

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 August 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Welbeck Street Car Park, Welbeck Street, London, W1G 0BB,		
Proposal	DEVELOPMENT SITE AT 74-77 WELBECK STREET AND 28-40 MARYLEBONE LANE - Demolition of the existing building and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to ninth floor levels. Use of the building as an hotel with supporting facilities (Class C1) with publicly accessible restaurant/bar and café at part ground floor level, publicly accessible spa and guest business facilities at lower ground floor level, roof terrace, roof level plant and associated works.		
Agent	DP9		
On behalf of	Marylebone Lane LP		
Registered Number	17/01930/FULL	Date amended/ completed	8 May 2017
Date Application Received	3 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

Subject to the views of the Mayor, grant conditional permission

2. SUMMARY

The application involves the NCP car park at the southern end of Welbeck Street and Marylebone Lane. Permission is sought for the demolition of the existing building, and the redevelopment of the site to provide a 10-storey (plus double basement level) hotel, with a publicly accessible restaurant, café, spa and guest business facilities.

The key issues in this case are:

- * The impact of the scheme on the character and appearance of the area
- * The principle of a hotel in this location and the loss of a public car park and redundant storage space
- * The impact of the scheme on the amenity of neighbouring occupiers
- * Servicing arrangements

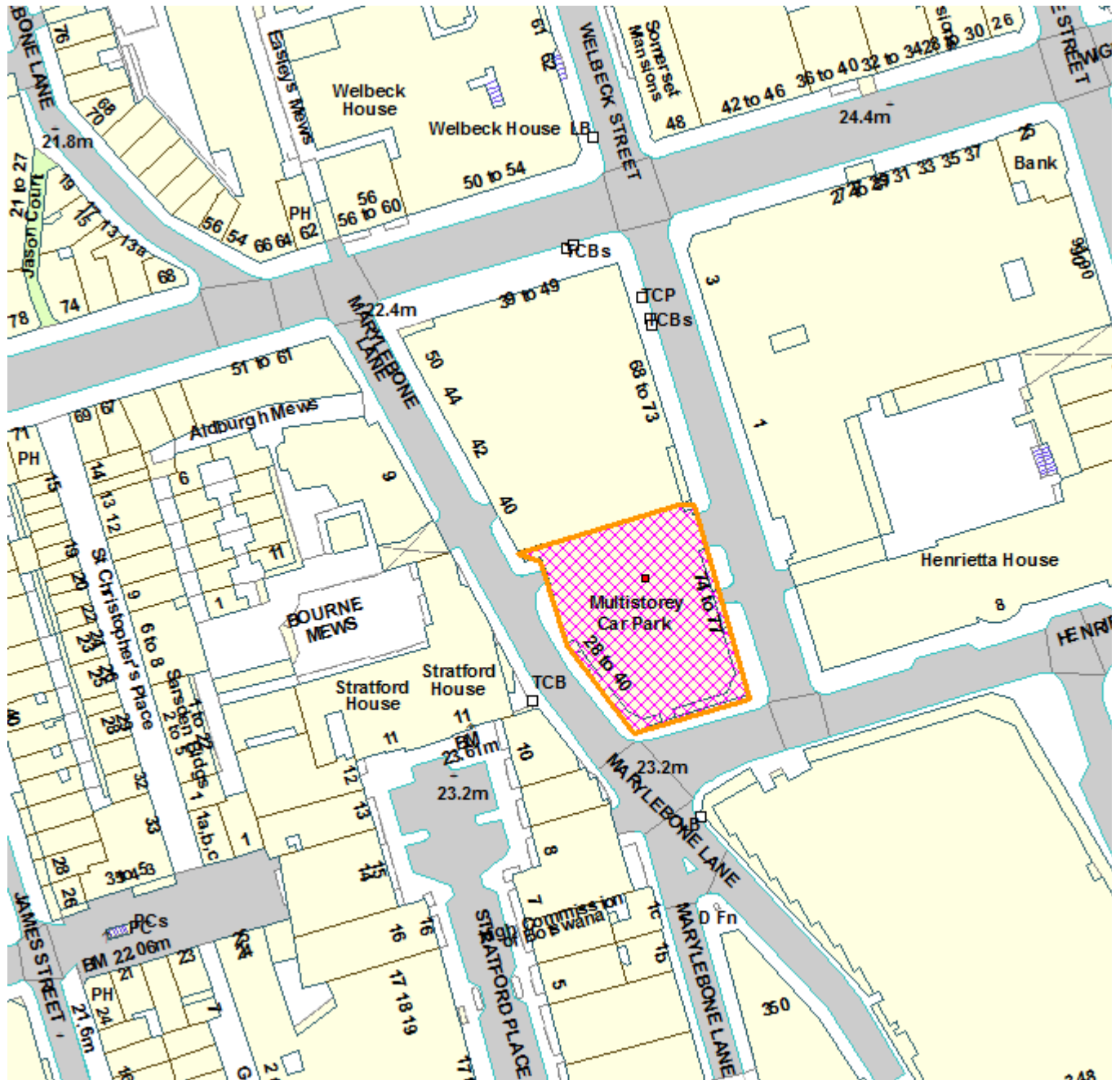
Whilst objections to the demolition of the existing building and to the height and bulk of the proposed

building have been received, the contribution of the existing building to the character and appearance of this part of the city is considered to be neutral and there is no objection in principle to its demolition. The proposed building is of significantly greater height and bulk than the existing car park, however, its massing is similar to the building to its immediate east and with the setting back of the upper floors, in the street level views, the visual impact of these floors is much reduced.

The design of the replacement building is modern, using coloured ceramic cladding in a banded pattern which is considered a bold, eye-catching design, of high quality and it is considered acceptable in this location.

The loss of the existing public car park complies with transport policies and the principle of hotel use is acceptable in land use terms. Subject to appropriate conditions controlling the hotel operation it is considered that the use would be neither harmful to residential amenity nor the character and function of the area. In other respects the scheme is considered to comply with policies set out in the City Plan and in the Unitary Development Plan (UDP).

3. LOCATION PLAN

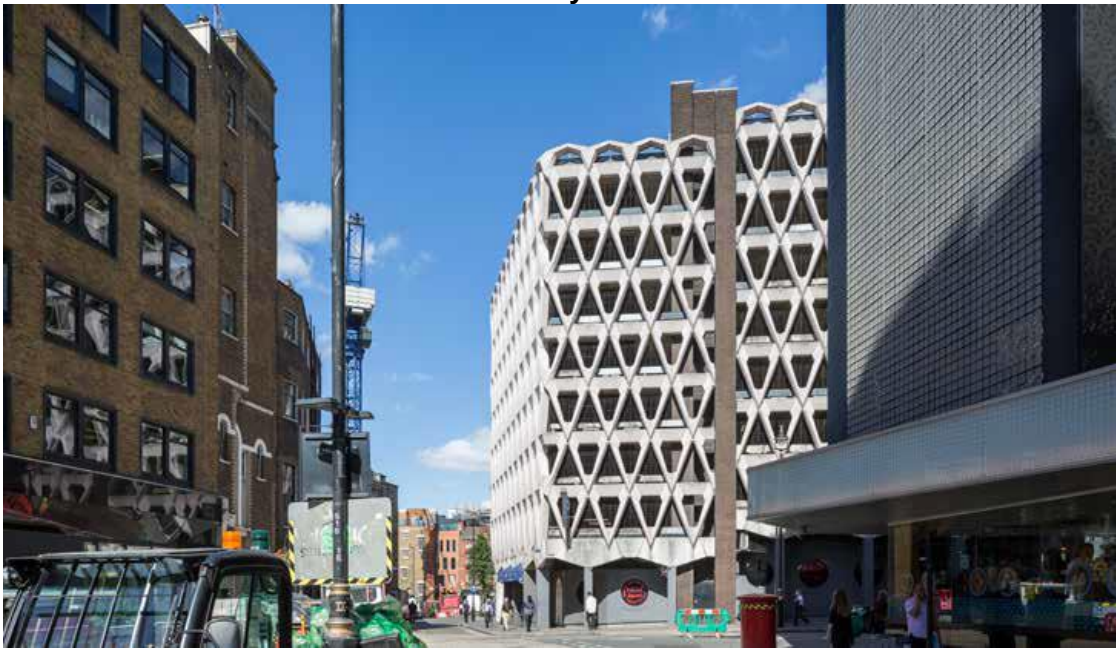


4. PHOTOGRAPHS

View from Henrietta Place



View from Marylebone Lane



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Supports the principle of a hotel redevelopment but considers that further sustainability commitments/clarifications are required, that cycle hire docking capacity should be increased, a taxi rank provided and drop off/pick up coach and loading/unloading arrangements should be clarified and secured.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised subject to an archaeological condition being imposed.

LONDON UNDERGROUND LIMITED

No objections raised.

MARYLEBONE ASSOCIATION

Any comments to be reported verbally

BUILDING CONTROL

No objections raised.

HIGHWAYS PLANNING MANAGER

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

CLEANSING

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 169

Total No. of replies: 3

Three letters of objection received on the following grounds:

Amenity

- * Loss of daylight, sunlight and rights to light to Oriental club residential bedrooms
- * Light pollution and overlooking

Design

- * Height should be no higher than the existing carpark
- * Existing building is unique and should be retained

Highways

- * Servicing strategies rely on as yet undetermined road-use strategies
- * Marylebone Lane is highly congested at peak times and weekends
- * Loss of car parking facilities

Other issues

* Lack of consultation

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located at the southern end of Welbeck Street and Marylebone Lane, at the junction with Henrietta Place. It comprises an NCP Car Park, a restaurant which is currently occupied by Meat Liquor, and a nightclub occupied by SophistiCats. There is also some redundant storage space in the basement which was previously used by Debenhams. This space was linked to 1-2 Welbeck Street by an underground tunnel which has now been severed.

The existing car park provides 359 spaces. It is operated by NCP and takes its vehicular access from Marylebone Lane and Welbeck Street.

The site lies within the Core Central Activities Zone (CAZ) and the surrounding area has a mixture of mainly commercial uses. The buildings to the east of Marylebone Lane and along Henrietta Place and Welbeck Street are office and commercial buildings. Debenhams Department Store lies directly south of the site on Henrietta Place and the Oriental Club is directly opposite the site on the north side of Stratford Place. There are also residential properties near the site, including a new 7-storey residential development at 9 Marylebone Lane.

The site is not located within a Conservation Area but is located within the vicinity of the Stratford Place Conservation Area and the Harley Street Conservation Area. The site is also adjacent to a number of listed buildings, including Stratford House which is Grade I listed, and 2-7 and 8-10 Stratford Place which are Grade II listed.

6.2 Recent Relevant History

28th March 1968 – permission granted for the erection of a ten storey building on the sites of 30-40 Marylebone Lane, 14-15 Henrietta Place and 74-77 Welbeck Street for use as shops and storage in the basement, shops and public car park on the ground floor and a public car park on the upper floors and roof.

25 April 1995 – certificate of lawfulness granted for the existing use of the ground floor lobby and basement as a night club and discotheque with the ancillary sale of food and drinks.

23 October 2009 - certificate of lawfulness granted for use of part ground to eighth floor including the roof as a public car park

5 April 2011- permission granted for the dual/alternative use of the ground floor of 77 Welbeck Street for either continued restaurant (Class A3) use and/or retail (Class A1) use.

7. THE PROPOSAL

The application involves the demolition of the existing car park building and the redevelopment of the site to provide a 10-storey plus two basement level hotel. 206 guest bedrooms are proposed, with a publicly accessible restaurant and cafe at ground floor level and a spa and guest business facilities at lower ground floor level. Shiva Hotels are the intended hotel operator and have submitted an Operational Management Statement (OMS).

A new basement level is proposed to provide an area for plant, and back of house facilities including a canteen, stores, offices and housekeeping accommodation.

The entrance to the hotel is on Welbeck Street and a separate access is proposed on Henrietta Place to the restaurant/bar area. The upper levels contain the hotel bedrooms designed around the central courtyard and club lounge facilities, and a pool for hotel guests and private members are proposed at ninth floor level.

The existing and proposed land uses are summarised below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Public car park	11,344	0	-11,344
Nightclub	406	0	-406
Restaurant/bar	366	344	-22
Storage/retail	745	0	-745
Hotel	0	12,079	+12,079
Total	12,861	12,423	-438

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of public car park

The proposals involve the loss of an existing public car park (360 spaces). UDP policy TRANS 25 states that the council will usually permit the loss of public off-street parking. In determining such proposals, the Council will consider the need to reduce traffic levels and encourage more sustainable modes of transport, the average and peak usage of the car park, the availability of alternative, nearby public car parks; the impact on local on-street parking facilities; the impact on traffic and local residential amenity and any other factors considered relevant.

The applicant has provided evidence which indicates that the peak demand for the car park on weekdays is 75 spaces (21%) and on Saturdays is for 52 spaces (14%). There is availability within car parks within the vicinity of the site (for example Cavendish Square and the Harley Street car park on Queen Anne Mews). On this basis, the loss of the car park is considered acceptable.

The Oriental Club raise objections on the grounds that some of their members travel by car and suffer from mobility problems, but it is not considered that the application could be refused on this basis.

Other transportation and servicing issues are discussed in part 8.4 of this report.

New hotel use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. In addition to providing 206 rooms, the hotel will provide a café and restaurant/bar which would also open to the public. The restaurant/bar and café areas are located on the ground floor with a capacity of up to 100 in the restaurant, 50 in the bar area and 45 in the café.

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

Notwithstanding the recent residential permission at 9 Marylebone Lane, Marylebone Lane and Welbeck Street are still predominantly commercial in character. In these circumstances, the introduction of a new hotel on this site is considered acceptable in principle in land use terms.

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

Operational Details

The intention is that Shiva Hotels would be the hotel operator. The applicant's stated aim is to create a 5 star hotel with a very high standard of internal design and décor. The hotel will comprise 206 bedrooms with a restaurant/bar and café occupying a large part of the ground floor.

The hotel would be open to guests 24 hours a day seven days a week. It is proposed that the café would be open to non-residents from 07:00 to 19:00 daily, the restaurant from 06.30 to 23.00 and the bar would be open until midnight.

New restaurant, bar and café use

Although the restaurant/bar and café would be an integral part of the hotel and under the same management, as is typical of a hotel of the nature proposed, these areas would be open to non-residents. Although these areas would not be operated as stand-alone facilities and would be ancillary to the primary hotel use (Class C1), the impact of these uses needs to be assessed against the City Council's entertainment policies.

In this instance, the site already contains an existing restaurant and nightclub and overall there would be a net loss of entertainment space compared to the lawful uses. UDP Policy TACE 9 states that within the CAZ permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that there is no

adverse effect on residential amenity or local environmental quality, and no adverse effect on the character or function of the area. In reaching decisions, the City Council will have particular regard to factors including the number of people on the premises, the opening hours, servicing and arrangements to safeguard amenity (such as means of extraction/ventilation etc). Policy S24 is similarly worded.

Given that the proposal involves the replacement of an existing restaurant from within the same site it is not considered that the proposed restaurant/bar use would have an adverse effect on the character or function of the area.

In terms of the impact of the use on residential amenity, despite the location of the restaurant within relatively close proximity to residential properties on the upper floors of the recent development at 9 Marylebone Lane no objections have been received to the introduction of the new restaurant/bar use. Given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that these areas are properly managed. Furthermore, the restaurant is intended as a sit-down facility with waiter service and no take away facilities, and the total capacity of all entertainment areas would be restricted to 195 (with the restaurant having 100 covers, the bar 50 covers and the café 45 covers).

The application is accompanied by an Operational Management Statement (OMS) that sets out the hours non-resident guests can use the restaurant and bar areas, a restriction on capacity of the front-of-house areas, the provision of door staff and 24 hour security, and the inclusion of a structure for liaison with local residents.

Loss of storage floorspace

The proposals also involve the loss of 745sqm of storage space which has historically been used by Debenhams as a satellite storage area for their retail goods. As such this space has been used as ancillary Class A1 retail space. However, the only means of access to this space is via an underground tunnel that linked the application site to 1-2 Welbeck Street on the opposite side of the street. This underground link has now been severed.

UDP SS5 states that A1 uses at ground, basement or first floor level in the CAZ will be protected. City Plan policy S21 seeks to protect existing retail uses throughout Westminster, except where it can be demonstrated that the unit is unviable through long term vacancy, despite attempts to let. Whilst the proposals would result in the loss of 745sqm of Class A1 retail floorspace, this space has never been used for active retail purposes, it is located entirely at basement floor and has no ground floor presence, and now that the underground link to this site and the main Debenhams store on Oxford Street has been severed, it is an entirely isolated space. Debenhams have been notified of the application and have not commented on the application.

The text to Policy SS5 also states that 'changes of use above, below or adjoining an A1 use should not jeopardise the long-term A1 use of a ground floor shop by, for example, diminishing essential ancillary storage/office space, or by reducing the size of a shop unit. Any of these will make it difficult to retain an A1 use in the ground floor unit.' In this regard, it is not considered that the loss of this space would have any material harm on local shopping character and function.

8.2 Townscape and Design

The Welbeck Street multi-storey car park was built between 1968 and 1970, designed by Michael Blampied and Partners. The striking, sculptural facade comprises interlocking precast panels which are supported on a system of precast concrete frames and columns at ground level. In 2015 the building was assessed by English Heritage (now Historic England), and it was concluded that the building did not meet their criteria for listing. It is not of special architectural and historic interest.

The building is not in a conservation area, but is to the east of the Stratford Place Conservation Area. Its contribution to the character and appearance of this part of the city is considered to be neutral and therefore it is not considered to be a heritage (designated or undesignated) asset. Objections to the loss of the building have been received, however, given its non-conservation area location, its demolition does not require planning permission. Its replacement with a new building which contributes positively to the area is acceptable in principle.

Plan form

The building follows the historic building lines, with active ground floor frontages, with glazed shopfronts, on all three facades; a hotel/café on Marylebone Lane, restaurant/bar on Henrietta Place and hotel reception on Welbeck Street. These frontages are a significant improvement on the existing building (which has rather dead street frontages), as they will bring life and activity to this part of the city, Marylebone Lane in particular. On Henrietta Place it is proposed to realign the pavement to create more space for pedestrians. This all amounts to a significant benefit in urban design terms.

Height and bulk

The proposed building is of significantly greater height and bulk than the existing car park and objections have been received on these grounds. It is 10 storeys above street level, with the top two floors set back from the parapet and a large pitched roof enclosing the plant space. The massing is similar to that of the building to the east on the opposite corner of Welbeck Street and Henrietta Place.

The setting back of the upper floors means that, in the street level views, the visual impact of these floors is much reduced. In views along Henrietta Place and from Oxford Street the massing appears acceptable. It is only in a limited number of views from the north (Marylebone Lane and Welbeck Street) that its greater height, in relationship to adjacent buildings to the north, is more apparent. However, it appears acceptable in the context of the taller buildings in Henrietta Place and at the southern end of Marylebone Lane. The top of the building is visible in some views from Stratford Place, within the Stratford Place Conservation Area, (above the roof of no. 10 Stratford Place) but this visual impact is limited and not harmful to the setting of the adjacent listed buildings or the conservation area.

Design

The design of the hotel building is modern, using coloured ceramic cladding in a banded pattern. The facade has strong verticals, in the form of triangular piers, and counterbalancing horizontals, and is capped by a projecting cornice. The set-back upper floors are more glazed and framed in metal. The pitched roof is to be clad in glazed ceramics. This is a bold, eye-catching design, of high quality and it is considered

acceptable in this location. The facade detailing and materials should be reserved matters if planning permission is to be granted.

It is concluded that this is a high quality building which will contribute positively to, and preserve and enhance, the character and appearance of the area. There is no harm to heritage assets. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4 and DES 10.

8.3 Residential Amenity

The closest affected residential properties are within the recently completed development site at 9 Marylebone Lane to the north west of the site. There are also residential flats on the upper floors of 50 Marylebone Lane to the immediate north of the site and flats within 3 Welbeck Street to the north east of the site.

A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties. None of the adjacent or adjoining residential occupiers have raised objections on sunlight/daylight grounds but the occupier of the Oriental Club on Stratford Place has objected on the grounds that the proposals would impact on loss of light to bedrooms used by Club members. An additional sunlight/daylight report has also been provided which assesses the impact of the proposals on the Oriental Club.

Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable. The BRE guidelines seek mainly to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as a habitable room), whilst bedrooms are protected to a lesser extent.

The sunlight/daylight assessment submitted with the application demonstrates that only one window within the recently completed 9 Marylebone Lane would be adversely affected by more than the 20% recommended in the BRE guidelines. This is a living/kitchen/dining room window that would experience a 46% loss in VSC contrary to BRE guidance. However, this window is within a room served by five other windows none of which would be adversely affected by the proposals. In addition, this one window has a low (less than 1% absolute) existing VSC value where any change translates to a technical breach of BRE guidelines.

All other surrounding residential windows are too far away to be affected by the proposed development.

Sunlight

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected – with kitchens and bedrooms less so.

Three windows within 9 Marylebone Lane would experience losses in breach of the BRE guidelines. Two of the windows are within a living/kitchen/dining room where there are four other windows which are unaffected by the proposals. The other window is also within a living/kitchen/dining room also served by five other windows none of which would be adversely affected by the proposals.

Impact on the Oriental Club

The Oriental Club on Stratford Place is a private members' club which provides dining and lounge/bar facilities and 40 members' bedrooms. The Club have raised strong objections on sunlight/daylight grounds arguing that the Club operates in a similar manner to an hotel, offering short to medium let residential accommodation with many of the Club's Members using the club bedrooms, especially during the summer, as a temporary home. The Club argues that these residents enjoy a certain quality of daylight and sunlight, particularly due to the unique lattice construction of the existing car park, and that these levels will be lost as a result of the proposed redevelopment of the site.

The applicant has submitted an additional sunlight/daylight report that assesses the impact of the proposal on the Oriental Club windows that overlook the site. There are 22 bedrooms within the club which are single aspect rooms with windows overlooking the application site. Of these 22 windows, 11 windows would experience VSC losses of over 20% with these losses varying between 20.91% and 29%. Under the terms of the BRE guidance such losses would be considered to materially impact on the standard of natural light. However, this is largely due to the windows having a relatively poor existing VSC figure, which disproportionately affects the results.

The BRE Guidelines state that "the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices". The BRE also notes that bedrooms are afforded less protection than rooms such as living rooms. Given the City Council's policy for protecting daylight and sunlight is primarily aimed at protecting the living standards of residents, the fact that the use of these affected rooms is for bedroom accommodation, it is considered that in this urban built up location, the levels of daylighting and sunlighting retained are acceptable and the impact is not considered to justify refusal.

The Club also argues that Rights to Light have not been considered, however, this is purely a private matter.

Sense of Enclosure

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

The building would be approximately two storeys higher than the existing car park and would be directly opposite the south facing windows within 50 Marylebone Lane and within close proximity to 9 Marylebone Lane. However, the additional massing proposed would be some 30m from the windows in 50 Marylebone Lane and future residents in 9 Marylebone Lane would only have an oblique view of the proposed development. Given the distances involved it is not considered that the impact on sense of enclosure would be so significant as to warrant refusal.

Privacy

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking.

The Oriental Club have also raised concerns on the grounds of loss of privacy and overlooking from proposed bedrooms in the hotel to existing club bedrooms. Whilst the proposed scheme introduces a number of windows facing the Oriental Club, the existing windows in the club are a street widths distant from the new building and given that this is not an unusual distance in terms of window to window proximity in Central London it is not considered that the proposal would result in such a harmful impact on increased overlooking to warrant refusal.

Other Issues

Concerns have also been raised by the Oriental Club regarding light pollution. To address the concerns raised the applicant has confirmed that all bedrooms will be provided with internal blinds.

8.4 Transportation/Parking

A Transport Statement produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. Trip generation modelling concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

In addition, the number of vehicle trips generated by the proposed development is considered to be lower than the level of trips generated by the existing car park.

Site servicing

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

The applicant estimates that the proposed development will be serviced on average by 6 service vehicles daily. All servicing is proposed on-street on Marylebone Lane adjacent

to the goods-in entrance. The submitted draft Servicing Management Plan (SMP) demonstrates how servicing will be managed with all deliveries pre-booked outside of peak periods where possible, and scheduled to avoid conflict with waste / recycling collections. Whilst the Oriental Club believe that servicing would be problematic, the Highways Planning Manager has confirmed that the SMP has demonstrated that there is capacity on the surrounding street to deal with on-street servicing. As the SMP is currently in draft form, a revised SMP will be secured by condition.

Taxi's, coaches and minibuses picking up/dropping off at the site will stop on Welbeck Street outside the main entrance to the hotel. As Welbeck Street is one-way coaches and taxi's are able to stop without blocking through traffic. The SMP sets out how hotel arrivals and departures will be managed, and with this in place, and with a condition requiring the return of the existing footway crossovers to footpaths, the Highways Planning Manager considers the proposals acceptable in highway terms.

Public realm

The applicant has indicated that they wish to investigate potential public realm improvements to widen the footway on the northern side of Henrietta Place, adjacent to the hotel restaurant and bar entrance. At present, there are two existing pay at phone parking bays located along the existing northern kerb line outside the site on Henrietta Place which would need to be relocated for these public realm works to take place. However, these proposals will need to be considered in line with any proposals that might emerge for Oxford Street and will be subject to further work, consultation and a decision by the relevant Cabinet Member, rather than this Committee.

Cycle parking

15 long-stay cycle parking spaces are to be provided for staff at basement level in accordance with London Plan standards. The applicant has indicated that 22 short-stay cycle spaces (11 Sheffield stands) are to be provided in the indicative new public realm to the immediate south of the site. However, as there is no certainty at this stage that the public realm scheme will progress, the short term cycle parking should be accommodated within the development. This will be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The design of the building provides inclusive step free accessible entrances to hotel reception and restaurant designed to meet Part M of the Building Regulations. In addition, ten percent of guest rooms will be designed to meet the needs of a wheelchair user and all floors are accessible by lift from the main circulation core

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement and roof level, and also at eighth floor level to serve the pool at ninth floor. The application is supported by an acoustic report. The Environmental Health officer has assessed the submitted acoustic report and raises no objection to the

proposals subject to conditions relating to plant noise and vibration. However, as the plant scheme design is at an early stage, the applicant will need to provide a supplementary acoustic report to demonstrate that the selected equipment will operate in accordance with the standard noise condition. Subject to these conditions, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

The restaurant is served by a full height extract duct which is to be routed internally (from basement level) and extract at roof level. This will be secured by condition.

Refuse /Recycling

Dedicated waste storage areas are proposed at basement level which provides adequate facilities for waste and recycling facilities for the hotel. These facilities will be secured through condition.

Sustainability and Biodiversity

The application is supported by an Energy and Sustainability Report. This assesses the proposals' compliance with policies and principles for sustainable development and energy efficiency. Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO₂ emissions over the baseline emissions to be achieved by the development.

The Energy and Sustainability report sets out passive design measures (thermal insulation, high specification glazing and enhanced air tightness to reduce heat losses) and the use of energy efficient building services (energy efficient mechanical ventilation with heat recovery, energy efficient heating, cooling, lighting and water systems) to improve the building's performance and to reduce CO₂ emissions. In addition, the applicant proposes to include a Combined Heat and Power (CHP) unit, along with photovoltaic panels on the main roof. This results in total cumulative CO₂ savings of 35.5%, set against the 35% target of policy.

A Sustainable Surface Water Report has been submitted which confirms that Sustainable Drainage Systems (SuDS) in the form of a green roof and attenuation storage tanks will be provided. This accords with London Plan Policy 5.13 'Sustainable drainage' and will be secured by condition.

It is anticipated that the development would achieve a level of sustainability equivalent to BREEAM Excellent.

Air Quality

The development is located in an area of poor air quality. City Plan policy S31 requires developments to minimise emissions of air pollution from both static and traffic-generated sources, and requires developments that are more vulnerable to air pollution to minimise the impact of poor air quality on future occupants through the building design and use of appropriate technology.

The submitted air quality assessment acknowledges that mitigation measures will be required to address the impact of construction works and the performance of the completed development. The Environmental Health Officer has assessed the submitted report and raises no objections. Measures to control dust pollution generated during construction works would be covered under the COCP.

London Plan

The London Plan contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2031, to improve the quality, variety and distribution of visitor accommodation and facilities (Policy 4.5). The need to accommodate a wide range of provision is highlighted. The proposed 206 hotel bedrooms will help meet London Plan targets.

The proposal to redevelop this site is referable to the Mayor under Category 1C of the Mayor of London Order 2008 because the building is over 30m high. The Mayor considers that the application is broadly acceptable in strategic planning terms, however, requests further information/clarification on the following points:

- Provision of a recruitment and training strategy to be secured by legal agreement. (Whilst City Plan policy S19 requires new development to contribute towards initiatives that provide employment, training and skills development for local residents this only applies to very major redevelopment schemes and there is no policy basis to secure a recruitment and training strategy in this instance.)
- Further commitments and/or clarifications are required relating to BRUKL files, future proofing, communal networks and centralised energy centre, CHP details and cooling demand. (The applicant has submitted additional information to the Mayor to address these points)
- Cycle hire docking capacity should be increased and a £75,000 contribution towards this should be secured. (The applicant argues that any visitors to the hotel using the cycle hire scheme are most likely to hire bicycles off-peak and a review of the docking stations on Marylebone Lane and Chapel Place suggests that over 40 bikes can be available at these docking stations during the day. The applicants do not consider that a financial contribution is necessary given the level of cycle parking provision in the area and officers concur with this view.)
- Blue badge parking and a taxi rank should be provided and drop off/pick up, coach loading/unloading arrangements should be clarified and secured. (There are a number of on-street parking bays located around the site, included those dedicated to blue/white badge holders and as vehicles are able to drop off or pick up guests directly outside of the main hotel entrance on Welbeck Street without blocking through traffic it is not considered that a taxi rank is necessary. The SMP sets out how coach loading/unloading will be managed and this will be secured by condition).
- Legible London signage should be updated and secured by condition. (However, the proposed development is a redevelopment on an existing, well-established street and will not lead to any change in the hierarchy of spaces and street in the immediate area or

to the legibility of pedestrian routes. In this regard, it is not considered that such a condition is necessary).

- Cycle parking should be secured by condition and showers should be provided for all staff who cycle. (The applicant confirms that showers will be provided within the staff changing area at basement level. Cycle parking is also secured by condition).
- The final servicing and delivery plan and construction management plan should be secured by condition. (The SMP and CoCP are secured by condition).
- A full hotel travel plan should be secured by S106 agreement. (Given the immediate proximity of this site to Bond Street tube and the new Crossrail station, the Council's Highways Planning Manager does not consider this requirement to be justified.)

At this stage the scheme is considered to comply with relevant policy.

8.8 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.

8.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

As there is a net loss of gross floorspace on this site it is not considered at this stage that the application is CIL liable.

8.10 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.11 Other Issues

Basement

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

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, the excavation of one basement level complies with this section of the policy.

The applicant has also provided a Basement Impact Assessment explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. Any report by a member of the relevant professional institution

carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advise that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

The proposals constitute a level 2 type development requiring the applicant to sign up to the Council's Code of Construction Practice. This will be secured by condition.

Archaeology

The site is within the Tyburn Settlement Special Archaeological Priority Area (APA). English Heritage Archaeology has been consulted who have raised no objection to the proposals subject to the imposition of a condition requiring a written scheme of investigation prior to any demolition works taking place.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Greater London Authority dated 26 June 2017
3. Response from London Underground Limited, dated 31 May 2017
4. Response from Historic England (Archaeology), dated 19 June 2017
5. Response from Building Control dated 22 May 2017
6. Response from Cleansing dated 28 June 2017
7. Memorandum from Highways Planning Manager dated 17 July 2017
8. Memorandum from Environmental Health dated 27 July 2017
9. Letter from occupier of 7 Aldburgh Mews, Marylebone Lane, dated 22 May 2017
10. Letter from occupier of Oriental Club, Stratford House, dated 5 June 2017
11. Letter from occupier of 98 Hawthorn Way, Lindford, Bordon dated 15 July 2017

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

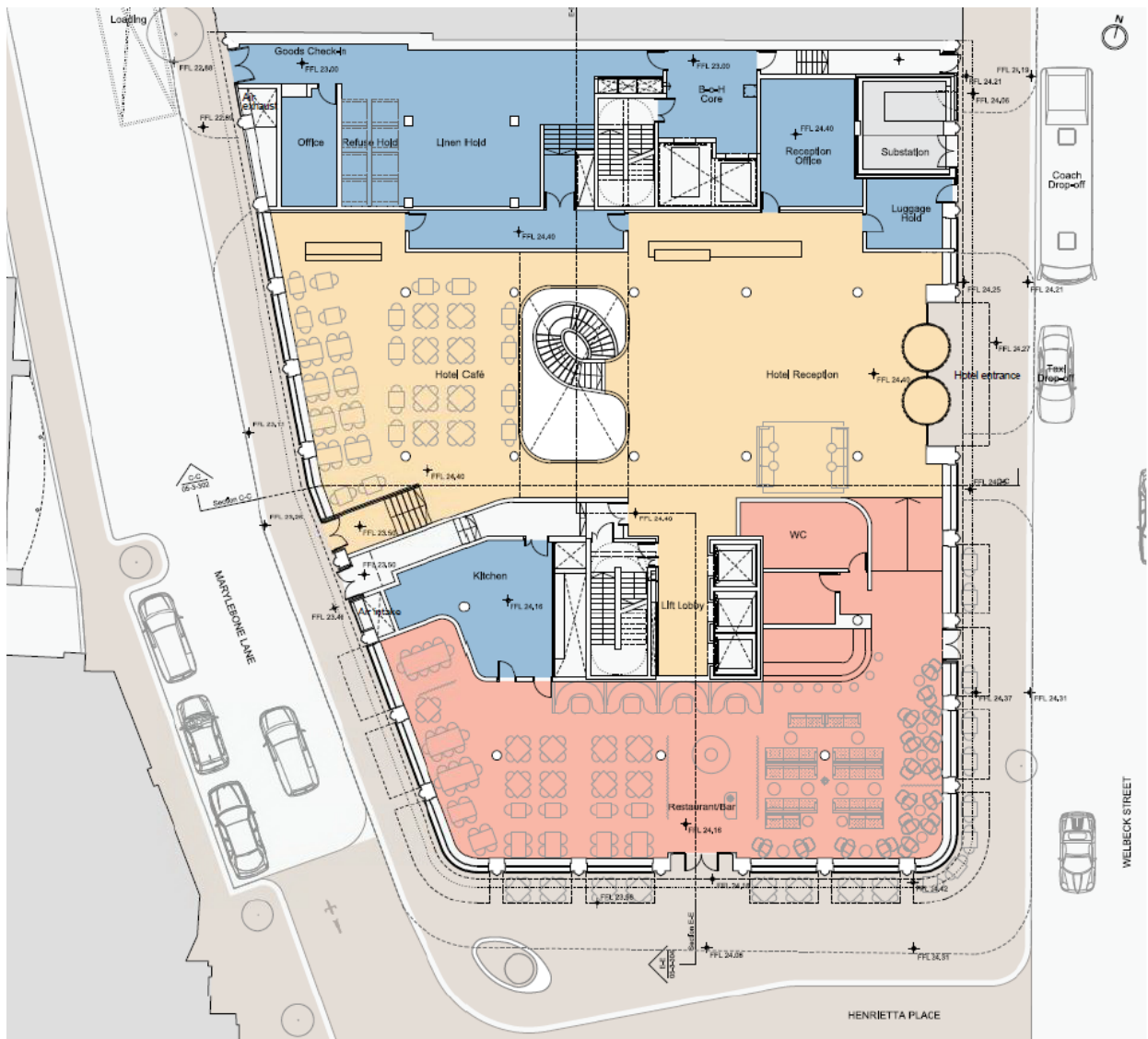
Item No.

3

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT JPALME@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

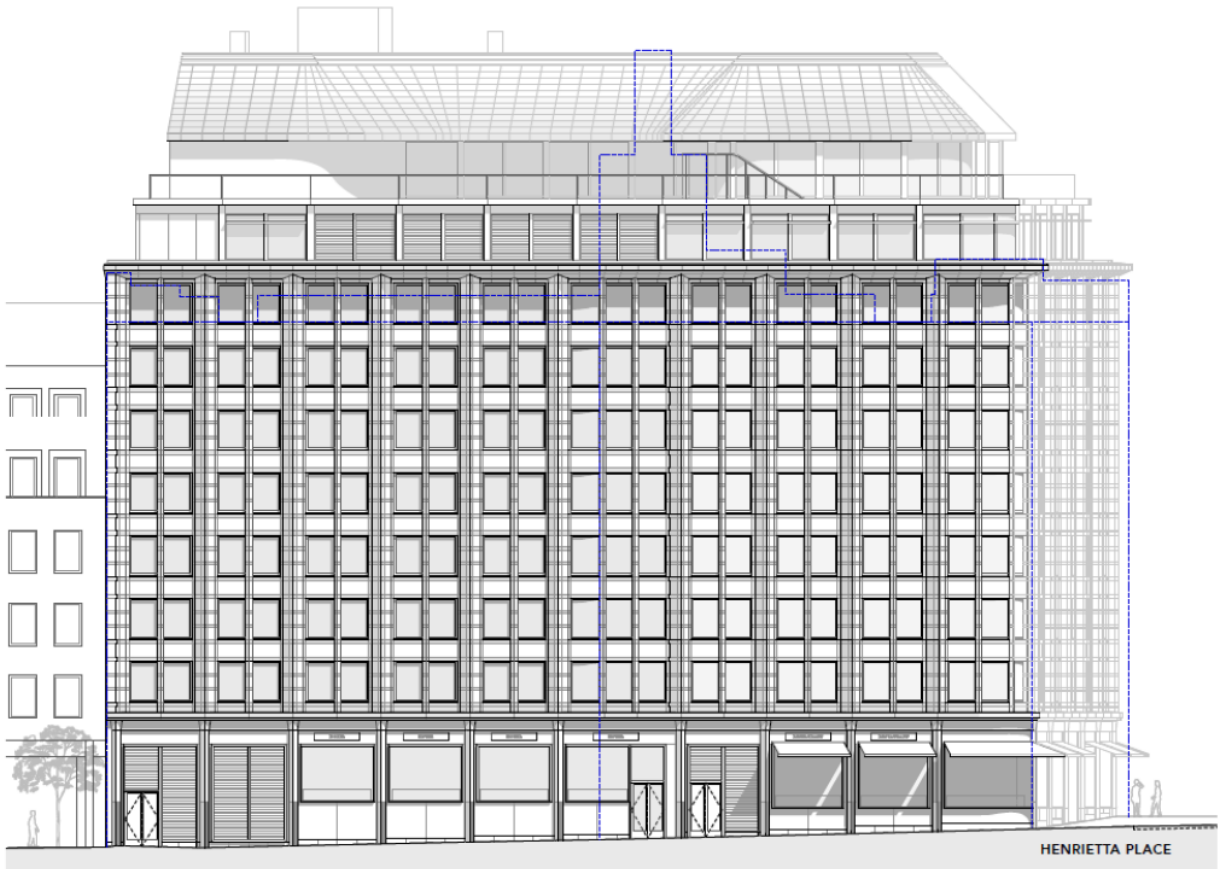
Proposed ground floor plan



Typical upper floor plan



Proposed Marylebone Lane elevation



Proposed Henrietta Place elevation



DRAFT DECISION LETTER

Address: Welbeck Street Car Park, Welbeck Street, London, W1G 0BB,

Proposal: DEVELOPMENT SITE AT 74-77 WELBECK STREET AND 28-40 MARYLEBONE LANE - Demolition of the existing building and redevelopment to provide a new building comprising basement, lower ground floor, ground floor and first to ninth floor levels. Use of the building as an hotel with supporting facilities (Class C1) with publicly accessible restaurant/bar and café at part ground floor level, publicly accessible spa and guest business facilities at lower ground floor level, roof terrace, roof level plant and associated works.

Reference: 17/01930/FULL

Plan Nos: EPA-MLH-05-1-100 P00, 298 P01, 299 P01, 300 P01, 301 P01, 302 P01, 308 P01, 309 P01, 310 P02, 311 P02; EPA-MLH-05-2- 300 P00, 301 P00, 302 P00, 303 P00; EPA-MLH-05-3-302 P00, 304 P00; Basement Impact Assessment (FOR INFORMATION ONLY)

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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 {b Pre Commencement Condition}.
- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.
- (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 4 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- provide details on all structures
 - accommodate the location of the existing London Underground structures and tunnels
 - request that the sub-surface structure, in particular the Jubilee Line platform tunnel at Bond Street Station is covered within the proposed ground movement analysis which we understand is still to be prepared for the site and the adjacent third party assets
 - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 5 You must apply to us for approval of samples of the facing materials you will use, including

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development:

1. Typical façade details at all levels, including the roof.
2. Shopfronts and awnings.

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

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 8 You must apply to us for approval of sample panels of the glazed ceramics (faience), which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurant/bar except between 06.30 to midnight.

Reason:

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

- 10 Non-residents hotel guests shall not be permitted to access, or remain within the hotel cafe except between 07.00 to 19:00.

Reason:

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

- 11 You must carry out the measures included in your management plan at all times that the hotel/restaurant/bar is in use.

Reason:

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

- 12 The high level extract ducting shown on the approved drawings shall be fully installed before the restaurant/cafe use commences and thereafter maintained for as long as the restaurant/cafe use is in operation.

Reason:

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

13 (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.

- 14 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.

- 15 You must provide the waste store shown on drawing EPA-MLH-05-1-299 Rev P01 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 16 You must provide each cycle parking space shown on the approved drawings prior to occupation. You must also apply to us for details of short-stay cycle parking. You must not start on these parts of the development until we have approved what you have sent us. 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.

- 17 All servicing must take place between 07:00 and 20:00 on Monday to Saturday and 08:00 and 18:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 18 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 19 You must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

Reason:

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

- 20 You must not allow more than 100 customers in the restaurant, 45 customers in the cafe and 50 customers in the bar at any one time.

Reason:

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

- 21 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 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:

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.

- 22 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 23 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- PV panels, green roof and attenuation storage tanks

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

Reason:

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

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

Reason:

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

- 25 {b Pre Commencement Condition}. You must not start any demolition work on site until we have approved either:

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

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

Reason:

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

- 26 {b Pre Commencement Condition}. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for reinstating the existing vehicle crossovers.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason:

To improve the appearance of the development as set out in S41 of Westminster's City Plan (November 2016) and in TRANS 3 and TRANS 18 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team,

Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 3 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.
- 4 The written scheme of investigation (condition 3) will need to be prepared and implemented by a suitably qualified professionally credited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 5 The SMP (Condition 18) will need to demonstrate that deliveries are spread to avoid more than one stopping on Marylebone Lane at any one time)
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 7 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 8 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 9 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic

Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 10 Conditions 13 and 14 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)

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.