TACE 9 applies. Permission will only be granted for the proposed use where the Council is satisfied that it would have no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity, or increased parking and traffic; and no adverse effect on the character or function of the area. The Council will have particular regard to premises capacity, opening hours, arrangements to safeguard amenity and prevent disturbance from smells, noise and vibration disturbance (including that from the use of extract/ventilation and air conditioning plant), servicing arrangements (including for the storage, handling and disposal of waste and recyclable materials) and the positioning of any tables and chairs in open areas within the curtilage of the premises. Where necessary and appropriate, conditions will be imposed to ameliorate the potential effects of the use.

This part of Great Marlborough Street is characterised by commercial uses including a mixture of restaurant and office uses office uses at ground floor level, with some isolated shop units. On the north side of the street, opposite the site, there are various entertainment uses including a public house (1), and restaurant/café's at nos. 17/18 and 22, and on the corner with Argyll Street. On the southern side of the street, the frontage between the public house at 37/38 Great Marlborough Street and Poland Street, contains restaurants at nos. 39, 42, 44 and 59. There are also several café's on the return frontage (32-36 Great Marlborough Street), which forms the gateway to Carnaby Street.

There is extant permission for the redevelopment of nos. 54 and 55-57 Greta Marlborough Street behind the retained front facades... These buildings are vacant but were previously occupied as wholesale showroom (54) and for retail purposes (55-57) on the basement and ground floors. The approved scheme permits the use of the basement and ground floors as two retail shops (Class A1) and a dual Class A1/A3 unit.

The closest residential properties to the proposed restaurant are at 37-39 Great Marlborough Street (above an existing public house and restaurant) and the proposed flat on the top floor of the building. There are several cafes and restaurants in this area. However, given the largely commercial character of this busy area, it is not considered that the introduction of a sit-down restaurant with ancillary bar, if adequately controlled, would have an adverse impact, or any adverse cumulative impact, upon the character and function of this part of the Soho conservation area. As the scheme includes a new flat and refurbished/extended offices, the applicant has every incentive to ensure that the restaurant can operate without adversely affecting the amenity of future occupiers or the environmental quality of the area. To ensure this, conditions could be imposed to control the opening times, premises capacity, the nature of the use and the size of any ancillary bar (which would be used only by diners before and after meals).

The proposed opening hours from, 07.00 to 24.00 hours (midnight), are consistent with advice in the UDP - namely that for entertainment uses in predominantly residential areas, conditions will be imposed to prevent customers remaining on the premises after midnight on Sundays (other than those immediately preceding Bank Holidays) to Thursdays, and after 12.30 a.m. on the following morning on Friday and Saturday nights and on Sundays immediately preceding bank holidays. As this is not a predominantly residential area, the proposed opening hours are considered reasonable.

This is a speculative application which is supported by a draft Operational Management Plan (OMP). This sets out a number of guiding principles for the proposed restaurant operation and acknowledges that, given its location within the Stress Area, the premises would require careful management to safeguard local amenities. The OMP includes various undertakings including commitments:

- to operate a table booking system to avoid creating concentrations of activity at certain times and to prevent customers queuing outside of the premises
- to encourage customers to leave the restaurant quickly and quietly, with signage prominently displayed at the exits requesting patrons to respect the needs of local residents and businesses.
- for the operator to make arrangements with a hackney carriage and/or private carriage firm to provide transport for customers. Contact numbers will be made readily available to customers who will be encouraged to use such services and to wait inside the premises until their taxi has arrived
- for daily management/staff briefings to document and address any issues or complaints received and to put appropriate measures in place to address any concerns raised. A senior manager will be on-site at all times during trading hours to ensure compliance with licensing and other requirements, and to make sure good practice is maintained. A direct contact number for the venue will also be displayed in the premises.

- to restrict waste collections, bottle collections and deliveries to between 07.00 and 21.00 on Monday to Saturday and between 08.00 and 20.00 hours on Sundays and Bank Holidays.
- to remove and prevent litter or waste accumulating from customers in the area immediately outside the premises. The area will be swept and or washed, and litter and sweepings collected and stored each day

These commitments are welcome. However, it is considered appropriate to require a finalised OMP to be submitted and approved, once a tenant has been identified and before the use commences, to ensure that adequate safeguards are in place. This final OMP should also include precise details of measures to:

- manage customers who wish to smoke;
- ensure that goods and refuse are not stored on the highway and that site servicing is carried out in a sensitive manner, within agreed hours, to ensure that potential noise disturbance is minimised.

With the imposition of the appropriate conditions, it is considered that the restaurant use would not have any adverse impact on residents' amenities or local environmental quality.

Subject to these conditions, the restaurant use is considered acceptable in land use and amenity terms. The impact of the use on the highways is discussed in section 8.4 on this report.

8.1.5 Residential use

The proposal includes the creation of a new one bed flat, measuring 88m² (GIA) within the extended mansard storey, accessed via the main office staircase. Although it is unusual for new residential accommodation to be provided without independent access, there are many historic examples of mixed use buildings where access is shared and the proposals could not reasonably be resisted on these grounds.

The proposed apartment is arranged with a living area on the northern side of the building (overlooking Great Marlborough Street). Private amenity space would be provided at rear fourth floor and roof levels. The flat would be fitted with thermal double glazing and would be mechanically ventilated should future residents choose to keep their windows shut in order to minimise potential noise disturbance

The flat would provide an acceptable standard of accommodation in terms of room sizes and layout. The Council's Environmental Health Officer has reviewed the submitted noise report and considers that subject to the installation of the specified glazing and given noise attenuation resulting from acoustic screening, the "sunken" nature of the plant area and its relationship with rear windows, that the flat would achieve acceptable internal noise levels in relation to external noise sources, including plant.

The flat would be located above the third floor offices and adjacent to new office accommodation at rear fourth floor level. A new separating floor will be provided between the third and fourth floors and a new party wall separating the proposed fourth floor uses. The Environmental Health Officer considers these to be low-risk noise transmission points, subject to a condition requiring the new flat to achieve an acceptable internal noise environment in relation to internal noise

sources it is considered that the proposed flat would provide an acceptable standard of accommodation for future occupants.

8.2 DESIGN/TOWNSCAPE

The application premises is an unlisted building of townscape merit within the Soho conservation area however, its architectural quality does not extend to the rear yard infill. The building shares a party wall with 48 Great Marlborough Street, which is a Grade II listed building dating from the early eighteenth century.

The proposed alterations to the roof, the height of the rear extension and the new entrance at ground floor have been the subject of extensive pre-application discussions. The application has been further amended to revise aspects of the detailed design and materials.

The height and bulk of the rear extension rises above the penultimate story and aligns with the ridge of the front façade. UDP policy DES 5 generally advises that rear extensions should only rise to penultimate level. However, in this instance, given the height of the adjacent buildings, the relatively enclosed rear area and the lack of public views, the proposals are considered acceptable in this case. The design of the rear extension is considered high quality and the proposed green roof is welcomed in this constrained urban site. Proposals to remove existing plant installations and fire escape stairs are welcomed.

The scale and bulk of the proposed roof and rear extensions is now considered acceptable in the context of neighbouring buildings and the revised proposals are considered acceptable in terms of their detailed design.

Subject to conditions, the proposals are now considered acceptable in design terms and would preserve or enhance the character and appearance of this part of the Soho conservation area, complying with policies DES 1, DES 5, DES6, DES 9 and DES 10 of the Unitary Development plan and policy S28 of the City Plan.

Notwithstanding the above, details of the kitchen extract system remain unresolved. Whilst the revised drawings show that the duct would terminate within the rear plant enclosure, this might not meet the requirements of the Environmental Health Officer. Consequently, a pre-commencement condition is recommended requiring full details of the kitchen extract system, including its appearance, which should not harm the appearance of the building or the character and appearance of the wider Soho Conservation Area.

8.3 AMENITY

The properties immediately adjacent to the application site would all appear to be in commercial use.

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Similarly, under City Plan policy S29, the council will resist proposals that result in an unacceptable material loss of residential amenity. All development should aim to improve the residential environment.

Policies ENV 6 and ENV 7 deal with the issue of noise generated by new developments and from the operation of plant. These policies require that all developments should incorporate design features and operational measures to minimise potential noise disturbance and that all plant should operate in accordance with Council standards.

8.3.1 Impact of proposed uses

It is not considered that the modest extension to the lawful office use, the continuation/extension of the lawful retail use or the introduction of a new flat on the site would have a material impact upon the amenities of neighbouring occupiers when compared with the previous educational use. The impact of the proposed restaurant use was discussed in section 8.1 above.

8.3.2 Daylight and Sunlight and increased sense of enclosure

The application is supported by a daylight/sunlight report, which confirms that all neighbouring premises are in commercial use and that the proposed extensions to the building would not adversely affect the amenity of light sensitive properties or affect the operation of neighbouring business premises. Officers concur with this view. It appears that the premises directly to the south of the site (in Foubert's Place) are in commercial use and that the window overlooking the rear of the rear extension to the application building, which has the greatest potential to be effected by the proposed rear extension, serves a stair.

Given the relationship of the proposed extension to neighbouring windows, it is not considered that the development would result in significant impact on the sense of enclosure to neighbouring windows.

8.3.3 Overlooking and increased sense of enclosure

It is considered that the creation of the roof level residential terrace and office terraces on the western façade would not have a material impact upon the amenities of neighbouring buildings in respect of loss of privacy.

8.4 HIGHWAYS/SERVICING

In the context of the existing lawful office and retail uses on the site, it is not considered that the current proposals would have any material impact on the local highway network or servicing or parking demand.

Parking

In terms of restaurant customers arriving at, and departing from the site in cars, the level of activity is likely to be similar to that of the existing lawful uses and no significant change is likely to occur. The site is within a Controlled Parking Zone and restaurant customers, and staff and visitors to the extended offices will be subject to those controls. The impact of the change of use on parking levels is likely to be minimal.

No off-street parking is provided in association with the proposed flat. However, the Council's most recent night time parking survey (Buchanan's 2015) indicates that occupancy of ResPark

bays within a 200 metre radius of the site is 78% and this figure is reduced to 54% when all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, Pay and Display and shared use bays) are included. During the daytime, this figure is 56%. On this basis, it is considered that any additional parking demand associated with the proposed residential use can be absorbed into the surrounding street network. Therefore the development is consistent with TRANS23.

Cycle Parking

Three cycle spaces would be provided in association with the retail (Class A1) / restaurant (Class A3) use. Twelve cycle parking spaces are shown for the proposed offices, This complies with London Plan requirements and it is recommended is secured by condition.

Proposals to provide additional on-street cycle parking for restaurant customers, which are not considered necessary and may not be acceptable in highways terms, have been omitted from the scheme.

The London Plan requires 1 cycle parking to be provided in association with a 1 bed residential dwelling. While a residential cycle space is shown, this is located within the office cycle storage area, which is undesirable. The Highways Planning Manager has requested the submission of revised plans showing independent cycle parking for the flat. This would be secured by condition.

Servicing

Policies TRANS20 and S42 require convenient access to all premises for servicing vehicles with this facility accommodated on-site and off-street. Given the site constraints, there is no opportunity to provide off-street servicing but there are double yellow lines outside the site that allow loading and unloading to occur.

The proposed retail and restaurant uses can generate similar levels of servicing but the servicing requirements of a non-food retail use are likely to be less. However, the existing retail use is lawful, and unrestricted. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the property in a similar fashion to nearby properties. No information has been submitted regarding servicing (number of associated trips, vehicles used or how servicing will be carried out) in association with the restaurant use. A condition is therefore recommended requiring the submission of a Servicing Management Plan (SMP). This should outline how servicing will occur on a day to day basis for the restaurant unit and should identify storage locations, staffing arrangements, scheduling of deliveries, and likely delivery vehicle size and should ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction or a danger to highway users.

It is not considered that the extension of the lawful office use would have a significant impact on associated servicing demand.

Vault

TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 0.9m and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway. The floor level of the

vault is being lowered, which would retain the existing vertical depth between the ceiling and the highway. There is no proposed extension beneath the highway increasing over the maximum extent that already exists. Consequently, there is no objection to the basement alterations.

Subject to appropriate conditions, the application is considered acceptable in highways/parking terms.

8.5 ECONOMIC CONSIDERATIONS

Any economic benefits generated by the proposals are welcomed.

8.6 ACCESS

Access to the upper floors of the building would be via the existing entrance and stair and would remain unchanged. The existing internal lift would be replacement and extended to basement level for the commercial and residential uses and will provide access to commuter facilities, the plant room and cycle stores/shower room.

Due to the height of the existing former recital hall at ground floor level (the building was once occupied by the Royal College of Music) this creates a stepped form between the existing building and the rear extension. Consequently, whilst all floors will have level access, some parts of the proposed rear extension will not be directly accessible via the lift.

The retail/restaurant unit will be accessed via a newly formed entrance door to Great Marlborough Street. As at present, due to the relationship between the building and the pavement, it is not possible to provide level access. However, the applicants have confirmed that a temporary ramp will be provided, as necessary.

Vertical access within the unit will be completed as part of the tenant's fit-out. A secondary means of escape is provided from the A1/A3 unit via an escape door through the communal stairwell.

8.7 OTHER UDP/WESTMINSTER POLICY CONSIDERATIONS

8.7.1 Plant

The application includes plant for the development, set within a sunken plant area at fourth floor level.

The application is supported by an acoustic report which has been assessed by the Council's Environmental Health office. Subject to appropriate conditions, relating to plant noise and vibration, it is considered that the operation of the plant would comply with Council standards in relation to its impact on the neighbouring properties. Subject to conditions relating to plant noise and vibration, the proposals are considered to comply with policy UDP policy ENV 7 and City Plan policy S32.

8.7.2 Dispersal of cooking smells

The restaurant would be routed through the building and would terminate/d within the sunken plant area. A filtration system will also be used to control odour and particulates. The original drawings did not show the terminus of the proposed kitchen extract duct. The Council's

Environmental Health Officer has raised no objection to the kitchen extract proposals providing that the duct terminates at least 1m above roof ridge level of any building within 20m of the application premises.

The revised drawings show that the extract duct terminates below the height of the rear plant enclosure, below the height of the roof to the front of the building (the residential flat and terrace). The duct also terminates below the height of the existing offices at 45 Foubert;s Place (and below the height of the approved office extensions to this building) and below the height of the taller buildings at 45 and 49/50 Great Marlborough Street. However, the Environmental Health Officer has since confirmed that alternative kitchen extract arrangements may be acceptable. This matter remains unresolved at the time of writing this report and it is recommended, with the agreement of the Environmental Health Officer, that a pre-commencement condition is imposed requiring details of the kitchen extract system to be approved prior to the commencement of any works on site. This would ensure that the kitchen extract system satisfies the requirements of the Environmental Health Officer and is also acceptable in design terms. Officers will update the Committee of any developments as part of the Committee presentation.

8.7.3 Refuse /Recycling

The refuse store for the A1/A3 unit and the proposed flat are located in the basement. The refuse stores for the offices are provided on each floor. The Cleansing Officer has confirmed that arrangements for the storage of waste and recyclable materials are acceptable. These would be secured by condition

8.7.4 Biodiversity

The application site is fully developed with no areas of greening. The proposal would introduce a living roof to the proposed rear extension. There is also the opportunity to introduce planters on the office balconies. The provision of a living roof is welcomed and would increase the site's contribution to the biodiversity of the area in accordance with policy s38 of the City Plan. Details of the planting and management of this area would be secured by condition.

8.7.5 Sustainability

City Plan policy S28 requires developments to achieve the highest possible standards of sustainable design and construction.

The greater part of the existing building fabric will be retained, limiting the potential for increased thermal efficiency. However, all new and replacement building fabric, including the rear and roof extensions will comply with the requirements of Part L of the Building Regulations.

In addition, all mechanical and electrical services will be replaced and the scheme will incorporate air source heat pumps, energy efficient heating and lighting systems. The air conditioning equipment, which serves all floors, will comply with the latest energy efficiency standards. Mechanical ventilation for the retail/restaurant space will use a heat recovery system to prevent energy loss. With the exception of the basement and ground floors, all levels will be capable of natural ventilation.

The use of energy efficient glazing will aim to reduce heat loss and other measures including upgrading of the retained building fabric e.g.re-sealing areas around windows will minimise heat loss.

Rainwater will be stored and recycled. Occupants will be encouraged to recycle waste as part of the sustainability strategy.

Given the scale of the development these measures are considered appropriate.

8.8 LONDON PLAN

This application does not raise any strategic issues.

8.9 NATIONAL POLICY/GUIDANCE CONSIDERATIONS

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

8.10 PLANNING OBLIGATIONS

The application does not trigger any planning obligations.

The estimated CIL payment will be confirmed as part of the Committee presentation.

8.11 ENVIRONMENTAL IMPACT ASSESSMENT

Environmental Impact issues have been covered elsewhere in the report.

8.12 OTHER ISSUES

None

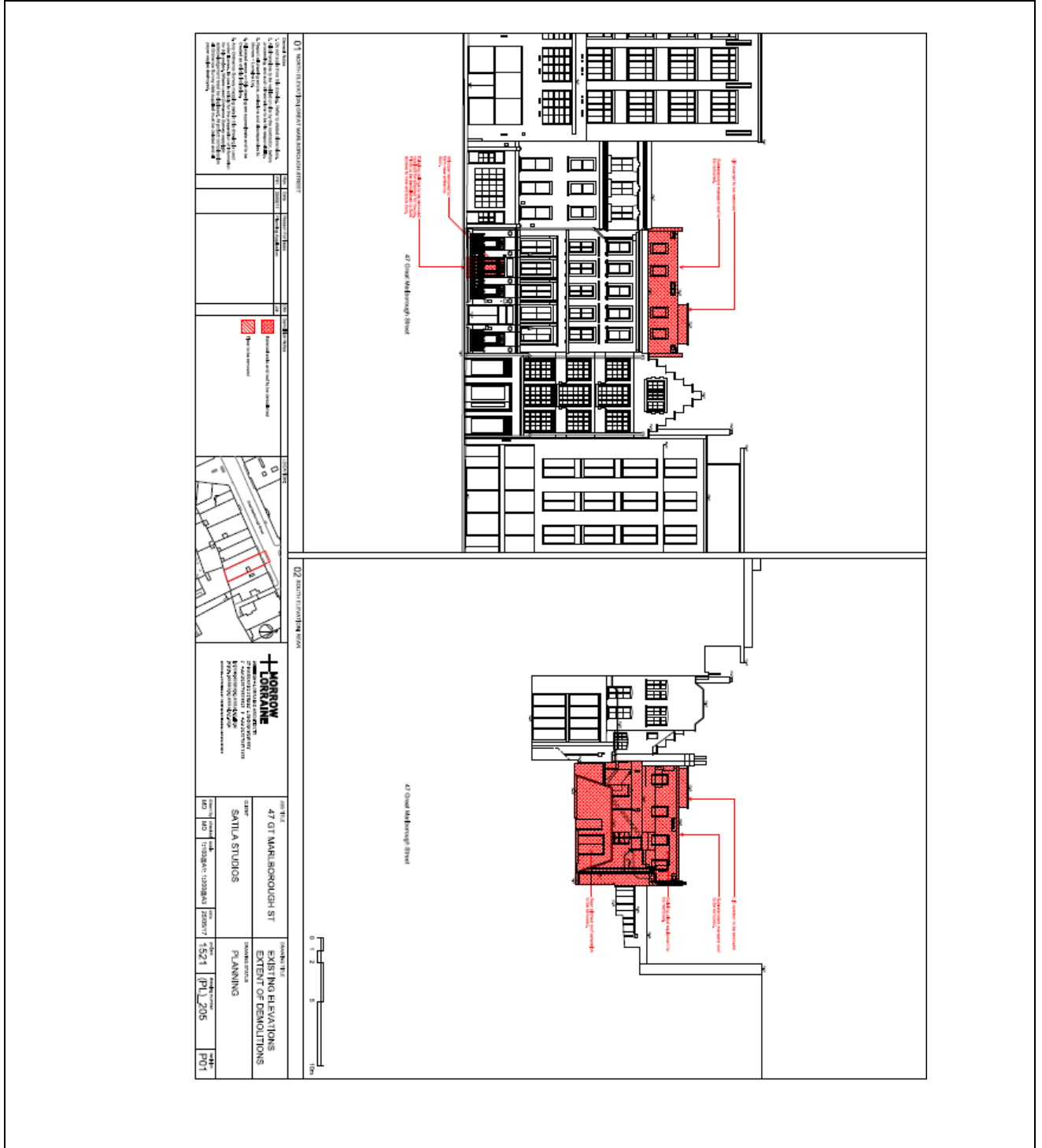
9 BACKGROUND PAPERS

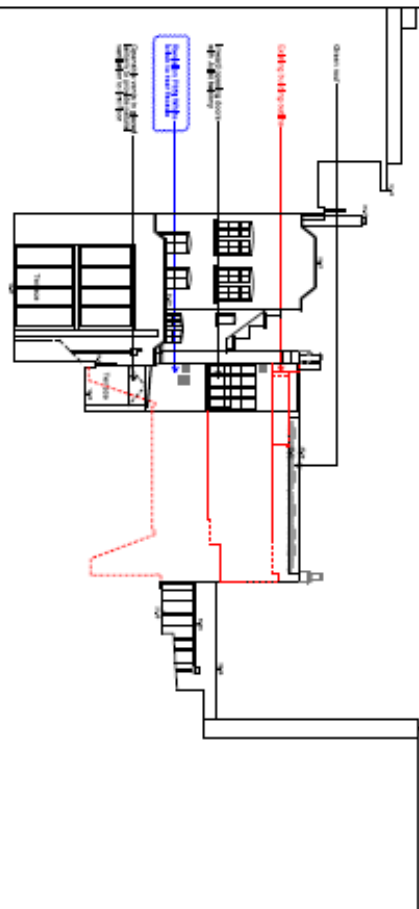
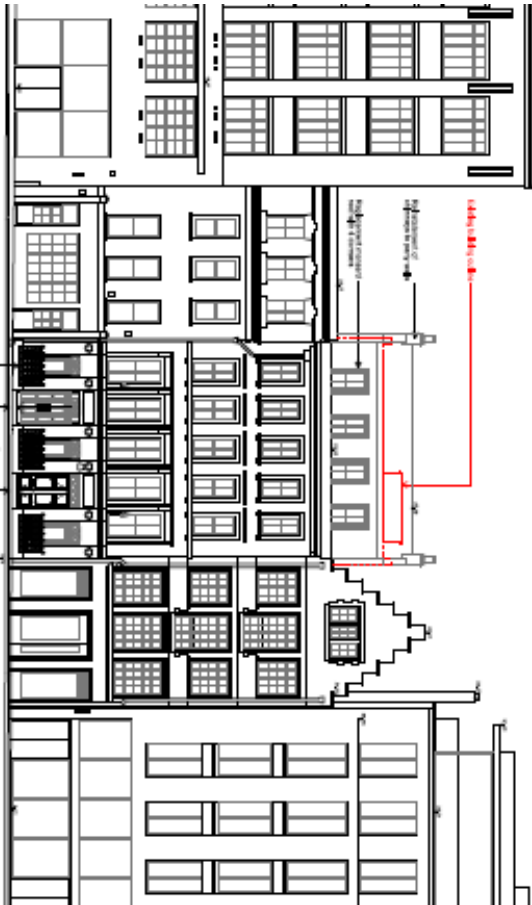
1. Application form
2. Letter from the Soho Society (55 Dean Street) dated 10 August 2017
3. Memoranda from Environmental Health dated 15 August and 16 November 2017
4. Memorandum from Highways Planning Manger dated 9 November 2017
5. Memorandum from Projects Officer (Waste) dated 24 July 2017

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk.

10 KEY DRAWINGS





01 NORTH ELEVATION GREAT WOLFBOROUGH STREET

02 SOUTH ELEVATION GREAT WOLFBOROUGH STREET

Notes:

1. All elevations are shown in black lines on a white background.
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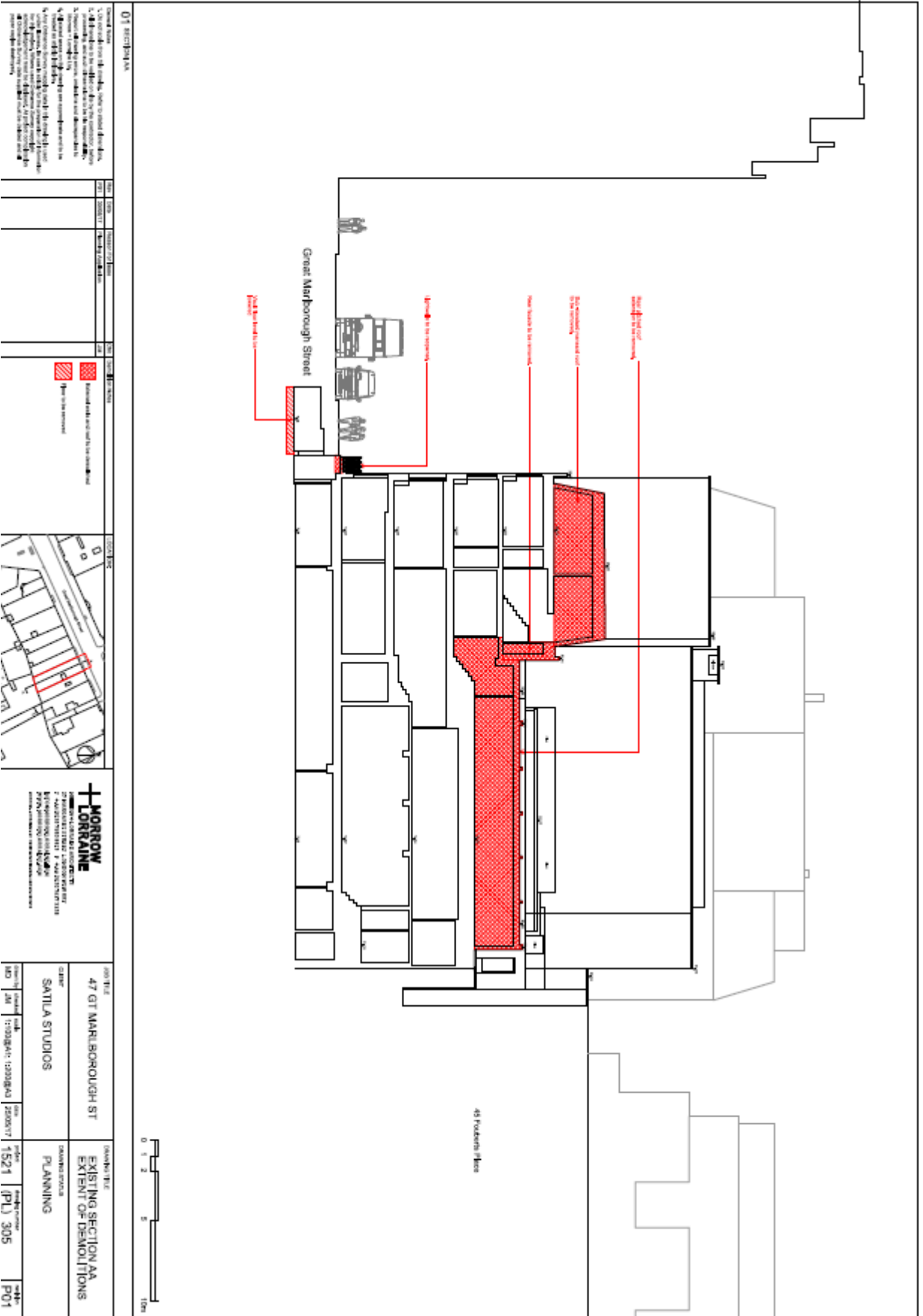
NO.	DATE	DESCRIPTION	BY	CHKD.
01	15/11/23	Issue for approval	SA	SA
02	15/11/23	Issue for approval	SA	SA
03	15/11/23	Issue for approval	SA	SA
04	15/11/23	Issue for approval	SA	SA
05	15/11/23	Issue for approval	SA	SA
06	15/11/23	Issue for approval	SA	SA
07	15/11/23	Issue for approval	SA	SA
08	15/11/23	Issue for approval	SA	SA
09	15/11/23	Issue for approval	SA	SA
10	15/11/23	Issue for approval	SA	SA



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PROJECT NO.	47 GT WOLFBOROUGH ST	PROPOSED ELEVATIONS
CLIENT	SATLA STUDIOS	DRAWING NO.
DATE	15/11/23	SCALE
NO.	1521	PL 210
NO.	1521	POS



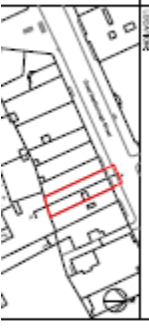


01 sections

General notes:
 1. All work shall be in accordance with the specifications and drawings.
 2. All work shall be done in accordance with the relevant codes of practice.
 3. All work shall be done in accordance with the relevant codes of practice.
 4. All work shall be done in accordance with the relevant codes of practice.
 5. All work shall be done in accordance with the relevant codes of practice.
 6. All work shall be done in accordance with the relevant codes of practice.
 7. All work shall be done in accordance with the relevant codes of practice.
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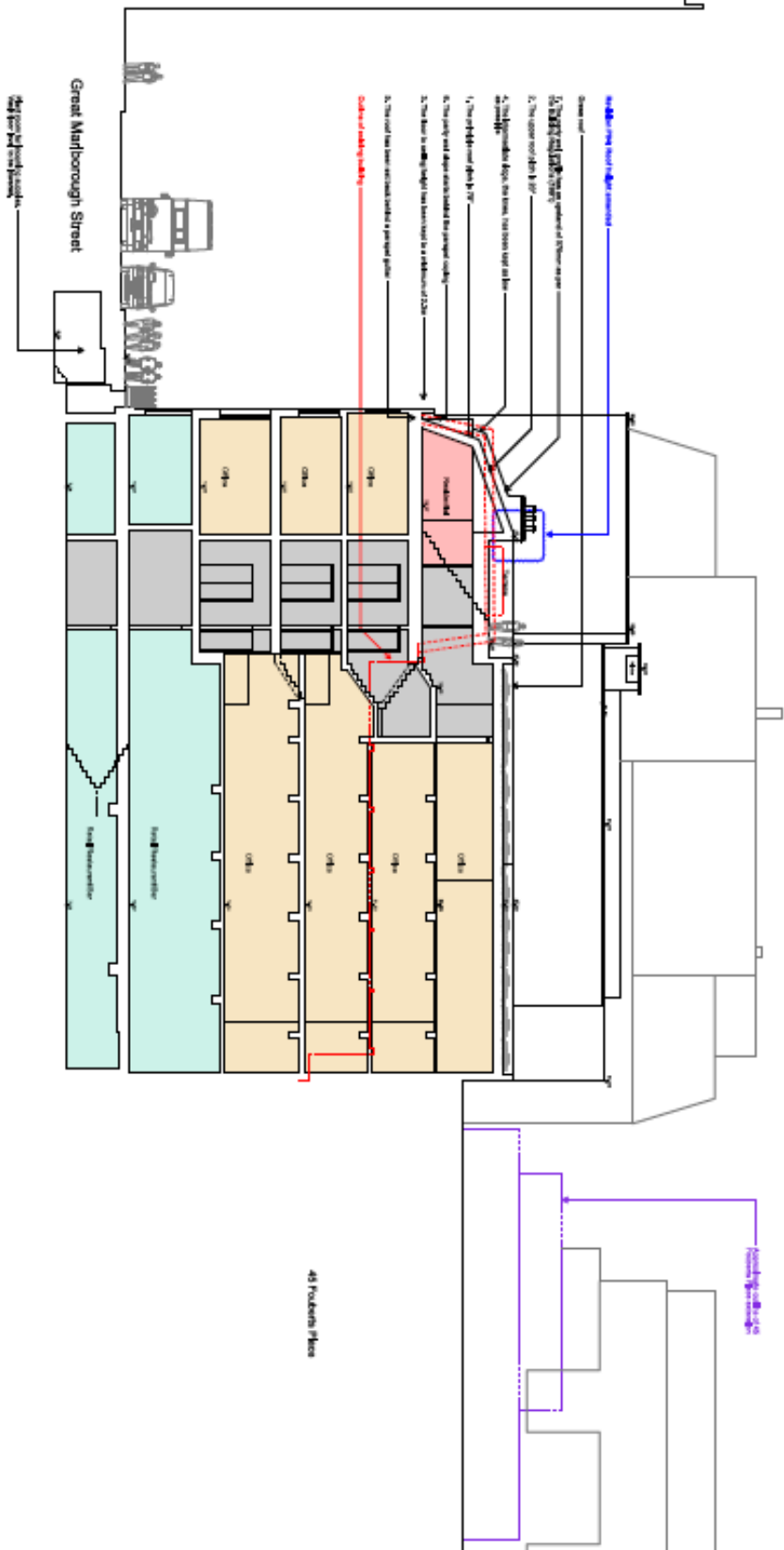
NO.	DESCRIPTION	UNIT	QTY	REMARKS
01	Demolition of floor slab	m ²		
02	Demolition of ground floor slab	m ²		
03	Demolition of floor slab	m ²		
04	Demolition of floor slab	m ²		
05	Demolition of floor slab	m ²		
06	Demolition of floor slab	m ²		
07	Demolition of floor slab	m ²		
08	Demolition of floor slab	m ²		
09	Demolition of floor slab	m ²		
10	Demolition of floor slab	m ²		

NO.	DESCRIPTION	UNIT	QTY	REMARKS
01	Demolition of floor slab	m ²		
02	Demolition of ground floor slab	m ²		
03	Demolition of floor slab	m ²		
04	Demolition of floor slab	m ²		
05	Demolition of floor slab	m ²		
06	Demolition of floor slab	m ²		
07	Demolition of floor slab	m ²		
08	Demolition of floor slab	m ²		
09	Demolition of floor slab	m ²		
10	Demolition of floor slab	m ²		



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49 FT 11 IN		49 FT 11 IN	
47 GT MARLBOROUGH ST		EXISTING SECTION AA	
SANTLA STUDIOS		EXTENT OF DEMOLITIONS	
DRAWING NO.		PLANNING	
NO.	DATE	NO.	DATE
01	15/03/2017	02	15/03/2017
03	15/03/2017	04	15/03/2017
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07	15/03/2017	08	15/03/2017
09	15/03/2017	10	15/03/2017
11	15/03/2017	12	15/03/2017
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95	15/03/2017	96	15/03/2017
97	15/03/2017	98	15/03/2017
99	15/03/2017	100	15/03/2017



01 section aa

Client Name: [Redacted]
 Project Name: [Redacted]
 Date: [Redacted]

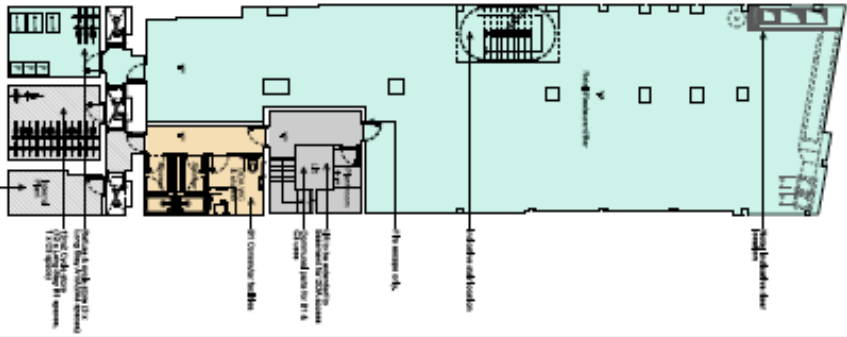
NO.	REV.	DESCRIPTION	DATE
01	01	ISSUED FOR PERMIT	10/20/2023
02	01	ISSUED FOR PERMIT	10/20/2023
03	01	ISSUED FOR PERMIT	10/20/2023
04	01	ISSUED FOR PERMIT	10/20/2023

SECTION AA
 CUT THROUGH THE BUILDING FROM THE MECHANICAL ROOM TO THE STREET.



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 BOSTON, MA 02114
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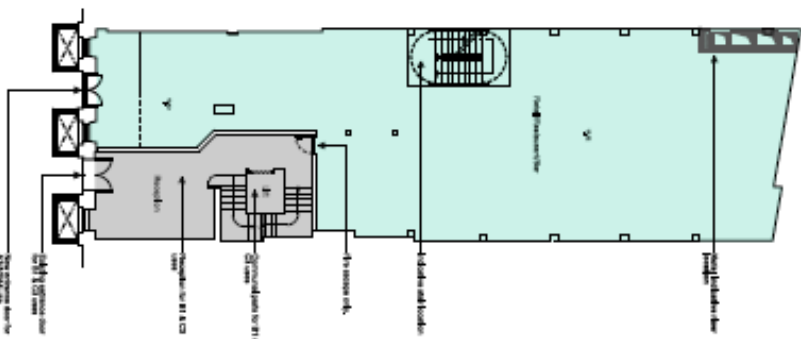
PROJECT NO.	47 GT MARLBOROUGH ST	PROJECT TITLE	PROPOSED SECTION AA
CLIENT	SATIJA STUDIOS	DESIGNED BY	PLANNING
DATE	10/20/2023	PROJECT NO.	1521 (PL) 310
SCALE	1:50	DATE	10/20/2023
PROJECT NO.	1521 (PL) 310	PROJECT TITLE	PROPOSED SECTION AA



01 - PLANTROOM FLOOR

- 1. Not intended for the public, when a sealed structure.
- 2. Not intended for the public, when a sealed structure.
- 3. Not intended for the public, when a sealed structure.
- 4. Not intended for the public, when a sealed structure.
- 5. Not intended for the public, when a sealed structure.
- 6. Not intended for the public, when a sealed structure.
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- 12. Not intended for the public, when a sealed structure.
- 13. Not intended for the public, when a sealed structure.
- 14. Not intended for the public, when a sealed structure.
- 15. Not intended for the public, when a sealed structure.
- 16. Not intended for the public, when a sealed structure.
- 17. Not intended for the public, when a sealed structure.
- 18. Not intended for the public, when a sealed structure.
- 19. Not intended for the public, when a sealed structure.
- 20. Not intended for the public, when a sealed structure.

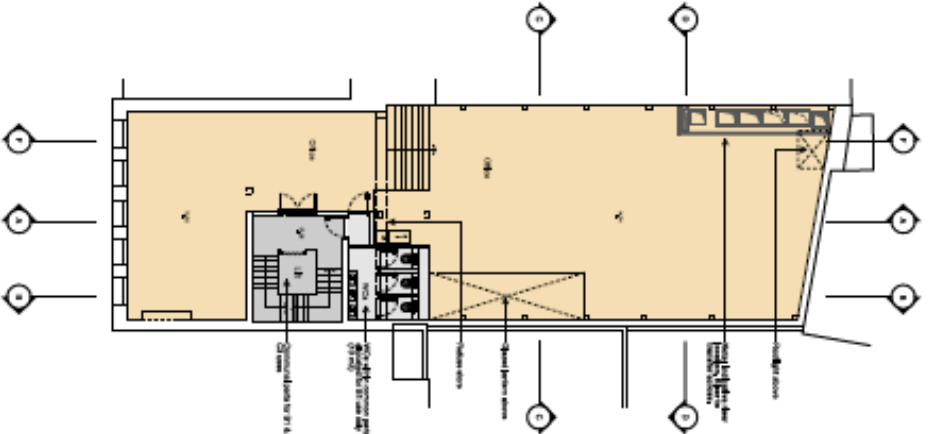
NO.	DATE	REVISION	BY	CHECKED
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02	15/01/2024	Issue for Planning	[Signature]	[Signature]
03	15/01/2024	Issue for Planning	[Signature]	[Signature]



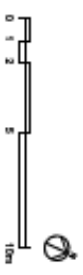
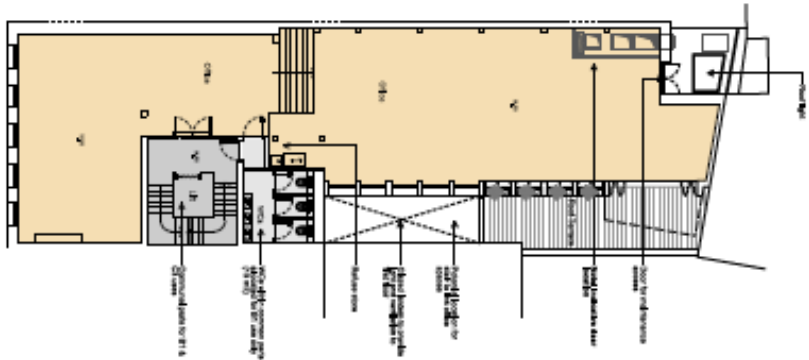
02 - PLANTROOM FLOOR



03 - PLANTROOM FLOOR

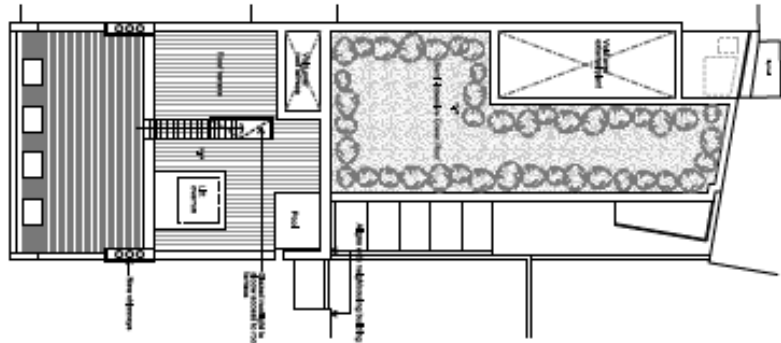
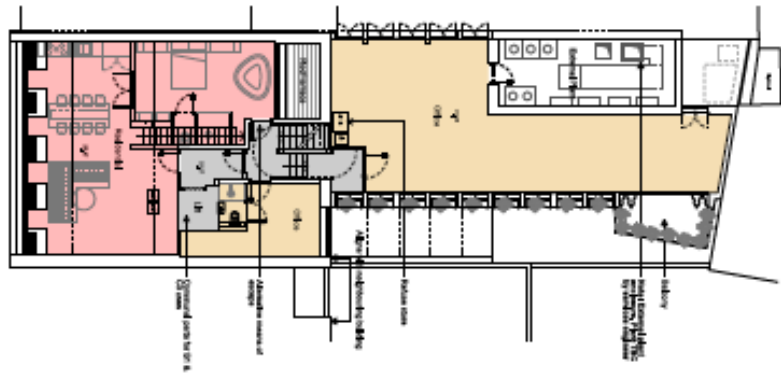
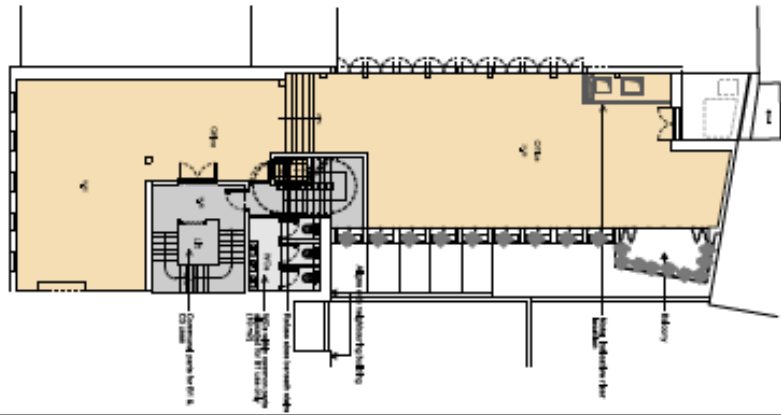


04 - PLANTROOM FLOOR



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PROJECT	47 GT MARLBOROUGH ST	DRAWING TITLE	PROPOSED FLOOR PLANS
CITY	SATTLA STUDIOS	DRAWING NO.	PL110
DATE	15/01/2024	SCALE	1:500
NO.	1521	PLANNING	PG3



01 main floor

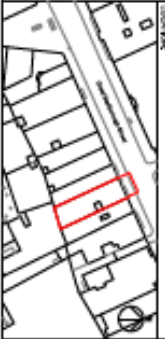
02 main floor

03 main floor

General Notes:

1. Use schedule on all walls, show ground conditions.
2. All existing work to be shown in grey.
3. Proposed work to be shown in yellow.
4. All dimensions are in feet and inches.
5. All dimensions are to the centerline unless otherwise noted.
6. All dimensions are to the centerline unless otherwise noted.
7. All dimensions are to the centerline unless otherwise noted.
8. All dimensions are to the centerline unless otherwise noted.
9. All dimensions are to the centerline unless otherwise noted.
10. All dimensions are to the centerline unless otherwise noted.

NO.	DATE	DESCRIPTION
01	10/15/18	PRELIMINARY PLAN
02	11/15/18	REVISED PLAN
03	12/15/18	REVISED PLAN
04	01/15/19	REVISED PLAN
05	02/15/19	REVISED PLAN
06	03/15/19	REVISED PLAN
07	04/15/19	REVISED PLAN
08	05/15/19	REVISED PLAN
09	06/15/19	REVISED PLAN
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100	01/15/27	REVISED PLAN



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PROJECT NO.	47 GT MARLBOROUGH ST	DATE	12/15/18
CLIENT	SATIJA STUDIOS	PROJECT NO.	1521
DATE	12/15/18	PROJECT NAME	PLANNING
SCALE	AS SHOWN	PROJECT NO.	PL 111
DATE	12/15/18	PROJECT NAME	P03



DRAFT DECISION LETTER

Address: 47 Great Marlborough Street, London, W1F 7JP

Proposal: Demolition of existing 4th floor mansard and rear 2nd floor extension, alterations including the erection of a replacement 4th floor mansard and 2nd to 4th floor rear extension, new entrance in connection with dual alternative use of part basement and part ground floor as a retail shop (Class A1) or restaurant (Class A3), use of the upper floors as offices (Class B1) and a residential flat (Class C3) at 4th floor level.

Reference: 17/05944/FULL

Plan Nos: 1521 (PL)_/101 Rev P01; 205 Rev P01, 206 Rev P01, 207 Rev P01, 305 Rev P01, 306 Rev P01, 307 Rev P01 (demolition)

1521 (PL)_/110 Rev P03, 111 Rev P03; 210 Rev P05, 211 Rev P05, 212 Rev P03; 310 Rev P04, 311 Rev P01, 312 Rev P01, 313 RevP02; 400 Rev P01,401 Rev P03, 402 Rev P03 (proposed)

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s)

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

Reason:

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

2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

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

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

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

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

Reason:

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

3 All new work to the outside of the building must match existing original work in terms of the

choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

4 You must apply to us for approval of samples and specification details 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)

5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

6 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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Living roof

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

Reason:

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

2007. (R43FB)

8 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)

9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

10 You must apply to us for approval of detailed drawing (scale 1:20 and 1:5) of the following parts of the development -

- i, new doors and windows including reveals
- ii, new roof lights
- iii, balconies and railings (including plinths and upstands)
- iv, dormers
- v, front lightwell

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 approved documents. (C26DB)

Reason:

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

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency

auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

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

12 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.

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 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 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.

14 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to 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 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

15 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.

16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14 and 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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.

17 You must apply to us for approval of detailed drawings and specifications of the restaurant ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not start work until we have approved what you have sent us. You must not commence the restaurant use until you have carried out the works according to these approved drawings and specifications. (C26CB)

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 and to protect the environment of people in neighbouring properties. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan (November 2016) and DES 1 and DES 5, paras 10.108 to 10.128 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

18 With the exception of those areas shown as roof terraces on the drawings hereby approved, you must not use the roof areas of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency or for maintenance purposes.

Reason:

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

19 Customers shall not be permitted within the restaurant premises before 07.00 hours or after 24.00 hours (midnight) each day. (C12AD)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

20 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

21 You must not operate a delivery service from the restaurant premises.

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

22 Any bar area within the restaurant must be ancillary to the restaurant use and must be used to serve restaurant customers only, before, during or after their meals. You must only use the rest of the premises as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05FB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

23 You must provide the waste store shown on drawing 1521 (PL) 110 Rev P03 and 111 Rev P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. 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 as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

24 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant 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 is in use. (C05JB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

25 You must apply to us for approval of details of secure cycle storage for the residential 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 2015.

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

Reason:

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

27 All servicing, including waste collections, bottle collections and deliveries and other collections must take place between 07.00 and 21.00 on Monday to Saturday and between 08.00 and 20.00 hours on Sundays and Bank Holidays.

Reason:

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

28 You must apply to us for approval of a servicing management plan to show how restaurant servicing will be carried out. You must not start the restaurant 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 is in use. (C05JB)

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)

29 No waste shall be stored on the highway

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)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which

relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults.

You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

6 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

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 You should contact Andy Foster (0207 641 2541) in Engineering and Transportation Projects to progress the application for works to the highway (supporting structure)

9 You should contact Maxwell Koduah of the City Council's Environmental Health Team (0207 641 7242) to discuss requirements for the kitchen extract system

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