

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 4 April 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Hyde Park	
<b>Subject of Report</b>	157 Edgware Road, London, W2 2HR		
<b>Proposal</b>	Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.		
<b>Agent</b>	Criterion Capital		
<b>On behalf of</b>	Criterion Capital		
<b>Registered Number</b>	16/11276/FULL	<b>Date amended/ completed</b>	28 November 2016
<b>Date Application Received</b>	28 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>			

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

This application seeks permission for the use of part of the basement, ground, first and second floors as a hotel (Class C1), with external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on the flat roof above second floor level.

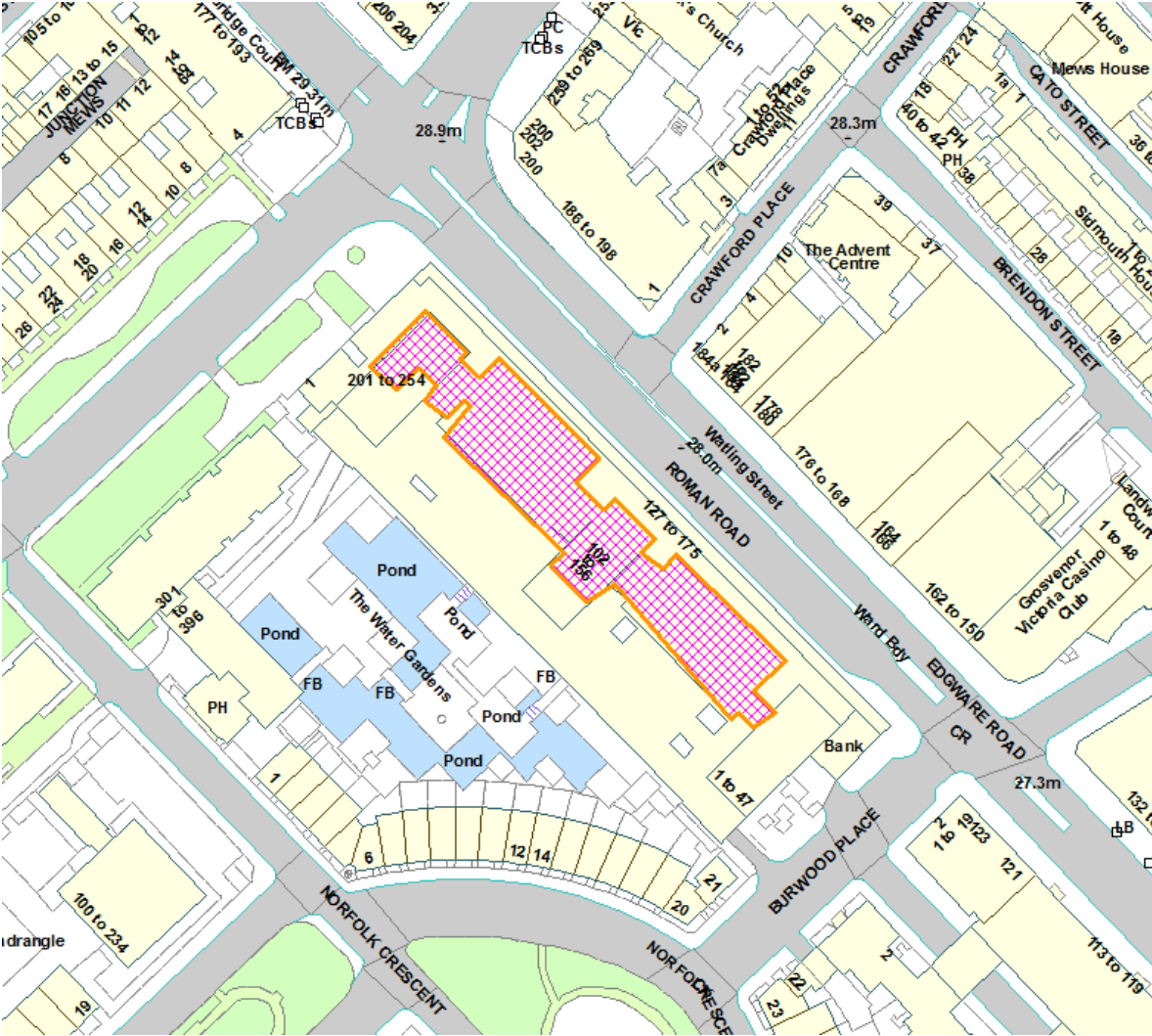
Permission was granted for a similar scheme for hotel use of this site in November 2013, but this permission has since lapsed in November 2016 without being implemented.

The key issues in this case are:

- \* The acceptability of the proposed hotel use in land use terms.
- \* The impact of the proposals on the appearance of the building and this part of the City.
- \* The impact on the amenity of neighbouring residents.
- \* The impact on the operation of the local highway network and the Strategic Road Network along Edgware Road.

Subject to the recommended conditions, the proposed development is considered to be acceptable and would accord with the relevant policies in the London Plan (March 2016), the Unitary Development Plan (UDP) we adopted in January 2007 and Westminster's City Plan (the City Plan) which was adopted November 2016.

**3. LOCATION PLAN**



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4. PHOTOGRAPHS



Front elevation from Edgware Road.

## 5. CONSULTATIONS

### 5.1 Consultation on Initially Submitted Scheme (November 2016)

#### HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

#### ST. MARYLEBONE SOCIETY

No in favour of the idea of windowless hotels, although understand there is a demand for this type of accommodation. Object to the inserting of grilles that destroy the original window openings. The vent grilles should respect the original size and shape of the window openings and not be taller.

#### BUILDING CONTROL

Any response to be reported verbally.

#### CLEANSING MANAGER

Objection. A revised waste store is required as the hotel use is likely to generate more waste than the existing office use.

#### ENVIRONMENTAL HEALTH

No objection in principle. Note that an acoustic report dealing with how proposed mechanical plant will comply with plant noise Policy ENV7 will be required.

#### HIGHWAYS PLANNING MANAGER

No objection. Condition required to prevent the hotel accepting bookings that would result in guests arriving by coach. Cycle parking should be provided in accordance with the London Plan standards (1 cycle parking space per 20 bedrooms for long stay visitors and 1 per 50 bedrooms for short stay guests). Conditions and informatives recommended.

#### TRANSPORT FOR LONDON

No objection in principle, but raise the following matters. Note location on part of the TfL Road Network (TLRN). The footway and carriageway must not be blocked during construction works and no skips or materials should be placed on the highway. A Construction Management Plan may be appropriate to manage the impact on the highway. Welcome non-provision of car parking but consideration should be given to one blue badge parking space and coach parking space being provided in the vicinity. Cycle parking provision should be provided for hotel in accordance with London Plan. No servicing should take place from Edgware Road.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 313; No. of Responses: 1 email from a neighbouring resident and 1 letter from Deloitte on behalf of the Church Commissioner received raising objection on all or some of the following grounds:

##### Land Use

- Policy S23 directs new hotels to the Opportunity Areas, the Core Central Activities Area and the North Westminster Economic Development Area. Hotels should not be justified outside these areas.

- The site is within Bayswater where policy S23 seeks to 'address the existing over-concentration of hotels'.
- The hotel proposed would contain 117 hotel rooms, a large number of which would not have windows and this type of hotel would not improve the quality and range of hotels in the City.
- Policy 4.5 in the London Plan resists further intensification of provision of hotels in areas of over provision.
- Loss of office accommodation, which has the potential to offer viable and good quality office floorspace in a highly sustainable location, contrary to Policies S20 and S47.
- No marketing evidence to demonstrate office use would not be viable or attractive in this location.
- Hotel use would be within the Edgware Road Stress Area and would not complement other entertainment uses in the Stress area and would risk exacerbating the harm caused by entertainment uses in the stress area due to anti-social behaviour, noise and disturbance and increased night time activity.
- Note that a snooker hall has also been permitted in the basement at Nos.159-169 and this would intensify the level of activity in this location if a hotel use were permitted.
- Hotel use in the Stress Area would be detrimental to retail occupiers, the character and offer of Edgware Road as a shopping area and the amenity of neighbouring residents, contrary to S8 in the City Plan.

#### Design

- Roof top mechanical plant enclosures would add bulk and clutter to the roof of the building to the detriment of its appearance.

#### Amenity

- Increased late night activity would cause noise disturbance to neighbouring residents contrary to Policies S29 and ENV13.
- Existing grilles at second floor level appear to be omitted from the proposed drawings. Concern that as a result the impact of plant noise on neighbouring residents has not been accurately assessed.
- Assume there will be no noise disturbance from new mechanical plant to neighbouring windows at 4th floor level.
- Assume new mechanical plant and PV panels will not cause light nuisance.

#### Highways/ Parking

- Central London Cycle Grid will run close to the site in Sussex Gardens and the hotel does not propose any cycle parking or associated facilities.
- No coach parking proposed despite the Transport Statement identifying that 5% of visitors will arrive by coach at peak times. Risk of unauthorised on-street parking on Edgware Road, which is a TfL Red Route or surrounding side roads.
- An up to date Travel Plan should be submitted, rather than reliance on the 2013 Travel Plan.

#### Other Matters

- 2013 permission has lapsed without implementation and therefore should not be a material consideration.
- New material considerations since previous permission including new London Mayor and adoption of 'A City for All Londoners' (2016), investment in cycle infrastructure in

the vicinity, draft Walking Strategy issued by the City Council and new Marble Arch BID and Hyde Park Neighbourhood Forum, which seek to improve the area.

- Concern that development will cause noise and disturbance from construction noise.

#### ADVERTISEMENT/ SITE NOTICE

Yes.

### 5.2 Consultation on Revised Scheme (February 2017)

#### CLEANSING MANAGER

No objection subject to a condition to secure the waste and recycling storage.

#### HIGHWAYS PLANNING MANAGER

No objection. Asks that the cycle parking is secured by condition.

#### ENVIRONMENTAL HEALTH

No objection, subject to conditions to control noise from the mechanical plant.

#### ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 314; No. of Responses: 1 email from a neighbouring resident and 1 letter from Deloitte on behalf of the Church Commissioner received raising objection on all or some of the following grounds:

##### Design

- Roof top plant is overlooked by residents and plant will look unsightly.
- Alterations to front windows will harm appearance of the building and this part of the City.
- Clarification sought over the extent of window alterations to Edgware Road façade.
- Plant enclosure would harm the appearance of the building.

##### Amenity

- Mechanical plant will cause noise disturbance.

##### Highways/ Parking

- Object to lack of coach parking and note this is a requirement of London Plan policy.
- In view of lack of coach parking a restriction should be placed on vehicles with a capacity of more than 15 people should be imposed for drop offs and collections, as per the 2013 permission.
- Updated travel plan should have been submitted.

##### Other Matters

- Note that 2013 permission has lapsed and new application should be assessed afresh in light of current planning policies and material considerations.
- Amendments do not overcome the Church Commissioners initial grounds for objection.

## 6. BACKGROUND INFORMATION

## 6.1 The Application Site

This application relates to The Water Gardens, a mixed use development dating from the 1960s, which is located on the west side of Edgware Road, spanning the length of the street block between Burwood Place and Sussex Gardens. The building currently comprises retail units at basement/ ground floor, offices (Class B1) at first floor level and a mix of offices and residential flats at second floor level. The office accommodation is currently being used for education purposes on a temporary basis, pursuant to the permission/ permitted development rights referred to in section 6.2 of this report. However, this temporary education use by the Minerva Academy is shortly due to cease and the premises will then revert to its lawful use as Class B1 offices.

Above second floor level there are also three high rise residential towers, an NCP car park at basement level and communal gardens to the rear. The commercial uses within the site are accessed from Edgware Road, whilst servicing area and the car park are accessed from Burwood Place. There is no access to the residential flats from the Edgware Road frontage of the site.

The application site is accessed from a ground floor level door located within the Edgware Road parade. The site is therefore within a Central Activities Zone (CAZ) Frontage and is on a Named Street. Edgware Road itself comprises a broad mix of commercial and residential uses. The site is within the Edgware Road Stress Area.

## 6.2 Recent Relevant History

9 August 2013 – Permission granted for use of ground floor entrance and part first floor as a primary school (Class D1) for a temporary 4 year period.

11 November 2013 – Permission granted for use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure and photovoltaic panels at roof level (13/03354/FULL).

26 March 2014 – Notice under Schedule 2, Part 4, Class C of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 that the first and second floors are to be used as a state-funded school for a single academic year commencing on 2 September 2013 (13/10749/TSN).

27 July 2016 – Certificate of Lawful Existing Use or Development application that sought to demonstrate that works had commenced on site to implement application dated 11 November 2013 (RN:13/03354/FULL) for use of part basement, ground, first and second floors as a hotel (Class C1) was withdrawn. The application failed to demonstrate that the 11 November 2013 permission had been implemented at that time.

## 7. THE PROPOSAL

The current application seeks permission for the use of part of the basement, ground, first and second floors as a hotel (Class C1), with external alterations to install louvres to the



front and rear elevations and installation of mechanical plant within an enclosure on the flat roof above second floor level within a plant enclosure.

The application was revised in February 2017 to include additional cycle parking and waste and recycling storage at basement level, increase the number of wheelchair accessible rooms, omit the initially proposed coach parking bay in Edgware Road and to provide additional information to demonstrate the operational noise level of proposed mechanical plant. The revised application has been subject to further consultation, as set out in section 5.2 of this report.

The proposals are similar to those approved previously in November 2013; albeit the photovoltaic panels proposed in the earlier application have been omitted and the hotel now proposed contains 117 rooms; rather than 108 rooms as was previously approved.

As per the 2013 permission, the proposed hotel would provide windowless hotel accommodation with the existing windows to the facades of the first and second floors being back painted, with the exception of those serving communal spaces such as the cafe and reception area at first floor level.

The previously approved application lapsed in November 2016 without implementation. Therefore it can only be afforded very limited weight and regard must primarily be had to the currently adopted policies in the London Plan (March 2016), the City Plan (November 2016) and the saved policies in the UDP (2007), which comprise the development plan, as well all other relevant material considerations, including those that have arisen since permission was previously granted in November 2013.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Policy S1 in the City Plan promotes mixed uses in the Central Activities Zone (CAZ) that are consistent with supporting its vitality, function and character. As in this case the proposal would not result in any increase in office floorspace, the policy does not require the provision of residential floorspace is not required by Policy S1.

Policy S8 (Marylebone and Fitzrovia) advises that Edgware Road is an appropriate location for residential use and a range of commercial uses. Within the Stress Area, new entertainment uses will only be allowed where they are low-impact and would not result in an increased concentration of late night uses.

Policy S23 in the City Plan relates to proposals for new hotels and states that new hotels will be directed to a number of specified areas within the City, including the Named Streets. The policy continues and states that new hotels will be directed to those streets which do not have a predominantly residential character.

In the UDP, Policy TACE2 advises that permission will be granted for new hotels within CAZ Frontages where they would not have any adverse environmental or traffic effects and where there would be adequate on-site facilities incorporated within developments

proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

Notwithstanding the comments made on behalf of the Church Commissioners, Edgware Road is considered to have a mixed commercial and residential character and as such, the principle of providing a hotel in this location, within the CAZ Frontage and on a Named Street is considered acceptable in principle in land use terms. There are no policies in the London Plan (March 2016) or in the UDP or City Plan that seek to prevent the loss of the existing office accommodation in this location to another commercial use. Therefore the objection raised to the loss of the office use, and to the lack of marketing evidence submitted with the application to justify the loss of the office use, cannot be supported.

The Church Commissioners have also raised concern on the basis the site is within Bayswater where the reasoned justification for Policy S23 in the City Plan states that the policy *'seeks to address the existing over-concentration of hotels'* in residential areas including Bayswater. However, the policy itself does not preclude new hotels in appropriate locations within Bayswater; rather the policy states that *'...the change of use of hotels to residential will be encouraged where the existing hotel is not purpose built and causing adverse effects on residential amenity'*. The intention of the policy is clearly to allow the loss of existing hotels in predominantly residential locations within Bayswater where they cause harm to the amenity of neighbouring residents. The proposed hotel use by contrast would be on the eastern fringe of Bayswater in a busy mixed use street with its entrance at ground floor level within a retail parade, a significant distance from neighbouring residential accommodation at second floor level and above. Accordingly it is not considered that permission could be withheld on this ground.

Concerns have been expressed by the St. Marylebone Society and the Church Commissioners in relation to the type of hotel accommodation that is proposed; namely, the provision of relatively small windowless 'pod' rooms. However in land use terms, there is no policy basis on which to withhold permission, as the internal layout of the proposed hotel is beyond the scope of adopted land use policy. The hotel would provide short stay accommodation and as such, whilst a source of natural light serving each of the rooms may perhaps be desirable to some, it is not an absolute requirement for short stay visitor accommodation. Indeed the applicant has advised that the hotel is designed to cater for guests wishing to stay only a few nights at a time. Similarly, whilst the hotel proposed would contain 117 hotel rooms, it would be no larger in terms of its floorspace than the scheme previously approved in 2013 under similar land use policies to those referred to earlier in this report. As such, the 9 room increase proposed in the current application is not considered to represent a ground in land use terms for reasonably withholding permission for the current scheme.

The Church Commissioners are concerned that the hotel use in the Edgware Road Stress Area would be detrimental to retail occupiers, the character and offer of Edgware Road as a shopping area and the amenity of neighbouring residents. However, hotel uses do not fall within the policy definition of an 'entertainment use' and therefore the fact that this part of Edgware Road is designated as a Stress Area is not a reasonable land use ground on which to withhold permission. As set out earlier in this section of the report, the entrance to the proposed hotel would be sufficiently remote from residential accommodation so as not to cause noise disturbance to residential occupiers as a result of guests entering or leaving the hotel late at night. As such, even if guests were to visit existing entertainment

uses within the Stress Area, they would be unlikely to cause a material loss of amenity to neighbouring residents when going to and from the hotel.

The point of entry to the proposed hotel at ground level would comprise the existing office entrance and would be relatively discreet. As a result, the entrance would not detract from the predominant retail character of the parade within which it would be sited. Accordingly the concerns expressed regarding the impact on the retail character of the parade and the Named Street/ CAZ Frontage along Edgware Road more generally cannot be supported.

As per the 2013 permission, the scheme proposes the use of part of the basement for back of house hotel functions, including hot and cold water storage and mechanical plant. The current lawful use of this floorspace is for retail use and whilst Policies S21 and SS5 seek to protect retail floorspace in this location, the use of part of the basement as hotel floorspace would not prejudice the existing retail uses at ground floor level. Therefore it is not considered that the scheme would have a detrimental impact on the character and function of the area or the vitality/viability of this part of the CAZ Frontage/ Named Street.

As set out previously, the proposed hotel is intended to be 'windowless' and therefore the use of part of the building as a hotel would be unlikely to cause any significant noise disturbance or other amenity issues to neighbouring residential occupiers on the upper floors within the Water Gardens.

On-site facilities for hotel guests would be limited to a small ancillary cafe located adjacent to the entrance foyer at first floor level. No kitchen extraction equipment is proposed and therefore the food offer within the cafe would be limited to dishes or snacks not requiring primary cooking. Conditions are recommended to prevent primary cooking so that this aspect of the scheme does not cause an odour or noise nuisance to neighbours and to prevent the use of the cafe by non-residents of the hotel in accordance with Policy TACE2 in the UDP.

Traffic impacts are considered in detail later in this report, but in summary, it is considered that the impact of the proposed use on the highway can be adequately mitigated by the recommended conditions set out in the draft decision letter.

As such, the scheme is considered acceptable in land use terms and would accord with Policy S1, S8, S21 and S23 in the City Plan, Policies SS5 and TACE2 in the UDP and Policy 4.5 in the London Plan (March 2016).

## **8.2 Townscape and Design**

As per the now lapsed scheme approved in 2013, the proposed louvers in the front and rear elevations would be limited to first floor level and the louvers would be consistently inserted in to each window opening to the front elevation so as to maintain the existing symmetrical appearance of the Water Gardens in views from Edgware Road. The louvers proposed are considered to be discreetly located and would be finished in a colour to match the existing windows. Subject to this condition the louvers proposed at first floor level are considered to be acceptable.

In their second letter responding to amendments, the Church Commissioners have asked for clarification over the detailing of the windows; however, they refer to a drawing that was

superseded when the application was revised in January 2017. There is therefore no inconsistency in the submitted drawings and as per the preceding paragraph, following amendment the proposed louvers would be discreetly sited within the existing window openings.

The mechanical plant proposed at third floor roof level would be located within an enclosure to screen it in public views. There is existing mechanical plant in this location which is not screened and which can only be seen fleetingly in oblique views from the junction with Harrowby Street. In this context, it is considered that the proposed plant enclosure is acceptable in principle in this location and the objections raised in relation to the impact of the appearance of the plant and its enclosure on the appearance of the building cannot be supported. However, this is subject to detailed drawings and samples of facing materials of the plant enclosure being secured via condition.

Although the existing window openings would be retained, they are proposed to be blanked out internally. Whilst this is regrettable in design terms, planning permission is not required to carry out internal alterations of this kind and therefore permission could not reasonably be withheld on this ground despite the objections raised in relation to this aspect of the proposed scheme.

Subject to the recommended conditions, the proposed development is considered acceptable in design terms and would accord with Policy S28 in the City Plan and Policies DES1, DES5 and DES6 in the UDP.

### **8.3 Residential Amenity**

The proposed external alterations and new structures would be sufficiently distant from neighbouring windows and would not have an adverse amenity impact in terms of loss of light or an increased sense of enclosure.

As referenced in section 8.1 of the report, objection has been raised on grounds that the proposed use would cause late night activity which would cause noise disturbance to neighbouring residents that would be contrary to Policies S29 and S32 in the City Plan and ENV6 in the UDP. However, the entrance to the hotel would be at ground floor level on Edgware Road, which is a busy thoroughfare. Furthermore, the entrance would be located below the existing canopy over the footway and would be a significant distance from the nearest neighbouring residential accommodation at second floor level. It is considered that in combination, these factors mean that guests arriving at and leaving the hotel would not cause a material increase in noise disturbance to neighbouring residents.

In terms of noise disturbance from mechanical plant, following revision of the application the applicant has submitted an acoustic report that seeks to demonstrate that the mechanical plant proposed at roof level would not cause noise disturbance to neighbouring residential properties. This has been reviewed by Environmental Health who confirm that they are satisfied that the proposed mechanical plant would operate sufficiently below the existing background noise level so as not to cause noise disturbance to neighbouring occupiers in the Water Gardens. Conditions are though recommended to provide ongoing control of the operational noise and vibration level of the mechanical plant so that it does not cause noise disturbance to neighbouring residents in future. A further

condition is recommended to require the provision of the acoustic screen around the mechanical plant prior to its first use and to require its retention thereafter.

Objection was raised by the Church Commissioners on grounds that the drawings showing the ventilation grilles to the elevations were inconsistent on the plans and elevations, thereby raising concern that the impact of the mechanical plant on the noise environment of neighbouring residents was not accurately assessed in the application. The applicant has amended the drawings and clarified that there are no grilles at second floor level and none are proposed at this level. As per the 2013 permission, the current application only proposes the insertion of grilles at first floor level. Following these amendments and clarification, officers are content that the application accurately assesses the noise impact of the development in terms of mechanical plant noise.

Concerns have been raised in respect of the mechanical plant on the basis that it could cause light nuisance/ reflective glare to neighbouring residential windows. However, the plant would be located within an enclosure which would be finished in a colour to match the existing building (i.e. likely to be brown/ bronze coloured, with details to be agreed by condition) and therefore the plant would not cause a light nuisance to neighbouring occupiers.

Subject to the recommended conditions, the proposals are considered acceptable in amenity terms and would accord with Policies S29 and S32 in the City Plan and Policies ENV6, ENV7 and ENV13 of the UDP.

#### **8.4 Transportation/Parking**

The application site is located within an area with excellent links to public transport. Edgware Road is a Red Route forming part of Transport for London's (TfL) Strategic Road Network (SRN). On Red Routes stopping is not permitted, although there are mixed resident/ pay and display bays and a taxi rank outside the application site.

Given the relative size of the proposed hotel and the excellent public transport links in this location, the Highways Planning Manager is satisfied, as he was during the assessment of the scheme previously approved in 2013, which related to a hotel of the same size in terms of floorspace, that a dedicated vehicular drop off is not required in this case. Therefore the existing taxi rank in Edgware Road would be sufficient to service the proposed hotel use in terms of taxi arrivals and collections.

The Transport Statement submitted with the application indicates that 5% of hotel guests may arrive by coach (using transport mode modelling). The applicants have advised that they do not consider that the hotel will be attractive to large coach parties and they state that it is designed to cater overwhelmingly for single travellers arriving on foot, by public transport or by private taxi, given the type of rooms on offer (i.e. one or two bed spaces) and the fact there will be no dining/ large reception areas or gym/ pool facilities. In this context, and having regard to the lack of objection on this ground from Transport for London, the excellent links to public transport and the provision of an existing taxi rank outside the site, it is considered that the hotel use can be considered acceptable in transportation terms, provided a condition is imposed preventing guests from being delivered to or collected from the site by coach. It is recommended that this condition takes the form of a 'hotel bookings, arrivals and departures management plan' which requires

the submission and approval of a management strategy robust containing measures to ensure no guests arrive at the hotel in a vehicle containing 15 or more seats. In this form the condition would meet the tests for the use of conditions set out in Paragraph 206 of the NPPF, including being enforceable, and therefore the Church Commissioners concerns on the enforceability of such a condition have been addressed.

TfL have requested a condition to secure a Construction Management Plan that ensures that none of the construction works would obstruct the free flow of traffic along the TLRN along Edgware Road. Such a condition is recommended and is included in the draft decision letter.

In terms of servicing, this would occur off street within the existing servicing bay for the Water Gardens and this accords with TRANS20 in the UDP and S42 in the City Plan. A condition is recommended to ensure that this existing on-site servicing facility is used for hotel servicing and it does not occur on-street.

As per the 2013 scheme, no cycle parking was initially proposed as part of the application. The current scheme has been amended to include the provision of cycle parking that is in accordance with the standards set out in the London Plan (March 2016) and this addresses the concerns expressed by the Church Commissioners and responds to the investment in cycling infrastructure in the vicinity. A condition is recommended to secure the cycle parking.

Concerns have been expressed with regard to the provision of a Travel Plan from 2013; however, given (i) the scale of the development, (ii) the excellent existing public transport links, (iii) as it will serve visitor accommodation with no access to vehicular parking and (iv) as the use of coaches for arrivals and departures is to be precluded, it is not considered that the provision of an updated Travel Plan to promote sustainable, non-vehicular, transportation modes is necessary in this case to make the application acceptable.

On the basis of the recommended conditions, the proposals are considered acceptable in highways terms and in accordance with Policies TACE2, TRANS20 and TRANS22 in the UDP and Policy S42 in the City Plan.

## **8.5 Economic Considerations**

The proposal is in accordance with the UDP and City Plan and the economic benefits generated are welcomed.

## **8.6 Access**

The applicant proposes the installation of lifts within the building to provide level access to the new hotel accommodation from Edgware Road. However, the details shown on submitted floor plans are not highly detailed and therefore a condition is recommended to secure further details to ensure that the proposed level access is suitably delivered. Subject to the recommended condition the access arrangements are considered acceptable would accord with Policies DES1 and TRANS27 in the UDP.

Following amendment, the scheme includes the provision of an increased number of accessible hotel bedrooms (12 rooms) and therefore the proposed hotel use would accord with Policy 4.5(B) in the London Plan (March 2016).

### **8.7 Other UDP/ Westminster Policy Considerations**

As part of the revisions to the application the applicant has introduced a dedicated hotel waste and recycling store at basement level. Following this revision, the Cleansing Manager has confirmed he does not object, subject to a condition to ensure the provision of this refuse storage.

### **8.8 London Plan**

This application does not raise any strategic issues. Where relevant, policies in the London Plan adopted in March 2016 are referred to elsewhere in this report.

### **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 and the proposals are not CIL liable development as no new floorspace would be created.

### **8.11 Environmental Impact Assessment**

The proposed development is of insufficient scale to require the submission of an Environmental Impact Assessment.

### **8.12 Other Issues**

None relevant.

## **9. BACKGROUND PAPERS**

1. Application form.

### **Responses to Consultation on Initially Submitted Scheme (November 2016)**

2. Email from the St Marylebone Society dated 13 December 2016.
3. Email from Environmental Health dated 12 December 2016.
4. Memo from the Cleansing Manager dated 13 December 2016.
5. Email from Transport for London dated 28 December 2016.
6. Memo from the Highways Planning Manager dated 25 January 2017.
7. Letter from occupier of 111 The Water Gardens, Burwood Place dated 12 December 2016.
8. Letter from Deloitte on behalf of the Church Commissioners dated 3 January 2017.
9. Email from the applicant (Criterion Capital) dated 9 January 2017.

**Response to Consultation on Revised Scheme (February 2017)**

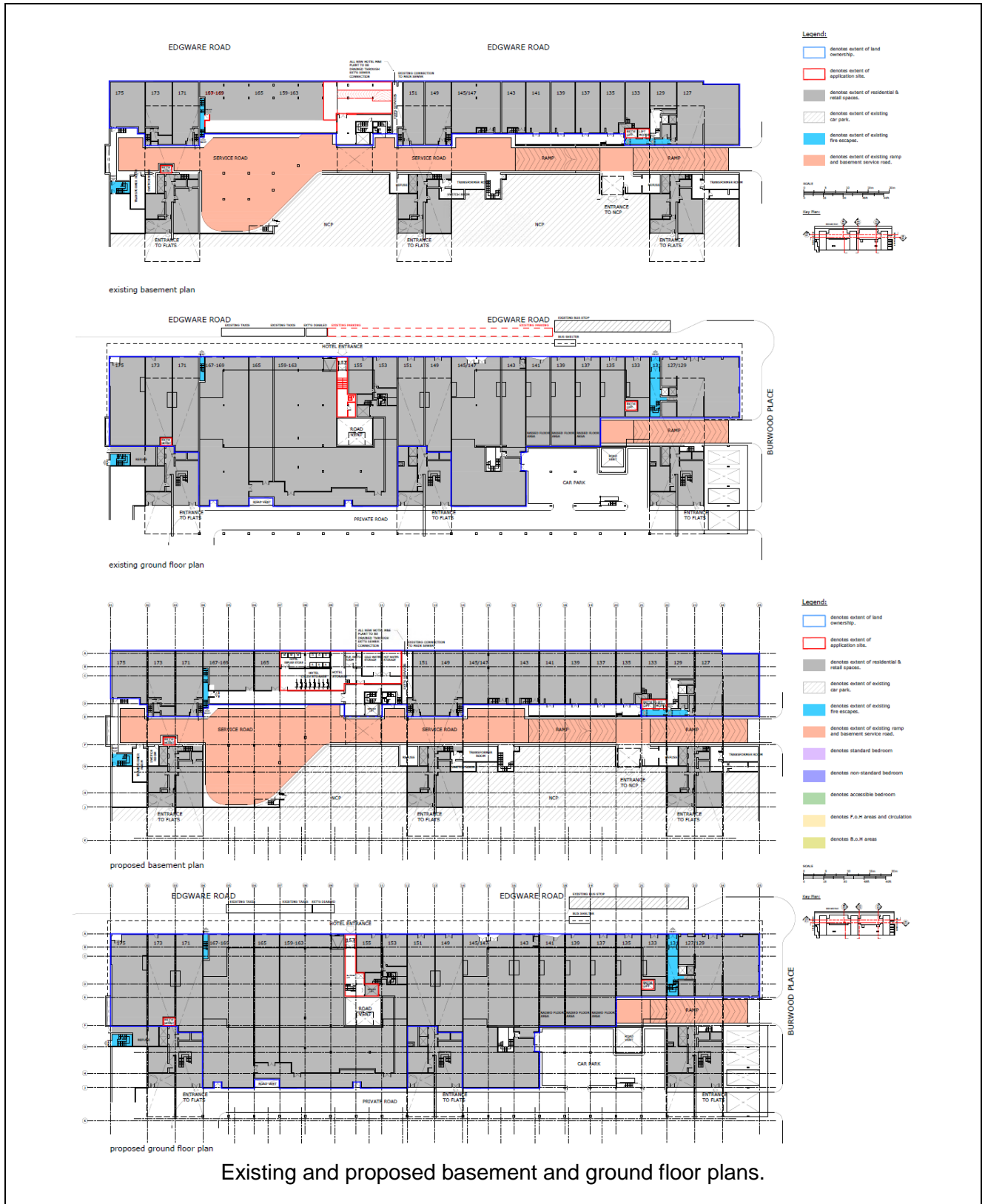
10. Memo from Environmental Health dated 22 February 2017.
11. Memo from the Cleansing Manager dated 27 February 2017.
12. Email from the Highways Planning Manager dated 23 March 2017.
13. Letter from Deloitte on behalf of the Church Commissioners dated 15 March 2017.
14. Email from the occupier of 366 The Water Gardens dated 20 March 2017.

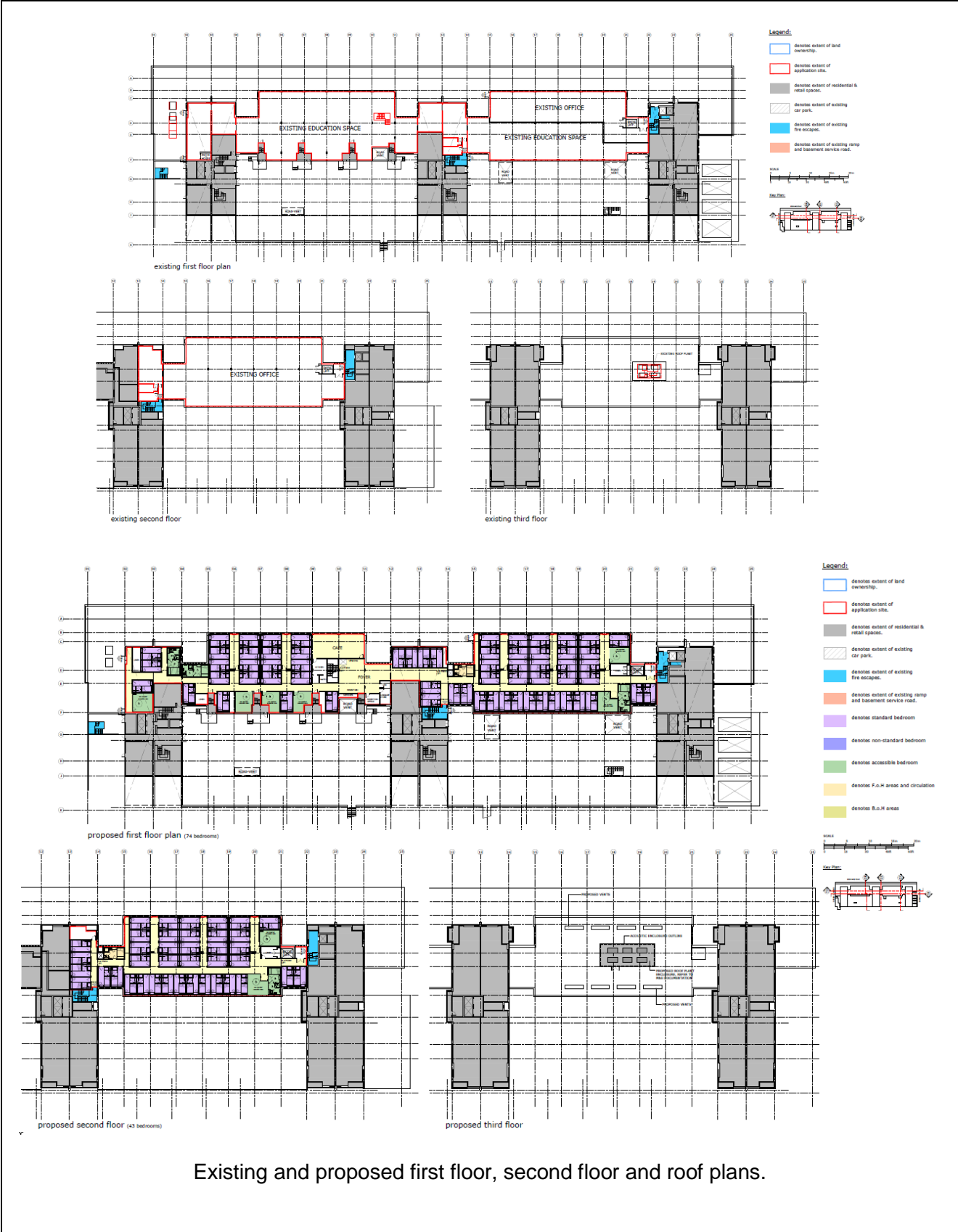
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

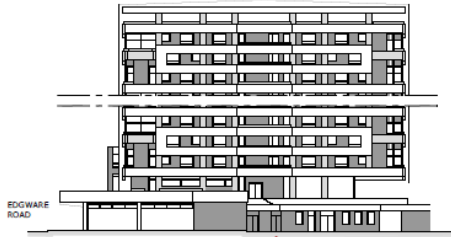


# 10. KEY DRAWINGS

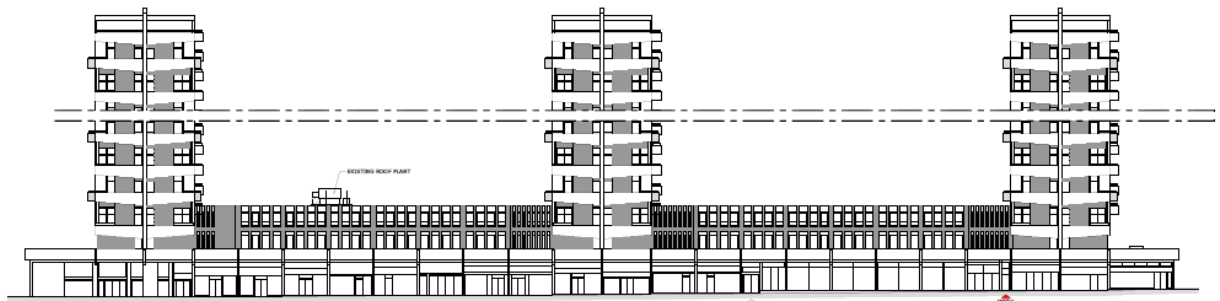




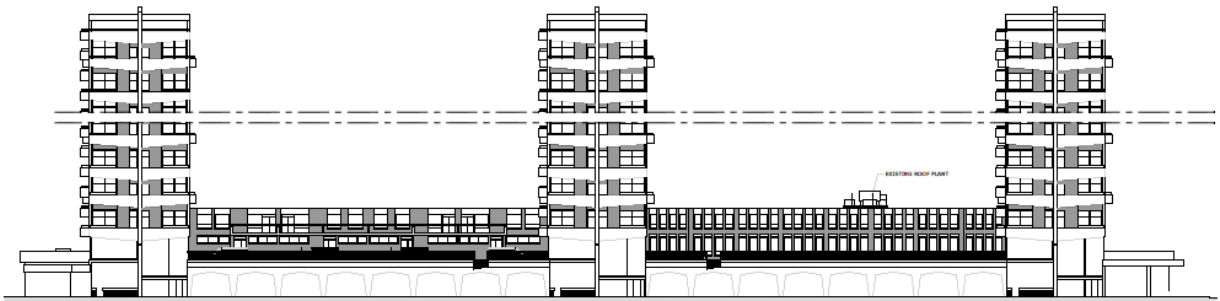
Existing and proposed first floor, second floor and roof plans.



existing north west elevation

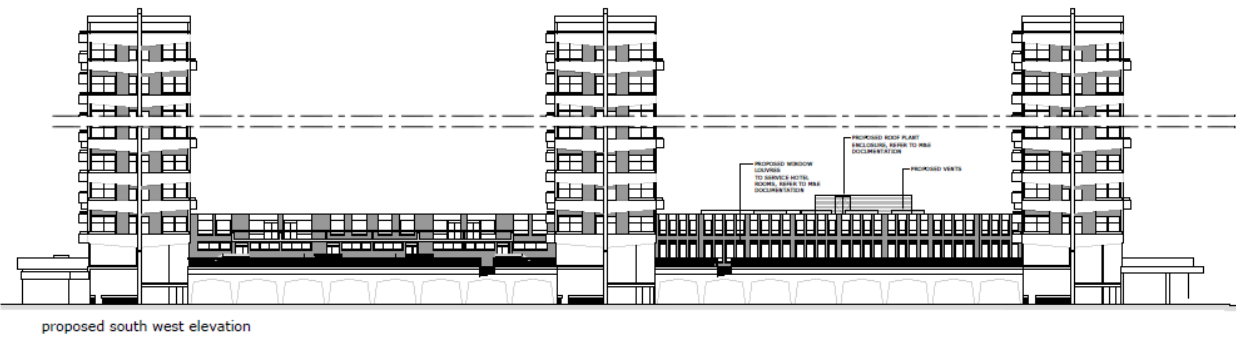
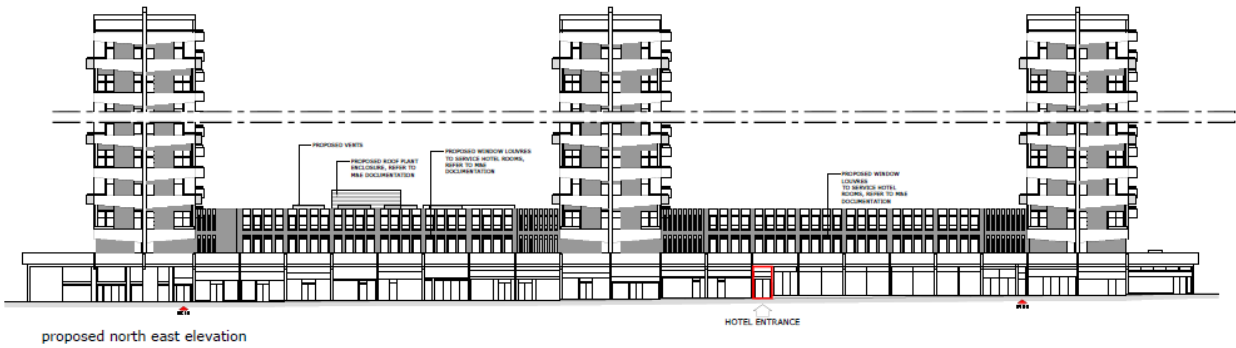
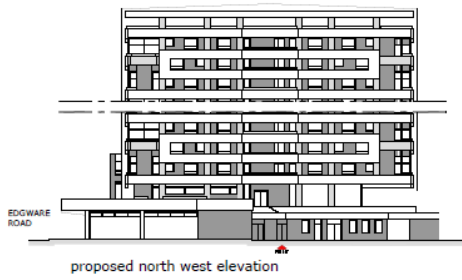


existing north east elevation



existing south west elevation

Existing elevations.



Proposed elevations.

**DRAFT DECISION LETTER**

**Address:** 157 Edgware Road, London, W2 2HR

**Proposal:** Use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level.

**Reference:** 16/11276/FULL

**Plan Nos:** PL(00)001, PL(00)010, PL(00)011, PL(00)020 Rev.A, PL(00)021 Rev.A, PL(00)100 Rev.A, PL(00)110 Rev. A, PL(00)111, PL(00)200, PL(00)201, PL(00)210, PL(00)211, PL(90)001, Planning Statement dated October 2016, Design and Access Statement by Criterion Capital/ Maith dated January 2017, Noise Impact Assessment dated 13 February 2017 (ref: 7929-NIA-02), Waste Statement dated April 2013, Transport Statement dated April 2013 and Strategic Level Travel Plan dated April 2013.

**Case Officer:** Oliver Gibson

**Direct Tel. No.** 020 7641 2680

**Recommended Condition(s) and Reason(s)**

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

**Reason:**

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's

City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of detailed drawings (scale 1:50) and a sample of the screen around the proposed mechanical plant at third floor roof level. The screen must then be erected prior to the hotel use commencing and the mechanical plant within the enclosure becoming operational. The screen must be maintained for the entire operational life of the mechanical plant. It may only be removed in the event that an alternative screen is agreed under the terms of this condition, or the mechanical plant installation is permanently removed in its entirety from the roof.

Reason:

To protect the amenity of neighbouring residents and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in CS28, CS29 and CS32 of Westminster's City Plan: Strategic Policies which is to be adopted by Full Council on 13 November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise

level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 6 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.

- 7 All servicing of the hotel, including waste and recycling collection, must be carried out within the existing basement servicing area as shown on drawing PL(00)020 (area shown in blue and annotated 'Service Road') and shall not be carried out on the public highway.

Reason:

To ensure that servicing of the hotel does not obstruct the public highway. As set out in Policies ENV12 and TRANS20 in our Unitary Development Plan that we adopted in January 2007 and Policy S42 of Westminster's City Plan which was adopted in November 2016.

- 8 You must apply to us for approval of a Hotel Bookings, Arrivals and Departures Management Plan that sets out the measures that will be implemented to ensure that guests do not arrive or depart the hotel premises

in a vehicle containing more than 15 seats. You must not operate the hotel use until we have approved the management plan that you send us. You must then operate the hotel in accordance with the management plan that we approve.

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 that was adopted in November 2016, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.13 in the London Plan adopted in March 2016. (R23AC)

- 9 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction traffic management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):
- i. parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - ii. locations for loading/unloading and storage of plant and materials used in constructing the development;
  - iii. erection and maintenance of security hoardings.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To prevent obstruction of the Transport for London Strategic Road Network and the local road network as set out in S29 of Westminster's City Plan that was adopted in November 2016, STRA 25, TRANS 2, TRANS 3 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007 and 6.11 in the London Plan adopted in March 2016.

- 10 You must apply to us for approval of full particulars including detailed drawings at 1:50 of the arrangements to provide access for the disabled to the first floor from the hotel front entrance. 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 particulars and drawings.

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 S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 11 The vents/ louvres to be inserted in the facade of the building at first floor level shall be finished in a colour to match the colour of the first floor window frames.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and



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

- 12 The cafe area at first floor level shall only be used by hotel guests and shall not be open to visiting members of the public at any time.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 13 You must not cook raw or fresh food on the premises. (C05DA)

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

- 14 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 15 You must provide the waste store shown on drawing PL(00)020 Rev.A before anyone moves into the property. You must clearly mark it and make it 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. (C14DC)

Reason:

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

**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 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)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 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](mailto:info@consideratehoteliers.com),  
Phone: 01308 482313 (I76AA)
- 5 Conditions 4, 5 and 6 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)
- 6 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.

Item No.
<b>8</b>

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.