

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 August 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>25 - 31 Wellington Street, London, WC2E 7DD,</b>		
<b>Proposal</b>	Redevelopment behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) with works of repair and refurbishment of the listed buildings and other associated works (Site includes: 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street)		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Capital & Counties CG Limited		
<b>Registered Number</b>	16/03534/FULL 16/03536/LBC	<b>Date amended/ completed</b>	11 April 2016
<b>Date Application Received</b>	8 April 2016		
<b>Historic Building Grade</b>	Burleigh House, 22 Tavistock Street, 14 Burleigh Street and 15 Exeter Street are all Grade II listed		
<b>Conservation Area</b>	Covent Garden		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i) a Site Environmental Management Plan (SEMP)</li> <li>ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works</li> <li>iii) an employment and training opportunities strategy</li> <li>iv) an Operational Management Plan for the hotel, private members club and restaurants</li> <li>v) necessary highway works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions. The works to be carried out prior to</li> </ul>
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the occupation of the hotel.

vi) alterations to the TfL cycle hire docking station on Tavistock Street. The works to be carried out prior to the occupation of the hotel.

vii) costs of monitoring.

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.

3. Grant conditional listed building consent

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter

## 2. SUMMARY

The site is bounded by Wellington Street, Tavistock Street, Exeter Street and Burleigh Street and consists of a group of six buildings Wellington House, 25-31 Wellington Street/24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street. Three of the buildings are Grade II listed.

Planning and listed building consent applications have been submitted for demolition and redevelopment behind the retained facades plus extensions to the unlisted buildings and refurbishment and alterations (including a new roof structure on 22 Tavistock Street) of the listed buildings to provide a new boutique hotel with 83 guest rooms plus spa, restaurant, retail, private members club and office.

Three letters of support, one objection from a neighbouring resident and a letter raising issues of concern on behalf of the Lyceum Theatre have been received.

The key issues for consideration in this case are:

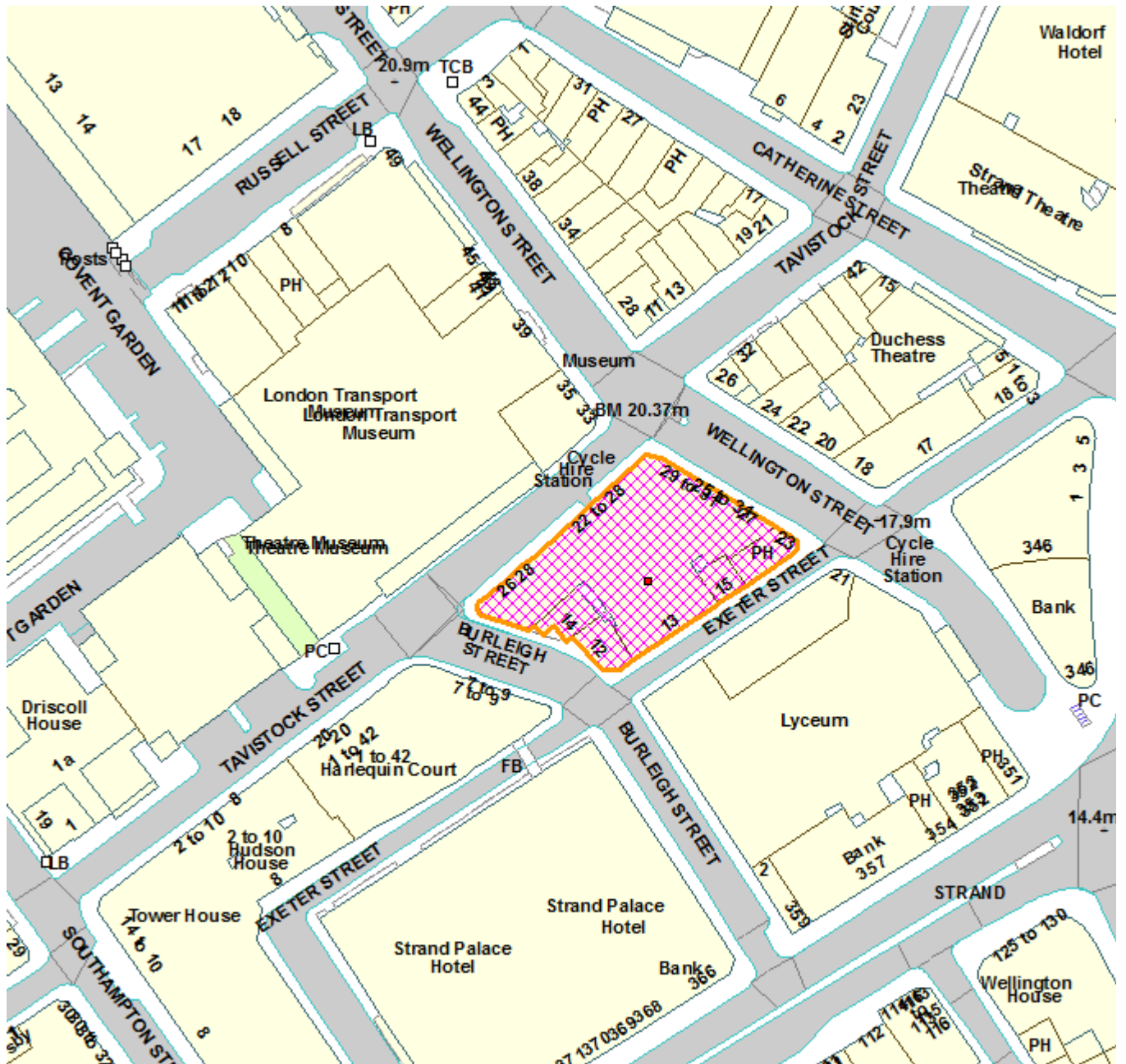
- Impact of the new building on the significance of designated heritage assets, the character and appearance of the Covent Garden conservation area and townscape views
- Impact of the hotel, restaurant and private members club on residential amenity, the local

environment and traffic

- management of the demolition and construction of the development to minimise disruption to and nuisance to the Lyceum Theatre

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies Consolidated Draft Version dated June 2016.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



25-31 Wellington Street WC2

## 5. CONSULTATIONS

HISTORIC ENGLAND: Do not wish to offer any comments.

HISTORIC ENGLAND (ARCHAEOLOGY): Any archaeological survival would be limited to the western third of the site where the impact of the proposed development would not be extensive. An archaeological watching brief secured by condition would be the most appropriate mitigation strategy.

COVENT GARDEN COMMUNITY ASSOCIATION: do not object to a 'high-end' hotel in this location and welcome the employment opportunities for local people. However, have the following concerns: height of the building would be visible from the Piazza; design of new roof to Burleigh House; more details needed re: proposals for 15 Exeter Street; servicing and delivery requirements of hotel – detailed servicing and delivery plan required; impact of the hotel and of the private members club in 14 Burleigh Street on local amenity; impact on daylight to adjacent residential properties in Wellington Street.

COVENT GARDEN AREA TRUST: do not object to a high quality hotel in this location, welcome the refurbishment and re-use of the buildings and the new business and employment opportunities. However some Trustees have expressed concerns about the height of the building, the design of the new roof to Burleigh House and the potential impact on views from the Piazza and on the conservation area; detailed servicing and delivery plan required.

HIGHWAYS PLANNING MANAGER: significant concern is raised regarding i) the location of the hotel entrance on Tavistock Street; the relocation of the TfL cycle hire docking station (funded by the hotel developer) prior to the commencement of the hotel use would reduce these concerns; ii) the on-street loading bay on Exeter Street which when in use will block pedestrian use of the northern footway and could cause local congestion as larger vehicles are unlikely to be able to pass when a vehicle is stopped, servicing the hotel; given the existing situation a robust Servicing Management Plan secured by condition should ensure that obstruction to other highway users is minimised. Appropriate measures for dealing with coaches should be secured in the Servicing Management Plan. Changes to on-street restrictions will be subject to a Traffic Management Order with all associated costs to be borne by the hotel developer; the cost of all essential highway works including the creation of the on-street loading facility on Exeter Street to be secured by S106 legal agreement.

CLEANSING: no objection to waste and recyclable storage arrangements provided the Highways Planning Manager agrees the new loading bay on Exeter Street.

ENVIRONMENTAL HEALTH: no objections following the submission of additional information i.e. an air quality neutral report and amended acoustic report to include assessment of the hotel terrace areas subject to conditions controlling plant noise, controlling hours of opening and noise from the commercial activities, requiring an Operational Management for the hotel, private members club and restaurants, requiring an air quality assessment of the CHP and that the spa remains ancillary to the hotel use. In addition the development should be covered by a Site Environmental Management

Plan (SEMP); the estimated cost of monitoring this for the duration of the development by the Environmental Inspectorate is £105,000 both of which should be secured by S106 legal agreement.

THAMES WATER UTILITIES: no objection with regard to sewerage or water infrastructure capacity. Advice provided with regard to surface water drainage to ensure that storm flows are attenuated or regulated and to ensure that the developer installs a non-return valve or similar to avoid the risk of backflow from the sewerage network during storm conditions. Request that piling method statement is secured by condition.

METROPOLITAN POLICE (DESIGN OUT CRIME UNIT): no objection. Have had positive meetings with the architects and are satisfied that the development will proceed with security as its forefront.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 111; Total No. of replies: 5:

3 letters of support, 1 letter raising issues of concern and 1 objection on the following grounds:

#### LAND USE

- no need for additional hotel facilities in this area which suffers from too many tourist activities

#### DESIGN

- height of building – will spoil views from the Piazza

#### AMENITY

- noise nuisance from servicing and deliveries on Exeter Street
- noise and disturbance from private members club in 14 Burleigh Street
- loss of daylight/sunlight, over-shadowing and increased sense of enclosure to Lyceum Theatre offices on Exeter Street

#### HIGHWAYS

- dropping off/collection from hotel entrance will cause traffic congestion/obstruction on Tavistock Street
- new servicing and delivery bay on Exeter Street will cause congestion and conflict with servicing/deliveries to other businesses including the Lyceum Theatre

#### OTHER

- impact of demolition and construction on the Lyceum Theatre

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site is bounded by Wellington Street, Tavistock Street, Exeter Street and Burleigh Street and consists of a group of six buildings Wellington House, 25-31 Wellington Street/24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street.

The 'Be @ One' at 23 Wellington Street, on the corner of Exeter Street and Wellington Street, is outside the applicant's ownership and does not form part of the proposed development. The ground floor of 22 Tavistock Street currently occupied by Charles H Fox is also not included in the development and will remain.

Wellington House is comprised of two buildings, 24-28 Tavistock Street which was built in 1912 and 25-31 Wellington Street built in the 1930s. The building comprises basement, lower ground and ground floor Class A3 restaurant premises and B1 offices on first to fifth floors.

13-14 Exeter Street was built in 1912 as a warehouse. The ground, lower ground and basement levels are occupied for Class A3 restaurant purposes. The two upper floors are used as B1 offices. The building is connected at ground and first floors to Wellington House.

12 Burleigh Street is a late C19th building consisting of lower ground, ground and four upper floors and is used as B1 offices.

14 Burleigh Street is a Grade II listed Victorian Gothic building which was constructed as a rectory in 1859-60 and is a vacant dwelling house.

15 Exeter Street is a Grade II listed Georgian townhouse, currently used as Class A1 retail on ground and basement floors with offices on first to third floors above.

Burleigh House, 22 Tavistock Street is also Grade II listed and is occupied as a retail shop (by Charles H Fox) on ground and basement floors with offices on the first to third floors above.

The buildings are all located within the Covent Garden Conservation Area and within the Core Central Activities Zone (CAZ), West End Special Retail Policy Area and West End Stress Area. The Grade II\* listed Lyceum Theatre is located immediately to the south of the application site on the corner of Wellington Street and Exeter Street.

### 6.2 Recent Relevant History

Planning permission and listed building consent were granted on 31.03.2016 for a development encompassing virtually the entire street block (with the exception of the existing restaurants on the basement, lower ground and ground floors of the buildings, 14



Burleigh Street and 23 Wellington Street) and consisted of two sets of applications; one for the buildings known as the Wellington Block (14/05337/FULL & 14/05336/LBC) and the other for Burleigh House, 22 Tavistock Street (14/05338/FULL & 14/05339/LBC):

25-31 Wellington Street, 24-28 Tavistock Street/13-14 Exeter Street, 15 Exeter Street & 12 Burleigh Street (collectively referred to as the Wellington Block)

Use of the upper floors of 25-31 Wellington Street, 24-28 Tavistock Street and 13-14 Exeter Street as 23 residential units (Class C3); alterations to the ground floor facades to provide residential entrances at 25-31 Wellington Street and 24-28 Tavistock Street; alterations in connection with creation of a single dwelling house at 15 Exeter Street; use of ground floor of 12 Burleigh Street as a (Class A1) retail unit and the upper floors as four residential units (Class C3); associated plant at roof level; creation of new raised courtyard and terrace area to rear subject to a S106 legal agreement securing:

- a financial contribution of £2,250,000 towards the City Council's affordable housing fund
- free lifetime (minimum 25 years) car club membership for residents of the development
- an Operational Management Plan for the raised central courtyard

Burleigh House, 22 Tavistock Street

Use of first to third floors of Burleigh House, 22 Tavistock Street as three residential units (Class C3) and associated alterations including installation of plant at roof level and cycle and refuse storage at lower ground floor subject to a S106 legal agreement securing:

- free lifetime (minimum 25 years) car club membership for residents of the scheme

These permissions/consents have not been implemented.

Other relevant planning history for the individual buildings which make up the street block is as follows:

25-31 Wellington Street & 24-28 Tavistock Street/13-14 Exeter Street

March 1936 – permission granted for erection of new building on site of 25-31 Wellington Street as an extension to 24-28 Tavistock Street & 13-14 Exeter Street (wholesale florist warehouse)

5.6.1964 – permission granted for use of part 5<sup>th</sup> floor of 25 Wellington Street as offices.

2.1.1976 WCC letter – 1<sup>st</sup> and 2<sup>nd</sup> floors of 26 Tavistock Street appear to have established use rights as offices.

13.08.1976 – permission granted for conversion of lower ground floor of 27 Wellington Street/13 Exeter Street to restaurant and theatrical rehearsal studio.

7.04.1978 EUC issued for use of 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> floors of 25-31 Wellington Street as offices.

30.11.1979 – permission granted for use of lower ground floor of 27 Wellington Street as restaurant (COU from theatrical rehearsal studios – use which had not commenced)

29.02.1988 – permission granted for erection of an extension at 2<sup>nd</sup> and 5<sup>th</sup> floor levels of 25 Wellington Street for office use; erection of new lift shaft and installation of plant at roof level.

30.03.1989 – permission granted for refurbishment and extension for office use on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> floors and retail use on basement and ground floors of 22-28 Tavistock Street, including a two storey side extension, mansard storey and plant room (N.B. decision letter erroneously includes 22 Tavistock Street – correct site address is 24-28 Tavistock Street).

#### 12 Burleigh Street

9.9.1981 – EUC issued for use of entire property (basement to fourth floors) as offices.

#### 14 Burleigh Street

18.03.2004 – listed building consent granted for internal alterations in connection with continued use as a dwelling house.

#### 15 Exeter Street

9.10.1962 – permission granted for change of use of basement/ground and first floors from builders yard and office to restaurant (second/third floors residential).

8.4.1963 – permission granted for change of use of ground floor to betting office.

29.9.1970 – EUC issued for use of first floor as offices.

16.3.1977 – permission granted for use of ground floor as retail shop for sale of printed stationery and basement for printing workshop and storage.

#### Burleigh House, 22 Tavistock Street

24.7.1975 – permission granted for use for limited period (until 30.07.82) of basement and ground floors for film editing, library and studios.

20.08.1981 – WCC letter confirming that on cessation of time limited film editing use, use of basement and ground floors for wholesaling of theatrical make up and sale/hire of theatrical costumes/accessories (Charles H Fox Ltd) would not require permission.

13.10.2000 – permission granted for erection of two storey extension at third and fourth floor level to rear in the angle between the Wellington Street/Tavistock Street wings.

19.07.2001 – permission granted for erection of a fifth floor roof extension with roof top plant enclosure to the Tavistock Street frontage to provide additional office accommodation.

## 7. THE PROPOSAL

Planning and listed building consent applications have been submitted for the redevelopment behind the partially retained facades of the non-listed buildings (25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street) excluding 12 Burleigh Street which is to be retained and refurbished; repair and refurbishment of the listed buildings (Burleigh House, 22 Tavistock Street, 14 Burleigh Street and 15 Exeter Street) to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as a luxury boutique Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis) and Office (Class B1) with works of repair and refurbishment of the listed buildings and a replacement roof at Burleigh House, 22 Tavistock Street.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposed scheme is for a luxury boutique hotel comprising 83 bedrooms with ancillary spa, restaurants, retail, a private members club and office arranged around a central courtyard conservatory. The hotel operator will be BD Hotels (BDH) in partnership with Robert De Niro. BD Hotels started in 1985 and is a leading hotel operator in the United States with 26 hotels including their flagship The Greenwich Hotel in New York.

#### Summary Table of Land Uses (sqm)

	Existing	Proposed	Net Change
Residential	399	0	-399
Offices	4,961	114	-4,847
Retail	120	212	+92
Restaurant	2548	890	-1658
Hotel	0	8,936	+8,936
Sui Generis (Private members club)	0	399	+399
<b>TOTAL</b>	8,028	10,551	+2,523

#### Loss of office use

The majority of the existing B1 office accommodation (4,847sqm) will be replaced by hotel use. A small amount (114sqm) of new B1 office accommodation will be provided at ground floor level of 15 Exeter Street (equivalent to lower ground floor level in the scheme as a whole). Policy S20 of Westminster's City Plan (July 2016) resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to hotel use (which is another employment-generating use) in this location. The

loss of the existing office accommodation which the applicants consider to be of poor quality is therefore acceptable in principle.

### **Hotel Use and spa**

Policy S23 of the City Plan states that new hotels will be directed to the Core CAZ and that existing hotels will be protected where they do not have significant adverse effects on residential amenity and proposals to improve the quality and range of hotels will be encouraged. Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

The application site is located within Core CAZ and so the introduction of a new hotel use in this location is acceptable in principle.

The nearest residential properties to the site are located above the public house at Be@One, 23 Wellington Street, the upper floors above the restaurants and shops of 20-26 Wellington Street, 28 Wellington Street and Harlequin Court, on the corner of Burleigh Street/Tavistock Street. The primary land uses on the surrounding streets are the London Transport Museum, the Lyceum Theatre, the Strand Palace Hotel and various restaurant and shops. It is therefore considered that this site in Covent Garden is an appropriate location within the CAZ for a new high class hotel development.

The hotel will provide 83 rooms of a variety of sizes and two restaurants; one at ground floor level with a capacity of up to 150 covers (seated) and an overflow dining room with capacity for a further 120 covers and the second, at lower ground floor accessed from Exeter Street with capacity for up to 100 (seated). There will also be a spa with treatment rooms and swimming pool open to residents and non-residents of the hotel.

The hotel will be open 24 hours a day, seven days a week. The basement and ground floor spaces would be open to the public, whilst the upper floors would be for hotel guests and their visitors only. It is proposed that the public facilities would be open as follows: the restaurants – 0700-0130 hours Monday to Saturday and 0730-0000 Sundays and Bank Holidays; the spa/swimming pool – 0600-2200 every day.

It is proposed that the operation and management of the various facilities within the hotel and the restaurants and the private members club are controlled via an agreed Operational Management Plan (OMP) to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded. The applicants and hotel operator have submitted a draft OMP at this stage; it is recommended that a final version is secured by S106 legal agreement. It is not considered necessary nor appropriate to restrict the use of the spa to hotel guests only, as suggested by Environmental Health, given the proposed terminal hour of 2200 hours and the fact that the hotel restaurants are open to non-hotel guests until 0130 hours Monday to Saturday and 0000 (midnight) on Sundays and Bank Holidays.

### **Loss of residential use**

It is proposed to convert 14 Burleigh Street, last occupied as residential, into a private members club. The loss of 399sqm of residential floorspace is contrary to Policy H3 of the UDP and Policy S14 of the City Plan. However the practicalities of retaining a single residential unit in the middle of a street block otherwise occupied as a hotel i.e. ensuring an adequate standard of residential amenity whilst not compromising the operation of the hotel is acknowledged. Furthermore, the applicant (CapCo) who own a large number of properties in Covent Garden, are committed to providing a mix of uses across their Estate and realise the importance of the residential population to the vitality of the area. To this end, CapCo's Kings Court development (Carriage Hall, Kings Court and Kings Street) which is currently under construction provides an 'overprovision' of +8,796sqm of residential floorspace. The new residential accommodation at Kings Court will be self-contained and of a higher quality than that at 14 Burleigh Street. CapCo are proposing a land use swap in line with UDP policy COM3 secured by S106 or condition to ensure the re-provision of residential from 14 Burleigh Street in line with Policy S14, but officers do not consider this necessary or appropriate given that Kings Court is already under construction.

### **Restaurant (Class A3) and Private Members Club (Sui Generis)**

The site is located within the West End Stress Area. The proposal results in an overall loss of restaurant floorspace of 1,658sqm. Each of the two new restaurants will be less than 500sqm and the private members club is also less than 500sqm and therefore these need to be assessed against Policy TACE 9 of the UDP.

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

The main restaurant will provide an ancillary function to the hotel in terms of serving meals to hotel guests but will also be open to non-hotel guests. The main restaurant dining area (200 sqm) provides for 150 covers and an overflow area (120 sqm) that can provide a further 120 covers. The second restaurant provides 100 covers in approximately 140 sqm and is accessed from Exeter Street.

The private members club located in 14 Burleigh Street measures 399 sqm and provides for 64 covers. The private members club will be serviced by the hotel but will be members only and not for general use by hotel guests. People will not be able to join on the day and the club will have an application and vetting process. The private members club will provide an all-day food and drinks menu and there will be a small kitchen in the basement.

The hotel would be open and accessible to guests 24 hours a day, seven days a week. The basement and ground floor spaces will open to the public, whilst the upper

floors will be reserved for hotel guests and their visitors only. The proposed hours of operation for the restaurants and private member's club are 0700-0130 Monday – Saturday and 0730-0000 Sunday and Bank Holidays. The spa and swimming pool would be open between 0600-2200 daily.

A draft Operational Management Plan submitted with the application sets out the measures and demonstrates the Hotel operator's commitment to ensure that the restaurants and private member's club, as well as the hotel, will not have a detrimental impact on residential amenity or the quality of the local environment. It is recommended that the submission of a detailed/final version of the OMP and the requirement for the hotel, restaurants and private member's club to operate in accordance with an agreed OMP is secured by S106 legal agreement. In addition, conditions are recommended restricting the restaurants to sit-down waiter-only service and no takeaway facility, limiting the number of covers and controlling the hours of operation.

### **Retail**

Policy S6 of the City Plan states that retail is encouraged throughout the Core CAZ. Policies S7 and S21 of the City Plan provide support for retail within the West End Special Retail Policy Area and protect existing retail. Policies SS4 and SS5 of the UDP seek to protect and maintain A1 retail uses in the Central Activities Zone (CAZ).

The proposed development will result in an increase in Class A1 retail floorspace of 92sqm on the ground and lower ground floor levels of 12 Burleigh Street. The existing retail space on the ground and lower ground of 22 Tavistock Street occupied by Charles H Fox is to be retained.

## **8.2 Townscape and Design**

The site includes No.'s 15 Exeter Street, 14 Burleigh Street and 22 Tavistock Street which are Grade II listed buildings. The site also lies within the Covent Garden Conservation Area.

This application proposes the redevelopment of the site behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street and the repair and refurbishment of the listed buildings including a replacement roof at 22 Tavistock Street and associated works.

Paragraph 132 of the NPPF states that '*when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation*'. In this case the designated heritage assets affected are the listed buildings within the application site, the character and appearance of the Covent Garden Conservation Area and the setting of the surrounding listed buildings, located outside of the application site. The listed buildings are to be retained and renovated, including minor alterations and the existing non-listed buildings are to be retained, albeit altered. The areas where demolition is proposed are in general modern and/ or positioned within the centre of the site and therefore cannot be seen. As such the significance of the heritage assets within and outside of the application site and the character and appearance of the Covent Garden Conservation Area is considered to be retained.

Paragraph 133 of the NPPF states *'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss ...'*. Paragraph 134 goes on to state that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. In both instances the public benefits of the scheme are essential. In this case the impact of the proposal is not considered to be substantial and whilst it is recognised that the proposals will form some degree of harm, the benefits of the scheme are considered to be considerable, leading to numerous job opportunities and other benefits to the public.

Policy DES 1 'Principles of Urban Design and Conservation', is the Council's overarching development policy. Paragraph 10.7 of the supporting text states *'New development is necessary to adapt the fabric of the City to present and future needs and to ensure the economic wellbeing of Central London as a whole. New development is encouraged in areas where it is beneficial'*. The proposed scheme pushes the boundaries of development on the site and has been designed to maximise the use of the land available. This increase in the site's peak use allows for the greatest possible public benefit to be provided.

Policy DES 4 'Infill Development' states *'Infill development ... will be permitted as long as its design has regard to the prevailing character and quality of the surrounding townscape ... and in particular, conforms to or reflects the following urban design characteristics ... : (A) established building and boundary lines and local scale of development, (B) prevailing overall heights, storey heights and massing of adjacent building'*. The main hotel is greater in height than its immediate neighbours; however the proposed height is not completely alien to the surroundings. Furthermore as the proposals reuse existing buildings and the building line does not alter.

**Redevelopment** – The main hotel redevelopment is to reuse the existing building façade on Exeter Street, Tavistock Street and Wellington Street. The proposals seek to erect a further three storeys on the Wellington Street elevation, two on Exeter Street and two on Tavistock Street.

On the Wellington Street façade the height is increased. This increase highlights the corner of the site (the junction of Wellington Street and Tavistock Street), which provides an architectural opportunity to create interest within the street scene. The proposed massing is greater than the buildings on either side of the development, however in a wider context the proposed height is not considered out of keeping. The orientation of the proposals on Wellington Street and the angles at which it can be viewed all aid the scale of the development. Furthermore, the Exeter Street return forms an interesting stop to the development, which helps to break up the massing of the proposal, whilst also respecting the character and appearance of the area and the listed building adjacent.

On the Tavistock Street façade the upper storey is to be removed and replaced with a further two storey mansard, which follows the design intent of the Wellington Street elevation. This façade is not as prominent as Wellington Street and the step in the proposed building height is considered to aid this secondary character.

The Exeter Street façade has a completely different character to that of the other streets. It is, and was traditionally, a service road. The proposals introduce a predominately glass and metal structure to the roof. This concept leads on from the service nature of the street, providing an industrial warehouse type design.

**15 Exeter Street** – At basement level, WCs and a kitchen are to be installed. At lower ground the floor plan is retained with minor alterations to remove modern features. At ground floor minor alterations are proposed to the partitions within the rear room with the repositioning of two doorways. At first floor the connection to the main hotel is made, which involves the removal of one window to form a doorway, a WC is also to be installed within the rear room at first floor level. Below, the connection the lightwell is to be infilled to create additional space within the main hotel. At second floor a new door is proposed to link the front and rear rooms with the existing partitions in the rear room reordered. At roof level a new hatch is proposed and a new slate covering installed. The works balance the harm to the character of the building with other alterations to improve the layout. As such the harm is considered to be outweighed by the benefits to the building and the scheme as a whole.

**14 Burleigh Street** – At basement and ground floor the modern fitted furniture is to be removed and the rear doors replaced. On all floors a dumb waiter is proposed. At first floor a new opening is proposed between the front and rear rooms and a new WC installed at the front of property. At second floor the existing partitions at the front of the building are to be removed and the existing opening between the front and rear enlarged. At third floor the works are similar to at second, although the opening between the front and rear rooms is to be formed and an unsightly ensuite removed. No alterations are proposed at roof level. The new openings throughout the building allow for the new use and whilst of limited harm they are balanced by the removal of other existing harmful partitions. As such the harm is considered to be outweighed by the benefits to the building and to the scheme as a whole.

**22 Tavistock Street** – No changes are proposed at lower ground floor. At ground floor the entrance door is to be replaced, a new wall installed and an opening made into the main hotel. At first and second the floor layouts are completely revised. At third floor level the existing non-original mansard is removed and a new doomed roof installed, consisting of a third and fourth floor. The doomed roof is of a traditional form and whilst it may be slightly larger than would normally be considered ideal it will add vibrancy to the street scene and replaces the existing, rather apologetic mansard. The works to the building are considered a balance between harm and benefit. The new doomed roof replaces an existing poorly proportioned addition. Internally no historic fabric or features remain and therefore the works are not considered to harm the character of the building. As such the harm is considered to be outweighed by the benefits to the building and the scheme as a whole.

### 8.3 Amenity

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

City Plan Policy S29 seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist



proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking.

The Lyceum Theatre have expressed concern about the possible loss of daylight and sunlight and increased sense of enclosure to the offices occupied by Disney to the rear of the theatre on Exeter Street.

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). The BRE report advises that daylight levels should be assessed for main habitable rooms (kitchens, living rooms and dining rooms) in neighbouring residential properties. It is common practice to only test residential properties and other 'light sensitive' uses such as schools and hospitals. Sunlight analysis is undertaken for the main windows of rooms which face within 90 degrees of due south.

The residential properties tested were 20-26 Wellington Street, 28 Wellington Street and Harlequin Court, 7-13 Burleigh Street/20 Tavistock Street. With the exception of one window (4<sup>th</sup> floor of 24 Wellington Street where the reduction in daylight would be slightly in excess of the recommended standard – i.e. 20.56%) there will be no material impact on daylight and sunlight to neighbouring residential properties.

There is a two storey increase in height on Exeter Street (above 13-14 Exeter Street) in the form of a stepped predominantly glass and metal structure. There is no increase in height above 15 Exeter Street. With regard to concerns expressed on behalf of the Lyceum Theatre about potential loss of light to their offices on Exeter Street, the BRE guidelines advise that, unless the 25 degree angle from the mid-point of a window is breached by the new development, further detailed analysis is not required; this was the case in this instance. Furthermore, sunlight analysis on the theatre office windows is not required because they are north facing and therefore do not currently receive any direct sunlight. Whilst the additional height of the new building on Exeter Street will be visible from the theatre office windows, it is not considered that, given the form of the proposed roof extension on Exeter Street, this will result in a significant increased sense of enclosure for the offices occupiers.

## **Noise**

Noise from the proposed new plant will be subject to conditions requiring compliance with the City Council's standard noise criteria. A further condition will be imposed prohibiting amplified music on the external hotel terraces – as recommended by Environmental Health. The latter will also form part of the Operational Management Plan.

## **8.4 Transportation/Parking**

### **Servicing and deliveries**

The existing buildings currently have no vehicular access and no off-street parking. Servicing and refuse collection is currently undertaken on-street. Waste is collected from Wellington Street daily Monday to Sunday and recyclable material is collected once a week, currently on Wednesday.

Although UDP policy TRANS20 requires the provision of off-site servicing arrangements in new developments, it is accepted that this is not possible as part of this scheme which does not involve comprehensive redevelopment of the site.

Given that the existing offices at the site and most of the existing restaurant floorspace will be replaced by a hotel with relatively modest capacity (83 rooms), significantly reduced restaurant floorspace and a private members club, it is likely that notwithstanding the increase in overall floorspace the frequency of delivery vehicles to the site will decrease. The applicant's transport consultant estimates that daily visits by vehicle will reduce from 57 to 24 per day. Even so, the proposals attempt to improve on the existing servicing situation by providing a dedicated on-street loading bay on Exeter Street, 20m in length and capable of accommodating two large vehicles. This will be close to the servicing access point in the proposed new building and it is proposed by the applicant that this, in association with a servicing management plan, which will ensure that deliveries are timed and coordinated to minimise the period that any vehicle is stationed at the loading bay, will be an improvement on current servicing arrangements.

The Highways Planning Manager has raised concerns that the on-street loading bay will result in the removal of footway to the detriment of pedestrian movement when service vehicles are occupying it. It is acknowledged that it is not an ideal solution, but given the current uncontrolled servicing arrangements for the existing uses at the site and the fact that the development is likely to result in a reduction in visits by servicing vehicles, it is considered that planning permission could not reasonably be withheld on servicing grounds.

It is considered that a hotel of this type and modest capacity would not generate significant arrivals or pick-ups by coach and it is accepted that Tavistock Street could in any event accommodate them if necessary. This will be covered in the servicing management plan and operational management plan.

The hotel entrance is located on Tavistock Street. It is estimated that even at peak times there would be a maximum of only 5 trips by taxi per hour generated by the development. This can be satisfactorily accommodated on the highway provided that the existing TfL cycle docking station on Tavistock Street is repositioned prior to the occupation of the hotel. TfL are agreeable in principle; the cost of doing this will be borne by the hotel developer and secured by the S106 Agreement.

### **Cycle parking**

18 secure cycle parking spaces are to be provided at basement level accessed via a lift, in compliance with the City Council's standards, but further details are required by condition regarding access to these for office and shop employees.

### **Waste storage**

Satisfactory provision is made within the scheme for the storage of waste and recyclables. Composting facilities will also be provided.

## 8.5 Economic Considerations

The economic benefits associated with the creation of a new high-class hotel are welcomed. Once operational, the proposed development will support between 150 and 230 jobs (between 135 and 205 full-time equivalents) directly on site, mainly in hospitality and retail employment and would support further employment through supply chain impacts and expenditure of both hotel guests and workers. Further job opportunities will be created by the contractor during the construction phase of the development. It is anticipated that during the three year construction phase, 255 annual jobs or 75 FTEs would be created. CapCo is already involved in the Covent Garden Recruit London initiative which aims to help unemployed Westminster residents get back into work. Almost all of the jobs will be advertised locally and CapCo will seek to prioritise local employment. An employment and training opportunity strategy for the development is to be secured by S106 legal agreement.

## 8.6 Access

Given the emphasis on retaining the built heritage at the site, including minimum intervention in the listed buildings, level access to and within the site cannot be as comprehensive as in a completely new development, but improvements will be achieved compared to the existing situation.

## 8.7 Other UDP/Westminster Policy Considerations

### Archaeology

There is limited potential for archaeological finds at the site given that much of the site has already been excavated to accommodate existing basement levels. In these circumstances, it is considered appropriate to impose the City Council's standard archaeological conditions requiring a programme of archaeological work to be undertaken including a watching brief.

### Flood Risk

The site lies within the Flood Risk Zone 1 area and a flood risk assessment has been submitted with the application to assess the proposals and suggest appropriate mitigation measures. The report confirms that the site is at low risk from flooding, but to mitigate against this risk it is proposed to incorporate a cavity drainage management system to prevent the ingress of groundwater into the basement.

### Sustainability and Biodiversity

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires

developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

In this case there are acknowledged constraints to providing sustainability measures as much of the historic building fabric at the site is to be retained and the listed buildings safeguarded intact. This significantly limits the opportunities for appropriate systems for renewable energy, for instance, as it would not be satisfactory to provide roof level photovoltaic panels for heritage reasons.

Nonetheless, it is estimated that for the whole site the proposal will achieve an overall total carbon reduction of 36.6% for a refurbishment project, through the use of better performing building fabric and energy systems – the main aspect of which would be a combined heat and power (CHP) plant. The targeted BREEAM score is 'Very Good' and given the constraints of the site, as outlined above, the overall sustainability considerations of the scheme are acceptable.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. No biodiversity measures are proposed as there are no opportunities for green or brown roofs given the limited amount of open horizontal areas achievable in the scheme. Given the overriding aim to conserve as much of the historic building fabric as possible, it is acknowledged that benefits to biodiversity are constrained by the nature of the site.

## **8.8 London Plan**

The London Plan supports the provision of additional hotel accommodation in Central London.

## **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**

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 adopted its own Community Infrastructure Levy on the 1<sup>st</sup> May 2016.

The applicant has offered to enter into a S106 legal agreement to secure the following:

- i) a Site Environmental Management Plan (SEMP)
- ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works
- iii) an employment and training opportunities strategy
- iv) an Operational Management Plan for the hotel, private members club and restaurants
- v) financial payment to cover cost of essential highways works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions.
- vi) financial payment to cover cost of relocating the TfL cycle hire docking station on Tavistock Street
- vii) costs of monitoring

The estimated Westminster CIL payment is £600,000 and the Mayor of London's CIL payment for Crossrail is £126,000.

## **8.11 Environmental Impact Assessment**

The City Council issued a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 on 23 February 2016 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA).

## 8.12 Other Issues

### Construction Management

Rolfe Judd on behalf of the Ambassador's Theatre Group have expressed concern about potential noise and disruption caused by the demolition and construction works. The applicant has submitted an indicative Construction Management Plan indicating how the environmental impact of the demolition and construction of the development will be managed and how potential noise and nuisance to the Lyceum Theatre and surrounding residents and businesses will be mitigated. The submission of a detailed Site Environmental Management Plan (SEMP) prior to the commencement of works and the cost (£105,000) of the Council's Environmental Protectorate monitoring this for the duration of the development (three years) will be secured through a S106 legal agreement. This SEMP will include a schedule of noisy works restrictions, agreed with the Lyceum Theatre, to ensure there is no disruption to theatre performances e.g. Wednesday matinees. CapCo's commitment to establishing a community liaison group to keep local residents and businesses informed throughout the construction process, will also form part of the detailed SEMP.

### Statement of Community Involvement

The applicant has submitted a Statement of Community Involvement which summarises the consultation process they have carried out with stakeholders and neighbours prior to submitting the application. The applicant had meetings with various individuals and stakeholder groups between December 2015 and April 2016 and sent out 731 letters to local residents and businesses inviting them to a three day public exhibition held on 26, 27 and 29 February 2016 at CapCo's offices at 10 Bedford Street. The exhibition was attended by 31 people, 5 of whom completed and returned feedback forms.

## 9. BACKGROUND PAPERS

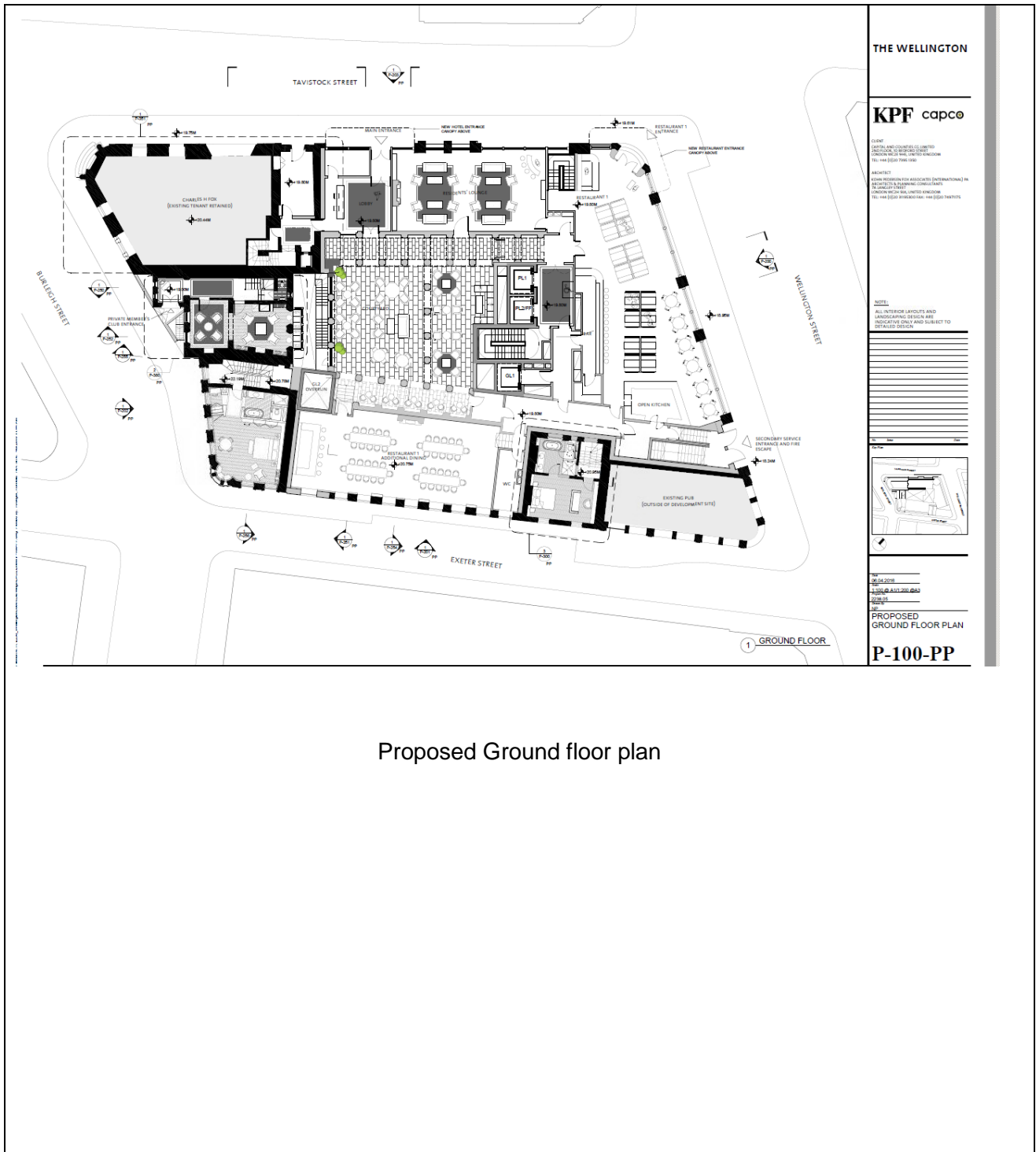
1. Application form and letter from Gerald Eve dated 8 April 2016
2. Historic England letter dated 4 May 2016
3. Historic England (Archaeology) letter dated 15 March 2016
4. Covent Garden Community Association on-line response dated 25 May 2016
5. Covent Garden Area Trust on-line response dated 27 May 2016
6. Highways Planning Manager memorandum dated 26 July 2016
7. Cleansing memorandum dated 23 May 2016
8. Environmental Health memoranda dated 20 May, 26 May and 11 July 2016
9. Thames Water email dated 3 May 2016
10. Metropolitan Police Service Design Out Crime Unit email dated 10 May 2016
11. Rolfe Judd on behalf of Ambassadors Theatres Group letter dated 10 June 2016
12. Flat 41, Harlequin Court, 20 Tavistock Street on-line response dated 22 May 2016
13. CEO of London Film Museum, 45 Wellington Street on-line response dated 17 June 2016
14. The Mercers' Company letter dated 5 July 2016
15. The Northbank BID letter dated 5 July 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)

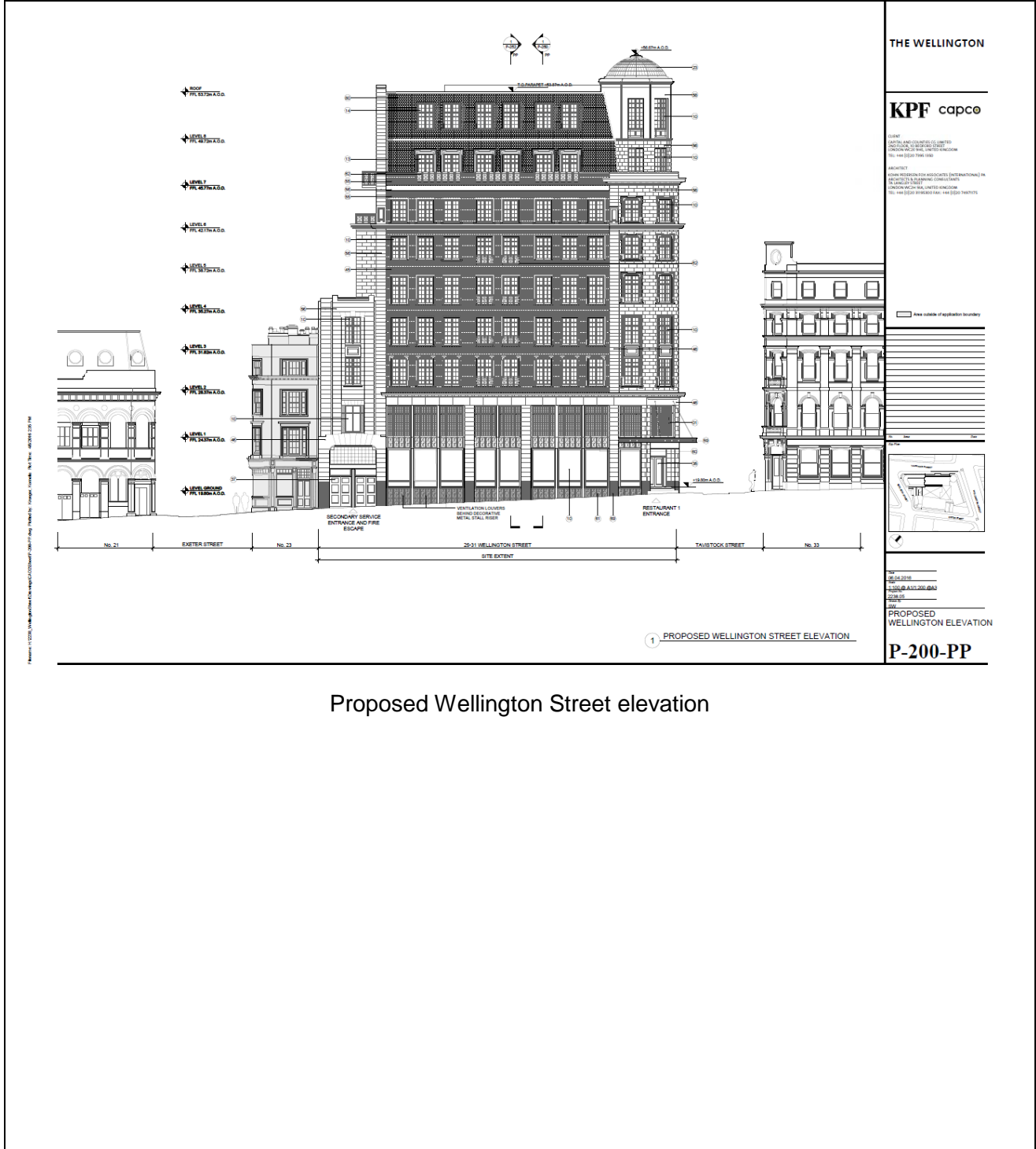
<b>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT <a href="mailto:mmason@westminster.gov.uk">mmason@westminster.gov.uk</a>.</b>
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### 10. KEY DRAWINGS



Proposed Ground floor plan





THE WELLINGTON

KPF capco

CLIENT  
CAPCO AND COMPANY LIMITED  
CAPCO BUILDING LIMITED (INCORPORATED IN JAPAN)  
No. 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Area outside of application boundary



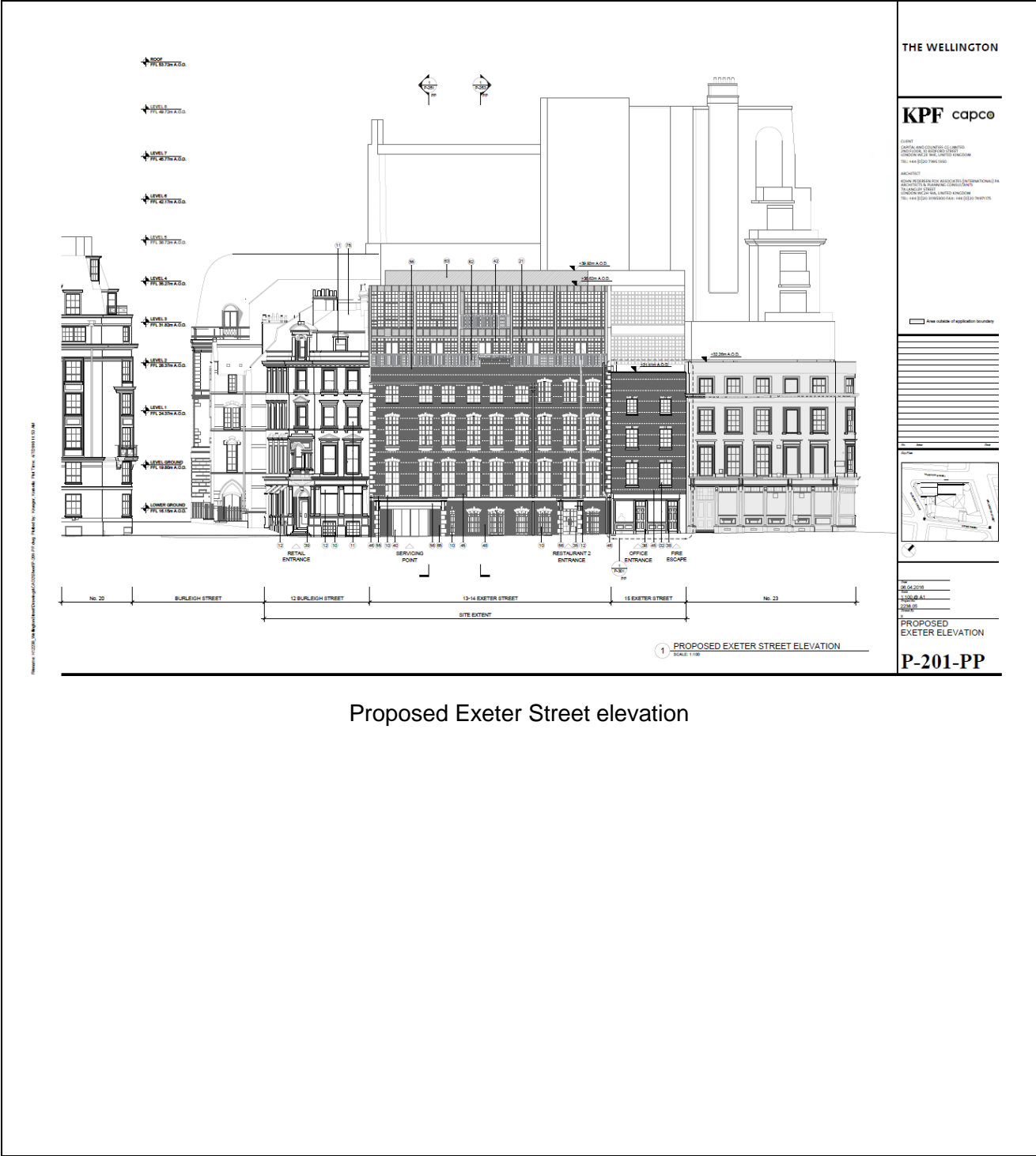
DATE: 10/12/2016  
DRAWN BY: ARIAN SAKI  
CHECKED BY: ARIAN SAKI  
SCALE: 1:500  
JOB NO: 112222

PROPOSED WELLINGTON STREET ELEVATION

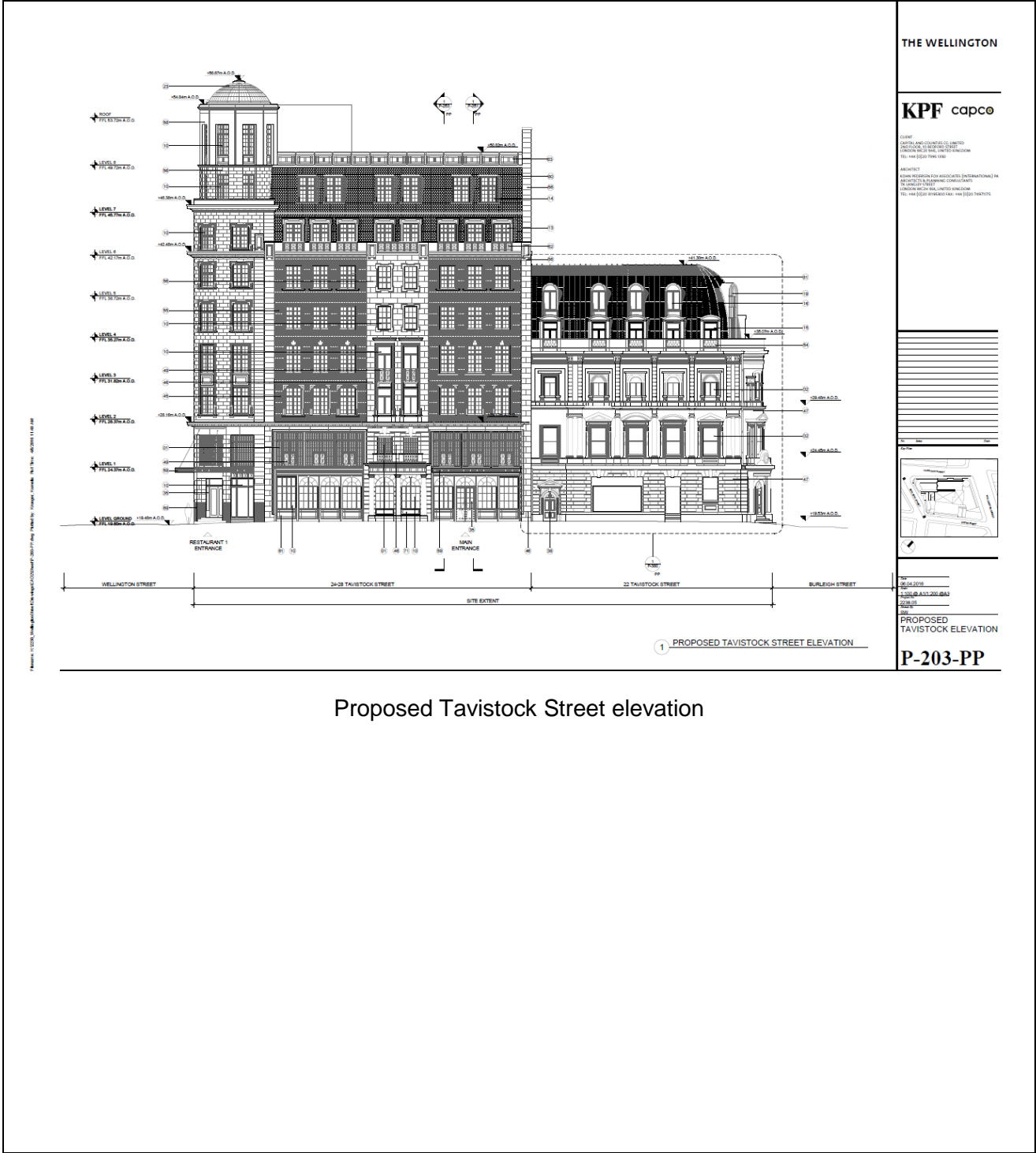
P-200-PP

1 PROPOSED WELLINGTON STREET ELEVATION

Proposed Wellington Street elevation



Proposed Exeter Street elevation



Proposed Tavistock Street elevation



PROPOSED VIEW FROM BOW STREET

Artists Impression of the new hotel

**DRAFT DECISION LETTER**

**Address:** 25 - 31 Wellington Street, London, WC2E 7DD,

**Proposal:** Redevelopment behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) with works of repair and refurbishment of the listed buildings and other associated works (Site includes: 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street)

**Plan Nos:** Gerald Eve letter dated 8 April 2016 and Planning Statement April 2016; KPF Design and Access Statement April 2016; Peter Stewart Consultancy Townscape and Visual Impact Assessment April 2016 and Heritage Assessment April 2016; Museum of London Archaeology Historic Environment Assessment April 2016; WSP Transport Statement April 2016; Sandy Brown Acoustic report June 2016; Delva Patman Redler Daylight and Sunlight Assessment May 2016; WSP Parsons Brinkerhof Energy Statement July 2016 and Sustainability Appraisal April 2016; AECOM Air Quality Assessment V3 April 2016 and Technical Note 15.6.16; WSP Parsons Brinkerhof Waste Management Strategy April 2016; Heyne Tillet Steel Flood Risk Assessment April 2016 and Surface Water Management report April 2016; Volterra Economic Statement April 2016; David Bonnett Associates Access Statement April 2016; Four Communications Statement of Community Involvement April 2016; FOR INFORMATION PURPOSES ONLY: Heyne Tillet Steel Structural Methodology Statement April 2016; McLaren Construction Management Report April 2016; CapCo and BD Hotels Draft Operational Management Statement July 2016; As existing drawings: P-010-EX, P-011-EX, P-020-EX, P-021-EX, P-024-EX, P-030-EX, P-031-EX, P-098, 099, 100, 101, 102, 103, 104, 105, 150-EX, P-200-EX, P-201-EX, P-202-EX, P-203-EX, P-250, 251, 252, 253-EX, P-300, 301, 302-EX, P-350, 351, 352, 353, 354, 355, 356-EX, 360, 361, 362, 363-EX, P-380, 381, 382, 383, 384-EX.

As proposed drawings: P-020-PP, P-021-PP, P-024-PP, P-097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 150-PP, P-160-PP, P-200, 201, 202, 203-PP, P-250, 251, 252, 254, 255, 256-PP, P-300, 301, 302-PP, P-350, 351, 352, 353, 354, 355, 356, 360, 361, 362, 363-PP, P-380, 381, 382, 383, 384-PP, P-400, 401, 402, 403, 404-PP, P-410, 411, 412-PP, P-450, 451, 452, 453-PP.

**Case Officer:** Amanda Jackson

**Direct Tel. No.** 020 7641 2934

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the

City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

Reason:

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

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

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 of the following parts of the development:
  - i) 13-14 Exeter Street extension detailed design,

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

Reason:

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

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to the wider redevelopment (details relating to the listed buildings are covered elsewhere):

- i) Windows,
- ii) Doors,
- iii) Roof dome,
- iv) Courtyard roof,
- v) Canopies/ awnings,
- vi) Ventilation grills/ louvres,
- vii) Balconies/ railings,

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

Reason:

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

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 14 Burleigh Street:

- i) Basement level courtyard door,

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

Reason:

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

- 7 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 22 Tavistock Street:

- i) Windows including glazing,
- ii) Typical dormer types,
- iii) Entrance door,

- iv) Domed roof construction,
- v) Reconstructed balustrade,
- vi) Roof level plant,

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

Reason:

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

- 8 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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 10 You must not allow more than 270 customers in restaurant 1 on the ground floor, no more than 120 customers in restaurant 2 on lower ground floor and no more than 64 customers in the



private members club as shown on the approved drawings at any one time.

Reason:

We cannot grant planning permission for unrestricted use because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies Consolidated Draft Version June 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 11 No music shall be played in the hotel, restaurant or private members club such as to be audible outside the premises.

Reason:

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

- 12 No amplified music shall be played on the external hotel terraces.

Reason:

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

- 13 The public areas of the hotel shall only be open to non-hotel guests between 0700-0130 Monday to Saturday and between 0730-0000 (midnight) on Sundays and Bank Holidays; the restaurants and the private members club shall only be open between 0700-0130 Monday to Saturday and between 0730-0000 (midnight) on Sundays and Bank Holidays; the spa and swimming pool shall only be open between 0600-2200 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 14 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

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

- 15 You must apply to us for approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 17 (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 (July 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.

- 18 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 19 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.

- 20 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 21 An air quality assessment of the CHP must be submitted to us for approval. You must not commence development on the relevant part of the development until we have approved what you have sent us. You must then install the CHP according to the approved details and thereafter retain it.

Reason:

To ensure that the development satisfies air quality standards.

- 22 You must provide the waste store shown on drawing 098-PP before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel, restaurants, retail, offices & private member's club. 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 as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 23 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.

- 24 You must apply to us for approval of a Servicing Management Plan prior to occupation. The plan should identify process, internal storage locations, scheduling of deliveries, staffing and a clear process for managing coach party arrivals and departures. You must not commence the hotel, restaurant and private members club use until we have approved what you have sent us. The SMP must thereafter be maintained and followed by the occupants for the life of the development.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 25 Any structure (including awnings, canopies and signage) over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the existing kerb edge.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of

Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 26 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 27 Notwithstanding what is shown on the submitted drawings, no external tables and chairs on the highway are approved as part of this application.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 28 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 29 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method

statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. You are advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

**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 (July 2016), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 The term 'clearly mark' in condition 22 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least

eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 7 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)
- 8 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)
- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP  
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 10 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423,



siteenquiries@ccscheme.org.uk or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 11 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

- 12 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 13 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

\* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

\* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

\* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

\* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 14 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 15 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.
- 16 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. You will be required to demonstrate what measures you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).
- 17 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:
- i) a Site Environmental Management Plan (SEMP)
  - ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works
  - iii) an employment and training opportunities strategy
  - iv) an Operational Management Plan for the hotel, private members club and restaurants
  - v) necessary highway works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions. The works to be carried out prior to the occupation of the hotel.
  - vi) alterations to the TfL cycle hire docking station on Tavistock Street. The works to be carried out prior to the occupation of the hotel.
  - vii) costs of monitoring

**DRAFT DECISION LETTER**

**Address:** 25 - 31 Wellington Street, London, WC2E 7DD,

**Proposal:** Repair and refurbishment of 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street; replacement roof to Burleigh House all in connection with the redevelopment behind the partially retained facades of 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as a Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) (Site includes 25-31 Wellington Street, 22 Tavistock Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street and 15 Exeter Street.)

**Plan Nos:** Gerald Eve letter dated 8 April 2016 and Planning Statement April 2016; KPF Design and Access Statement April 2016; Peter Stewart Consultancy Townscape and Visual Impact Assessment April 2016 and Heritage Assessment April 2016; Museum of London Archaeology Historic Environment Assessment April 2016; WSP Transport Statement April 2016; Sandy Brown Acoustic report June 2016; Delva Patman Redler Daylight and Sunlight Assessment May 2016; WSP Parsons Brinkerhof Energy Statement July 2016 and Sustainability Appraisal April 2016; AECOM Air Quality Assessment V3 April 2016 and Technical Note 15.6.16; WSP Parsons Brinkerhof Waste Management Strategy April 2016; Heyne Tillet Steel Flood Risk Assessment April 2016 and Surface Water Management report April 2016; Volterra Economic Statement April 2016; David Bonnett Associates Access Statement April 2016; Four Communications Statement of Community Involvement April 2016; FOR INFORMATION PURPOSES ONLY: Heyne Tillet Steel Structural Methodology Statement April 2016; McLaren Construction Management Report April 2016; CapCo and BD Hotels Draft Operational Management Statement July 2016; As existing drawings: P-010-EX, P-011-EX, P-020-EX, P-021-EX, P-024-EX, P-030-EX, P-031-EX, P-098, 099, 100, 101, 102, 103, 104, 105, 150-EX, P-200-EX, P-201-EX, P-202-EX, P-203-EX, P-250, 251, 252, 253-EX, P-300, 301, 302-EX, P-350, 351, 352, 353, 354, 355, 356-EX, 360, 361, 362, 363-EX, P-380, 381, 382, 383, 384-EX.

As proposed drawings: P-020-PP, P-021-PP, P-024-PP, P-097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 150-PP, P-160-PP, P-200, 201, 202, 203-PP, P-250, 251, 252, 254, 255, 256-PP, P-300, 301, 302-PP, P-350, 351, 352, 353, 354, 355, 356, 360, 361, 362, 363-PP, P-380, 381, 382, 383, 384-PP, P-400, 401, 402, 403, 404-PP, P-410, 411, 412-PP, P-450, 451, 452, 453-PP.

**Case Officer:** Amanda Jackson

**Direct Tel. No.** 020 7641 2934

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

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of a sample of the following parts of the development - roof slate on 15 Exeter Street. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 15 Exeter Street:
  - i) Second floor wc design and installation,
  - ii) Floor strengthening,
  - iii) Works to vaults,

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 14 Burleigh Street:

- i) Basement level courtyard door,
- ii) Secondary glazing,
- iii) Dumb waiter design and location,
- iv) Service penetrations,
- v) Floor strengthening,

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

7 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 22 Tavistock Street:

- i) Windows including glazing,
- ii) Typical dormer types,
- iii) Entrance door,
- iv) Domed roof construction,
- v) Reconstructed balustrade,
- vi) Roof level plant,
- vii) Secondary glazing,

viii) Floor strengthening,

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 With regard to Condition 7iii) you are advised that the proposed glazing should be of minimal dimensions. Standard double glazing may not be considered acceptable. A 'sandwiched' pane that is constructed of two panes bonded together is recommended.
- 3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
  - \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)