

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Development Site At 47 Poland Street And 54-57, Great Marlborough Street, London		
Proposal	Demolition of 54 and 55-57 Great Marlborough Street and demolition of rear ground, first and second floors of 47 Poland Street and redevelopment of the site to provide a new building comprising two basement levels, ground floor and seven upper levels. Use of part ground floor / basement level 1 as retail (Class A1). Use of part basement level 1 and part ground floor level and basement level 2 and seven upper levels as a hotel (Class C1). Terrace and plant at seventh floor level, pv panels at roof level and associated external works.		
Agent	Gerald Eve LLP		
On behalf of	Marlborough House Limited		
Registered Number	17/10057/FULL	Date amended/ completed	22 November 2017
Date Application Received	10 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

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

- i. Dedication of land as public highway;
- ii. A Crossrail payment (index linked);
- iii. An employment and training strategy for the demolition, construction and operational phases of the development;
- iv. S106 monitoring costs.

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

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

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

2. SUMMARY

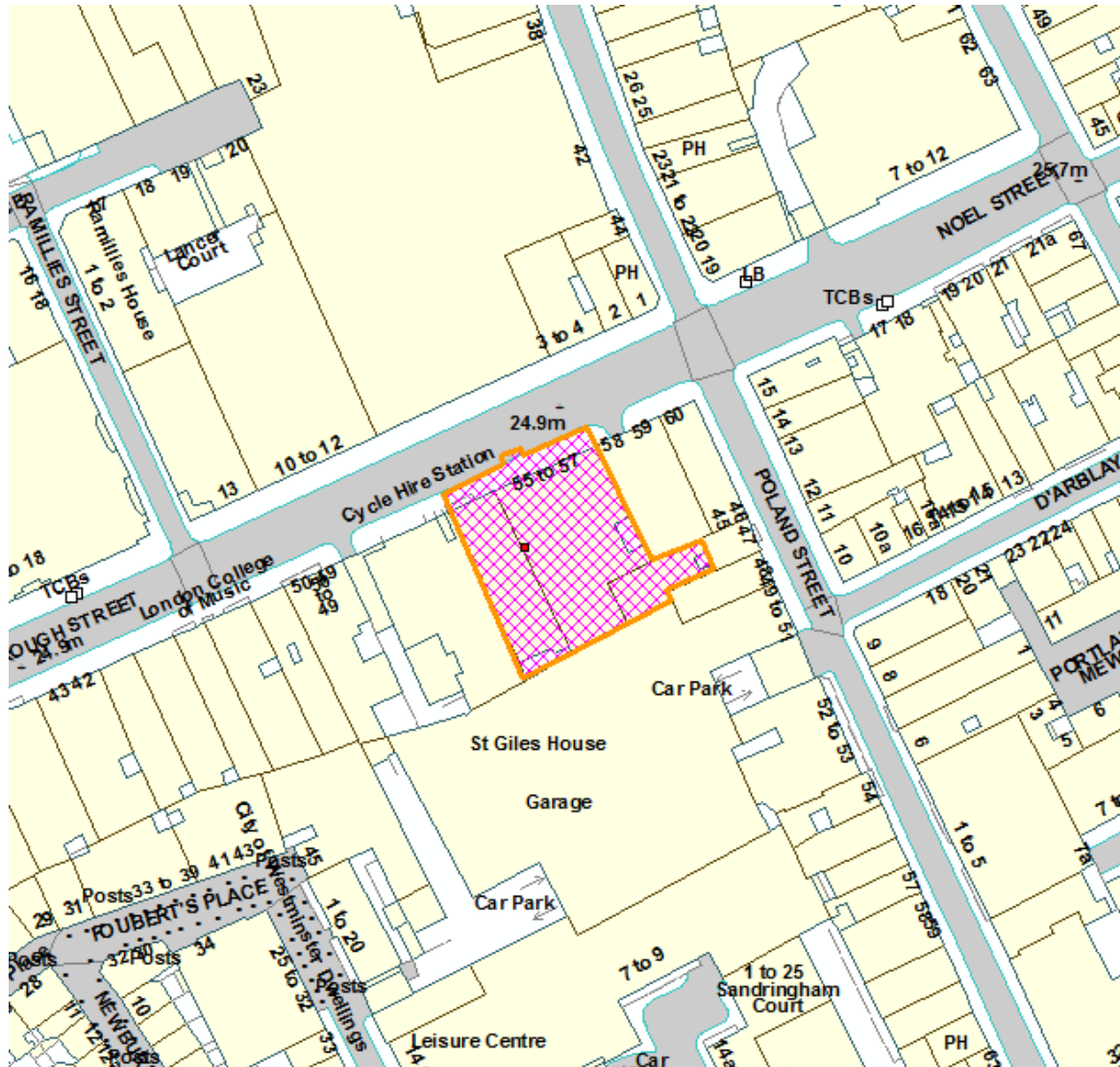
Permission is sought to demolish Nos. 54-57 Great Marlborough Street and for the erection of a new 7-storey building (with double basement) for hotel use. Permission was granted for the demolition of these buildings in 2012 and for the erection of a seven storey building for office, retail and restaurant purposes. That scheme also involved buildings at the rear on Poland Street but these buildings no longer form part of the current proposals.

The key issues are:

- * the loss of existing buildings in the Soho Conservation Area;
- * the scale, massing and detailed design of the new buildings;
- * the loss of showroom, retail and light industrial accommodation;
- * The impact on neighbours in terms of daylight, overlooking and sense of enclosure.

The proposals are considered acceptable and broadly comply with Unitary Development Plan (UDP) and City Plan policies in land use and amenity terms. It is considered that the proposed building is of outstanding and exemplary design quality and will relate sensitively to its conservation area context, and the proposals are considered to be in line with UDP design and conservation policies and NPPF advice. Approval is recommended subject to conditions and a legal agreement to secure a Crossrail contribution, dedication of the enhanced pavement on Great Marlborough Street as public highway and an employment and training strategy.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to offer any comments

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised

SOHO SOCIETY

Any comments to be reported verbally

CROSSRAIL

No objections subject to conditions

THAMES WATER

No objections raised

HIGHWAYS PLANNING MANAGER

No objections raised subject to securing adequate cycle parking and the submission of Servicing Management and Operational Management Plans.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

No objections raised.

CLEANSING

No objections raised.

MET POLICE

Any comments to be reported verbally

BUILDING CONTROL

No response to date.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 228; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises two buildings, Nos. 54 and 55-57 Great Marlborough Street which are located on the south side of Great Marlborough Street close to the

junction with Poland Street. Both buildings are identified as unlisted buildings of merit within the Soho Conservation Area. No. 54, known as Europa House, is seven storeys in height, with a recessed plant room whilst 55-57 (Fenton House) is six storeys in height, also with a recessed plant room. Both buildings are currently vacant. No.54 was formerly in use as showroom accommodation at basement and ground floor levels and office accommodation above and No. 55-57 was in retail use at basement and ground floor levels with office and light industrial (sound recording and post-production studio uses) on the upper levels.

The surrounding area has a mixture of mainly commercial uses, although the rear of the site lies close to the recently redeveloped Soho car park, known as the Marshall Street development, a residential redevelopment scheme. There are also other residential properties at 1, 2 and 58-59 Great Marlborough Street and 9 Poland Street. In 2014 permission was granted for four flats at 3-4 Great Marlborough Street.

Immediately to the rear and east of the site lies 47-50 Poland Street, a development site for which a hotel permission was granted in 2016. That site also includes the rear part of 54 and 55-57 Great Marlborough Street, as it is proposed to change the existing party wall so that accommodation currently within the rear of Great Marlborough Street is transferred to the hotel on Poland Street. Works to implement the hotel permission have yet to commence, and as a result the demolition drawings included with this application indicate the likely extent of demolition of 47 Poland Street and the rear part of the Great Marlborough Street buildings if works on this site progress (if consent is granted) in advance of the Poland Street site.

The site is within the Core Central Activities Zone and the West End Special Retail Policy Area (WESRPA). It is also located within the Creative Industries Special Policy Area (SPA) as defined in the Unitary Development Plan (UDP). This SPA designation is not included within the City Plan.

6.2 Recent Relevant History

On February 2012, planning permission (ref. 11/01353/FULL) was granted for the demolition and redevelopment of 54 and 55-57 Great Marlborough Street to provide a seven storey building for offices (Class B1), retail (Class A1) and restaurant purposes at rear ground floor level (Class A3); new facade to upper floors of 49-50 Poland Street and use of first to fourth floors for offices (Class B1), fifth floor as residential and erection of new sixth floor for residential purposes and use of rear ground floor for studio/workshop use (Class B1c); refurbishment of 47 Poland Street for use as retail (Class A1) at basement and ground floor level and residential on the upper floors. This permission was not implemented.

Following this permission ownership was split between the Great Marlborough Street and Poland Street properties and separate applications were submitted. At 54 and 55-57 Great Marlborough Street and on 29 April 2016 planning permission was granted for a residential-led scheme which sought to retain the Great Marlborough Street facade.

Also on 29 April 2016, planning permission was granted for a 135 bed hotel at 47-50 Poland Street. These applications have not been implemented.

7. THE PROPOSAL

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

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	2,392	0	- 2,392
Restaurant (Class A3)	0	188	+188
Showroom	370	0	-370
Retail (Class A1)	560	483	-77
Nil use	260	0	-260
Hotel	0	5,219	+ 5,219
Overall commercial	3,582	5,890	+2,308

Permission is sought for the demolition of the existing buildings and redevelopment of the site to provide an eight-storey 118-bedroom hotel, with two retail units at ground and lower ground floor levels, a lobby café/bar at ground floor and a restaurant / bar area at lower ground floor. At this stage the intended hotel operator is unknown but a draft Operational Management Statement (OMS) has been submitted.

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

The proposal seeks the excavation of one additional basement level, which would provide additional space for building services and staff facilities.

The hotel bar and restaurant would be open to the general public.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in the loss of all the office floorspace (2,392 sqm) on the site. However, the current application results in a substantial commercial uplift on the site (2,308 sqm) in the form of hotel accommodation and in these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

New hotel use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. In addition to providing 118 rooms, the hotel will provide a restaurant and bar which would also be open to the public. The restaurant and bar area are located on the ground floor with a capacity of up 80 in the restaurant and 50 in the bar area.

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. Policy S23 of Westminster's City Plan directs new hotels to the CAZ and to those streets which do not

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

Notwithstanding recent permission for developments incorporating new residential floorspace, Great Marlborough Street is still predominantly commercial in character. 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

Although the hotel operator is unknown at this stage, the applicant's stated aim is to create a high quality, 4-star accommodation. The hotel will comprise 118 bedrooms with a restaurant and bar occupying a large part of the lower ground floor.

The hotel would be open to guests 24 hours a day seven days a week. It is proposed that the restaurant would be open to non-residents from 06.30 to midnight Sunday to Thursdays (including Bank Holidays) and until 00:30 on Fridays and Saturdays.

New restaurant and bar use

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

UDP Policy TACE 9 states that within Stress Areas permission will only be granted for restaurant uses (between 150m² and 500m²) where the City Council is satisfied that permission for such uses will only be granted 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.

In terms of the impact of the use on residential amenity, whilst the restaurant is located within relatively close proximity to residential properties on the upper floors of the adjoining building, no objections have been received to the introduction of the new restaurant/bar use. Given the location of hotel bedrooms directly above, it will also be in the interests of the hotel to ensure that these areas are properly managed. Furthermore, the restaurant is intended as a sit-down facility with waiter service and the restaurant / bar would provide a maximum of 80 restaurant covers and 50 bar covers.

This is considered to be relatively small given that up to 236 guests may stay at the hotel per night.

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

- The entrance will be attended at all times by door staff.
- Preventing background music played within the lobby and restaurant from being audible outside the building.
- Hours that non-resident guests may use the restaurant and bar areas
- Provision of a glass crusher at basement level to prevent the sound of glass outside the building
- A restriction of 80 diners within the restaurant area and 50 in the bar area
- The only public entrance to the hotel will be from Great Marlborough Street. Management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.
- The hotel would not be marketed for coach parties.

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

Retail Use

There is currently one retail unit at basement and ground floor at 55-57 Great Marlborough Street which has been vacant for a number of years. The existing accommodation is a relatively long linear ground floor retail space which contains a large amount of storage at basement level. The proposals will provide 483 sqm of retail floorspace, which represents a reduction of 77 sqm compared to that existing. Two retail units will be provided at basement and ground floor levels accessed from Great Marlborough Street.

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

Whilst the loss of retail floorspace would be strictly contrary to Policy SS5 the new retail floorspace would be better configured than the existing retail unit on the site. There would also be one additional unit when compared against the lawful position. In addition, there will be a significant increase to the amount of retail frontage to Great Marlborough Street as this increases in width from 9.8m to 18m. Overall it is considered that the proposal would improve the retail function on the south side of Great Marlborough Street

and in doing so would add to the retail character and function of the area and the vitality and viability of the Core CAZ and WESRPA.

Light Industrial Use

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

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

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

The first floor of 55-57 Great Marlborough Street is the subject of a restrictive condition which protects a sound recording studio, which is a light industrial use (Class B1c). However, this is a personal permission, to The Bridge, and this occupier vacated the building several years ago. Accordingly, this part of 55-57 is considered to have a nil planning use rather than light industrial (Class B1c). As such no light industrial space would be lost from that building as a result of the application and there would be no conflict with policy COM8. This approach was taken as part of the permission approved in 2016.

Showroom

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

8.2 Townscape and Design

The existing buildings on Great Marlborough Street make a positive contribution to the character and appearance of this part of the Soho Conservation Area. There is therefore a presumption to retain them, unless a proposed replacement building makes an equal or greater contribution to the conservation area. In 2012 the City Council accepted that the proposal to demolish the buildings and replace them with a new building was acceptable, on the basis that the proposed building was of high

architectural quality and beneficial to the character and appearance of the Soho Conservation Area. The current proposal is very similar to the approved one. The main design difference is that it has one more storey, but this is within a very similar building envelop.

Height and bulk

The proposed building is seven storeys high to parapet level (compared to six in the planning permission scheme), with a further storey set back from the street facade. Its height and bulk relate satisfactorily to the existing buildings to the east and west and it lies below the level of the strategic view from Primrose Hill to the Houses of Parliament. In terms of its massing, it is in line with the City Council's urban design and conservation policies and is uncontentious.

Design

The new building takes the form of two narrow, vertical, end bays which frame the long central section, which has a strong horizontal emphasis. This central bay has a slightly higher parapet level. This composition helps to break the length of the facade, although the central section still dominates.

As with the approved scheme, the facade is clad in vitreous enamel panels, cast glass lenses, with clear glass windows. The windows are deeply recessed, the cast glass lenses curve outwards slightly from the building line, adding further subtle modelling and complexity to the facade. The black and white character of the facade is intended to echo that of the Liberty Tudor building at the western end of the street.

The proposed building is of very high architectural quality with an inventive and highly crafted facade. It is clearly a modern building but it makes reference to other West End buildings from the early part of the twentieth century, such as two by Joseph Emberton, namely Simpsons, 203-206 Piccadilly (with Felix Samuely) and the former HMV record store, 363 Oxford Street.

Conclusion – Urban design and conservation matters

It is considered that the proposed building, like the approved one, is of outstanding and exemplary design quality and will relate sensitively to its conservation area context. Balancing up the relative contributions of the existing and proposed buildings, it is considered that the proposed redevelopment will result in enhancement of the conservation area. This is the substantial public benefit which will outweigh the harm caused (to the conservation area) by the demolition of the existing buildings.

8.3 Residential Amenity

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

A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties. It has been based on a cumulative impact assessment which calculates the

impact of the application site when combined with the impact of the redevelopment site at 49-50 Poland Street (the site immediately to the south).

Daylight

The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE 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 sunlight/daylight assessment submitted with the application demonstrates that two fourth floor bedrooms within St Giles House would experience NSL losses of 27.2% and 33.1%. The floor plans appended to the daylight report show that these rooms are 5.27m and 8.1m deep and the BRE Guidance acknowledges that if an existing building contains rooms "lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable." In addition, VSC levels to these rooms are not adversely affected by the proposals and good levels of VSC of between 23.06 and 27.95% would be retained. In these circumstances, and as these windows serve bedroom accommodation, which the BRE guidelines also state as being less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal.

Sunlight

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

Sense of Enclosure

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

The proposed new hotel where it fronts Great Marlborough Street will be approximately the same height as the existing plant room at 54 Great Marlborough but between one and two storeys taller than 55-57. At the rear of the site, the building will project further at the rear than the existing buildings. Whilst the proposed new hotel building would clearly be of a greater bulk than that existing, it is not considered that given the relationship with adjoining and adjacent residential flats that there would be any adverse increased sense of enclosure or increased overlooking.

The bulk and massing of the building remains essentially the same as that consented in the previous permission.

Privacy

A roof terrace is proposed at seventh floor level overlooking Great Marlborough Street. It is not considered that in this location that use of this terrace would result in unacceptable noise, disturbance or overlooking.

8.4 Transportation/Parking

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

Great Marlborough Street is a wide road, with parking and loading facilities available on either side of the carriageway. Adjacent to the site, on the northern side of Great Marlborough Street, is a taxi waiting bay with capacity for two taxis to wait. Pick-up and drop-off, as well as loading and unloading facilities are available to the northwest and northeast of the site, on the southern side of Great Marlborough Street.

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

Site servicing

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

The applicant’s Transport Assessment estimates that the hotel will be serviced on average by 8 service vehicles daily with up to 3 trips for each retail unit. The vehicles are likely to be larger than those associated with the existing use (eg laundry and food delivery vehicles). All servicing is proposed on-street and the submitted a Servicing Management Plan (SMP) demonstrates how servicing will be managed. However, the document only contains many overarching principals of how servicing will be managed for the hotel element only (not the retail units). While broadly acceptable in principle, there is a lack of information on how the time goods spend on the highway will be limited.

Further, there is only a limited holding area for delivered goods (or refuse awaiting collection) at ground level. This means the goods are likely to remain on the highway for longer periods of time, creating an obstruction to pedestrians degrading to the

highway/public realm. A revised SMP is to be secured by condition that sets out internal storage locations, scheduling of deliveries and staffing.

Coach and taxis

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

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

Changes to Building line and Dedication of Highway

The proposals involve the removal of railings and entrance stair from the façade of 54 Great Marlborough Street and a slight setting back of the existing building line. Given the high pedestrian volumes in this area, this is considered a positive benefit of the proposals. The area where the stair and railings are to be removed are to be dedicated as highway and secured by legal agreement.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 20 hotel bedrooms and 1 space per 174m² of A class retail. The hotel use (with 118 hotel rooms) therefore requires a minimum requirement of 6 cycle parking spaces. 512m² of A class retail requires a minimum requirement of 3 cycle parking spaces.

The submitted drawings indicate a space within the basement, marked with 10 cycle spaces. The space appears very tight and even if double stacking of bicycles was achievable is questionable. The Highways Planning Manager estimates that even the hotel required minimum of 6 spaces would be optimistic within the space allocated at the basement level. Further, the retail units do not appear to have a clear independent access to this space. Overall, the access to this cycle parking is not direct and would be poor for any cyclist. Revised cycle parking details are therefore to be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

Two passenger lifts would be installed to provide access from the ground floor foyer

to the upper floors. Corridors at the first to seventh floors would be wide enough to allow wheelchair manoeuvrability and there would be a disabled refuge area on each floor in case of fire. As a minimum, 12 rooms would be wheelchair accessible or adaptable (two rooms on floors one to six), exceeding the 10% requirement set out within the London Plan.

Level access would also be provided to the restaurant and bar at lower ground level.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed both at roof level on the seventh floor with additional equipment enclosed at basement level. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within UDP Policy ENV 7. On this basis Environmental Health raise no objections to the application.

A full height extract duct is also to be secured by condition.

Air Quality

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

Refuse /Recycling

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

Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy.

New schemes are expected to achieve a 40% improvement when measured against the requirements of Part L of the 2010 Building Regulations, which equates to a 35% saving against the 2013 regulations. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is accompanied by an Energy Statement which sets out the sustainability credentials of the building. The energy efficiency and sustainability initiatives of the site have been optimised to address the Mayor's Energy Hierarchy and to address the requirements of policies in Chapter 5 of the London Plan and Westminster's City Plan Policy S28. The applicant's Energy Statement states that with the installation of a Combined Heat and Power (CHP) engine, air source heat pumps, the installation of roof mounted Photovoltaic (PV) panels would provide in excess of 20% of the building's energy usage as required by London Plan Policy 5.7 and Policy S40 of the City Plan.

The applicant also estimates that by combining the passive design measures and energy efficiency measures a cumulative saving of 39% can be achieved when measured against Part L of the 2013 Building Regulations in accordance with Policy 5.2 of the London Plan. This equates to an emission saving of 131 tonnes CO₂ per annum.

8.8 London Plan

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

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

- i. Dedication of land as public highway;
- ii. Crossrail payment (currently calculated at £148,348 but to be deducted from the Mayoral CIL as allowed by the SPG)
- iii. An Employment and Training Strategy for the demolition, construction and operational phases of the development';
- iv. Monitoring costs

The estimated CIL payment is:

Mayoral CIL £161,903
Borough CIL £532,908

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Basement

The applicant has submitted detailed information demonstrating that the basement development has taken into account the site-specific ground conditions, drainage and water environment in the area of the development. Furthermore, the application is accompanied by a detailed structural methodology statement prepared by a suitably qualified engineer that demonstrates that the structural stability of nearby buildings will be maintained during the works. Building Control have reviewed the submitted information and raise no objections to the proposals. Furthermore, a signed profoma agreeing to comply with the relevant parts of the City Council's Code of Construction Practice has been submitted.

The proposed development is therefore in full compliant with City Plan Policy CM28.1.

Construction Impact

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

Construction matters are now specifically covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Conditions are also imposed controlling ground borne noise from the transmission of underground trains.

Archaeology

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

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England (Listed Builds/Con Areas), dated 27 November 2017
3. Response from Historic England (Archaeology), dated 7 December 2017
4. Response from Thames Water dated 7 December 2017
5. Response from Crossrail dated 12 December 2017

6. Memorandum from Highways Planning Manager dated 15 January 2018
7. Memorandum from Cleansing dated 5 January 2018
8. Memorandum from Environmental Health dated 9 February 2018
9. Memorandum from Building Control dated 12 February 2018

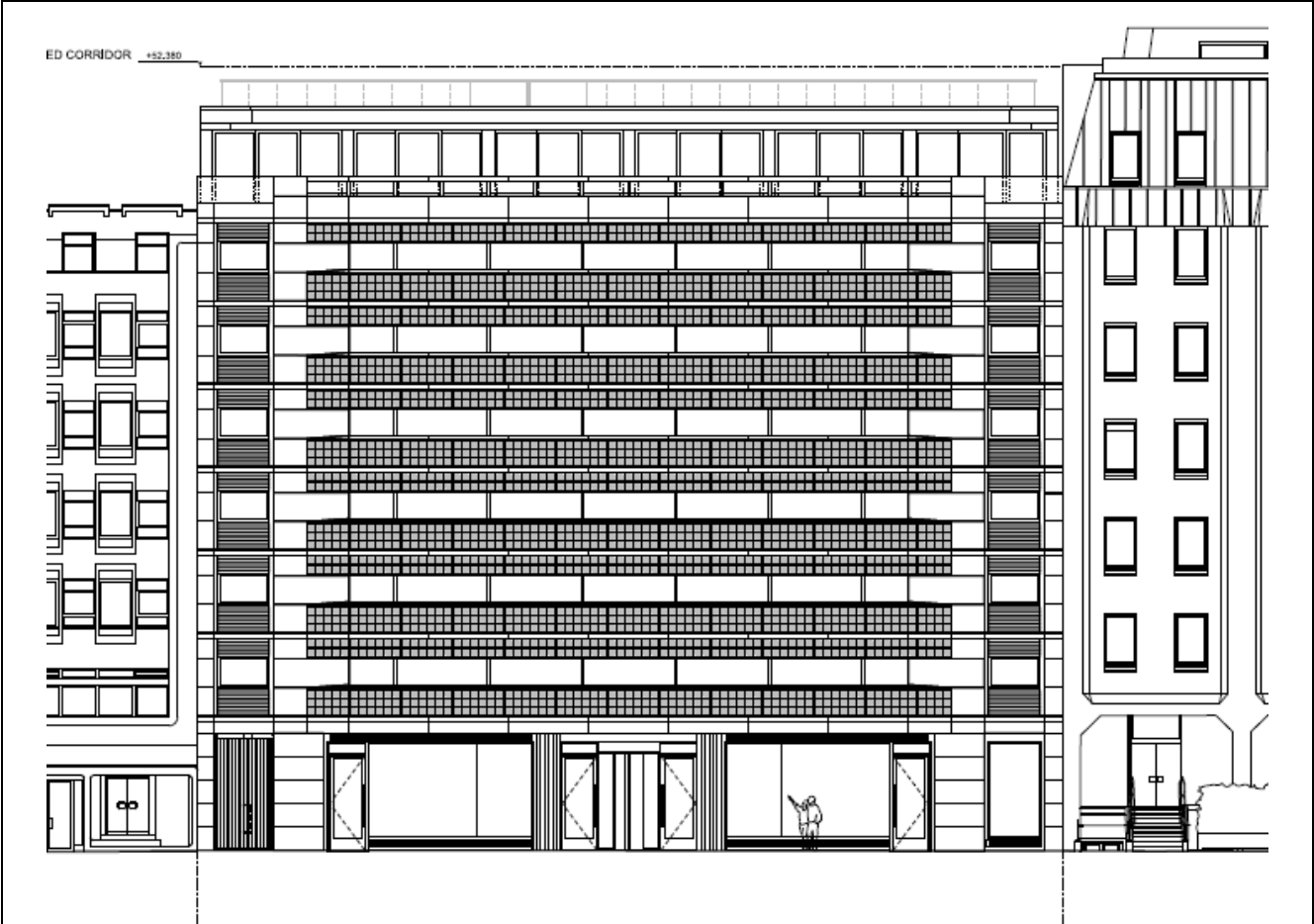
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

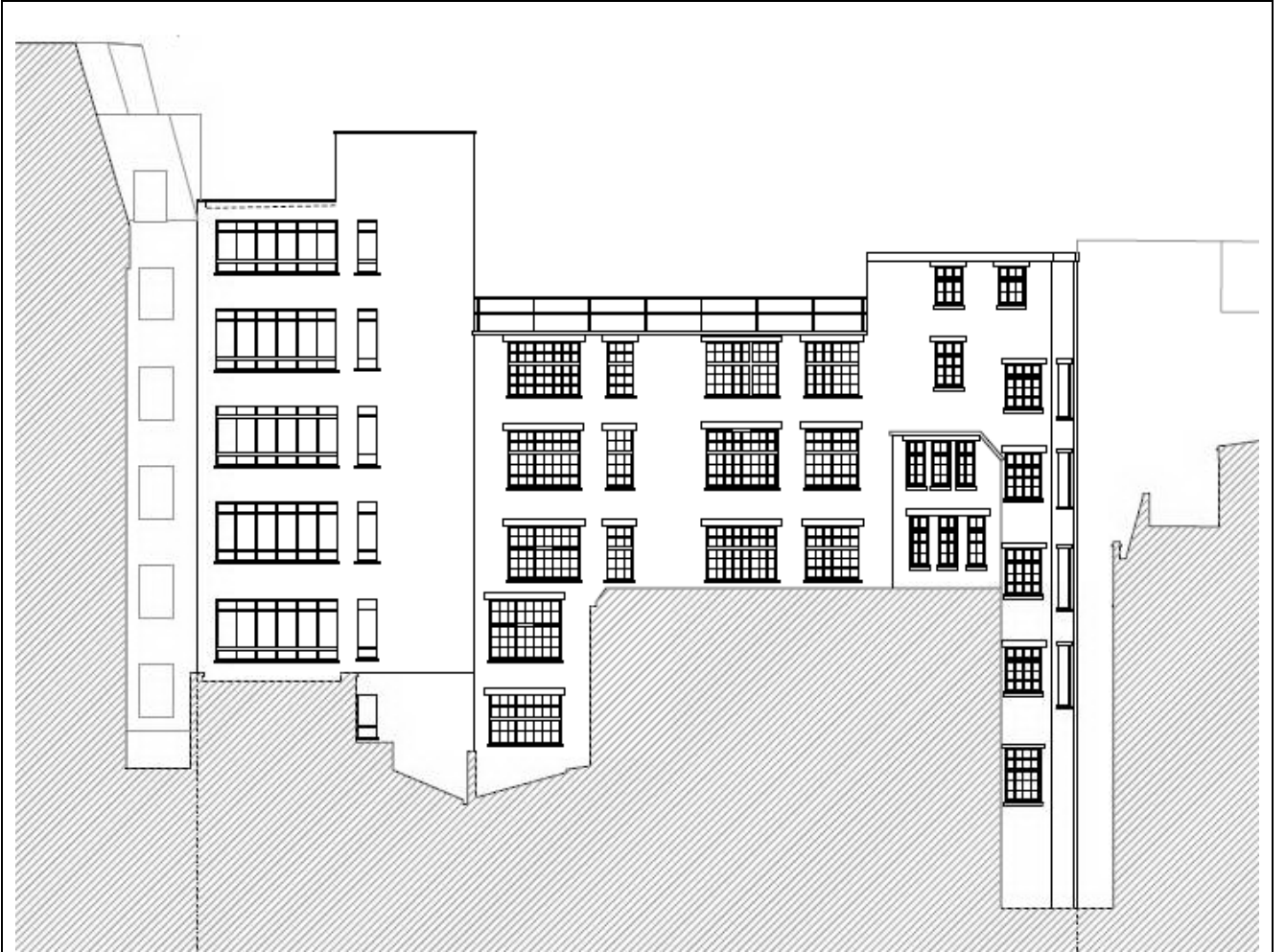
10. KEY DRAWINGS



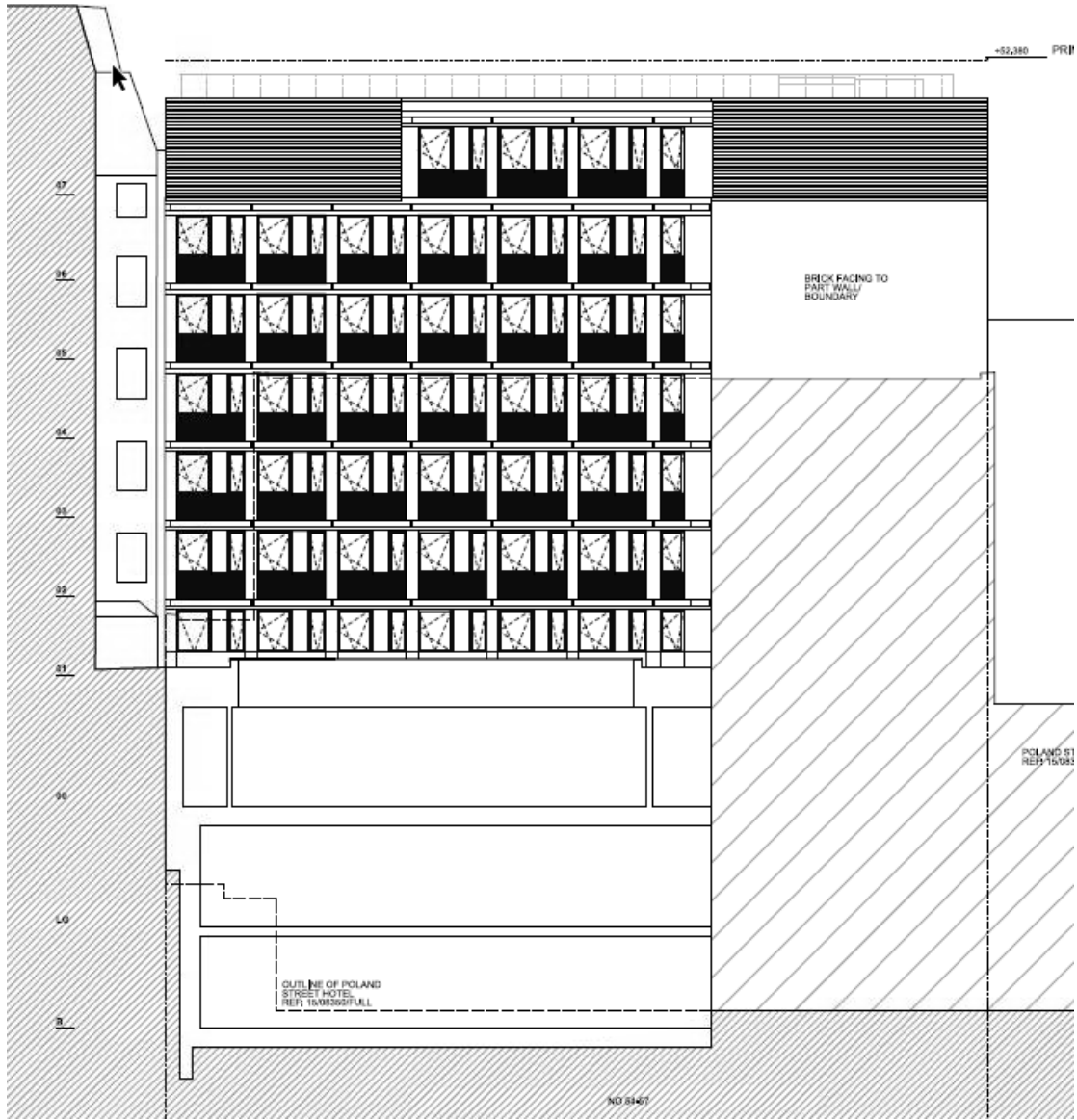
Existing front elevation



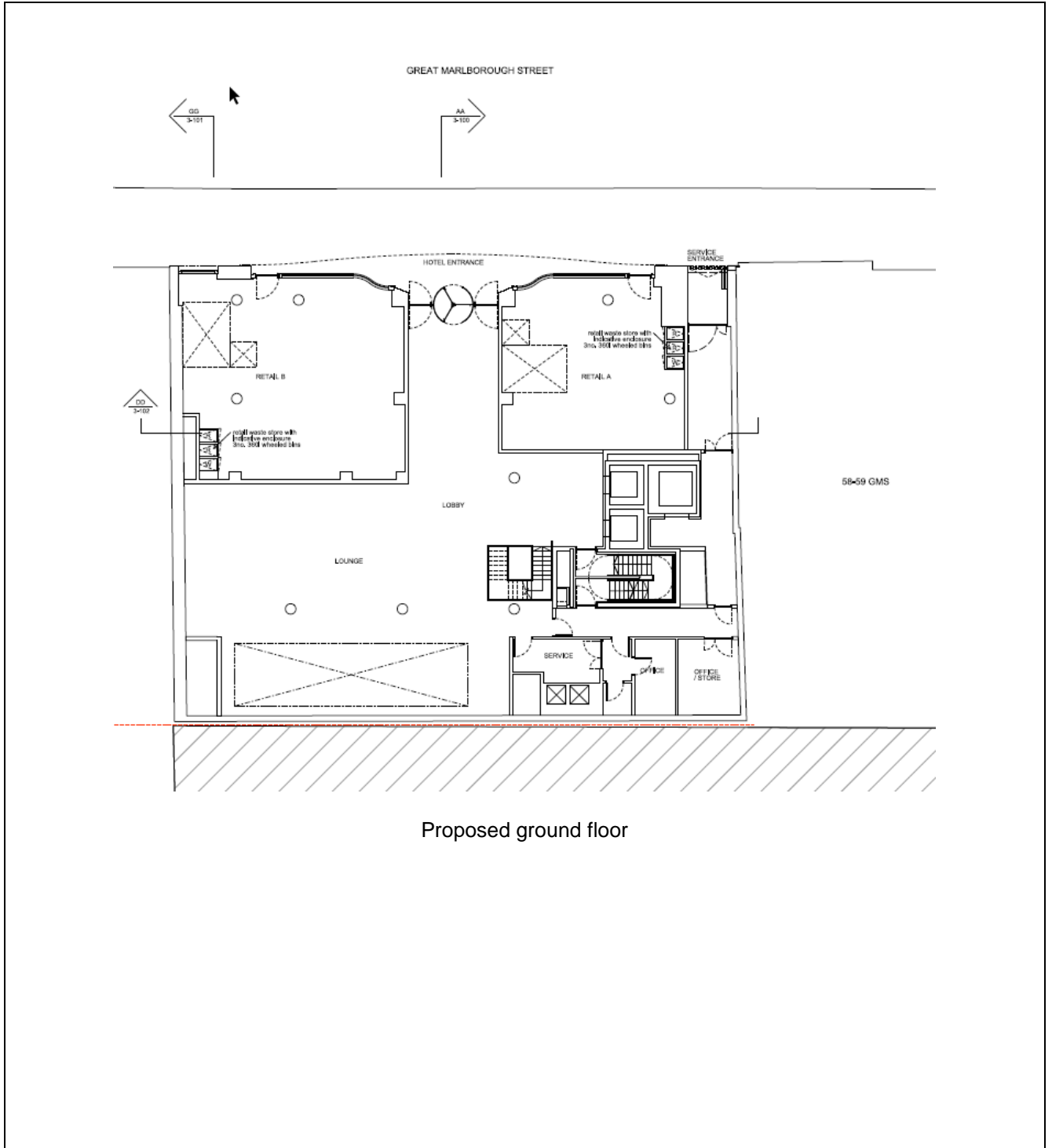
Proposed front elevation



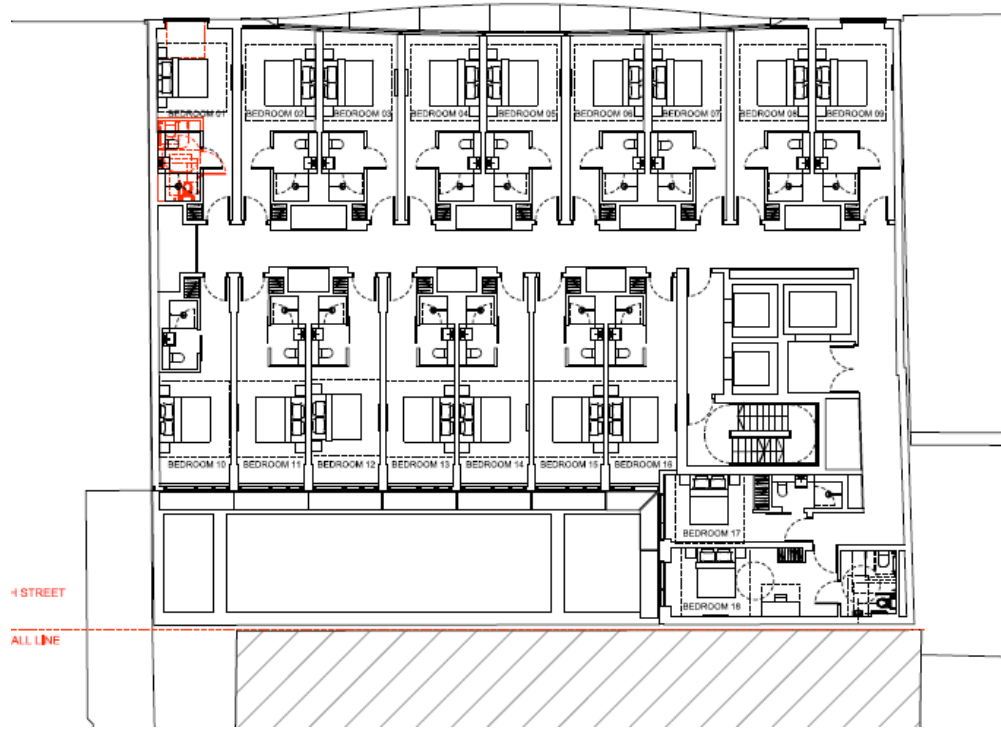
Existing rear elevation



Proposed rear elevation



Proposed ground floor



Typical upper floor plan

DRAFT DECISION LETTER

Address: Development Site At 47 Poland Street And 54-57, Great Marlborough Street, London,

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

Reference: 17/10057/FULL

Plan Nos: EPA-GMH-05 -1- 098 Rev P00, 099 Rev P00, 100 Rev P01, 101 Rev P00, 102 Rev P00, 103 Rev P00, 104 Rev P00, 105 Rev P00, 106 Rev P00, 107 Rev P00, 108 Rev P00; EPA-GMH-05 -2- 100 Rev P00, 101 Rev P00; EPA-GMH-05 -5- 101 Rev P00; EPA-GMH-20 -2-102 Rev P00; EPA-GMH-05 -3- 100 Rev P00, 101 Rev P00; Structural Engineer's Construction Method Statement (FOR INFORMATION ONLY) dated November 2017

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 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:-

- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
- (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures.
- (iv) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (iii) and 1(iv) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

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

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

Reason:

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

- 5 Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurant and lobby lounge except between 06.30 to 00.00 Sundays to Thursdays (including Bank Holidays) and 06.30 to 00.30 on Fridays and Saturdays.

Reason:

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

- 6 You must not allow more than 80 customers in the restaurant 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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

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

- 8 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system, including a full height extract duct for the extraction of cooking smells, and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission.

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)

- 9 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)

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

Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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.

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

Reason:

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

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related

Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 13 You must provide the waste store shown on drawings EPA-GMH-05-1-100 Revision P01 and EPA-GMH-05-1-098 Revision P00 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 14 You must apply to us for approval of a revised basement plan showing a minimum of 6 cycle parking spaces for the hotel use and 3 spaces for the retail (with clear independent access). The cycle spaces must be provided prior to occupation and thereafter 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.

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 10, 11 and 20 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.

- 19 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

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

- 20 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel, restaurant and bar use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is

approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel, restaurant and bar use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it,; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in 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.

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

Reason:

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

- 22 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations, where historical data is available to demonstrate the noise and vibration baseline conditions prior to the development.

Reason:

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

- 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

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

Reason:

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

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 27 The air quality mitigation measures as specified in the air quality assessment by WKC dated 10th November 2017 Ref: J18050 must be installed before you start to use any part of the development and permanently retained thereafter.

Reason:

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

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

Reason:

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

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

1. Typical bays - all elevations
2. Windows
3. Entrance doors
4. Shopfronts
5. Roof storeys
6. Roof level plant

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

You must then carry out the work according to these details (C26DB)

Reason:

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

- 30 You must apply to us for approval of sample panels of cladding for the Great Marlborough Street facade

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample panels. (C27DB)

Reason:

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

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 31 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil,

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 You are advised to contact Richard McEllistrum (Transport for London) on 0203 054 8966 to discuss whether construction works require the suspension of the Cycle Hire Station on Great Marlborough Street. You will need the consent of Transport for London for such a suspension.
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the provision of a financial contribution towards Crossrail, dedication of land as public highway and an employment and training strategy.
- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 10 Conditions 10 & 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 11 It is anticipated that the assessment of Condition 22 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the following points relating to standard deviation taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 22 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation may be deployed. Measurement assessment of Condition 22 may require that third parties allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 22 through measurement. If access is not made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the adjacent properties. It is possible that existing background, ambient and maximum levels within the adjacent properties could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment.
- 11 Non Road Mobile Machinery (to be attached to all level 1 and level 2 COCP sites)
The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link:
<http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at:
environmentalsciences2@westminster.gov.uk

Chimney height approval (e.g. where CHP is proposed)

The applicant is advised they may need to make an application for chimney height approval under the Clean Air Act 1993. They should contact environmentalsciences2@westminster.gov.uk for further advice about this.

Filtration Systems used for mitigation

The applicant is advised to ensure there is a suitable and sufficient maintenance regime in place for the air quality filtration system including cleaning and/or replacing the filters to ensure they remain effective.

- 12 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 13 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <https://wholesale.thameswater.co.uk/Wholesale-services/Business-customers/Trade-effluent> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

- 14 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 15 With regard to Condition 31 you are advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
- 16 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available

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at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

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.