

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	15 Henrietta Street, London, WC2E 8QG,		
Proposal	Use of 14 Henrietta Street and the upper floors of 15 Henrietta Street as a hotel with restaurant and bar facilities (sui generis), single storey roof extension at No. 15, installation of plant at rear lower ground floor level and plant within a plant enclosure to the rear of No. 14 at second floor level and associated external works including replacement windows and satellite dishes to both buildings.		
Agent	Mr Gary Brook		
On behalf of	Capital & Counties CG Limited (as general partner for Cap...		
Registered Number	15/08953/FULL	Date amended/ completed	24 September 2015
Date Application Received	24 September 2015		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

1. Grant conditional planning permission.

2. SUMMARY

Nos. 14 and 15 are two separate adjoining unlisted buildings of merit located on the south side of Henrietta Street in the Covent Garden Conservation Area.

Permission is sought for the use of No. 14 and the upper (first to fifth floors) of No. 15 as a hotel with restaurant and bar facilities (sui generis) and external alterations including a single storey roof extension at No. 15, the installation of plant at lower ground floor level and plant within a plant enclosure at second floor level to the rear of No. 14 and replacement windows and satellite dishes to both buildings.

The key issues for consideration are:

- * The impact of the proposals in land use terms.
- * The impact of the external alterations on the character and appearance of the Covent Garden Conservation Area.

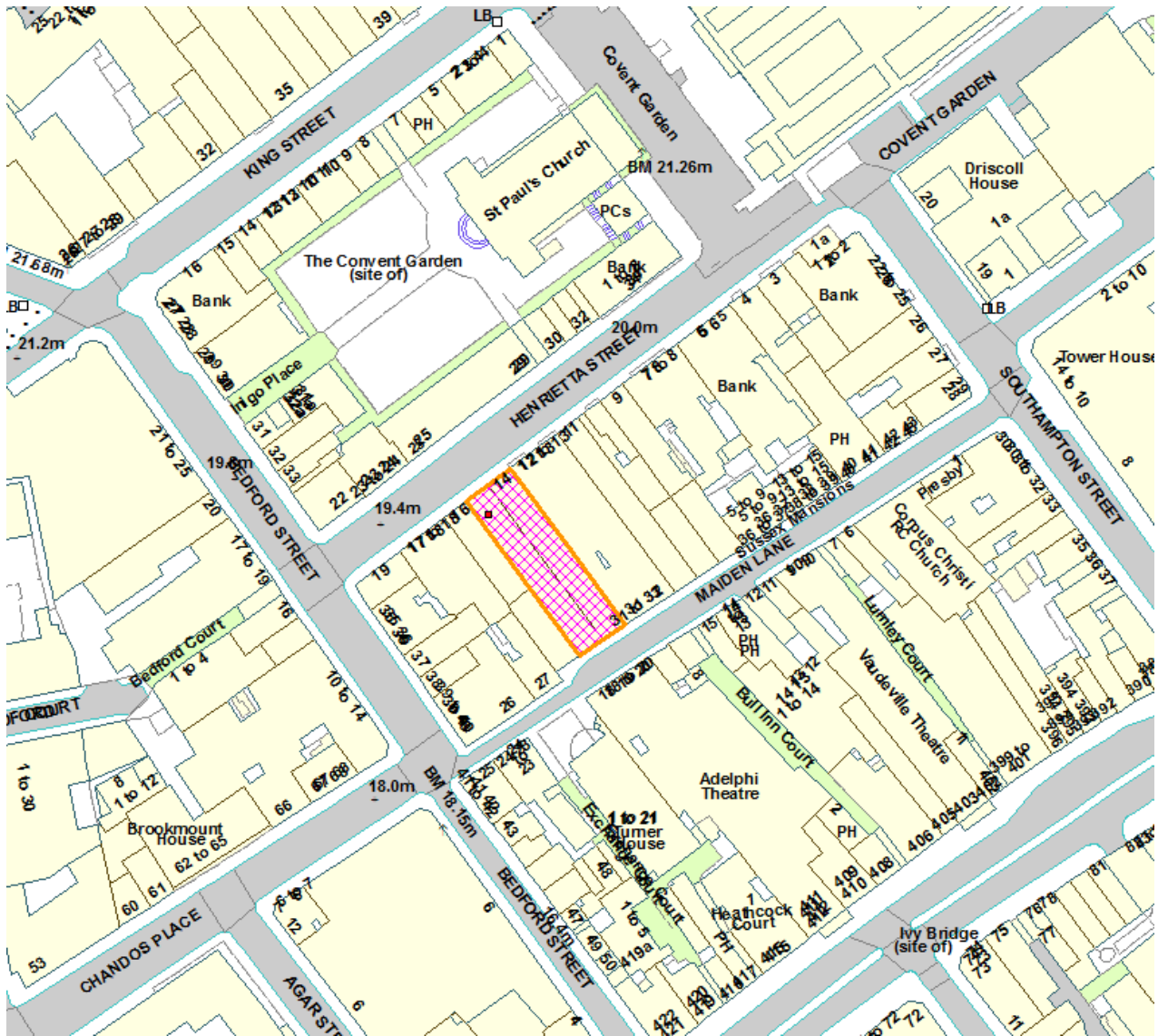
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* The impact on the amenity of neighbouring residential occupiers.

Subject to conditions, the proposed development is considered acceptable in land use, conservation and design, amenity and highways terms and to comply with relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

No objection to hotel use. Strong objection to proposed restaurant and bar. At 120 restaurant covers at 60 in the bar this will be one of the larger restaurants in a highly residential area. Should permission be granted conditions should be applied to control the hours of use of the bar by non-residents, that no music should be audible outside the premises, a servicing and waste management plan should be provided, details of how the queues in front of the building will be managed and that the roof terrace should be used for maintenance only.

COVENT GARDEN AREA TRUST

No comment.

METROPOLITAN POLICE (DESIGNING OUT CRIME)

No objection

HIGHWAYS PLANNING MANAGER

No Servicing Management Plan provided. No cycle parking. No waste store. Gate shown as opening over public highway.

ENVIRONMENTAL HEALTH

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 60
Total no. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Nos. 14 and 15 are two separate adjoining unlisted buildings of merit located on the south side of Henrietta Street in the Covent Garden Conservation Area. The site is located in the Core Central Activities Zone (CAZ) and within the West End Stress Area.

6.2 Recent Relevant History

Planning permission was granted in August 2012 for the use of No. 14 as the Angolan Embassy Consulate with ancillary office (sui generis). This permission was subject to a condition restricting the use of the embassy to the applicants only. The upper floors of the premises are currently vacant. The City Council does not consider that this use was implemented. The last known lawful use of the premises is therefore understood to be as offices (Class B1) at basement, ground and first floors and a six bedroom residential unit (Class C3) occupying the second, third, fourth and fifth floors. No. 15 is understood to have a lawful use as offices (Class

B1) on the first and second floors and as a three bedroom residential unit (Class C3) on the third, fourth and fifth floors.

7. THE PROPOSAL

Permission is sought for the use of No. 14 and the upper (first to fifth floors) of No. 15 as a hotel with restaurant and bar facilities (sui generis) and external alterations including a single storey roof extension at No. 15, the installation of plant at lower ground floor level and plant within a plant enclosure at second floor level to the rear of No. 14 and replacement windows and satellite dishes to both buildings.

The prospective hotel operator is understood to be Experimental Group who currently run 16 hospitality operations in Europe and North America including hotels, restaurants and bars. Two of these are in London, a cocktail bar at 13a Gerrard Street and a delicatessen, bistro and wine bar at Neal's Yard. This would be the company's first hotel in London.

In total the hotel comprises 18 hotel bedrooms accessed through the front door of No. 14 where a reception area is provided. The single storey roof extension proposed at the fifth floor of No. 15 creates a bedroom which benefitting from a rear terrace, similar to the one which currently exists at No. 14.

At ground floor level beyond the hotel reception is the restaurant, which would also extend to the mezzanine conservatory. The kitchen is located within the basement. The restaurant, which would be open to members of the public, can be entered through the hotel reception, primarily by overnight guests, or separately through the main door of No. 15. The capacity of the dining area is 120 people which includes the basement kitchen.

Within the basement of No. 14 is a cocktail bar. Access is provided directly from the hotel but it would also be open to members of the public and would be accessed via the existing external staircase to the front of the property. The capacity would be capped at 60 people.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The table below provides a breakdown of existing land use:

	No. 14 Henrietta Street	No. 15 Henrietta Street
Lower Ground	Offices	Outside site demise
Ground	Offices	Outside site demise
First	Offices	Offices
Second	Residential	Offices
Third	Residential	Residential
Fourth	Residential	Residential
Fifth	Residential	residential

The table below provides a breakdown of existing and proposed floorspace:

Use Class	Existing (m2)	Proposed (m2)	Change (m2)
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Office (Class B1)	684	0	-684
Residential (Class C3)	502	0	-502
<i>Sui Generis</i> (Hotel)	0	880	+880
<i>Sui Generis</i> (Restaurant)	0	283.5	+283.5
<i>Sui Generis</i> (Bar)	0	77.5	+77.5
Total	1,186	1,241	+55

Loss of office use

The proposals will result in the loss of 684 sq m of office (Class B1) floorspace. The loss of the offices at the basement to first floor of No. 14 Henrietta Street and first and second floors of No. 15 Henrietta Street to provide hotel accommodation and associated bar and restaurant facilities complies with current policy given that the proposed use is another commercial use.

Loss of residential units

The loss of 502 sq m of residential floorspace (Class C3) is contrary to Policy S14 of Westminster's City Plan which seeks to protect all residential floorspace. It is proposed to overcome this use via a land use swap.

Policy COM3 of the UDP seeks to ensure that land use swaps relating to residential use can only take place at sites within the vicinity of each other. The arrangements will also only be considered acceptable if the mixed use character of the locality is maintained, at the least the equivalent amount of residential floorspace is provided, the residential accommodation is of a higher standard in terms of quality and amenity and the provision of the residential accommodation is secured by conditions and, where necessary, legal agreements. New residential accommodation should be self-contained and have separate access, have improved space standards and result in improved levels of privacy and/or daylighting.

The applicant, Capital and Counties (Covent Garden), is committed to providing a mix of uses across its Estate and realises the importance of the residential population to the vitality of the area. To this end, the applicant has recently been granted a number of residential permissions. The following two permissions were permitted with the understanding that they would contribute to the provision of off-site residential accommodation required under a legal agreement relating to No. 38 King Street, where planning permission (12/08003/FULL) was resolved to be granted on the 20 August 2013 for the use of the Africa Centre at 38 King Street for (Class A1) retail purposes (with ancillary offices at second floor and above) and external works.

However since the grant of these permissions alternative residential provision has been identified to meet the off-site residential requirements at No. 38 King Street, meaning that the residential quantum provided by these permissions can be applied elsewhere.

Planning permission was granted on 24 September 2013 at both Nos. 14 and 15 King Street (13/05622/FULL and 13/05600/FULL) for the use of first, second, third and fourth floors as 4 x 1 bed residential units (Class C3) at each property. These permissions provide a total of 481 sq m of residential accommodation across eight 1-bed residential units.

This will lead to a shortfall of 21 sq m of residential accommodation. However, given that the replacement residential will provide a net uplift of 6 residential units of an appropriate size and configuration and that 21 sq m is not a sufficient size for a replacement unit in its own right, in this instance the shortfall is considered acceptable.

Proposed Hotel/Bar/Restaurant Use

The application site is located within the CAZ and so the introduction of a new hotel use in this location is acceptable in principle. The proposal also seeks to introduce a new bar and restaurant (Class A3/A4) at basement, ground and part first floor of no. 14. Given the composite nature of the proposed use as a combined hotel, restaurant and bar, the use needs to be assessed against our Core Strategy and UDP policies regarding both hotels and new entertainment premises. The proposed use is considered to be sui generis, that is, a use 'on its own' not falling within any one particular use class.

Policy S23 of the Westminster City Plan states that new hotels will be directed to the Core CAZ existing hotels will be protected where they do not have significant adverse effects on residential amenity and proposals to improve the quality and range of hotels will be encouraged.

Policy TACE 9 and TACE 10 of our UDP state that permission may be granted for proposals for entertainment uses between 150 – 500sqm within the CAZ and Stress Areas subject to the City Council being satisfied the proposed use has no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic, and no adverse effect on the character and function of the area. Policy S24 of our City Plan also states new entertainment uses will need to demonstrate they do not adversely impact on residential amenity, health and safety, local environment quality and the character and function of the area.

The majority of 'luxury' hotels within Central Westminster provide bars and restaurants that are also open to members of the public, and it is not considered objectionable in this case. The proposed restaurant and bar area at lower ground and ground floor level will form an integral part of the hotel operation (serving breakfast, lunch and dinner). Given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that these areas are properly managed. Should permission be granted, conditions are recommended restricting hours of opening to members of the public to no later than 01.00 hours to protect the amenity of nearby residents. This closing time will not affect guests of the hotel. It is also recommended conditions are added that restrict the restaurant to sit down, waiter service only and no take away, restrict the covers to 120 within the restaurant and 60 within the bar, and require them to operate in accordance with the submitted operational management plan.

The proposed use is considered an appropriate in this central area of Westminster, close to many of London's top tourist attractions and with good access to public transport. It is not considered that the scale of the hotel proposed would have a significant effect on residential amenity or local environmental quality and as such is appropriate in land use terms subject to the recommended conditions.

Increase in commercial floorspace

Policy S1 of Westminster's City Plan: Strategic Policies relates to mixed use in the Central Activities Zone and requires that, 'where proposals increase the amount of commercial floorspace by 200 sq m or more, or in the case of A1 retail or private educational, health and leisure facilities (D1 or D2), by 400 sq m or more, the provision of an equivalent amount of residential floorspace will be required on-site, where the council considers this to be appropriate and practical.'

Policy CENT 3 of Westminster's Unitary Development Plan relates to mixed-use development with regard to the provision of self-contained residential accommodation when increases of commercial floorspace are proposed and requires that, 'In appropriate circumstances, where on-site or off site residential provision or appropriate alternative uses cannot be achieved, the City Council will seek a contribution to its affordable housing fund for the provision of affordable housing instead'.

In this case, the applicants have offered to provide off-site residential to offset the loss of existing residential floorspace, but this does not compensate for the residential requirement as a result of the increase in commercial floorspace. The application proposes an increase in commercial floorspace of 557 m² GEA. It is accepted that it would not be appropriate to provide additional residential accommodation on site, and the applicants have not offered any alternative residential provision off site. In terms of a payment in lieu of residential provision, the policy compliant amount in this instance is £916,525. The applicant claims this level of payment renders their scheme unviable and has provided a financial viability assessment to support this claim.

The Council has employed James Brown as an independent consultant to review the applicant's financial viability case for offering no contribution to the affordable housing fund. He agrees that any contribution towards affordable housing would make the scheme unviable. On this basis therefore, it is not considered reasonable to require a payment in lieu on this occasion.

8.2 Townscape and Design

Nos. 14 and 15 are two separate adjoining unlisted buildings of merit located on the south side of Henrietta Street in the Covent Garden Conservation Area.

The application proposes external alterations including a single storey roof extension at No. 15, the installation of plant at lower ground floor level and plant within a plant enclosure at second floor level to the rear of No. 14 and replacement windows and satellite dishes to both buildings.

The roof extension will extend the roof rearward of the existing pitch of the mansard to provide additional accommodation. This will read as a full width, vertical addition projection rearward from the ridge line. A similar arrangement has been implemented at No. 14, for which Certificate of Lawfulness was granted 2008 (ref: 08/07013/CLEUD). Although it should be noted that prior to this, two applications for roof extensions were refused in 1997 and 1998.

It is apparent that No. 15 forms a symmetrical pair with number 16, whereas No. 14 is clearly a separate building which at the rear sits lower than Nos. 15 and 16. Although the roof extension would increase the roof's current ridge height, resulting in a steeper front pitch which unbalances its relationship with No. 16, given that the buildings are not listed the proposed extension is not considered to be sufficiently out of proportion with the host building that it would

result in a detrimental impact on the conservation area so as to justify a refusal of the application on these grounds.

In all other respects, the proposed external works are considered acceptable in design and conservation area terms.

8.3 Residential Amenity

Daylight and Sunlight

The proposed roof extension will increase the ridge height of No. 15 by approximately 1.2m. It is not considered that this minor increase would have any material impact upon residential windows in terms of either loss of light or increased sense of enclosure. In all other regards the external alterations are not considered to give rise to any issues regarding overlooking, sense of enclosure or loss of privacy.

Noise

The Covent Garden Community Association has raised a strong objection to proposed restaurant and bar. They consider that with 120 restaurant covers and 60 in the bar this will be one of the larger restaurants in a highly residential area and have requested that should permission be granted conditions should be applied to control the serving and the operation of the restaurant and bar.

As discussed in Section 8.1, conditions have been recommended to control the hours of use of the bar and restaurant by non-residents, that no music should be audible outside the premises and requiring submission of a servicing management plan as well as restrictions on the number of covers.

With regard to the roof terrace at No. 15 given that this will replace an existing terrace at fourth floor level at No. 14 and will be accessed only by the residents of this room it is not considered necessary to impose conditions on its use .

Environmental Health officers have assessed the acoustic report submitted with the application and consider that the plant proposed at rear lower ground and second floor level will comply with City Council noise policy ENV 7 and will not result in any significant noise to the detriment of neighbouring properties.

8.4 Transportation/Parking

The Highways Planning Manager has noted that the site is located within a Controlled Parking Zone, which means that locations single and double yellow lines in the vicinity allow loading and unloading to occur.

Given the restaurant and bar will be open to members of the public (not just ancillary to the hotel) the servicing requirements of the site are likely to increase over the existing. An Operational Management Strategy (OMS) has been submitted but contains limited information regarding the likely service arrangements or levels. In order for the applicant to demonstrate that the proposal is to be closely managed and serviced with the least possible impact on the

public highway and its users, a Servicing Management Plan (SMP) is recommended by condition.

The London Plan requires 1 cycle parking space per 20 bedrooms and 1 space per 175m² of Class A3. No cycle parking is proposed within the site. A condition is recommended to secure 2 cycle parking spaces within the site.

A waste store is not specifically indicated on the plans however it is mentioned within the OMS. There appears room onsite for the provision of this facility. A condition is recommended to secure waste store within the site.

The application includes a gate which opens over the public highway. This is unacceptable in Highways terms and a condition is recommended requiring all gates and doors opening over the public highway to open inwards..

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The applicants have submitted a Design and Assess statement which sets out the provisions made for inclusive design throughout the premises.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The application is not a sufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Community Association, dated 30 October 2015
3. Response from Covent Garden Area Trust, dated 10 November 2015
4. Response from Highways Planning - Development Planning, dated 19 October 2015
5. Response from Environmental Health Consultation, dated 30 October 2015
6. Response from Metropolitan Police, dated 27 November 2015

Selected relevant drawings

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

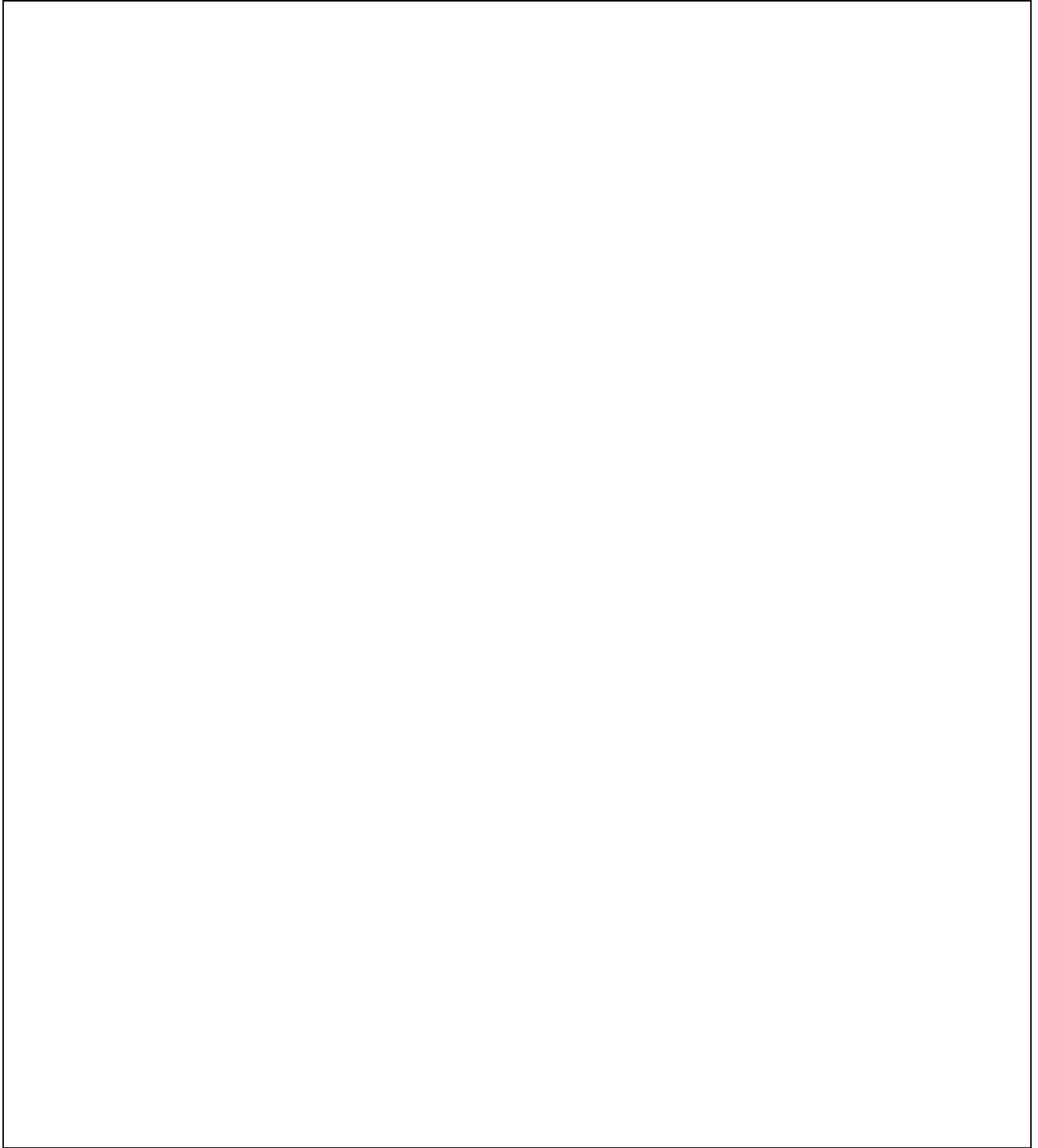
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT SEBASTIAN KNOX ON 020 7641 4208 OR BY EMAIL AT SouthPlanningTeam@westminster.gov.uk

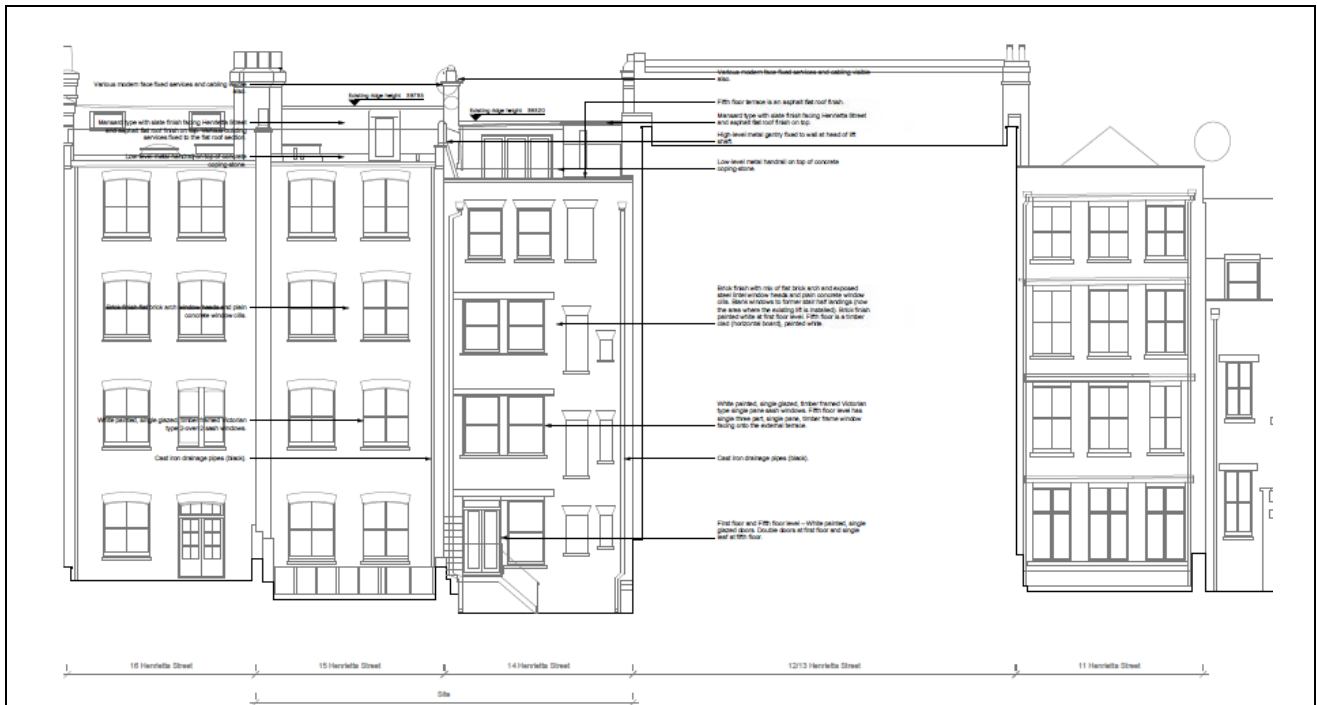
10. KEY DRAWINGS



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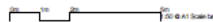




paul davis partners
ARCHITECTS URBAN DESIGNERS

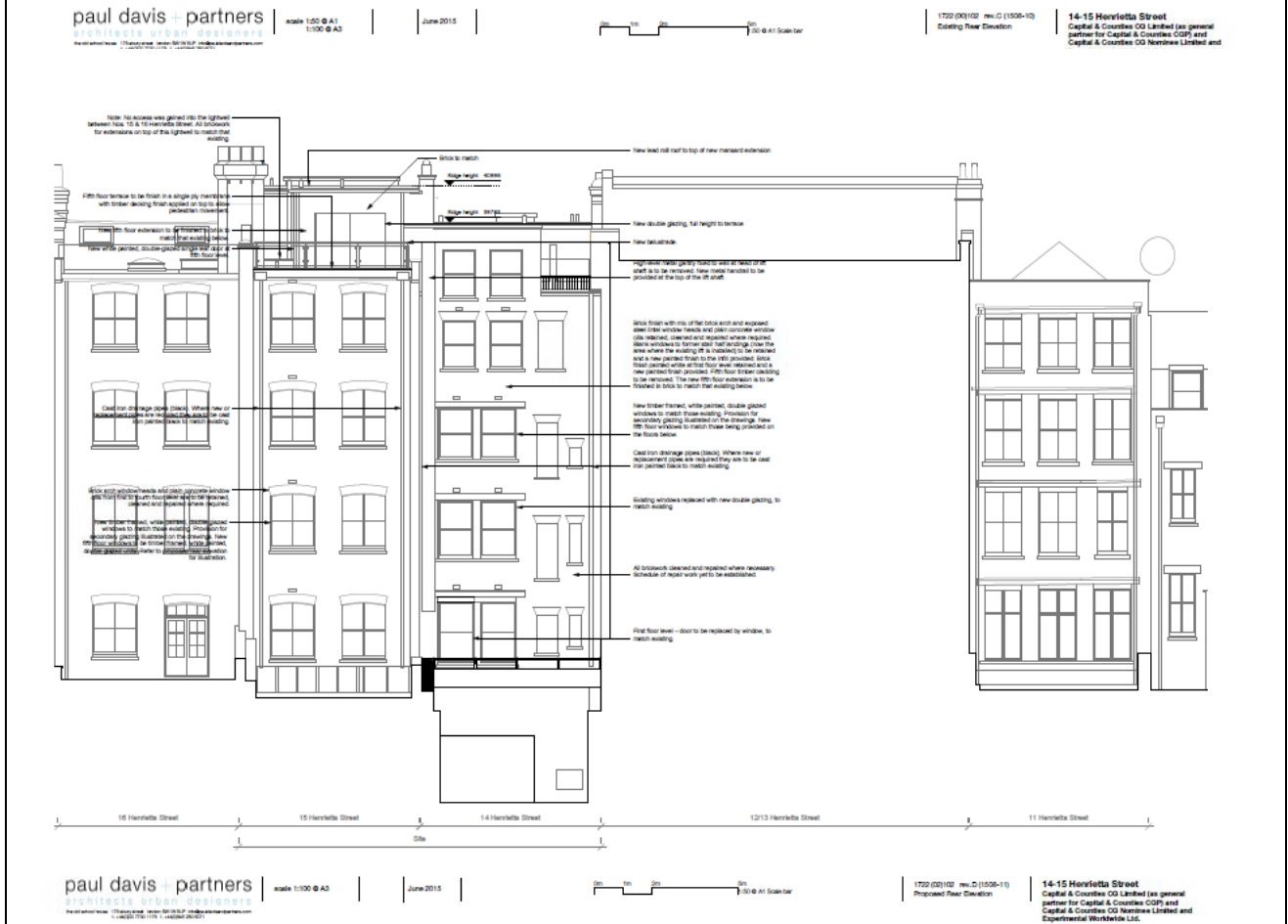
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June 2015



1722 (03)102 rev. C (1506-15)
Existing Rear Elevation

14-15 Henrietta Street
Capital & Counties OD Limited (as general partner for Capital & Counties CDP and Capital & Counties OD Northern Limited and



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ARCHITECTS URBAN DESIGNERS

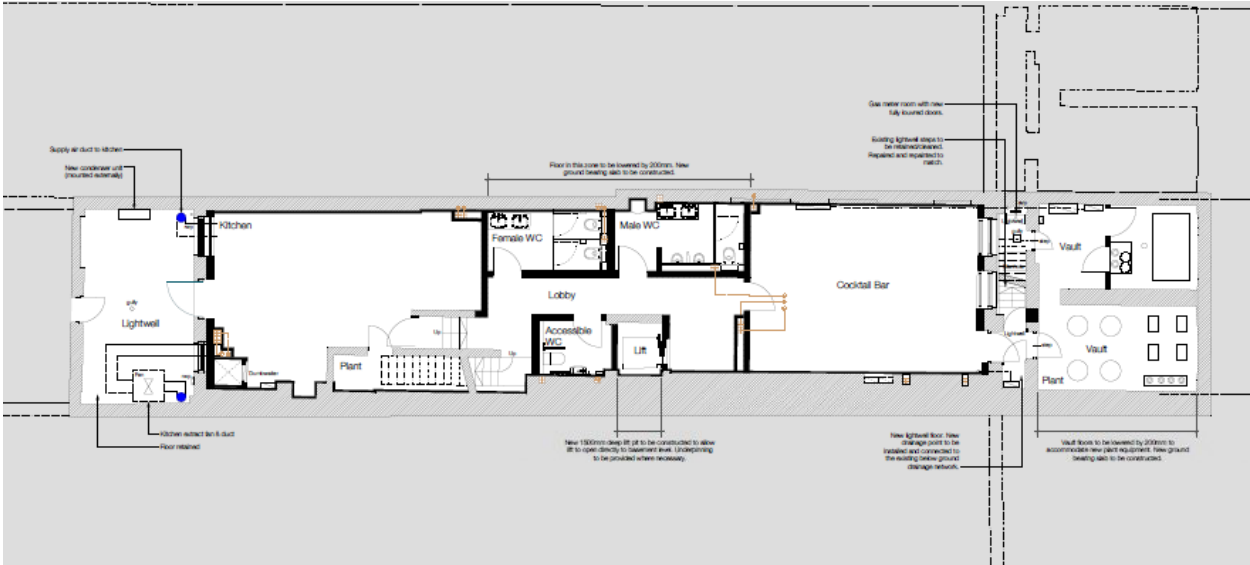
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June 2015

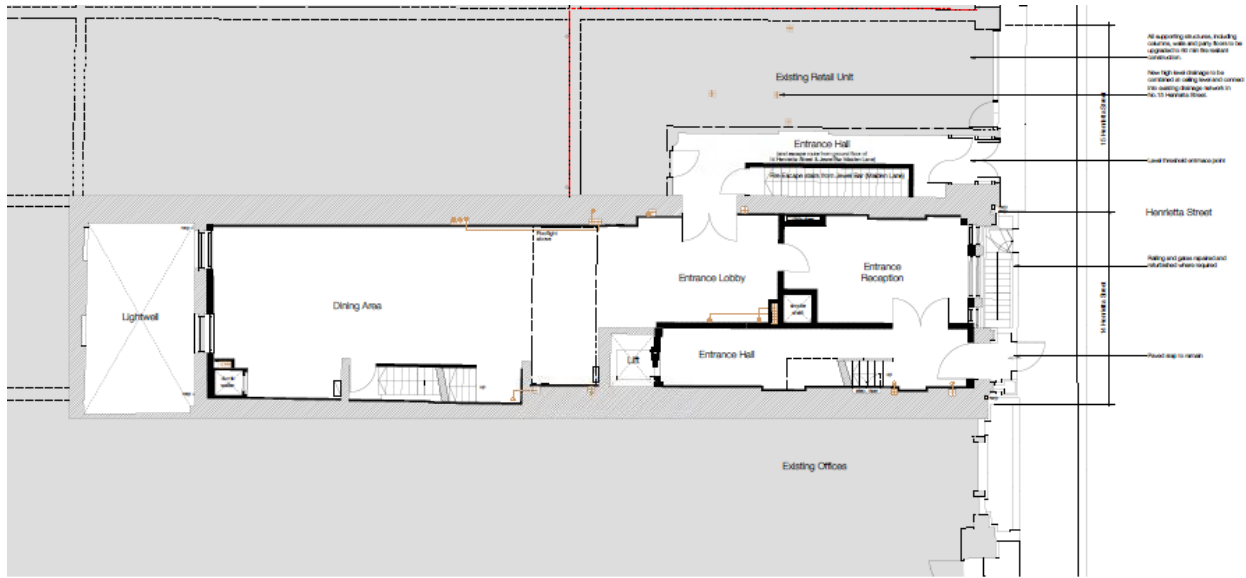


1722 (03)102 rev. D (1506-15)
Proposed Rear Elevation

14-15 Henrietta Street
Capital & Counties OD Limited (as general partner for Capital & Counties CDP and Capital & Counties OD Northern Limited and Experimental Workforce Ltd.



paul davis partners | ARCHITECTS & INTERIORS DESIGNERS | scale 1:50 @ A1 1:100 @ A2 | June 2015 | 1722 02001 rev. D (1508-11) Proposed Lower Ground Floor Plan | 14-15 Henrietta Street Capital & Counties CO Limited (as general partner for Capital & Counties COP) and Capital & Counties CO Nominees Limited and Expermental Worldwide Ltd.



paul davis partners | ARCHITECTS & INTERIORS DESIGNERS | scale 1:50 @ A1 1:100 @ A2 | June 2015 | 1722 02002 rev. E (1508-28) Proposed Ground Floor Plan | 14-15 Henrietta Street Capital & Counties CO Limited (as general partner for Capital & Counties COP) and Capital & Counties CO Nominees Limited and Expermental Worldwide Ltd.

DRAFT DECISION LETTER

Address: 15 Henrietta Street, London, WC2E 8QG,

Proposal: Use of 14 Henrietta Street and the upper floors of 15 Henrietta Street as a hotel with restaurant and bar facilities (sui generis), single storey roof extension at No. 15, installation of plant at rear lower ground floor level and plant within a plant enclosure to the rear of No. 14 at second floor level and associated external works including replacement windows and satellite dishes to both buildings.

Plan Nos: 1722(91)001 rev.B (1507-28); 1722 (00)001 rev.B (1507-24); 1722 (00)002 rev.B (1507-24); 1722 (00)003 rev.B (1507-24); 1722 (00)004 rev.B (1507-24); 1722 (00)005 rev.B (1507-24); 1722 (00)006 rev.B (1507-24); 1722 (00)007 rev.B (1507-24); 1722 (00)008 rev.B (1507-24); 1722 (00)101 rev.C (1508-10); 1722 (00)102 rev.C (1508-10); 1722 (00)103 rev.A (1507-24); 1722 (00)104 rev.A (1507-24); 1722 (00)201 rev.B (1507-24); 1722 (00)202 rev.B (1507-24); 1722 (00)801 rev.A (1507-28); 1722 (00)802 rev.A (1507-28); 1722 (00)803 rev.A (1507-28); 1722 (00)804 rev.A (1507-28); 1722 (00)805 rev.A (1507-28); 1722 (00)806 rev.A (1507-28); 1722 (00)807 rev.A (1507-28); 1722 (02)001 rev.D (1508-11); 1722 (02)002 rev.E (1508-28); 1722 (02)003 rev.F (1508-28); 1722 (02)004 rev.D (1508-11); 1722 (02)005 rev.D (1508-11); 1722 (02)006 rev.D (1508-11); 1722 (02)007 rev.E (1508-17); 1722 (02)008 rev.E (1508-17); 1722 (02)101 rev.E (1508-17); 1722 (02)102 rev.D (1508-11); 1722 (02)103 rev.C (1508-11); 1722 (02)104 rev.B (1508-11); 1722 (02)201 rev.D (1508-11); 1722 (02)202 rev.B (1508-11); 1722 (02)801 rev.C (1508-28); 1722 (02)802 rev.C (1508-28); 1722 (02)803 rev.C (1508-28); 1722 (02)804 rev.C (1508-28); 1722 (02)805 rev.C (1508-28); 1722 (02)806 rev.C (1508-28); 1722(02) 007 rev.D (1508-28); Planning Noise Assessment dated 20 July 2015, prepared by Sandy Brown; Operational Management Statement dated August 2015; Transport Statement dated August 2015, prepared by TTP Consulting.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 You must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings at scale 1:10 (including plans to show their locations) and sections at scale 1:5 of the following parts of the development -
- i) New external doors;
 - ii) New windows;
 - iii) New lantern light.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 Where new brickwork is to match existing, it must match the existing original work in terms of colour, texture, face bond and pointing.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new mansard roof extension must be clad in lead on the upper slope.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 No additional areas (other than those shown on the drawings hereby approved) shall be created for the hotel restaurant and hotel bar, unless otherwise agreed in writing by us.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 The restaurant and bar may only be accessible to non-residents between the hours of 0800 to 0100 the next day Monday to Saturday and between the hours of 0800 to 0000 Sundays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 No music shall be played in the bar, restaurant or other public areas of the hotel such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 10 The Class A3 restaurant shown on the approved drawings at ground and basement level shall only be used as sit-down restaurant with waiter service. You must not use any part of this as a separate bar, or for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 You must not allow more than 160 customers into the ground floor/basement restaurant, and 60 customers in the basement bar at any one time.

Reason:

We cannot grant planning permission for unrestricted use because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 12 (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: Strategic Policies adopted November 2013, 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.

- 13 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel 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 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 15 You must apply to us for approval of detailed drawings of the acoustic screen to the plant at rear second floor level. You must not start work on this part of the development until we have approved what you have sent us. You must then put up the plant screen before you use the machinery and maintain it in the form shown for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 16 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hotel. (C14EC)

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: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 18 You must apply to us for approval of a Servicing Management Plan prior to occupation. The plan should identify process, storage locations, scheduling of deliveries and staffing.

You must not commence the hotel use until we have approved what you have sent us.

You must then carry out the servicing according to these details, unless a revised strategy is approved (in writing) by the Local Planning Authority. (C26DB)

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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 You must carry out the measures included in your Operational Management Statement dated August 2015 at all times that the hotel is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 and 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 20 The hotel use allowed by this permission shall not be occupied until the residential units approved under applications 13/05600/FULL and 13/05622/FULL (or as subsequently approved by any permissions which vary these applications) at 15 King Street and 14 King Street respectively have been completed and made ready for occupation.

Reason:

Developing the site without providing replacement residential floorspace would not meet S14 of Westminster's City Plan: Strategic Policies adopted November 2013 and H1 of our Unitary Development Plan that we adopted in January 2007.

- 21 You must paint all new railings black and keep them that colour.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

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

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 23 You must apply to us for approval of details of cycle storage for the hotel use. You must not start work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 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 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:
- John Firrell MHCIMA
Secretary - Considerate Hoteliers Association
C/o Wheelwright's Cottage
Litton Cheney
Dorset DT2 9AR
- E-mail: info@consideratehoteliers.com
Phone: 01308 482313
- (I76AA)
- 9 Conditions 12 and 14 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 11 The Servicing Management Plan (SMP) required by Condition 19 should demonstrate that the proposal is to be closely managed and serviced with the least possible impact on the public highway and its users. The plan should clearly outline how servicing will occur on a day to day basis, identifying the process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.

Item No.

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