

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 March 2017	<b>Classification</b> For General Release	
<b>Addendum Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,</b>		
<b>Proposal</b>	Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.		
<b>Agent</b>	dpp Planning		
<b>On behalf of</b>	West End Property LP		
<b>Registered Number</b>	15/09858/FULL	<b>Date amended/ completed</b>	19 October 2015
<b>Date Application Received</b>	19 October 2015		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Leicester Square		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application was considered by Planning Committee on 29 March 2016 where it was resolved:

1. That conditional permission be granted subject to the completion of a s106 legal agreement to secure a financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development).

The s106 legal agreement has not yet been completed and in the intervening period the Council's planning policy position has changed, with the adoption of the latest version of Westminster's City Plan (November 2016). Following adoption of the latest version of Westminster's City Plan (November 2016), there is now no longer a requirement for this application to provide residential floorspace (or a financial contribution towards affordable housing).

As such, this application is referred back to committee to determine whether it may now be approved subject to conditions, and without a s106 legal agreement to secure a financial contribution towards affordable housing.

### **Report of Director Of Planning dated 29 March 2016**

As set out in the report to Committee on 29 March 2016, the proposed scheme, which involves the creation of 230 sqm (GEA) of new C1 hotel floorspace (the additional tenth storey) was assessed against the relevant adopted policies, including Policy S1: Mixed Use in the Central Activities Zone of the City Plan (2013) and Policy COM2 of the UDP (2007) which seek provision of residential floorspace alongside increases in commercial floorspace within the Core Central Activities Zone (CAZ).

The increase in commercial floorspace triggered a requirement for an equivalent amount of residential floorspace under policies S1 of the City Plan (2013) and COM 2 of the UDP (2007). In the consideration of the application it was accepted that it would not be reasonable or practical to provide on-site residential floorspace within the building or off-site in the vicinity of the application site. Therefore a payment in lieu of the provision of residential floorspace was considered appropriate and a contribution of £378,457 towards affordable housing was sought, to be secured by s106 legal agreement.

### **Recent changes to Council's Mixed Use Policies**

On 9 November 2016 the latest version of Westminster's City Plan (Consolidated with all changes since November 2013) was adopted by the Council. This version of the City Plan supersedes the previous City Plan, adopted in 2013 and includes a revision to Policy S1: Mixed Use in the Central Activities Zone. Furthermore Policy COM 2 of the UDP (2007) has now been deleted, having been replaced by policies in Westminster's City Plan.

Policy S1 of the former City Plan (2013) required that where the proposal would increase the amount of commercial floorspace by 200 sqm or more, the provision of an equivalent amount of residential floorspace will be required on-site or off-site in the vicinity of the application site. Where neither option is achievable, a payment in lieu for the amount of floorspace required may be accepted.

The latest version of the City Plan (November 2016) revises this policy by exempting developments within the core commercial areas which are less than 30% of the existing floorspace or less than 400 sqm whichever is the greater. This includes schemes that just involve a change of use. Above those levels a series of triggers apply to determine the amount of residential floorspace required to accompany net gains in Class B1 floorspace and the location and manner of its provision.

The impetus for the revised Mixed Use Policy arose from the growing concern about the loss of office accommodation in Westminster. The revised policy allows a greater amount of new floorspace to be created before equivalent residential accommodation is required. It also introduces a presumption against the loss of existing offices to housing. In broad terms the effect of the Revised Mixed Use Policy should be to encourage office development to take place because the requirement for commensurate residential accommodation is less onerous.

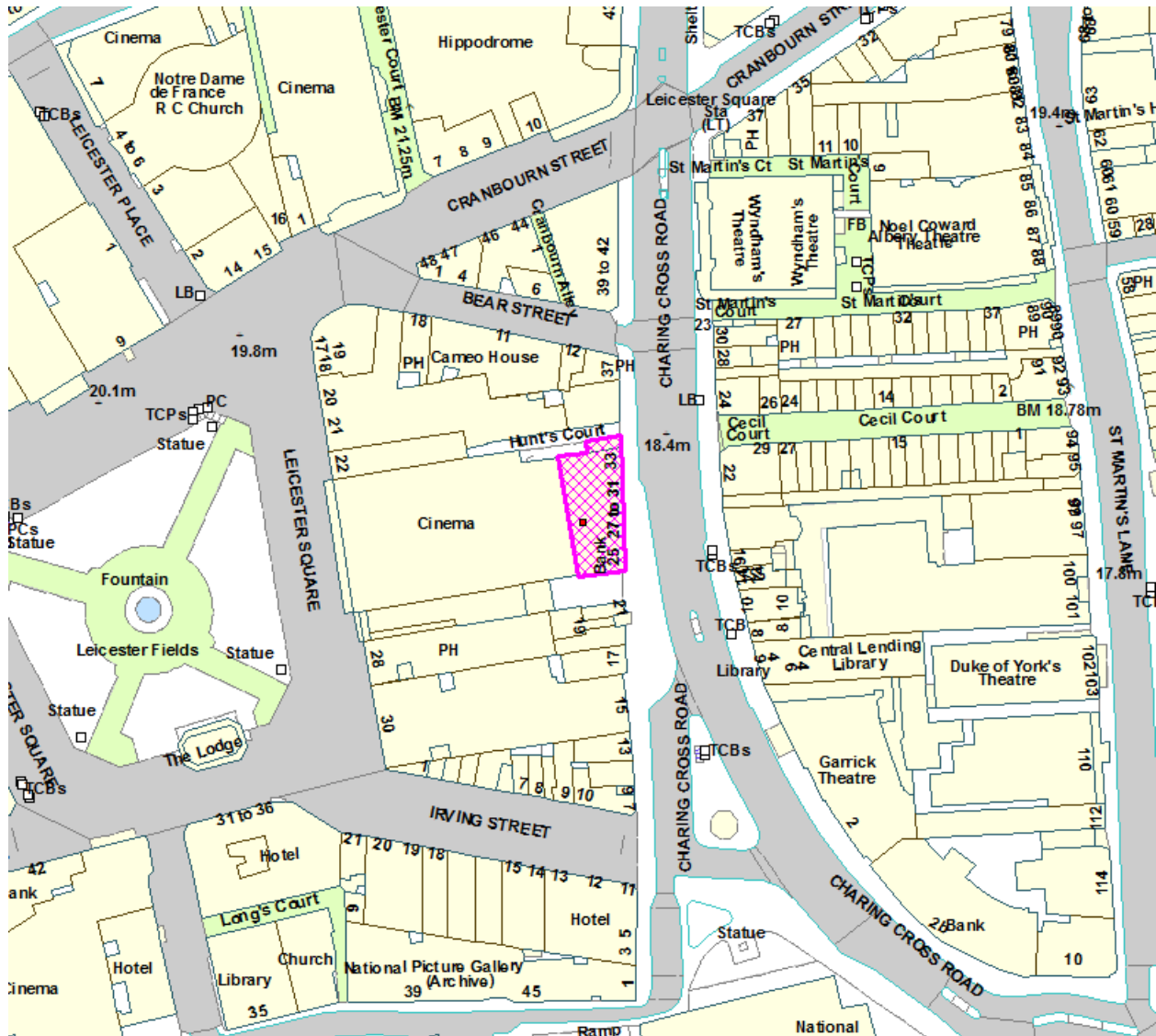
### **Summary**

The revised Mixed Use Policy S1 requires the provision of residential floorspace only in the case of development which includes net additional B1 office floorspace. This policy does not apply to other

commercial uses, such as hotels. On this basis, Policy S1 is no longer relevant to the proposed extension of Alhambra House to provide an additional storey of hotel (Class C1) floorspace, and does not trigger any requirement to provide on-site or off-site residential floorspace.

The proposed development remains unchanged from that presented to Committee in March 2016. Given that the s106 legal agreement has not yet been completed, this application is referred back to committee to determine whether it may now be approved subject to conditions, and without a s106 legal agreement to secure a financial contribution towards affordable housing.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**Alhambra House, 27 – 33 Charing Cross Road, WC2H 0AU**

## 5. BACKGROUND PAPERS

1. Letter from dpp Planning dated 12 December 2016
2. Minutes and report of the Director of Planning dated 29 March 2016 (including original background papers/ representations)

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

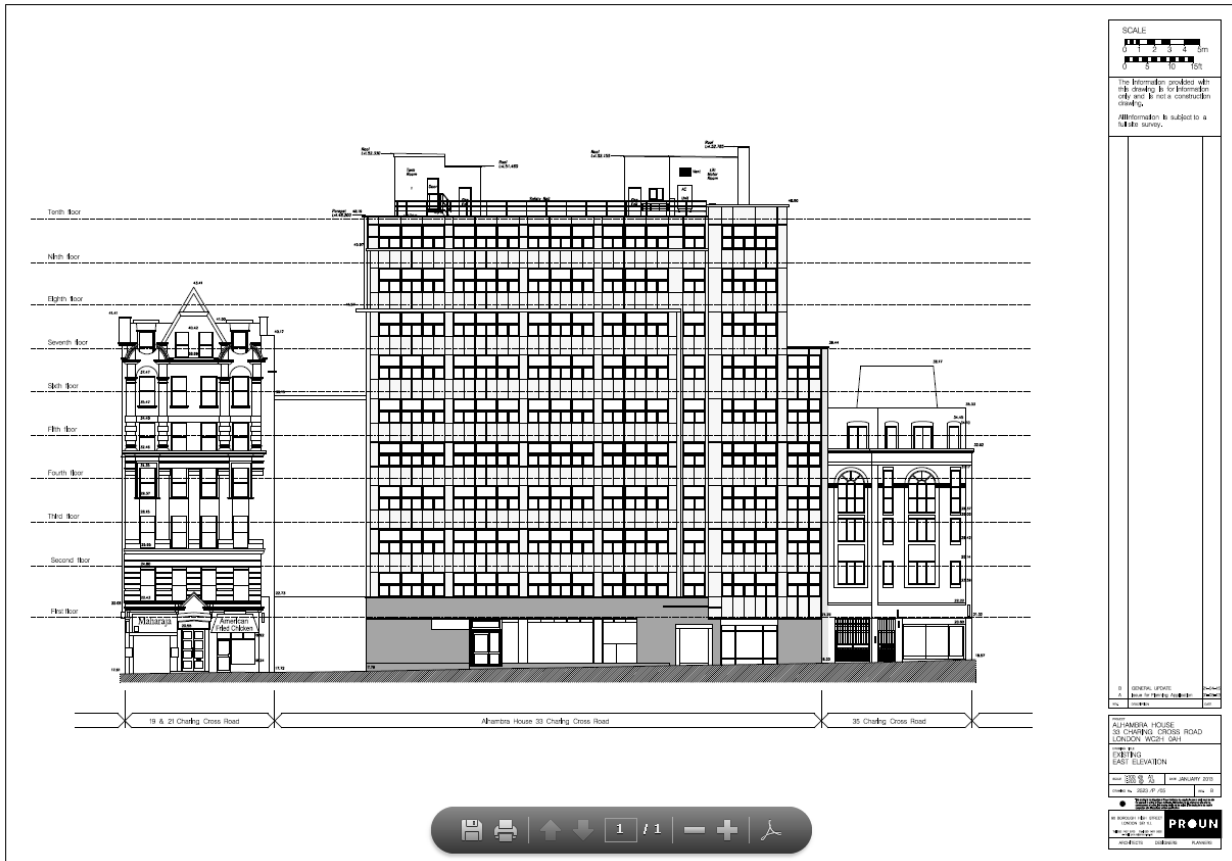
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT [ddorward@westminster.gov.uk](mailto:ddorward@westminster.gov.uk)



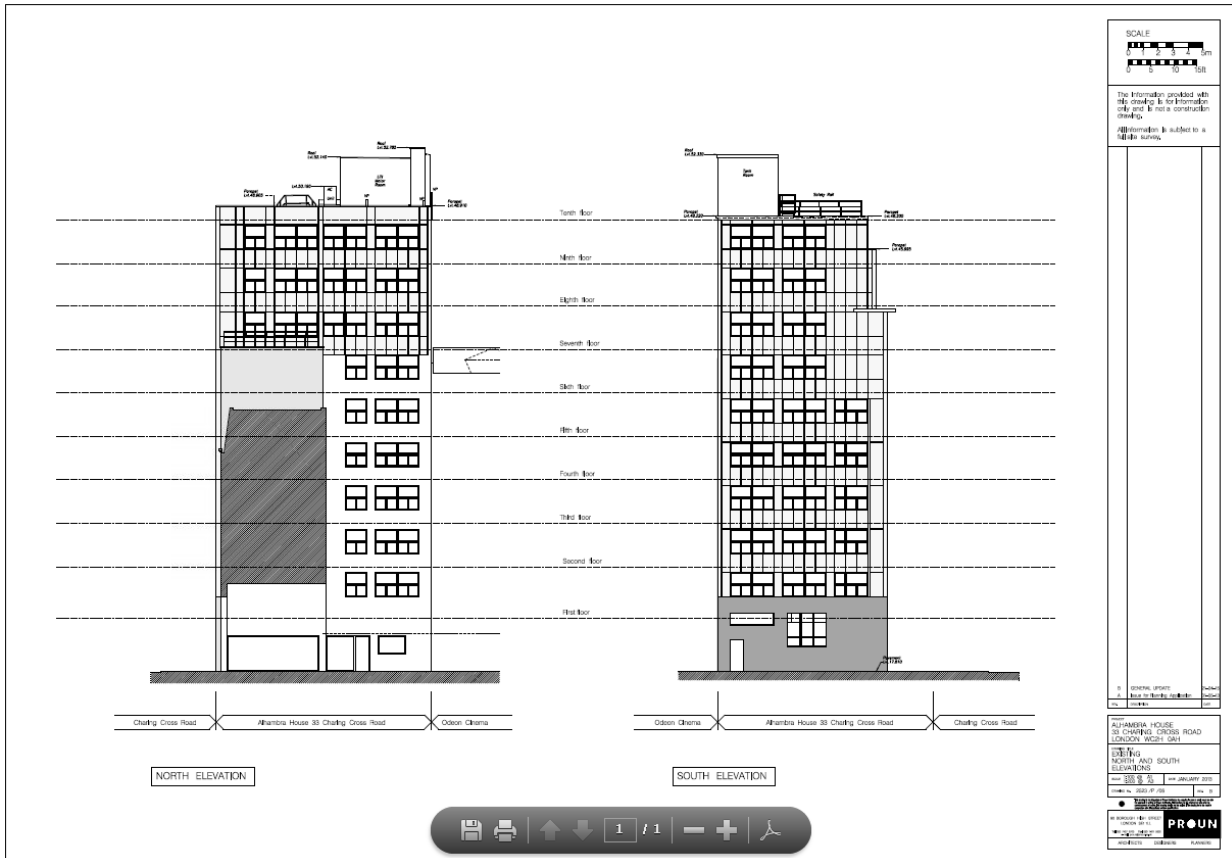


Existing eighth, ninth and roof floor plans

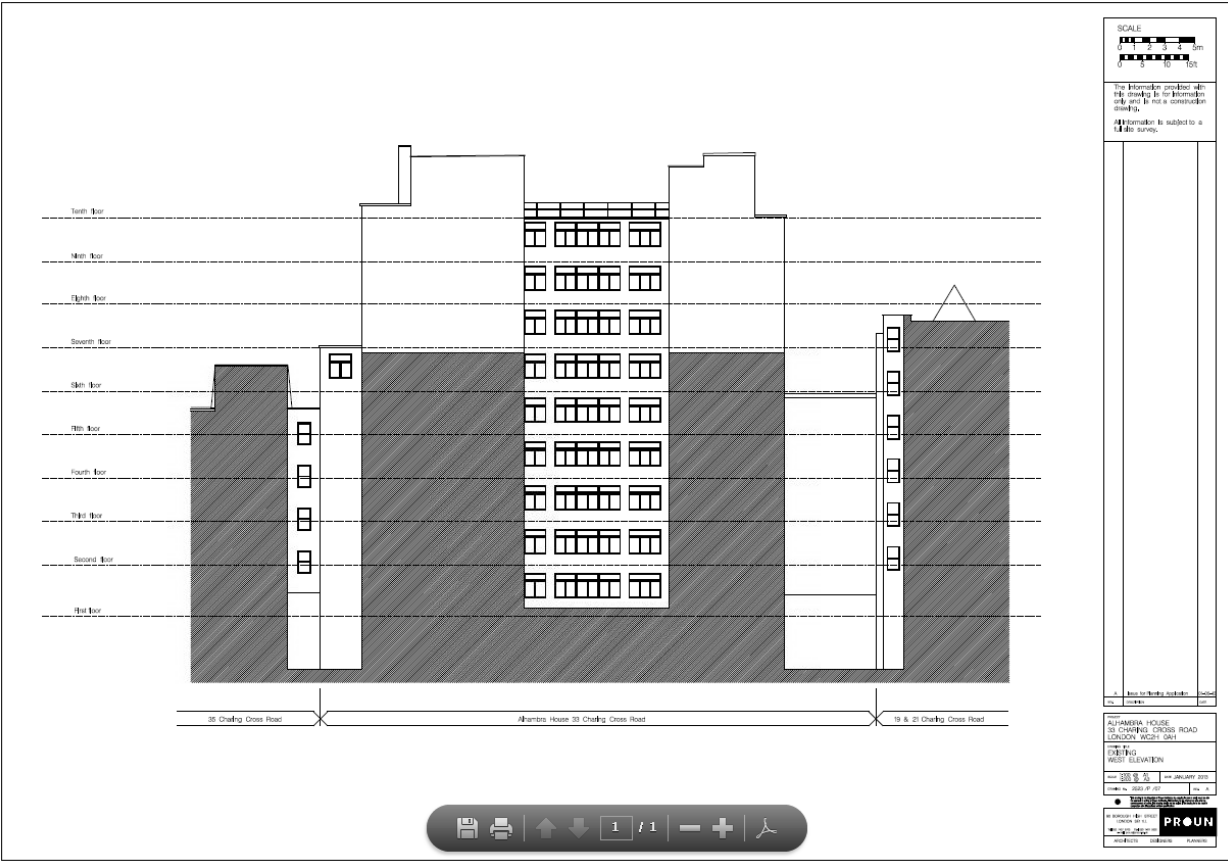




Existing east elevation



Existing north and south elevations



Existing west elevation

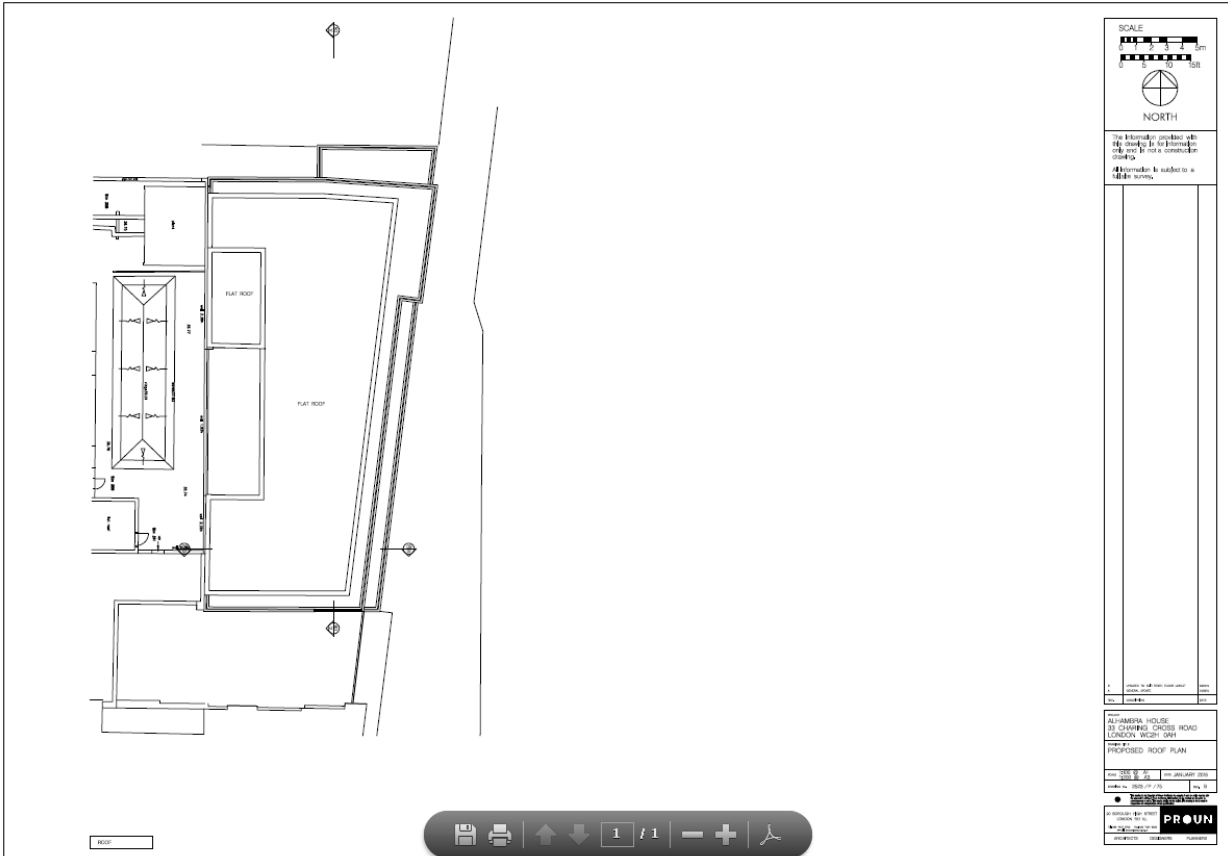


Proposed basement, ground and first floor plans

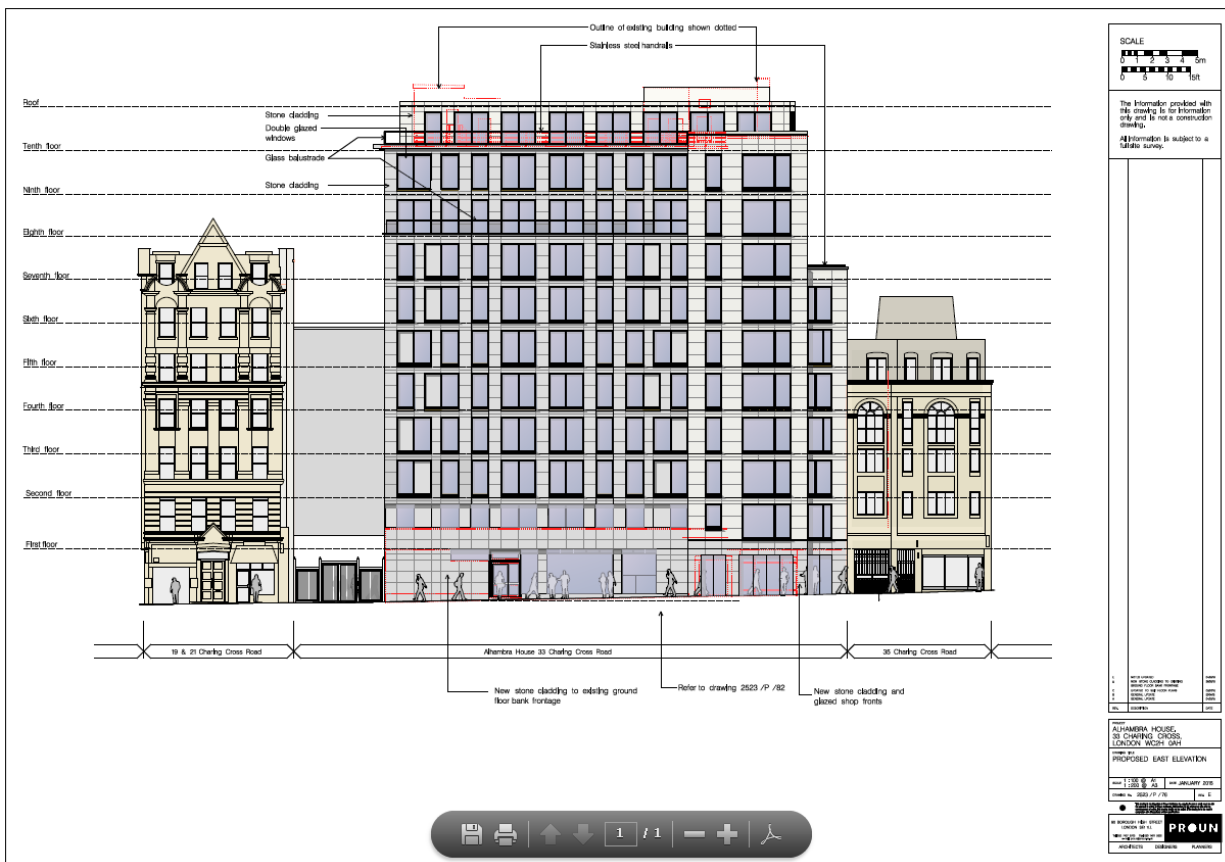




Proposed eighth, ninth and tenth floor plans



Proposed roof plan

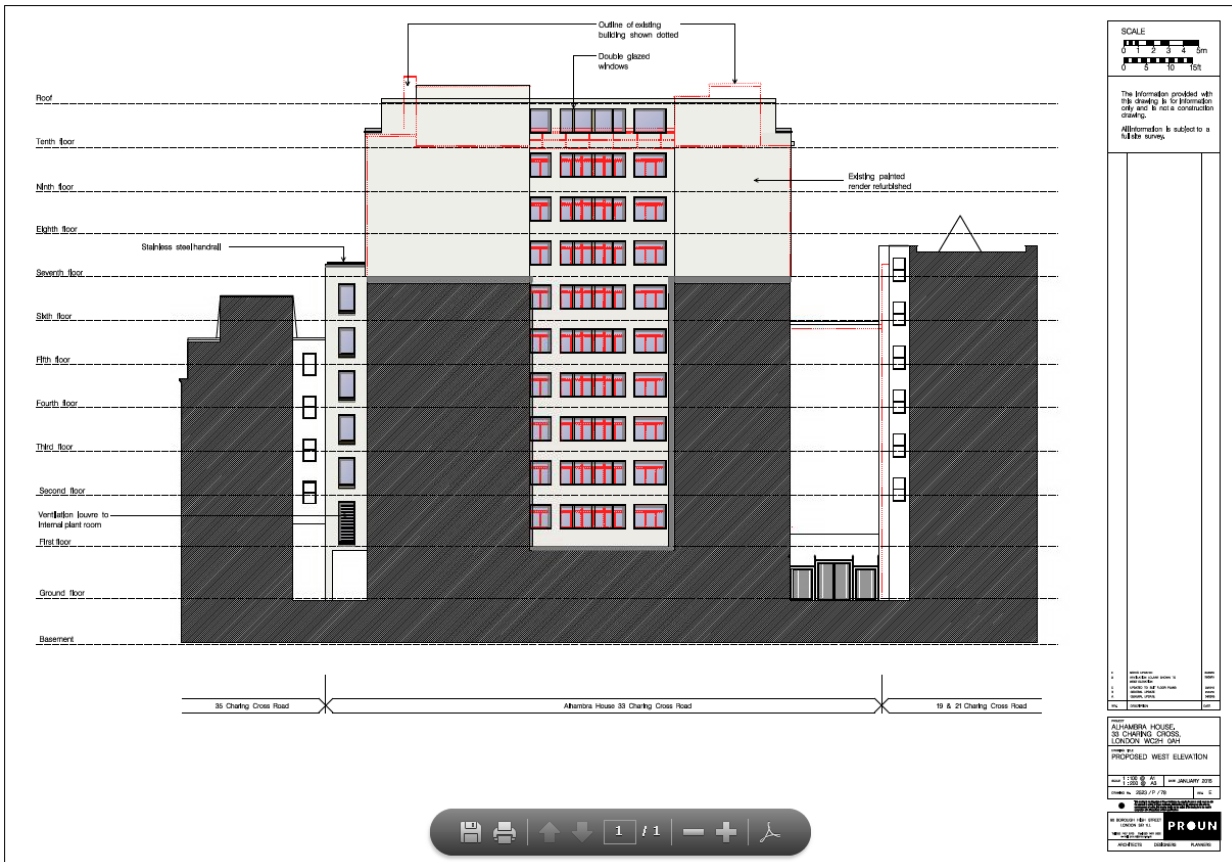


Proposed east elevation

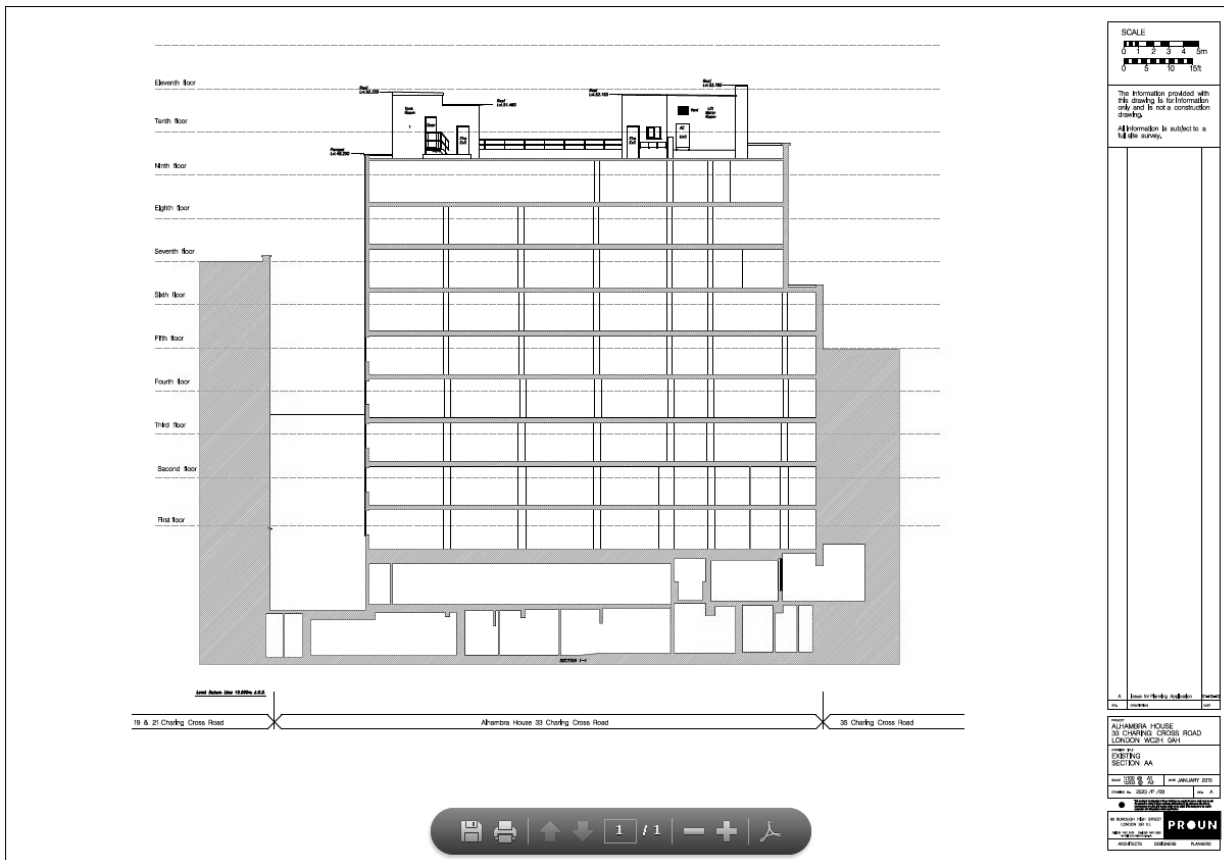




Proposed north and south elevations



Proposed west elevation



Existing section AA



**DRAFT DECISION LETTER**

**Address:** Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,

**Proposal:** Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

**Reference:** 15/09858/FULL

**Plan Nos:** 2523/L/01, P/01A, P/02A, P/03A, P/04A, P/05B, P/06B, P/07A, P/08A, P/09A, P/71B, P/72A, P/73A, P/74C, P/75B, P/76E, P/77E, P/78E, P/79B, P/80B, P/82B, P/94, P/95, P/96, P/97, P/98, P/99; Planning Statement dated October 2015; Design and Access Statement dated September 2015; Noise Assessment dated 16.10.2015; Daylight/Sunlight Assessment dated 28.09.2015; Transport Assessment dated September 2015; Energy Statement dated 07.07.2015; Schedule of Areas and Accommodation dated 12.10.2015; Letter from dpp Planning dated 12 December 2016.

**Case Officer:** David Dorward

**Direct Tel. No.** 020 7641 2408

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

- 3 (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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 4 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.

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

Reason:

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

- 6 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. 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.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 7 The hotel use hereby permitted shall not be occupied until a servicing management plan has been submitted to and approved by the City Council as local planning authority in consultation with Transport for London. Thereafter all servicing must be carried out in accordance with the approved plan.

Reason:

To ensure that servicing of the hotel does not block the surrounding street 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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 8 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

Reason:

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

9 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:

- i) Windows
- ii) Balustrades
- iii) Shop front

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details

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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

10 Notwithstanding the approved drawings and information, you must not install uPVC windows. You must submit revised detailed drawings of the following parts of the development:

- i) Elevations annotated to show an alternative window material (scale 1:100)

You must not start works on these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

11 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 Leicester Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

12 You must provide details of secure cycle parking storage for the hotel use. Thereafter the cycle spaces must be retained in accordance with the approved details, they must be provided prior to the use of the building as a hotel and the space used for no other purpose.



Reason:

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

- 13 The development must be provided in accordance with the Energy Statement dated 07 July 2015. You must apply to us for approval of detailed drawings of environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application. The hotel shall not be occupied by guests until the environmental sustainability features (environmentally friendly features) we have approved have been fully implemented and are operational. You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application in accordance with S28, S39 and S40 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 14 Prior to the use of the hotel commences, you must apply to us for approval of full details and detailed drawings of the means for getting rid of cooking smells from the hotel food and beverage area, including details of how it will be built and how it will look. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details and thereafter retain and maintain for as long as the hotel food and beverage area is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area and 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 Leicester Square Conservation Area. This is as set out in S24, S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and 9, ENV 6, 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.

- 15 The food and beverage area indicated on the proposed tenth floor plan 2523/P/74C shall only be used in conjunction with and ancillary to the use of the building as a hotel and not for any independent purpose.

Reason:

An independent restaurant would constitute a material change of use that would have implications for the character of the area which would need to be assessed by the City Council in accordance with policy S24 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 16 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 3 and 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 17 The retail unit indicated on the proposed ground floor plan 2523/P/71 B shall only be used for Class A1 retail purposes.

Reason:

To ensure that the ground floor retail unit is used for Class A1 retail purposes which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 18 You must not use the tenth floor terrace outside the following times: between 0700hrs and 2300hrs on Monday to Saturday (not including bank holidays and public holidays) and between 0800hrs or after 2230hrs on Sundays, bank holidays and public holidays.

Reason:

To make sure that the terrace 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 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 20 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 You 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 7 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)

- 8 Conditions 3 and 4 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)
- 9 The Servicing Management Plan (SMP) required by Condition 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.
- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a financial contribution towards affordable housing. (I55AA)
- 12 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 13 The Theatre Trust request that the 'Theatreland' plaque is reinstated after refurbishment.
- 14 The use of UPVC is not considered acceptable within the conservation area. The windows should be powder coated metal or similar.
- 15 In respect of condition 12, the level of proposed cycle parking provision (10 spaces) as set out in the transport assessment would be sufficient.

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.