

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 March 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London,		
Proposal	Variation of condition 1 of planning permission dated 06 February 2020 (RN:18/10886/FULL) for Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works; NAMELY, to enable design amendments including alterations to the detailed design of the new facades; reconfiguration of the entrances and routes through the ground floor level of the building; the introduction of a mezzanine level at basement level 02 and internal alterations to introduce additional firefighting cores. (Application under Section 73 of the Act).		
Agent	DP9 Ltd		
On behalf of	- Marlborough Properties Co Ltd		
Registered Number	22/04419/FULL	Date amended/ completed	4 July 2022
Date Application Received	4 July 2022		
Historic Building Grade	Unlisted		
Conservation Area	Soho		
Neighbourhood Plan	Soho Neighbourhood Plan		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to secure the following:

- i. Dedication of land as public highway;
- iii. A walkways agreement

iv. S106 monitoring costs.

2. If the deed of variation has not been completed within six weeks of the date of the Committee resolution, then:

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

b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

This application involves the re-development of 54 and 55-57 Great Marlborough Street, and 47, 48, and 49-50 Poland Street. Both sites have planning consent for hotel (Class C1) with publicly accessible restaurant/bar (Class A3/A4), and retail uses. That permission has now been implemented.

The application under Section 73 of the Act seeks to make a number of 'minor material amendments' to the approved development, including:

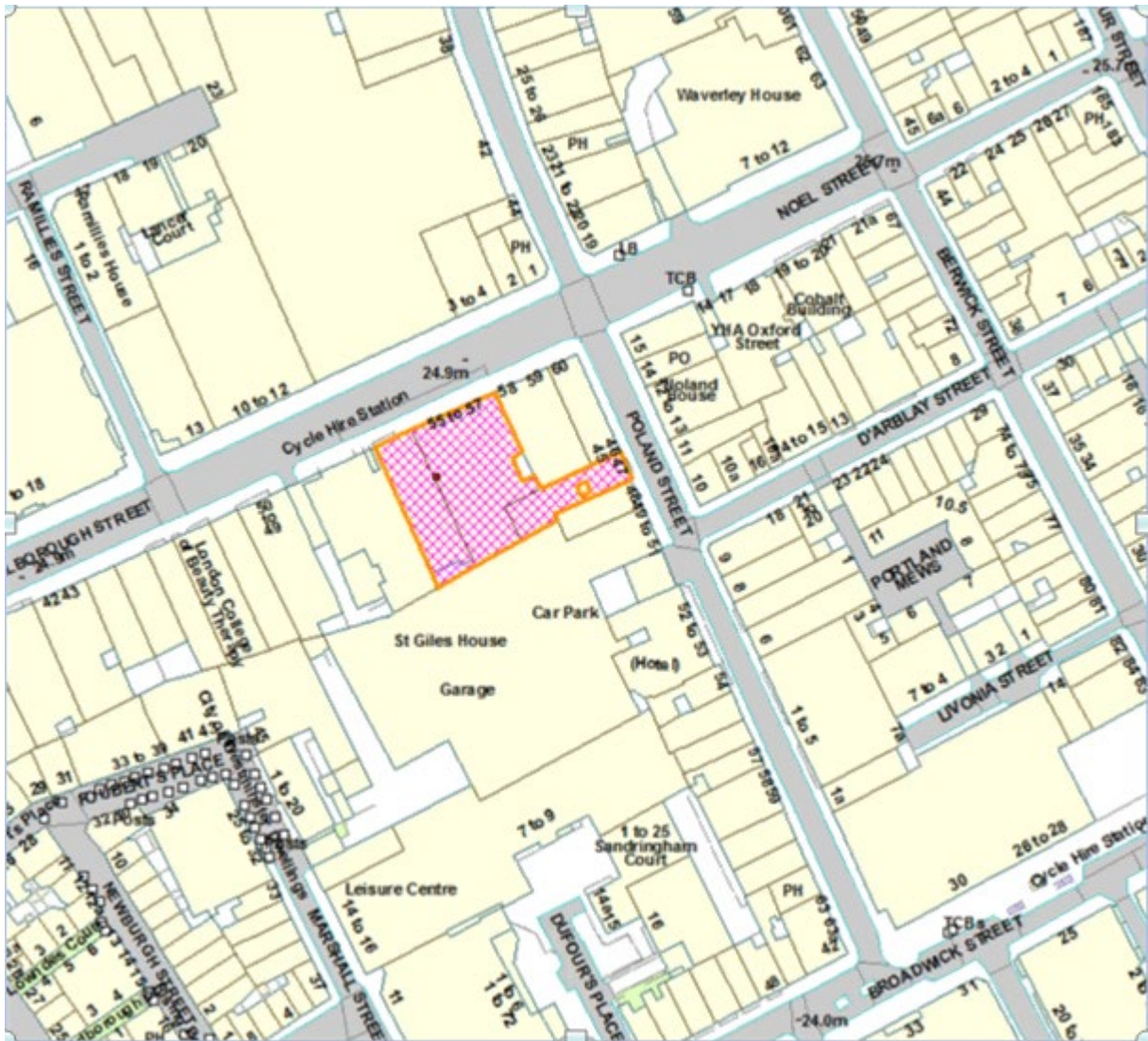
- a separate mezzanine level at basement level 2
- alterations to the layouts at ground and first floors
- elevational alterations
- reconfiguration of the entrances and routes through the ground floor level of the building

The main issues for consideration are:

- The acceptability of the proposed buildings in design terms.
- The acceptability of an additional basement level
- The impact on the amenity of neighbouring residential properties.

The proposals are considered acceptable and comply with City Plan policies in land use terms. It is considered that the proposed amendments to the design of the buildings are acceptable and that the proposal remains a high-quality development which, complies with the City Council's urban design and conservation policies as set out in policies 38, 39 and 40 of the City Plan 2019-2040 and with the Soho Neighbourhood Plan. Approval is recommended subject to a deed of variation to the original legal agreement to secure dedication of the enhanced pavement on Great Marlborough Street as public highway and a walkways agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Great Marlborough Street



Poland Street



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR LILLEY

Requests the possible provision of public toilets within the scheme.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No comments made

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised

CROSS LONDON RAIL LINKS LTD (1)

No objections subject to conditions.

CROSS LONDON RAIL 2 LINKS LTD

No comments made.

SOHO SOCIETY

No response to date

HIGHWAYS PLANNING

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

No objections raised.

WASTE PROJECT OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 125

Total No. of replies: 2

One letter (on behalf of residents from the 16 Marshall Street) in support of the application (subject to closure of the Poland Street/Great Marlborough Street passage between 23:00 and 07:00 and to the insertion of dummy windows at 5th and 6th floors).

One letter of objection received raising the following concerns:

- * Noise from plant
- * Noise from courtyard seating and from bottle recycling
- * There are numerous hotels within Soho

* Streets are too narrow to cope with another licensed premises with people drinking/smoking outside

PRESS NOTICE/ SITE NOTICE:

Yes

Responses to second round of consultation to revised scheme

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 125;

Total No. of replies: 2

One letter (on behalf of residents from the 16 Marshall Street) in support of the application and one letter of objection received raising the following concerns:

- * Noise from plant
- * Object to increase in hotel and bar space
- * Landscaped terraces should be replaced with planting
- * Object to on-street waste storage and cycle parking
- * Air quality

5.2 Applicant's Pre-Application Community Engagement

None undertaken.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

The Soho Neighbourhood Plan includes policies on a range of matters including housing, residential amenity, air quality and climate change, traffic and servicing, green infrastructure, pedestrians and cycling and waste and recycling.

It has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October

2021. It therefore forms part of the development plan for Westminster for development within the Soho neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

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

Nos. 54 and 55-57 Great Marlborough Street are located on the south side of Great Marlborough Street. No. 54, known as Europa House, was seven storeys in height, with a recessed plant room whilst 55-57 (Fenton House) was six storeys in height, also with a recessed plant room. No.54 was formerly in use as showroom accommodation at basement and ground floor levels and office accommodation above and No. 55-57 was in retail use at basement and ground floor levels with office and light industrial (sound recording and post-production studio uses) on the upper levels.

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

The site also includes 47 and 48 Poland Street. No. 47 was formerly in use as a restaurant at basement and ground floors with three floors of office accommodation on the upper floors. 48 Poland Street was last in use as a betting shop at basement and ground floor levels with office use also on the upper floors.

The site is within the Core Central Activities Zone and the West End Special Retail Policy Area (WESRPA).

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

7.2 Recent Relevant History

Planning permission was granted on the February 2020 (RN: 18/10886/FULL) for the demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.

This permission has been implemented and the buildings on the site, with the exceptions of the facades onto Poland Street, are now demolished.

A non-material amendment to this application was agreed in October 2020 to enable the description of development to be amended to: 'Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed façade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and new basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with new basement levels onto Poland Street, all for use as a hotel (Class C1) , retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.'

8. THE PROPOSAL

The application seeks amendments to the permission granted in 2020. This is achieved through amending Condition 1. The proposed changes include:

- a separate mezzanine level at basement level 2
- alterations to the layouts at ground and first floors
- elevational alterations
- reconfiguration of the entrances and routes at ground floor level

Table: Existing and proposed land uses

Land Use	Previously consented GIA (sqm)	Proposed GIA (sqm)	+/-
Retail	483	548	+65
Restaurant/bar	225	225	0
Hotel	12,347	12,716	+369
Total	13,055	13,489	+434

The application has been amended during the course of the application to reinsert dummy windows at 5th and 6th floor, removal of an additional hotel lobby door on Poland Street and provision of 'maintenance only' terraces at 2nd to 5th floors.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Application Context

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

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

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

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

9.1.1 Additional mezzanine basement level

The site, prior to the implementation of the 2019 permission included a partial basement to the buildings fronting Great Marlborough Street and Poland Street. The consented scheme involved the creation of an additional basement level. The former basement policy in the 2016 City Plan, under which the original planning application was determined, did not restrict the depth or extent of basement excavation.

The current plan basement policy (Policy 45) is materially different to the basement policy found in the 2016 City Plan. It states:

"A. Basement developments should:

1. incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding;
2. be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area;
3. protect heritage assets, and in the case of listed buildings, not unbalance the

building's original hierarchy of spaces where this contributes to its significance; and
4. conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

B. Basement developments will be supported where they:

...3. not comprise more than one storey beneath the lowest original floor level – exceptions may be made on large sites with high levels of accessibility for construction; ... and...

5. not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.”

Regarding part A, the applicant has provided a self-certified Structural Engineering report explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. A flood risk assessment has also been submitted. 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 structural report has been considered by our Building Control officers who advise that the information provided is more than sufficient for the planning stage. The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the 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. Therefore, 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 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 draft decision letter.

With regard to part B, in this case, the site is 0.22ha with two street frontages, and thus the applicant considers this to qualify as a large site. Following demolition of the buildings on site a dedicated access to the construction site for vehicles has been formed from Great Marlborough Street. All plant and machinery for the construction process is accommodated within the site.

The main difference with the consented scheme and that now proposed, is the insertion of a mezzanine basement floor, meaning that the proposals now involve a double storey basement under part of the site. Part B3 of the policy states that basement developments should not comprise more than one storey beneath the lowest original level.

In this case, the proposed additional basement effectively splits the consented basement level 2, providing two floors of relatively modest floor to ceiling height, each measuring 2.4m. The additional depth of excavation required to accommodate the mezzanine floor

results in an additional 1.5m of excavation compared to the consented scheme. An attenuation tank would sit partly below the mezzanine floor, but this does not result in any additional floorspace. During the course of the application further information has been requested regarding the construction timeline involved in the build-out of the mezzanine floor. The applicant has confirmed that the additional basement excavation only incurs an additional 14 days on the construction programme (4 days of excavation, including excavation for additional piling, and 10 days for the additional slab pour of the basement mezzanine level).

The extant permission which has already been implemented is a material consideration. In addition, in a further effort to provide further comfort and mindful of the focus on construction impacts, the applicant's team have developed an alternative construction design to the consented scheme to limit the impacts of their construction programme. Specifically, the consented scheme requires the installation of a temporary substation at street level outside the site on Great Marlborough Street which is currently programmed to be in place for 12-14 months. This results in the blocking of the pavement, with the creation of a temporary diversion for pedestrians. The applicant, as part of this scheme, is now proposing to keep the existing sub-station in place which significantly diminishes local disruption and means there is less construction impact by comparison to the consented scheme.

By keeping the existing sub-station, it removes the need to introduce the temporary sub-station and the disruption that brings on the highway and therefore lessens the construction impact and avoids potential disruption to power supplies with the sub-station changeover. This amendment is being secured by a Site Environmental Management Plan (SEMP), which is being dealt with by the Environmental Inspectorate.

The supporting text to Policy 45 states that "in some cases, an exception could be made for large sites when they are able to accommodate plant and machinery and include appropriate access (e.g. rear or side access) to enable construction without an adverse impact on neighbouring uses or occupiers". As set out above, a dedicated access to the construction site for vehicles has been formed from Great Marlborough Street. There is also limited residential within the vicinity of the site, the closest of which is within Regents Lofts at the rear of the site and no objections to the additional mezzanine floor have been received. Given the extent of additional basement excavation, the amendment this makes to the duration of the construction programme and the proposed amendment to the construction design to limit the impact of the works to the highway, it is not considered that the addition of a mezzanine basement floor could reasonably be refused in this instance.

9.1.2 **Additional commercial floorspace**

The approved development is for a hotel led development. There is some minor reconfiguration to the consented retail and restaurant floorspace, but the amount of restaurant floorspace (225sqm) remains the same as in the consented scheme. There is a 65 sqm increase in retail floorspace (548sqm in total). Policy 14 supports the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses, and therefore this increase is welcomed. One of the retail units is to be relocated from the internal courtyard to the Poland Street frontage, giving a greater retail presence at street level. This is also welcomed.

There is some slight increase in hotel floorspace (369sqm) as a result of the proposed new mezzanine basement which provides additional back-of-house facilities. This is a relatively small increase in floorspace terms compared to the extant scheme. As the proposed variation to condition 1 will result in the reconfiguration of and slight increase in hotel floorspace, this hotel increase is assessed against current City Plan policies.

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040 (adopted April 2021). City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel and conference facilities (as defined within the NPPF and London Plan).

City Plan Policy 15(G) states that, 'New hotels and conference facilities will be directed to:

1. commercial areas of the CAZ; and
2. town centres that are District Centres or higher in the town centre hierarchy'.

Policy 20 provides specific guidance for Soho and states that "Development in the Soho Special Policy Area will reflect its unique character and function and demonstrate how it respects, protects and enhances the existing scale and grain of the built environment and the unique mixture of uses present there." It states that "although hotels are generally considered acceptable within the CAZ, within Soho, smaller scale or 'boutique' hotels are more appropriate due to Soho's existing character. Large-scale hotel facilities will not generally be considered acceptable within the SPA, as their larger floorplate requirements are likely to erode local character through the loss of smaller scale existing units, which will also displace other commercial uses, as well as having potential amenity and environmental impacts. Larger floorplate units are generally at odds with Soho's existing scale and grain. We consider small-scale hotels, in a Soho context, to be those of fewer than 100 rooms."

The Soho Neighbourhood Plan (SNP) does not have a specific hotel policy, but chapter 4 "Visiting, Shopping and Leisure in Soho" does state that Soho is "becoming home to an increasing number of hotels, which although they support the visitor economy and provide jobs tend to displace some of the very mixed uses which give the neighbourhood area its character."

The former 2016 City Plan, under which the original planning application was determined, did not contain a specific policy for Soho, and it is recognised that the proposal, which results in a 194-bedroom hotel, would not be small-scale contrary to the aims of Policy 20. One objection to the principle of a hotel here has also been received. However, in this case the extant permission is a significant material consideration which carries great weight. In addition, there are no large facilities proposed such as a spa or conference facilities, and the consented hotel will already provide 194 bedspaces, and would operate above the threshold set out in policy 20. Given that the additional floorspace proposed by way of this application would only provide back of house facilities, and no additional rooms, it is not considered that the proposal could reasonably be refused in land use terms.

The original application was 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 again is secured by condition.

9.1.3 Public toilets

City Plan Policy 15 requires safe, secure and publicly accessible toilets in proposals that generate large numbers of visitors including large retail, leisure and entertainment developments, tourist attractions and transport interchanges. Paragraph 15.17 states that 'large retail developments' are those having 1,000 sqm of gross floorspace or more. Large entertainment uses are those having 500 sqm of gross floorspace or more.

Policy 13 of the Soho Neighbourhood Plan also states that "development proposals which incorporate additional public toilet provision within the Soho Neighbourhood Area will be supported in order to ensure that adequate facilities are available for users of new developments, particularly those in the food, drink and entertainment sectors."

Councillor Lilley, on behalf of a local resident, has requested that provision is made for publicly accessible toilets. In response, the applicant, whilst arguing that it would not be possible to incorporate a separate public toilet at this late stage, has agreed to provide public access to the accessible WC's at ground floor level. Given the definition of 'large retail' and 'large entertainment uses' set out above under Policy 15, there is no reasonable basis for requesting that publicly accessible toilets be provided within the development at this stage. It is considered that the applicant's offer more than satisfies Policy 13 of the Soho Neighbourhood Plan.

9.2 Environment & Sustainability

Sustainable Design

The adoption of the City Council's City Plan 2019-2040 and London Plan 2021 introduced a greater emphasis on energy, sustainability and biodiversity, when compared to the City Plan 2016, UDP and earlier London Plan, which were all relevant at the time of the assessment of the original planning permission. (For example, the 2016 City Plan required a 35% reduction in carbon emissions, whilst the now adopted City Plan 2019- 2040 promotes net zero carbon emissions).

City Plan policy 38 requires developments to "enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design". The policy requires the possibility of sensitively refurbishing or retrofitting buildings to be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.

As already stated with regards to other policies, the extant permission is a significant material consideration which carries great weight. Given that the buildings have already been demolished, the principle of demolition and redevelopment of part of the site is not therefore revisited.

Policy 36 of the adopted City Plan 2019-2040 is also relevant. This promotes zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved (following the principles of the Mayor of London's energy hierarchy). Only where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment.

The Energy Statement submitted as part of the original scheme application provides details of the proposed sustainability measures and confirms that the development will be designed to achieve a BREEAM Excellent Rating. The report details various passive design measures including the construction of new-build elements with thermally efficient building fabric, energy efficient services, as well as air source and heat pumps and PV panels. These measures will reduce the regulated emissions of the proposed development by 32% and on the basis that this was the maximum level of carbon savings that could be achieved, the previous legal agreement secured a carbon offset payment of £44,586 in accordance with the formula set down in the London Plan. The applicant has confirmed that the payment has been paid.

As part of this application, the applicant has submitted an Energy and Sustainability Addendum Note which assesses the amendments proposed and concludes that the scheme will not change the carbon emissions savings from the approved development. The façade updates maintain the same u-values used in the original Energy modelling and are of the same areas. The increased basement area accommodates Back of House areas and storage which have no significant loads. The main loads emanating from the plant and retail areas have already been accounted for in the Energy Statement for the original scheme.

It is acknowledged that the development would not achieve the net Zero targets set out in the London Plan and Policy 36, but having regard to the fallback position which provides a reduction in carbon emissions, and as the off-set payment has already been secured, it is considered unreasonable to require further reductions of on-site energy demand and/or a payment in lieu for any shortfall.

Air Quality

One objection on air quality grounds has been received. The site is located with the designated Westminster Air Quality Management Area. As part of the 2020 permission, the applicant submitted an Air Quality Assessment which included measures to ensure that the proposal is air quality neutral. These measures are secured by condition and a further condition is imposed that requires details of the Combined Heat and Power (CHP) and gas boilers to demonstrate that this meets air quality neutral benchmarks.

9.3 Biodiversity & Greening

As in the consented scheme, the proposals involve a living wall within the internal courtyard. These measures are welcome as they contribute to the greening of the City in line with the objectives of Policy 34.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The Proposals

The current proposals raise the same urban design and conservation issues as the approved planning permission scheme. The main changes to the scheme affect the elevations to Poland Street and Great Marlborough Street and it is these that need to be assessed. The other urban design and conservation aspects of the scheme are unchanged and the assessment of these elements remains as set out in previous committee reports. In terms of the new City Plan policies it is considered that these aspects are compliant with the urban design and conservation policies 38, 39 and 40.

Poland Street

On the Poland Street facade there are changes at Nos. 47 and 48 at street level where the detailed design of the shop fronts has been amended to better reflect the detailed design of the facades above. At No. 50 brickwork is now proposed instead of the approved metal cladding, which better matches its context and this is a significant design improvement particularly when seen from D’Arblay Street. At number 49 some spandrel panels have been omitted to better suit the retained structure behind, and at roof level there are minor changes to the windows at Nos. 48 and 50. These alterations to this part of the development are acceptable in heritage asset terms and accord with City Plan policies 38, 39 and 40 and with the Soho Neighbourhood Plan.

Internal courtyard

Within the development, the courtyard area known as Brickmakers Yard will change as a

result of minor changes to the position of some windows, the omission of glazed brickwork in favour of standard brickwork. These alterations are acceptable in design and heritage asset terms.

In the car park lightwell which is on the southernmost part of the site there are significant changes to the approved elevation as a result of largely retaining the existing structure and setting back the new facade behind it to provide external terraces. The resulting design is not particularly attractive, and is not of the same character or quality as that of the approved design, however giving the highly constrained nature of this part of the site and its extremely limited visibility, the alteration is neutral in design and heritage asset terms and would not on its own constitute sufficient reason to refuse permission.

Great Marlborough Street

On Great Marlborough Street, the changes to the approved elevation are minor and relate mainly to ensuring safe access for maintenance purposes, found to comply with more rigorous environmental performance and fire safety standards that have been introduced since the development was first approved. There is no objection in design or heritage asset terms to these alterations equally the minor changes to the street frontage at ground floor level are also acceptable.

Conclusion – Urban design and conservation issues

It is concluded that the proposal remains a high-quality development which, complies with the City Council's urban design and conservation policies as set out in policies 38, 39 and 40 of the City Plan 2019-2040 and with the Soho Neighbourhood Plan.

9.5 Residential Amenity

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Daylight & Sunlight and Sense of Enclosure

There is no change to the bulk and massing of the current proposals and therefore the impact of the proposals on daylight, sunlight and sense of enclosure remains as in the consented scheme.

Privacy & Noise

There are windows within the existing office building at 49-50 Poland Street that currently lie perpendicular to fourth floor windows in the east elevation of Regents Loft. In the consented scheme, these windows were to be recessed from the façade to ensure that any overlooking would be from an oblique angle. The proposals now seek to retain the existing façade here and the proposed hotel rooms are set back from the façade behind proposed terraces at second to fifth floors. A condition is proposed to ensure that these terraces are for maintenance purposes only.

At the rear of 50 Poland Street, the proposals also now seek to retain the existing façade here. Existing windows are to be replaced. The consented scheme was for an entirely

blank façade and so a further condition is proposed to ensure that the replaced windows are obscure glazed.

The proposals initially sought to replace dummy windows with obscure glazed windows at fifth and sixth floor within the extended rear projecting wing. The application has been amended during the course of the application to retain these dummy windows and on this basis, it is not considered that the proposal would result in any harmful impact on overlooking to neighbouring properties.

With regard to the concerns raised to noise from the courtyard seating area, this remains unchanged from the consented scheme. As before, conditions are in place to mitigate against any potential noise from this area, including a condition requiring full details of an acoustic report demonstrating how the noise from the courtyard area will meet the council's standard noise condition.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The amendments seek alterations to the entrances/façades on both Poland Street and Great Marlborough Street and to the internal walkway. Alterations to the location of the cycle parking provision are also proposed.

The main change onto Great Marlborough Street relates to the provision of a splayed entrance which results in a wider and more open entrance into the new public access route through the site. The internal passageway is to be altered, removing the former kinks within the passageway and providing a wider route through the site. On Poland Street existing pavement grills are to be removed which will result in a consistent footway surface. All these amendments are all considered an improvement in highway terms.

Servicing, Cycle and Waste & Recycling Storage

The consented scheme provided an off-street holding area for goods, but all servicing was proposed on-street. There are slight alterations to the configuration of this holding area, but the Highways Planning Manager accepts that this space does provide for goods to be moved off the highway and not left on the footway and cause an obstruction to pedestrians.

The quantum of cycle parking and waste storage is consistent with the approved scheme. Whilst objections have been received to the provision of on-street waste storage and cycle parking, however, these are all within dedicated storage areas within the development.

Other Highway matters

The revised ground floor drawing introduces a hatch on Great Marlborough Street. It is noted the hatch does not appear on cross-sections or correspond to an area marked for use within the basement. The introduction of a hatch in this location cannot be supported given the pedestrian volumes in the area. This is dealt with by condition.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040.

9.8 Other Considerations

Plant

External plant is proposed both at roof level and at seventh floor with additional equipment enclosed at basement and fifth and sixth floor levels. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within Policy 33 of the City Plan. On this basis Environmental Health raise no objections to the application and, despite the concerns raised, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

The original permission (dated 6 February 2020) application was subject to a S106 legal agreement. A deed of variation is required in respect to this permission to secure the obligations as listed in the recommendation.

The estimated CIL payment is:

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

10. Conclusion

It is concluded that the proposal remains a high-quality development which, complies with the City Council's urban design and conservation policies as set out in policies 38, 39 and 40 of the City Plan 2019-2040 and with the Soho Neighbourhood Plan.

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

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

11. KEY DRAWINGS

Consented Poland Street Verified View



Proposed Poland Street CGI



Consented Great Marlborough Street Elevation



Proposed Great Marlborough Street Elevation



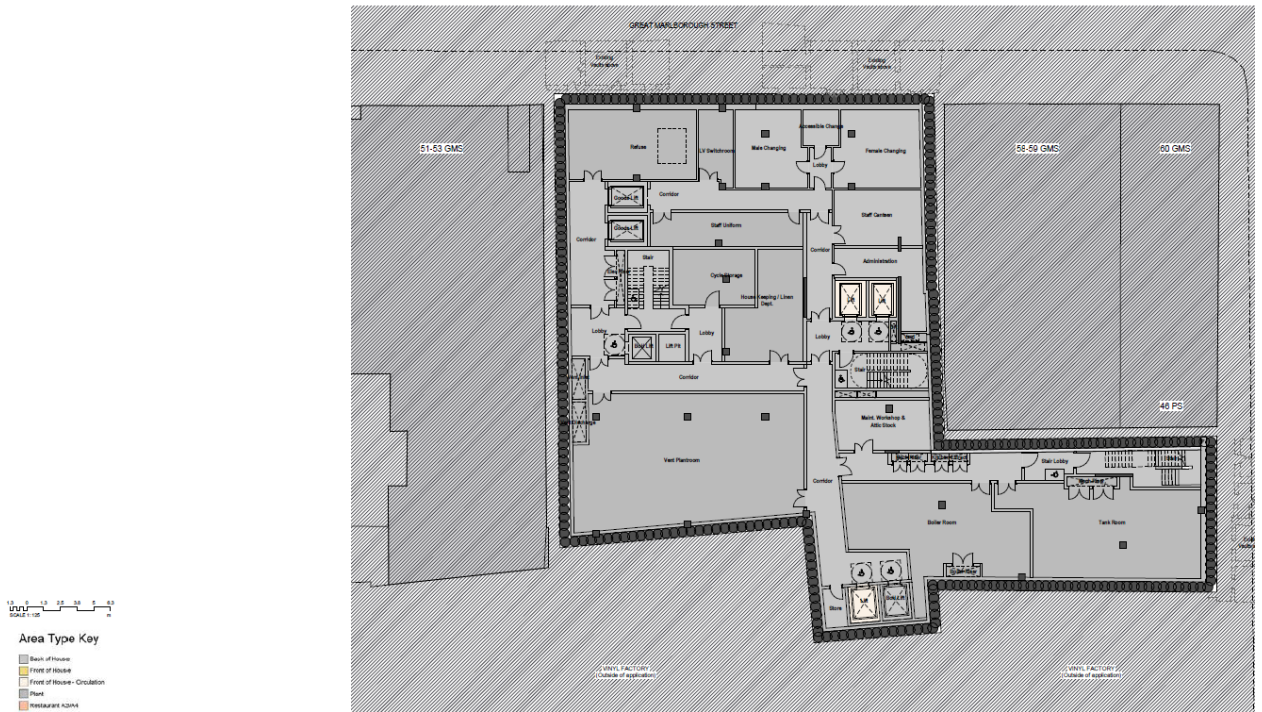
Proposed Third Floor Plan

Proposals

- 1** Guestroom Layout Updated while still achieving accessible/ adaptable rooms 10% of total number.
- 2** Access to the GMS balcony has been provided for maintenance purposes.
- 3** Retention of existing elevations. New external terrace for maintenance access only



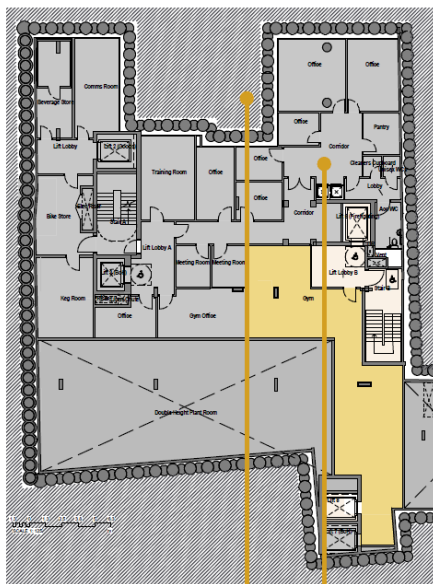
Consented Basement 2 Floor Plan



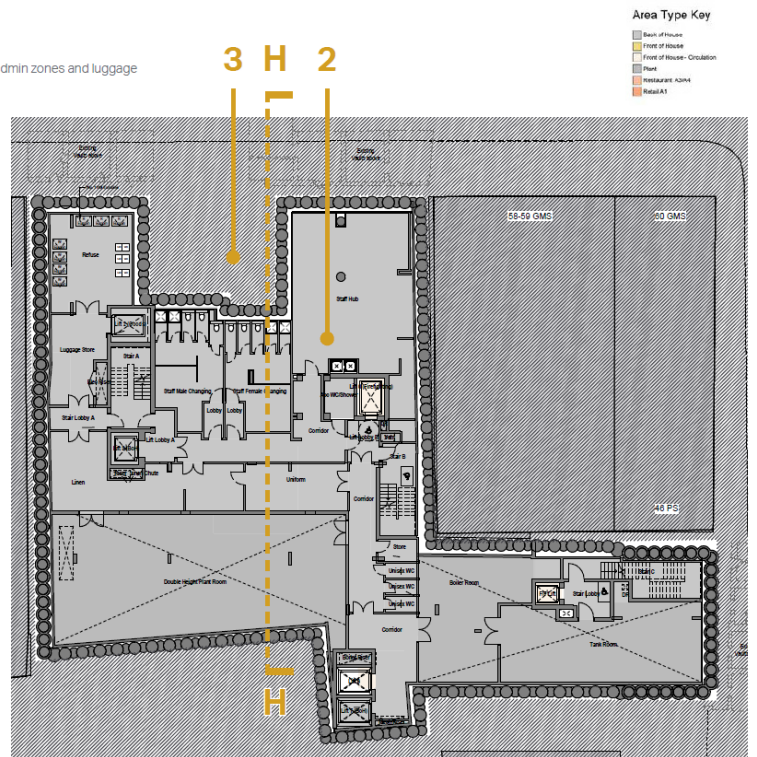
Proposed Basement 2 Floor Plan

Proposals

- 1 Introduction of a mezzanine floor within B2 staff zone to account for staff office and admin zones and luggage stores, (refer to sections for more detail).
- 2 Improvements to B2 layout allowing open plan area for staff, canteen, staff hub, and changing rooms.
- 3 Retention of UKPN substation reduces the extent of the basement floor plan



Proposed Basement 2 Mezzanine Plan



Proposed Basement 2 Plan

DRAFT DECISION LETTER

- Address:** Development Site At 47-50 Poland Street And 54-57, Great Marlborough Street, London,
- Proposal:** Variation of condition 1 of planning permission dated 06 February 2020 (RN:18/10886/FULL) for Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works; NAMELY, to enable design amendments including alterations to the detailed design of the new facades; reconfiguration of the entrances and routes through the ground floor level of the building; the introduction of a mezzanine level at basement level 02 and internal alterations to introduce additional firefighting cores. (Application under Section 73 of the Act),
- Reference:** 22/04419/FULL
- Plan Nos:** 18/10886/FULL:
 10853-EPR-01-B1-TP-A-01-0099 Rev3, 0100 Rev3, 0101 Rev3, 0102 Rev3, 0103 Rev3, 0104 Rev3, 0105 Rev3, 0106 Rev3, 0107 Rev3, 0108 Rev3; 10853-EPR-01-B1-TP-A-02-0098 Rev7, 0099 Rev9, 0100 Rev9, 0101 Rev7, 0102 Rev7, 0103 Rev7, 0104 Rev7, 0105 Rev7, 0106 Rev9, 0107 Rev9, 0108 Rev10; 10853-EPR-01-ZZ-TP-A-01-0304 Rev3, 0305 Rev3, 0306 Rev3, 0307 Rev3; 10853-EPR-01-ZZ-TP-A-02-0301 Rev6, 0302 Rev6, 0303 Rev7, 0304 Rev8, 0304 Rev6, 0305 Rev6, 0306 Rev6, 0307 Rev6; 10853-EPR-01-ZZ-TP-A-01-0401 Rev3, 0402 Rev3; 10853-EPR-01-ZZ-TP-A-02-0401 Rev7, 0402 Rev6, 0403 Rev6, 0404 Rev6, 0405 Rev6, 0406 Rev6; 10853-EPR-01-ZZ-TP-A-02-0501 Rev6, 0502 Rev5, 0503 Rev5, 0504 Rev5
- EPR-01—B1-DR-A- SK-0030 Rev4, 0031 Rev4,
- Structural Methodology Statement by WSP dated December 2018 (INFORMATION ONLY)
- 22/04419/FULL:
 10853-EPR-01-B1-TP-A-02-0098 Rev 15, B1-TP-A-02-0099 Rev 16, GF-TP-A-02-0100 Rev 19, 01-TP-A-02-0101 Rev 14, 02-TP-A-02-0102 Rev 13, 03-TP-A-02-0103 Rev 13, 04-TP-A-02-0104 Rev 13, 05-TP-A-02-0105 Rev 14, 06-TP-A-02-0106 Rev 16, 07-TP-A-02-0107 Rev 15, 08-TP-A-02-0108 Rev 15; 10853-EPR-01-ZZ-TP-A-02-0300 Rev 9, 0301 Rev 9, 0302 Rev 11, 0303 Rev 11, 0304 Rev 10, 0305 Rev 10, 0306 Rev 10, 0307 Rev 11, 0401 Rev 10, 0402 Rev 8, 0403 Rev 10, 0404 Rev 9, 0405 Rev 11, 0406 Rev 9, 0506 Rev 7, 0502 Rev 6, 0503 Rev 6, 0504 Rev 7, 0505 Rev 7

Basement Impact Statement by WSP dated June 2022 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

1	The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
	Reason: For the avoidance of doubt and in the interests of proper planning.
2	<p>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:</p> <ul style="list-style-type: none"> 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. <p>You must carry out piling, excavation and demolition work only:</p> <ul style="list-style-type: none"> o between 08.00 and 18.00 Monday to Friday; and o not at all on Saturdays, Sundays, bank holidays and public holidays. <p>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)</p>
	Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)
3	No development shall take place other than in accordance with the design and construction method statements approved under 20/01333/ADFULL dated 25 August 2020.
	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	No development shall take place other than in accordance with the detailed method statement approved under 20/05543/ADFULL dated 18 September 2020.
	Reason: To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)
5	Non-residents hotel guests shall not be permitted to access, or remain within the hotel restaurants, bars, lobby and lounge areas except between 06.30 to 00.00
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
6	You must apply to us for approval of an operational management plan to show how you will prevent customers of the hotel, restaurant and bar from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel, restaurant or bar use until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times that the hotel is in use. (C05JB)
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
7	The courtyard area shall not be occupied by any person between the hours of 23:00 to 07:00 except in an emergency. Any doors and windows opening into this courtyard space must also remain closed between the hours of 23:00 and 07:00 except for emergency escape purposes.
	Reason: To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
8	No music, amplified or unamplified, including buskers, shall be played in the courtyard area at any time.
	Reason:

	To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)
9	You must apply to us for approval of the extent of space to be used for tables and chairs in the courtyard area. You must not use this space for tables and chairs until we have approved what you have sent us. You must then not put the tables and chairs in any other position than that approved by the City Council.
	Reason: To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)
10	(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f)

	above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.
	Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)
11	No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
	Reason: To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)
12	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: 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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)
13	You must provide the waste store shown on drawings 10853-EPR-01-B1-TP-A-02-0098 Revision 15 and 10853-EPR-01-B1-TP-A-02-0099 Revision 16 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 Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)
14	You must apply to us for approval of details of secure cycle storage for the hotel, retail and restaurant use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.
	Reason: To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)
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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
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 people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)
18	You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 10 and 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

	<p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)</p>
19	<p>You must carry out the work in accordance with the remediation strategy approved under 20/01871/ADFULL dated 2 June 2020.</p> <p>You must apply to us for approval of a Contaminated Lane Validation report (to summarise the action you have taken during the development and what action you will take in the future, if appropriate) when the development has been completed but before it is occupied.</p>
	<p>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 Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)</p>
20	<p>(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel, courtyard, restaurants and bars use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel, courtyard, restaurants and bars use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre</p>

	outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.
	Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)
21	You must apply to us for the details of an acoustic report demonstrating how the noise from the courtyard area will meet the requirements of condition C47 AB. The assessment must provide the following information: , - An assessment of predicted source noise, to include information on any proposed acoustic absorption materials within the space;; - An assessment of the likely impact at the nearest noise sensitive receptor and at the nearest residential receptor;; - Detailed information on the glazing specification; , - Detailed information on the attenuation for the ventilation systems;; - Detailed information on any other mitigation measures to be installed which are necessary to meet the required noise criteria; and, - An assessment of the potential impact on the operation of the restaurants, with mitigation measures recommended where necessary to ensure the operation of the restaurants are not unduly affected by noise from the use of the courtyard. , , The mitigation measures recommended by this report must be installed prior to occupation of this space and be permanently retained thereafter.
	Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)
22	The design and structure of the development shall be of such a standard, that it will protect noise sensitive dwellings within the development and adjoining residential dwellings from groundborne noise from the transmission of underground train operations, so that they are not exposed to levels indoors of more than 35 dB LASMax within habitable rooms during the day and night.
	Reason:

	In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining residents of the development from the intrusion of external noise.
23	You must carry out the works in accordance with the vibration assessment approved under 22/08453/ADFULL dated 6 January 2023.
	Reason: In order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for adjoining occupiers of the development from the intrusion of external noise.
24	You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., PV panels, You must not remove any of these features. (C44AA)
	Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)
25	You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)
	Reason: To maintain the character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)
26	You must carry out the demolition and development in accordance with the construction contract approved under 22/04416/ADFULL dated 4 November 2022.
	Reason: To maintain the character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)
27	You must apply to us for approval of samples of the facing materials you will use, including glazing and the cast glass, 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)
28	The air quality mitigation measures as specified in the air quality assessment by WKC dated 12th December 2018 must be installed before you start to use any part of the development and permanently retained thereafter.
	Reason: To make sure that the development provides the air quality mitigation measures included in your application as set out in Policy 32 of the City Plan 2019 - 2040 (April 2021).
29	You must apply to us for approval of details to demonstrate how the CHP and gas boilers will meet the required air quality neutral benchmarks of the Greater London Authority SPG on Sustainable Design and Construction. You must not install the CHP until we have approved what you have sent us. You must then carry out the work according to these details.
	Reason: To make sure that the development provides the air quality mitigation measures included in your application as set out in Policy 32 of the City Plan 2019 - 2040 (April 2021).
30	You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development – <ul style="list-style-type: none"> 1. Typical bays - all elevations, 2. Windows, 3. Entrance doors, 4. Shopfronts, 5. Roof storeys, 6. Roof level plant, 7. Public art, 8. Atrium, <p>You must not start any work on these parts of the development until we have approved what you have sent us.</p> <p>You must then carry out the work according to these details (C26DB)</p>
	Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

31	<p>You must apply to us for approval of sample panels of: , ,</p> <ol style="list-style-type: none"> 1. Cladding for the Great Marlborough Street façade, 2. Rebuilt Georgian façade at 48 Poland Street (to replicate the existing), 3. Cladding for new Poland Street facades, , <p>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)</p>
	<p>Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)</p>
32	<p>You must carry out the construction work according to the details approved on 21 October 2020 (20/06293/ADFULL) or in accordance with the submission of alternative 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.</p>
	<p>Reason: To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)</p>
33	<p>At least 10% of all guest bedrooms must be DDA accessible or adaptable.</p>
	<p>Reason: To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)</p>
34	<p>You must install the high level extract duct, and CHP flues, as shown on the approved drawings before the restaurant operations hereby approved can begin.</p>
	<p>Reason: To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)</p>
35	<p>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)</p>
	<p>Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)</p>

36	The Poland Street and Great Marlborough entrance gates can only be opened between 07:00-23:00. Outside these times the gates shall only be opened in case of emergency access.
	Reason: In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)
37	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 as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)
38	Notwithstanding the details shown on drawing no. 10853-EPR-01-TP-A-02-0100 Rev 19, no hatch shall be installed within the pavement onto Great Marlborough Street
	Reason: In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)
39	The flat roof at sixth floor level and the terraces at second, third, fourth and fifth floors shall only be used for maintenance or means of escape purposes only.
	Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)
40	The glass that you put in the windows in the west facing elevation of the 50 Poland Street building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)
	Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 4 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 email AskHighways@westminster.gov.uk. 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).
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific

conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 6 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.
- 7 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.
- 8 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.
- 9 Please ensure that the accessible WCs at ground floor level are available to members of the public on request.

Item No.

5

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.