

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 29 March 2016	<b>Classification</b> For General Release	
<b>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>	Bilfinger GVA		
<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

1. Grant conditional permission subject to the completion of a S106 legal agreement to secure:

i) A financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development);

2. If the S106 legal agreement has not been completed within two months of the date of this resolution then:

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

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

## 2. SUMMARY

Alhambra House, 27 - 31 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building is currently in use as offices (Class B1) on the upper floors, and a bank (Class A2) and a retail unit (Class A1) at ground floor level with ancillary storage and vaults at basement level.

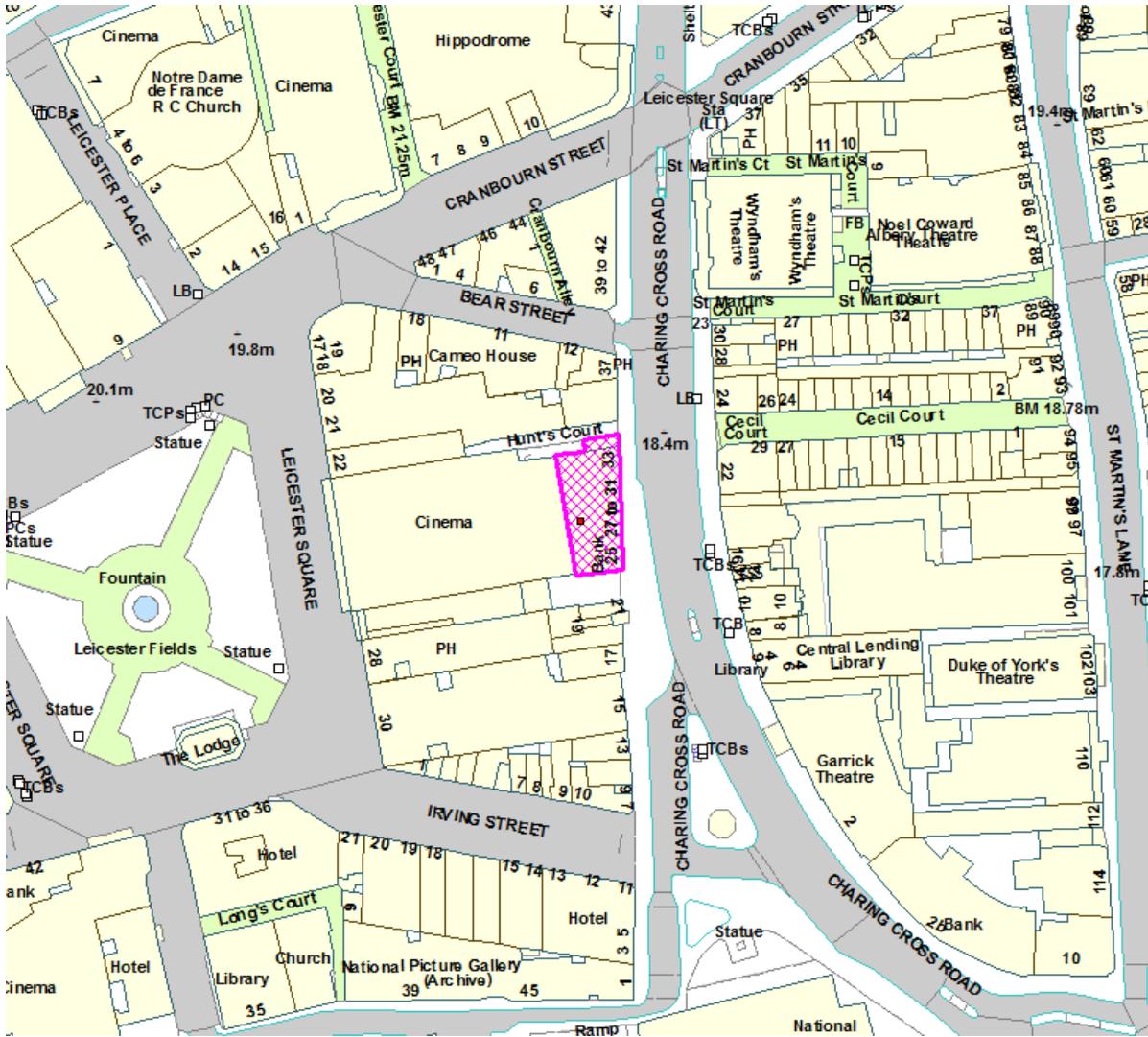
Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of the ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement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

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 Leicester Square Conservation Area.
- \* The impact on the amenity of neighbouring residential properties.
- \* The impact of the hotel use on the surrounding highway network.

The provision of a hotel in this area of the CAZ is considered acceptable, and subject to conditions controlling the operation and management of the hotel, it is considered that it would neither adversely impact on the character and function of the area, the surrounding road network, residential amenity, or the character and appearance of the building and the Leicester Square Conservation Area. The application is considered to accord with land use, design, amenity and highways policies and is recommended for approval.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



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

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

Objection on following grounds:

#### Transportation/ Highways

- Hotel entrance is near a busy bus stop and hotel customers being dropped off/ picked up by taxis would interfere with bus operations;
- No coach parking available or feasible in the immediate vicinity, which would create congestion wherever they park.

#### Land Use

- Concern about noise disturbance to the hotel residents from the Odeon cinema to the rear.

#### Design

- No comment on design as we feel proposal is unacceptable for reasons above.

### HIGHWAYS PLANNING MANAGER:

Unacceptable on transportation grounds but could be acceptable subject to conditions to secure a Servicing Management Plan to be submitted and agreed prior to occupation; an Operational Management Plan to be submitted and agreed prior to occupation; and to secure cycle parking.

### TRANSPORT FOR LONDON:

Charing Cross Road forms part of the Strategic Road Network (SRN), recommend condition requiring a delivery and servicing plan. Concern is raised if WCC allow 24/ 7 access for taxis in the rank directly opposite the hotel entrance.

### ENVIRONMENTAL HEALTH:

No objection subject to conditions.

### CLEANSING MANAGER:

Recommend condition requiring details of storage arrangements for general waste, food waste, and recyclable material.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 62;

Total No. of Replies: 4

(incl. responses from the Burleigh Mansions Residents Association; The Theatre Trust; and 2 x responses from one neighbour)

The Burleigh Mansions Residents Association object on the following grounds:

#### Transportation/ Highways

- Concerns about servicing arrangements (deliveries, collections and coach parking);
- Further details of servicing should be provided;
- Coaches would create congestion wherever they park.

#### Amenity

- Additional floor would overshadow adjacent smaller buildings;
- Opening hours of hotel bar should be restricted to 22.30 hours;
- Concern about street noise and recommend delivery trollies and waste bins are constructed with rubber wheels.

#### Design

- First floor parapet on front elevation looks awkward.

#### Other

- Waste storage should be provided and waste should not be stored on pavements awaiting collection for long periods;
- Building works should not be permitted on Saturdays.

A neighbour objects on the following grounds:

- Hotel is located near residential units and the hotel's 24hr use would adversely affect amenity of neighbouring residential properties.
- Hotel use would increase both pedestrian and vehicle congestion;
- Additional floor is out of scale with surroundings and would adversely affect the character and appearance of the conservation area;
- Noise and disturbance from roof terraces;
- Concerns about the quality and size of hotel rooms.

The Theatre Trust does not object but request a condition requiring the 'Theatreland' plaque to be reinstated after refurbishment

ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Alhambra House, 27 - 33 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building is currently

in use as offices (Class B1) on the upper floors, and a bank (Class A2) and a retail unit (Class A1) at ground floor level with ancillary storage and vaults at basement level.

A large cinema (Odeon, Leicester Square) backs onto the site and an access into the rear of that property is located immediately adjacent to Alhambra House to the south. Hunts Court, a narrow passageway lies to the north of the building, Hunts Court). 35 Charing Cross Road adjoins Alhambra House on the upper floors above the access to Hunts Court.

## 6.2 Recent Relevant History

Permission was refused on 21 May 2014 for the erection of side and roof extensions, re-clad elevations and conversion of offices at first floor level and above to residential use comprising 56 self-contained flats, with alterations to ground floor entrance and lobby and ancillary accommodation at basement level (13/04922/FULL). (A copy of the decision notice is enclosed in the background papers).

## 7. THE PROPOSAL

Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of the 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 the ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

The hotel would provide 123 en-suite rooms located at first to ninth floor levels. Every room would have a window and would be accessed off a central corridor. An ancillary restaurant and bar is located at 10<sup>th</sup> floor level. Ancillary store rooms including waste would be provided at basement level. The hotel entrance will be via the existing office entrance on Charing Cross Road. The applicant advises that a hotel operator has yet to be agreed.

At roof level, an additional storey is proposed in place of the existing plant and core overruns.

At ground floor level, an enlarged hotel shop/ café is proposed, replacing the existing retail unit (Kingdom of Sweets). The new hotel shop/ café can be accessed from the street as well as internally from within the hotel lobby and will continue to operate as an A1 retail use.

It is also proposed to re-clad the elevations of the building in stone cladding, install new double glazed windows, and a new plant room at first floor level.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The table below provides a summary of the existing and proposed floor areas and extension:

<b>Use</b>	<b>Existing sqm (GEA)</b>	<b>Proposed sqm (GEA)</b>	<b>Difference sqm (GEA)</b>
Office (B1)	3,465	0	-3,465
Hotel (C1)	0	3,682	+3,682
Retail (A1)	63	76	+13
Bank (A2)	496	496	0
<b>Total</b>	<b>4,024</b>	<b>4,254</b>	<b>+230</b>

#### **Mixed use**

The proposal involves a change from one commercial use to another. The extension would result in the provision of an additional 230sqm (GEA) floorspace, primarily through the erection of an additional storey at roof level. The increase in commercial floorspace triggers a requirement for an equivalent amount of residential floorspace under policy S1 of the City Plan and COM 2 of the UDP.

Policy COM 2 of the UDP sets a hierarchy for this provision with a preference for on-site housing, followed by the use of an alternative site nearby and finally, where neither option is achievable, a payment in lieu for the amount of floorspace required. In this case the amount of residential floorspace required equates to 115sqm.

It is not considered reasonable or practical to provide on-site residential floorspace in this building. It would prove difficult to provide a separate dedicated residential access from street level. Notwithstanding these physical constraints, a recent application for a residential conversion was refused in 2013 for reasons including poor standard of accommodation, and potential of noise transfer between the proposed residential units and the cinema to the rear.

The next stage in the cascade policy is to consider the practical or reasonable scope for off-site provision off-site housing provision. The applicant states that they do not own any suitable sites in the vicinity that has the potential to realistically deliver the amount of residential floorspace required.

It is therefore accepted that a payment in lieu of provision is acceptable in this case. The applicant has agreed to provide a policy compliant payment in lieu of £378,457 which is to be secured by legal agreement.

### **Loss of office use**

The proposals will result in the loss of 3,465 sqm of office (Class B1) floorspace. The loss of the offices to provide hotel accommodation and associated restaurant and bar facilities, complies with current policy given that the proposed use is another commercial use.

### **Proposed Hotel**

Hotels are important to support the visitor and business economy, and have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities.

Policy S23 of the City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. The character of this area is mixed with a range of commercial, entertainment and residential uses along Charing Cross Road and surrounding streets.

UDP Policy TACE 2 similarly seeks to ensure that a range of good quality visitor accommodation is available to support London's role as a world visitor destination without adversely affecting the quality of life of local residents and the surrounding environment. The policy sets out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking. It also directs new hotels to locations within the CAZ which do not have a predominantly residential character.

The London Plan also contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2026, to improve the quality, variety and distribution of visitor accommodation and facilities.

The proposed hotel is considered appropriate in this central area of Westminster, close to many of London's top tourist attractions and with good access to public transport. The principle of a new hotel in this location is considered acceptable subject to amenity, traffic and environmental impacts and subject to the recommended conditions. The amenity effects of the hotel use are assessed in Section 8.3 and the traffic effects are assessed in Section 8.4.

### **Sound Insulation**

The application is supported by an Acoustic Assessment by Hawkins Environmental which assesses the issue of internal noise levels to the new hotel resulting from the cinema which abuts the rear party wall to the existing offices. The Acoustic Assessment refers to attended noise measurements taken during a film showing in the cinema and

concludes that there would be limited impact from the cinema. Nonetheless, conditions are recommended that will require internal ambient noise levels comply with the Council's standard noise conditions.

### **Ground floor commercial units (Class A1 and A2)**

At ground floor level, an enlarged hotel shop/ café is proposed, replacing the existing retail unit (Kingdom of Sweets). The new hotel shop/ café can be accessed from the street as well as internally from within the hotel lobby. The reconfiguration and enlargement of the existing ground floor retail unit is acceptable subject to a condition that it continues to operate as an A1 retail use.

The existing bank at ground and basement level (Class A2) does not form part of this application and will be retained in situ.

## **8.2 Townscape and Design**

Alhambra House is located within the Leicester Square Conservation Area. It is not a listed building.

This application proposes external works consisting of the erection of an additional roof storey, the re-cladding of the building, the installation of replacement windows, works to the ground floor elevation, installation of mechanical plant and the creation of terraces on the seventh, eighth and tenth floors.

### **Additional roof storey**

Roof level extensions are generally considered contrary to policy. However they have to create a clear level of harm. In this case the building is of no merit and the overall proposals will provide a benefit to the character and appearance of the conservation area. Furthermore the roof extension encloses the gap between two large existing plant enclosures. This creates a 'top' to the building and is considered to be an improvement to its overall design. Therefore the works are considered to conform to policy DES 6 of the UDP and as such are deemed acceptable in design terms. The new elevation will include larger glazed windows, and as such the glazed balustrades are also considered acceptable.

### **Re-cladding of the building**

The building has been refaced previously at which time the original architectural composition was entirely lost. The proposals seek to clad the building in stone, a material appropriate to the area and to return some of the original features, notably the 'bay' on the right hand side. The works are considered to improve the appearance of the building and therefore enhance the character of the conservation area.

### **Replacement windows**

The new windows are to be double glazed however it is proposed to use UPVC. The use of UPVC is not considered acceptable within the conservation area. An amending condition is proposed requiring revised drawings to show an alternative window material.

#### **Works to the ground floor elevation**

The existing shop front fenestration is to be retained, but the ground floor is to be clad in stone to match with the building above. This will help to link the ground floor with the rest of the building, which is currently lacking and as such is considered acceptable.

#### **Mechanical plant**

The proposed location and appearance of the mechanical plant to serve the ancillary restaurant and bar at tenth floor level have not been provided. A condition is recommended requiring details of the location and appearance of the mechanical plant.

#### **Terraces at seventh, eighth and tenth floors**

The terraces are limited to high level and whilst terraces are not traditional features of the area, given they are sought in connection with a hotel use they are considered acceptable.

In summary the works are generally considered acceptable in design terms, subject to the recommended conditions.

### **8.3 Residential Amenity**

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

#### **Proposed Hotel use**

It is acknowledged that the hotel will generate activity outside of normal working hours. The hotel will be open to guests 24 hours a day, seven days a week, with a 24 hour reception service on the ground floor accessed from Charing Cross Road. Overall, the site is located in a busy part of the City and it is not considered that a hotel use of this size would significantly harm residential amenity to justify a refusal.

#### **Sunlight and Daylight/ Sense of Enclosure**

At roof level, an additional storey is proposed in place of the existing plant and core overruns. The additional storey would be no higher than the highest point of the existing roof projections. The applicant's daylight assessment results show that the surrounding residential windows will continue to receive good levels of daylight in accordance with the BRE Guidelines criteria. Given the location of the extension and its distance from neighbouring occupiers, it will not give rise to any significant amenity impact in terms of loss of light or increase in sense of enclosure.

**Noise (Mechanical plant/ terraces)**

At this stage of the design process the proposed plant has not been selected so this will need to be provided by way of a supplementary acoustic report.

At roof level, no details have been provided of the layout of the restaurant or kitchen extraction equipment because the detailed requirements of the future occupiers are not known at this stage. The restaurant is considered acceptable subject to conditions requiring the submission and approval of the full internal layout, means of getting rid of cooking smells, and a supplementary acoustic report.

A plant room is proposed at first floor level with ventilation louvers facing Hunts Court. This is also acceptable subject to a supplementary acoustic report.

Objections have been raised in respect of potential noise disturbance from the roof terraces. The terraces at seventh and eighth floor level will be accessed only by the residents of a limited number of hotel rooms. As such it is not considered necessary to impose conditions on its use. The tenth floor terrace is to be used in connection with the hotel's ancillary restaurant and bar. A condition is recommended to control the hours of use of the terrace so that it may only be accessible to between the hours of 0800 to 2300 hours.

**Privacy**

The terraces are at high level, at seventh, eighth and tenth floors. It is not considered that they will result in any material loss of privacy to neighbouring occupiers given their location and distance (approx. 25 metres) from neighbouring residential properties

**8.4 Transportation/Parking**

Objections have been raised on the grounds that the proposed hotel use will have an adverse impact on the surrounding highway network.

Policy TACE 2 states that proposals for new hotels should not result in adverse traffic effects. TRANS 22 requires provision to be made for coaches serving hotels.

The applicant has provided a Traffic Assessment to support the application. No off-street servicing is provided and details of servicing activity are limited. The Highways Planning Manager recommends that a detailed Servicing Management Plan should be submitted and agreed prior to occupation. The plan should identify process, storage locations, scheduling of deliveries, staffing arrangements, management of taxis and private hire vehicles, as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must also be provided for waste collection.

The document should also make clear the information that will be provided to guests on how to reach the site via public transport and how this will be prioritised on line and with booking information and confirmation details.

The Highways Planning Manager is concerned that the hotel makes no provision for coaches or mini-buses. The applicant is agreeable to a condition that the hotel will not accept coach parties and guests would not arrive or depart by coach. The applicant advises that the majority of guests are expected to arrive on foot, by public transport or by private taxi. In this context, and having regard to the excellent links to public transport, 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.

The London Plan requires 1 cycle parking space per 20 bedrooms. 10 cycle parking spaces are proposed which is considered sufficient and is to be secured by condition.

### **8.5 Economic Considerations**

The economic benefits of the hotel in terms of attracting visitors to the City and providing employment are recognised and welcomed in policy terms.

### **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**

#### **Refuse /Recycling**

The proposals include provision of waste stores at basement level. The Cleansing Manager recommends a condition requiring further details of storage arrangements for general waste, food waste, and recyclable material. The details should provide the dimensions of waste stores; the capacity of the storage containers to be used for residual waste, food waste, and recyclable materials; revised basement plan showing the arrangement of waste containers; and a revised tenth floor plan showing the waste arrangements for the ancillary restaurant.

#### **Sustainability**

The application is supported by way of an Energy Statement which demonstrates that features can be incorporated into the building design and improvements made to the building fabric to reduce the overall energy consumption of the building and CO2 emissions rating. No objection is raised provided that the development is carried out in accordance with the measures set out in the Energy Statement. The drawings however

do not show any sustainable features. A condition is therefore recommended requiring details of proposed sustainable features.

## **8.8 London Plan**

The proposal accords with London Plan policies to provide additional visitor accommodation and the provision of entertainment and retail uses which are valuable parts of London's economy.

## **8.9 National Policy/Guidance Considerations**

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the

development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-coordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- A financial contribution towards affordable housing of £378,457 (index linked and payable on commencement of development).

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the Community Infrastructure Levy Regulations (2010 as amended).

The proposal would attract a payment to the Mayor's Community Infrastructure Levy which could be dealt with by way of an informative.

## **8.11 Environmental Impact Assessment**

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

## 8.12 Other Issues

The Theatre Trust comment that they do not object but request a condition requiring the 'Theatreland' plaque to be reinstated after refurbishment. An informative is attached to the decision notice advising of this request.

## 9. BACKGROUND PAPERS

1. Application form.
2. Response from Westminster Society dated 25 November 2015.
3. Memo from Highways Planning Manager dated 25 February 2016.
4. Response from Environmental Health dated 14 December 2015.
5. Response from Cleansing Manager dated 30 November 2015.
6. Emails from Transport for London dated 19 January 2016 and 20 January 2016.
7. Email from The Theatres Trust dated 21 December 2015.
8. Letter from The Burleigh Mansions Residents Association, 20 Charing Cross Road dated 10 December 2015.
9. Letters from occupier of 9 Faraday House, 18 Charing Cross Road dated 20 December 2015 and 12 January 2016.
10. Decision letter refusal dated 21 May 2014 (13/04922/FULL).
11. Letter from agent Bilfinger GVA dated 15 January 2016

### 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 DAVID DORWARD ON 020 7641 5947 OR BY EMAIL AT [vnally@westminster.gov.uk](mailto:vnally@westminster.gov.uk)

### 10. KEY DRAWINGS



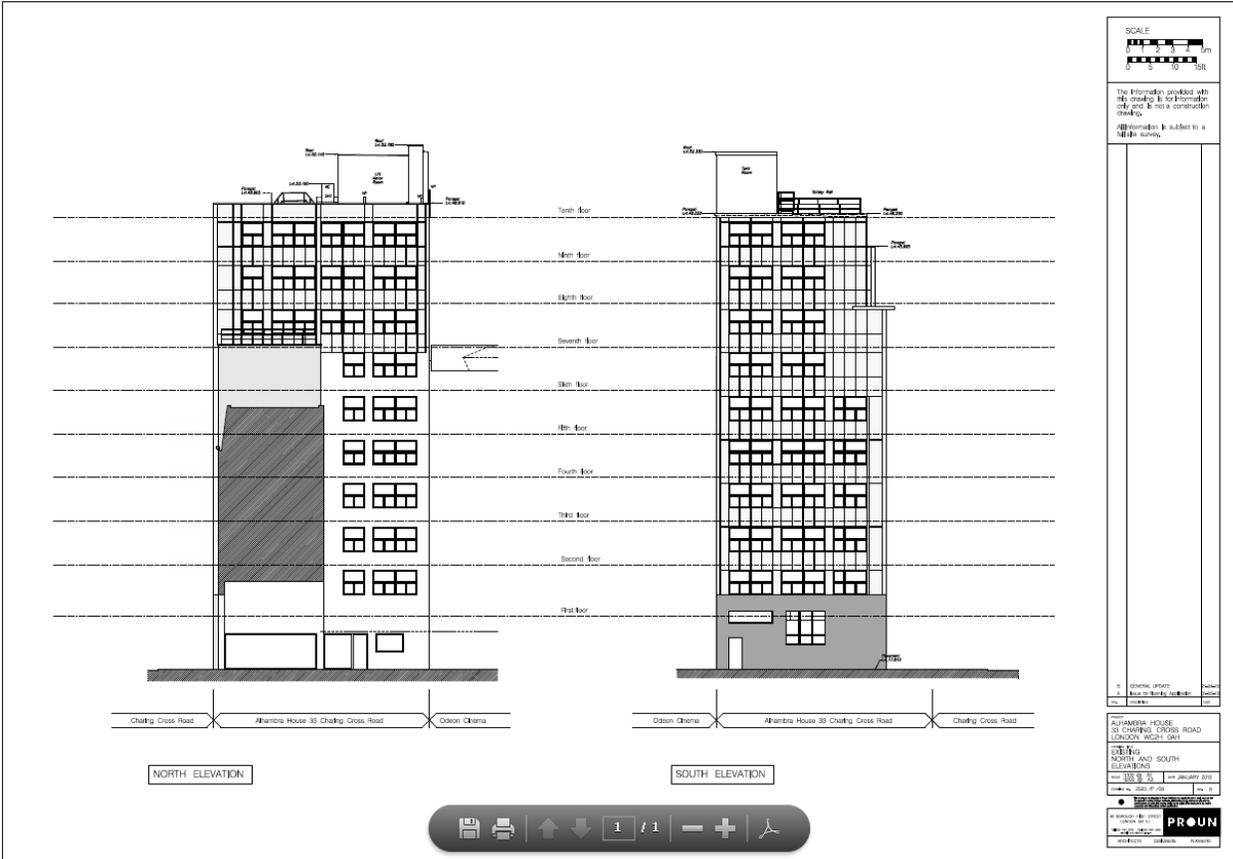
Existing basement, ground, and first floor plans



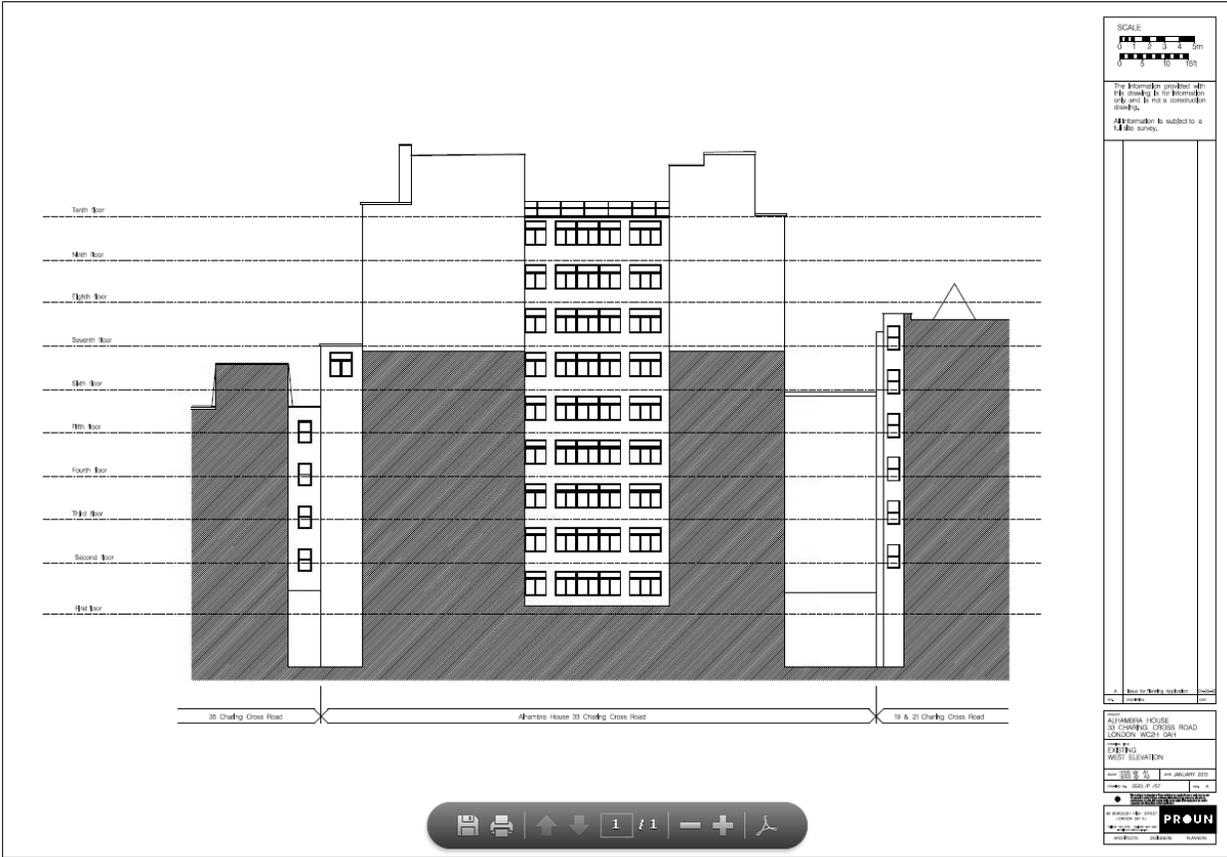
Existing eighth, ninth and roof floor plans



Existing east elevation



Existing north and south elevations



Existing west elevation

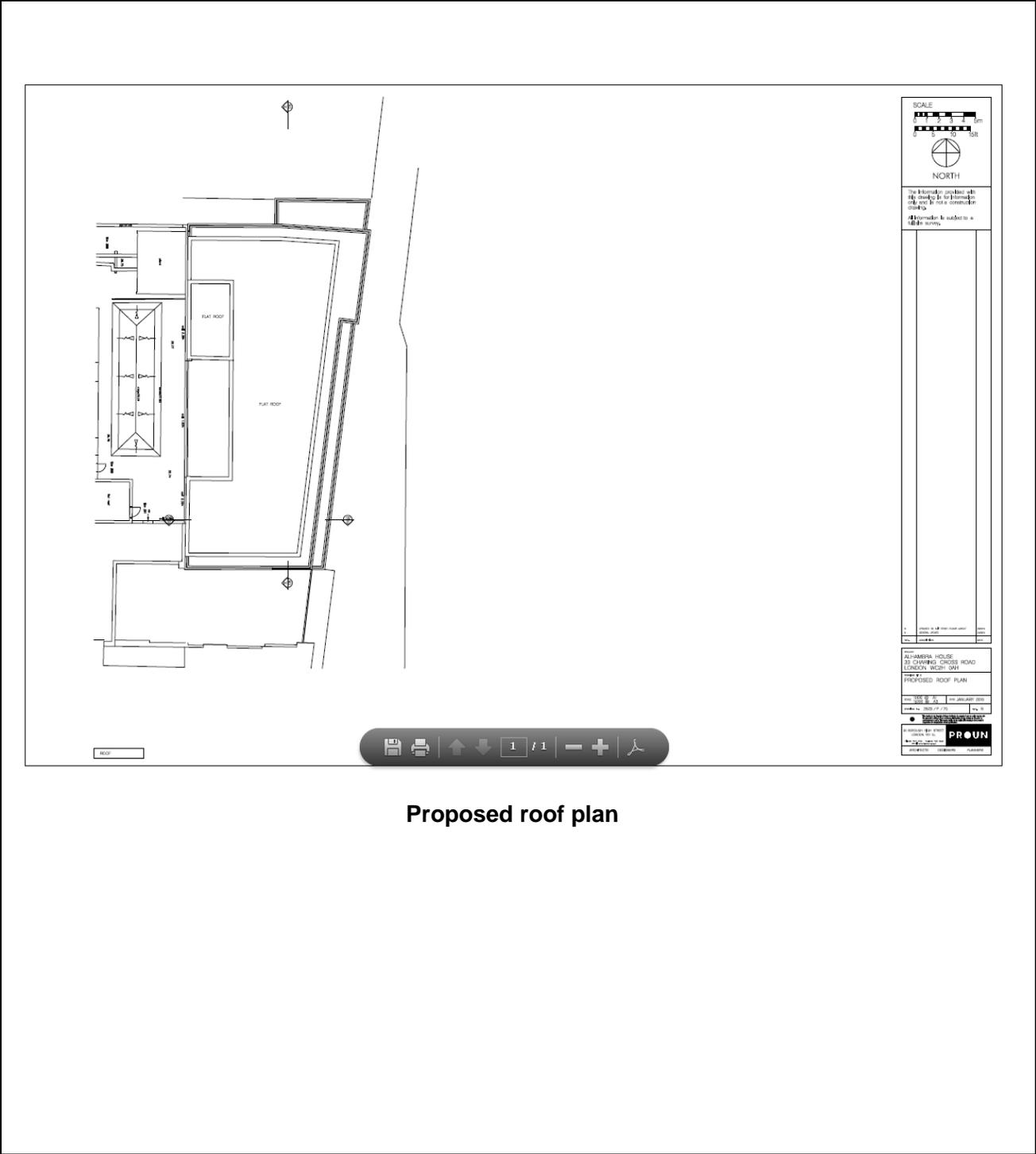




**Proposed second, third and fourth floor plans**



Proposed eighth, ninth and tenth floor plans

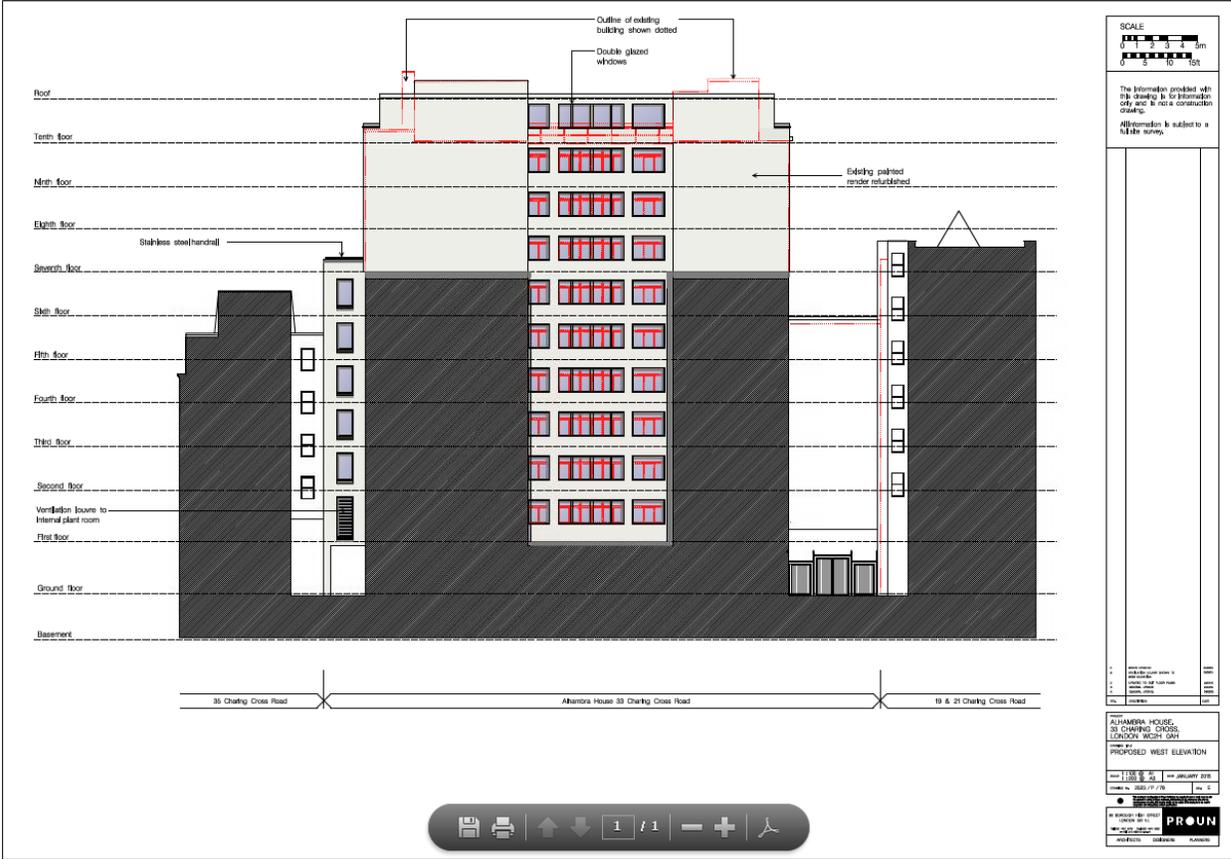


Proposed roof plan

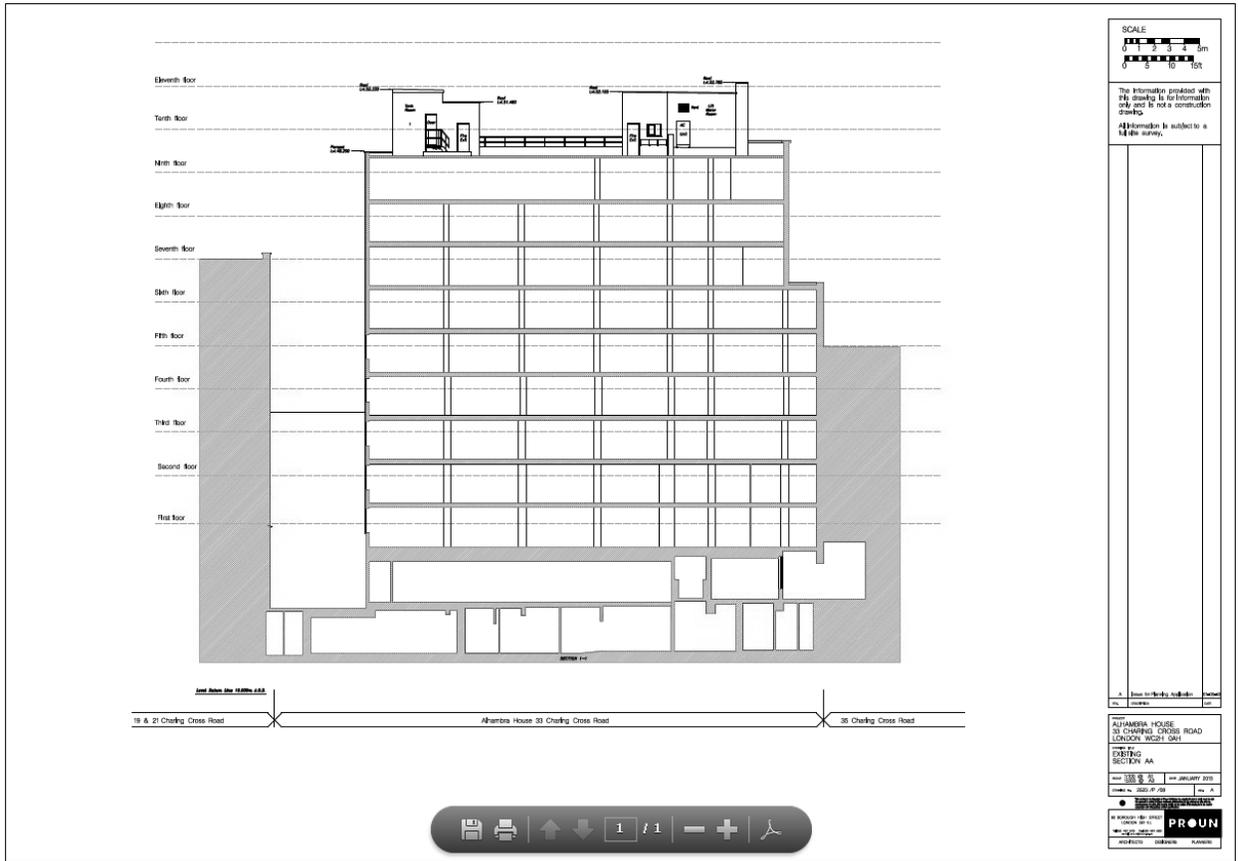


Proposed east elevation

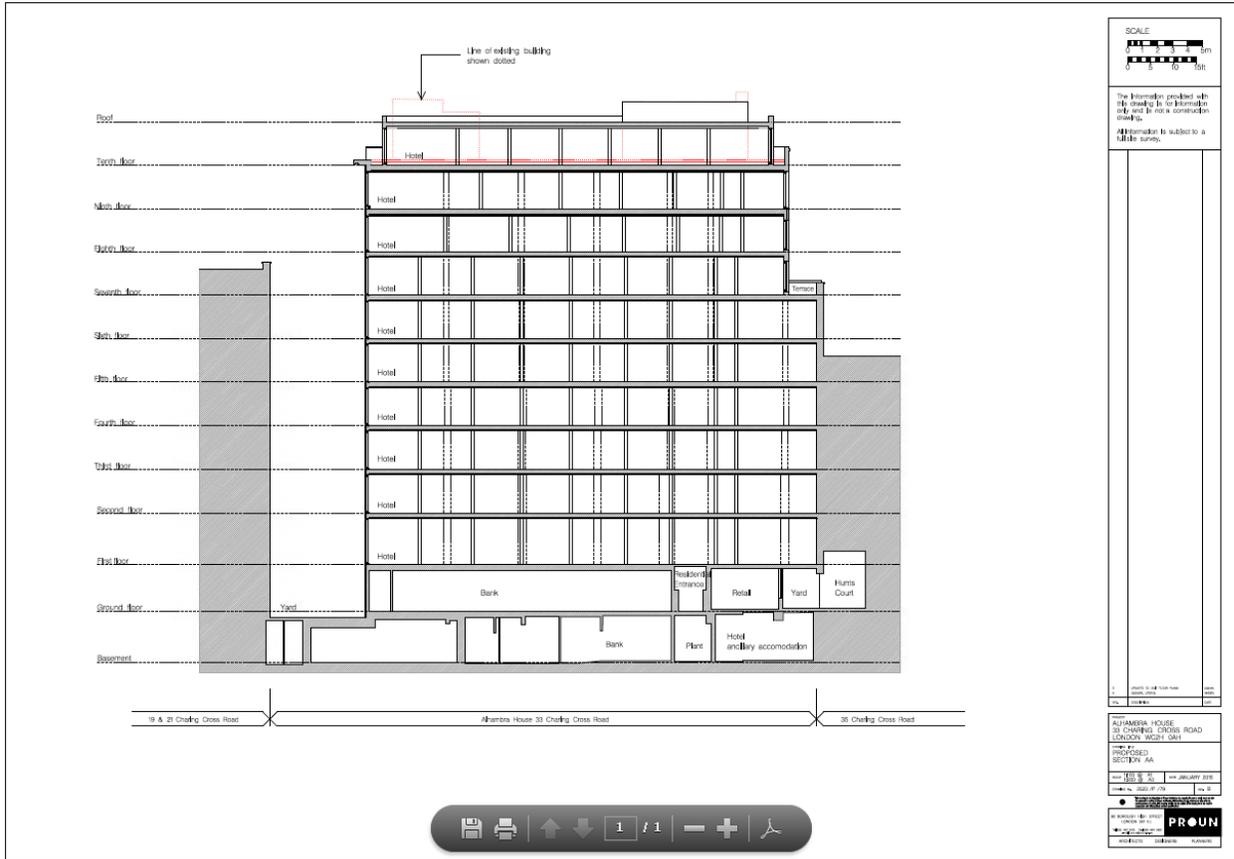




Proposed west elevation



Existing section AA



Proposed 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 Bilfinger GVA dated 15 January 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 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 (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.

- 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: Strategic Policies adopted November 2013 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: Strategic Policies adopted November 2013 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. 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: 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)

- 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: 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)

- 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: 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)

- 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: 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)

- 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 TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 17 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: Strategic Policies adopted November 2013, by contributing to reducing

excessive ambient noise levels.

- 18 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.

- 19 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.

### **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 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, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@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](mailto: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.