

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 September 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,		
Proposal	Use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.		
Agent	DPP		
On behalf of	Criterion Capital Ltd		
Registered Number	17/03318/FULL	Date amended/ completed	4 May 2017
Date Application Received	13 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Leicester Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Alhambra House, 27 - 31 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building was last used as offices (Class B1) on the upper floors and a retail unit (Class A1) at ground floor level. A class A2 unit at ground floor is occupied and still operating as a bank. The basement provides ancillary storage space.

Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to the ground floor retail unit (Class A1), and associated alterations including the erection of a ninth floor rear extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to the ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

The key issues for consideration are:

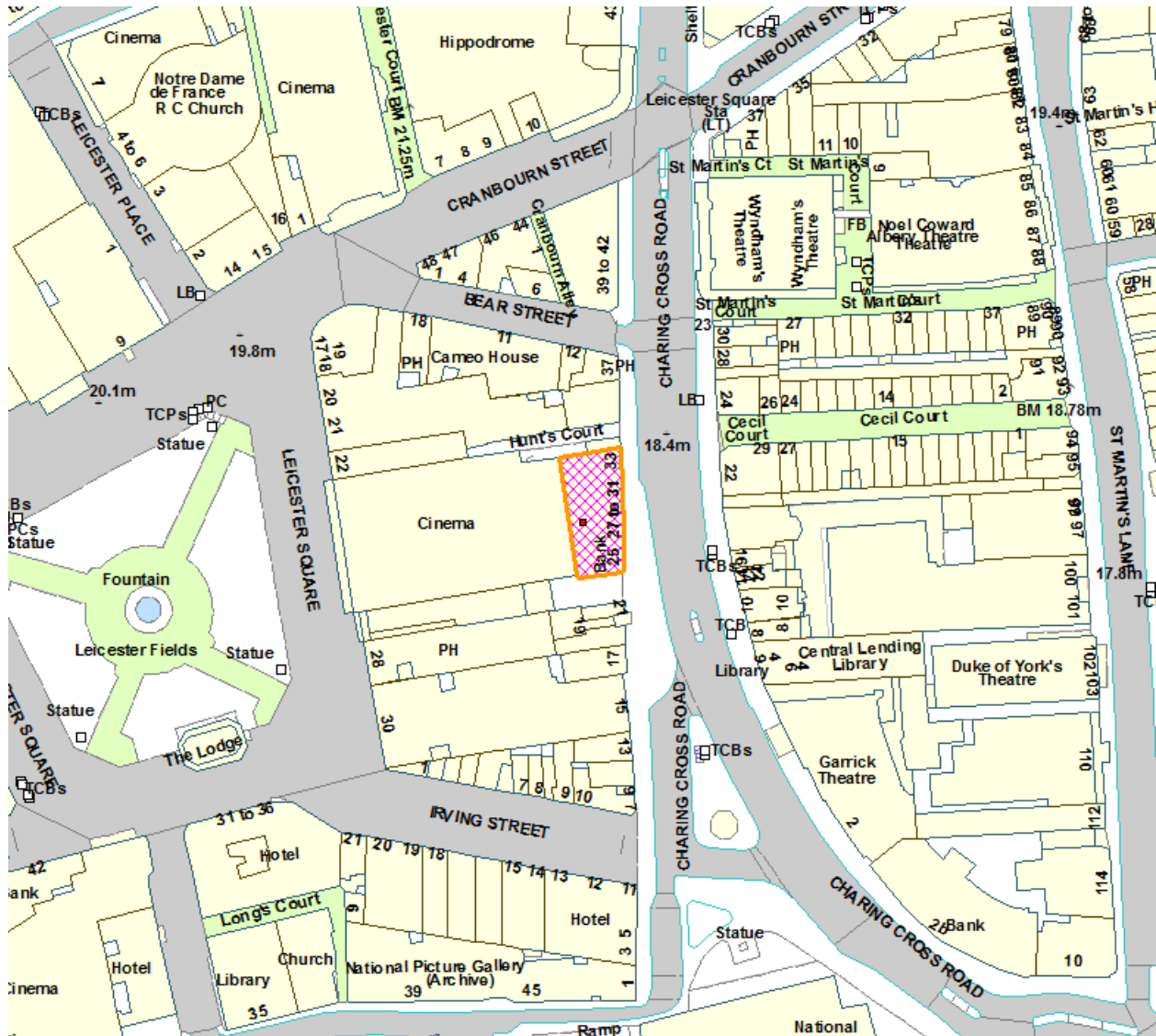
- The impact of the proposals in land use terms;
- The impact of the external alterations on the character and appearance of the Leicester Square Conservation Area;
- The impact on the amenity of neighbouring residential properties;
- The impact of the hotel use on the surrounding highway network.

On 27 March 2017 a similar application was approved by planning applications sub-committee (15/09858/FULL). The key differences in this latest application are:

- Reconfiguration of the internal layout has decreased the number of hotel bedrooms from 123 to 121;
- A reduction in existing A1 and A2 retail floorspace by 3 sqm and 8 sqm;
- New infill extension to the rear of the building at ninth and tenth floor levels to provide additional kitchen/back of house area for food and beverage area and servery space (33m²);
- Alterations to the profile of the tenth floor roof extension; and
- Amendments to the building facades and fenestration.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Alhambra House, 27 – 33 Charing Cross Road

5. CONSULTATIONS

WESTMINSTER SOCIETY:

The proposed changes, when compared to the 2015 consented scheme (to which the Society objected), are minor and do not attract any further comment from the Society.

HIGHWAYS PLANNING MANAGER:

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

TRANSPORT FOR LONDON:

No response to date.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

CLEANSING MANAGER:

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

THE THEATRES TRUST:

Request that the 'Theatreland' plaque is reinstated after refurbishment. The plaque identifies the site of the former Alhambra Theatre which played an important role in the development of theatre in the West End, particularly around Leicester Square, from 1860 until its demolition in 1936

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:

No. Consulted: 127;

Total No. of Replies: 2

Objections on one or more of the following grounds:

Transportation/ Highways

- Concerns about servicing arrangements (deliveries, collections and coach parking);
- Surrounding road are already congested and a new hotel would add to problems;
- Hotel use would increase both pedestrian and vehicle congestion.

Amenity

- Hotel is located in an area with a high density of residential units;
- Noise and disturbance from roof terrace;
- Additional floor would overshadow adjacent smaller buildings.

Design

- Additional floor is out of scale with surroundings;

Other

- Concerns about the quality and size of hotel rooms.

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Alhambra House, 27 - 31 Charing Cross Road is an unlisted building located in the Leicester Square Conservation Area and the Core Central Activities Zone (CAZ). The building comprises of basement, ground and nine upper floors. The building was last used as offices (Class B1) on the upper floors and a retail unit (Class A1) at ground floor level. A class A2 unit at ground floor is occupied and still operating as a bank. The basement provides ancillary storage space.

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

6.2 Recent Relevant History

On 27 March 2017 planning applications sub-committee resolved to grant planning permission for 'Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors' (15/09858/FULL).

Permission was refused on 21 May 2014 for the erection of side and roof extensions, re-clad elevations and conversion of offices at first floor level and above to residential use comprising 56 self-contained flats, with alterations to ground floor entrance and lobby and ancillary accommodation at basement level (13/04922/FULL). This was refused for the following reasons: 1. Height, detailed design, and materials of extensions; 2. Inappropriate housing unit mix, 3. Lack of off-street parking; and 4. Quality of accommodation (internal light levels and noise transfer).

7. THE PROPOSAL

Permission is sought for the use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to the ground floor retail unit (Class A1), and associated alterations including the erection of a ninth floor rear extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to the ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.

The hotel would provide 121 rooms located at first to ninth floor levels. Every room would have a window and would be accessed off a central corridor. An ancillary food and beverage area is located at 10th floor level. Ancillary store rooms including waste would be provided at basement level. The hotel entrance will be via the existing office entrance on Charing Cross Road. The applicant advises that a hotel operator has yet to be agreed.

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

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

It is proposed to re-clad the elevations of the building in Portland stone, install new double glazed windows, and a granite (or similar) cladding used to divide the hotel from the ground floor retail use.

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

Use	Existing sqm (GEA)	Proposed sqm (GEA)	Difference sqm (GEA)
Office (B1)	3,465	0	-3,465
Hotel (C1)	0	3,771	+3,771
Retail (A1)	63	60	-3
Bank (A2)	496	488	-8
Total	4,024	4,319	+295

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal involves a change from one commercial use to another – office to hotel. The reconfiguration of the ground floor layout would result in a slight reduction in Class A1

retail and Class A2 bank floorspace. The extension would result in the provision of an additional 295sqm (GEA) floorspace, primarily through the erection of an additional storey at roof level and a ninth floor rear extension.

Mixed use

On 9 November 2016 the latest version of Westminster's City Plan (Consolidated with all changes since November 2013) was adopted by the Council. This version of the City Plan supersedes the previous City Plan, adopted in 2013 and includes a revision to Policy S1: Mixed Use in the Central Activities Zone.

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

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

The revised Mixed Use Policy S1 requires the provision of residential floorspace only in the case of development which includes net additional B1 office floorspace. This policy does not apply to other commercial uses, such as hotels. On this basis, Policy S1 is not relevant to the proposed change of use and extension of Alhambra House to provide a hotel (Class C1), and does not trigger any requirement to provide on-site or off-site residential floorspace.

Loss of office use

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

Proposed Hotel

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

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

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

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

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

Sound Insulation

The application is supported by an Acoustic Assessment by Hawkins Environmental which assesses the issue of internal noise levels to the new hotel resulting from the cinema which abuts the rear party wall to the existing offices. The Acoustic Assessment refers to attended noise measurements taken during a film showing in the cinema and concludes that there would be limited impact from the cinema. On this basis, the proposals are not considered to threaten the long-term viability of the cinema which makes a valuable contribution to the locally distinctive character of the Leicester Square Conservation Area. Nonetheless, conditions are recommended that will require internal ambient noise levels comply with the Council's standard noise conditions.

Ground floor commercial units (Class A1 and A2)

The reconfiguration of the ground floor layout would result in a slight reduction in Class A1 retail and Class A2 bank floorspace of 3 and 8 sqm. These minor alterations are not considered to harm the character, function or vitality of this part of the CAZ.

8.2 Townscape and Design

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

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

A similar application approved these works on 27 March 2017 (15/09858/FULL). This application seeks to make a number of alterations. In design terms these consist of:

- New infill extension to the rear of the building at ninth and tenth floor levels;
- Alterations to profile of tenth floor roof extension;
- Amendments to building facades and fenestration.

Rear Infill Extension at Ninth and Tenth Floors

The proposed extension would infill the ninth floor and extend the new roof level extension over at tenth floor level. At eighth floor and below the lightwell will be retained and therefore the extension will overhang this space. There may be limited views of this area from Leicester Square, however these will be in glimpses and at some distance. The proposed nature of the extension is unlikely to be evident and therefore whilst unusual, it is difficult to argue that the extension is harmful to the character of the building or conservation area.

Alterations to Tenth Floor Roof Extension

The roof extension is to be raised in height slightly, plant added to the roof and the materials changed. The increase in height is minimal and not considered to harm the appearance of the building or area. The plant is of limited height and located to the rear, which may mean that it is visible from Leicester Square, however any views will be in glimpses and at some distance. The extension itself is to be constructed in glass and grey aluminium. These materials are often used at roof level and in this case are considered appropriate to the building.

Alterations to Building Facades and Fenestration

Alterations are proposed to the elevations, notably the front elevation where the building is to be clad in Portland stone. New windows are to be inserted and a granite (or similar) cladding used to divide the hotel from the ground floor retail use. The materials and revised design are considered acceptable in design terms.

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

8.3 Residential Amenity

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

Proposed Hotel use

It is acknowledged that the hotel will generate activity outside of normal working hours. The hotel will be open to guests 24 hours a day, seven days a week, with a 24 hour

reception service on the ground floor accessed from Charing Cross Road. Overall, the site is located in a busy part of the City and it is not considered that a hotel use of this size would significantly harm residential amenity to justify a refusal.

Sunlight and Daylight/ Sense of Enclosure

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

Noise (Mechanical plant/ terraces)

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

At roof level, no details have been provided of the layout of the hotel's restaurant or kitchen extraction equipment because the detailed requirements of the future occupiers are not known at this stage. Conditions are recommended requiring the submission and approval of the full internal layout, means of getting rid of cooking smells, and a supplementary acoustic report.

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

Privacy

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

8.4 Transportation/Parking

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

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

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

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

The Highways Planning Manager is concerned that the hotel makes no provision for coaches or mini-buses. The applicant is agreeable to a condition that the hotel will not accept coach parties and guests would not arrive or depart by coach. The applicant advises that the majority of guests are expected to arrive on foot, by public transport or by private taxi. In this context, and having regard to the excellent links to public transport, it is considered that the hotel use can be considered acceptable in transportation terms, provided a condition is imposed preventing guests from being delivered to or collected from the site by coach.

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

8.5 Economic Considerations

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

8.6 Access

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

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

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

arrangement of waste containers; and a revised tenth floor plan showing the waste arrangements for the ancillary restaurant.

Sustainability

The application is supported by way of an Energy Statement which demonstrates that features can be incorporated into the building design and improvements made to the building fabric to reduce the overall energy consumption of the building and CO2 emissions rating. No objection is raised provided that the development is carried out in accordance with the measures set out in the Energy Statement. The drawings however do not show any sustainable features. A condition is therefore recommended requiring details of proposed sustainable features.

8.8 London Plan

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

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

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

9. BACKGROUND PAPERS

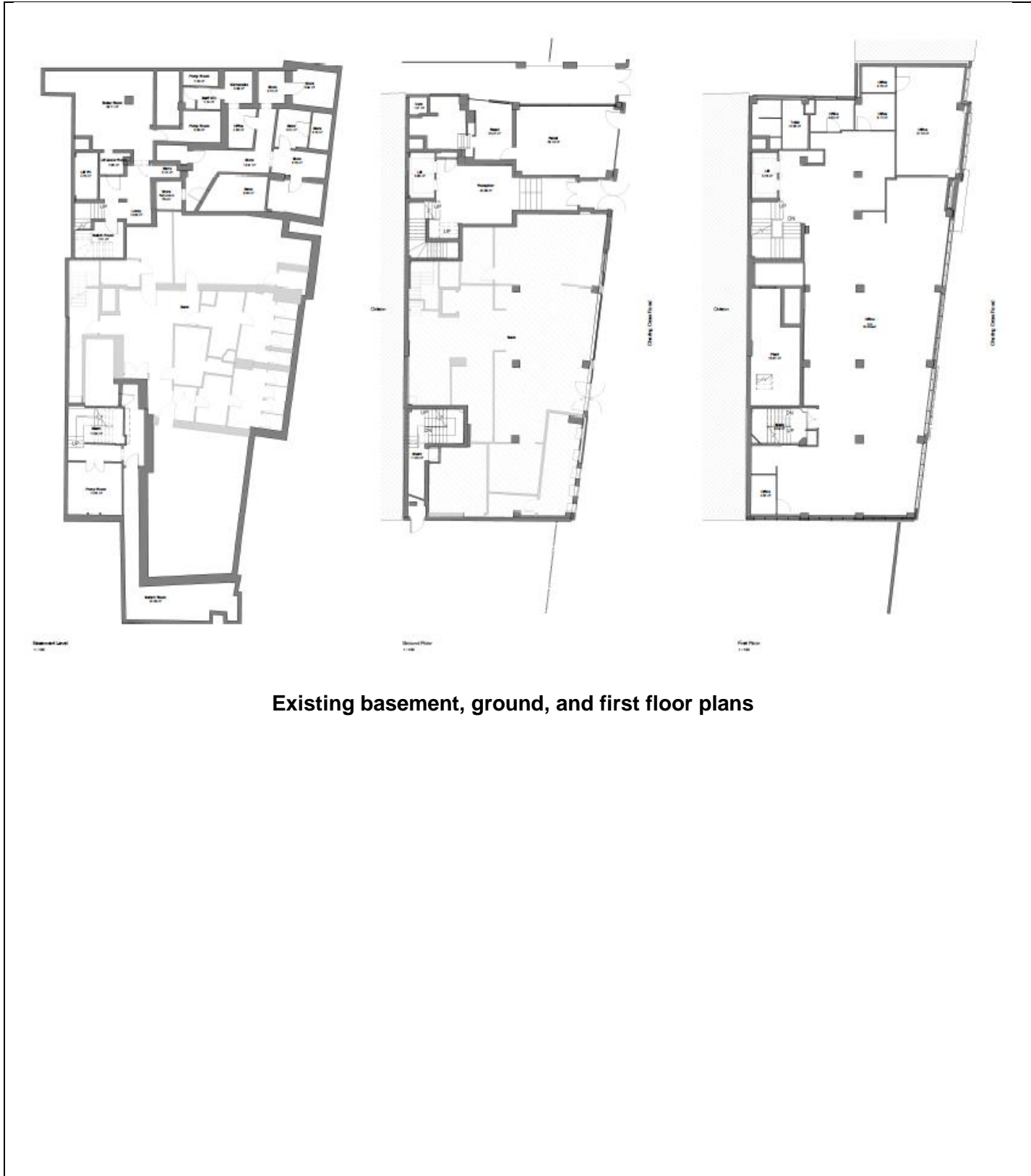
1. Application form
2. Response from Westminster Society dated 23 May 2017
3. Memo from Highways Planning Manager dated 22 May 2017
4. Memo from Cleansing Manager dated 22 May 2017
5. Memo from Environmental Health dated 23 May 2017
6. Response from The Theatres Trust dated 15 May 2017
7. Letter from owner/ occupier of 9 Faraday House, 18 Charing Cross Road dated 29 May 2017

8. Letter from owner/ occupier of 6 Garrick Mansions, 12-16 Charing Cross Road dated 30 May 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

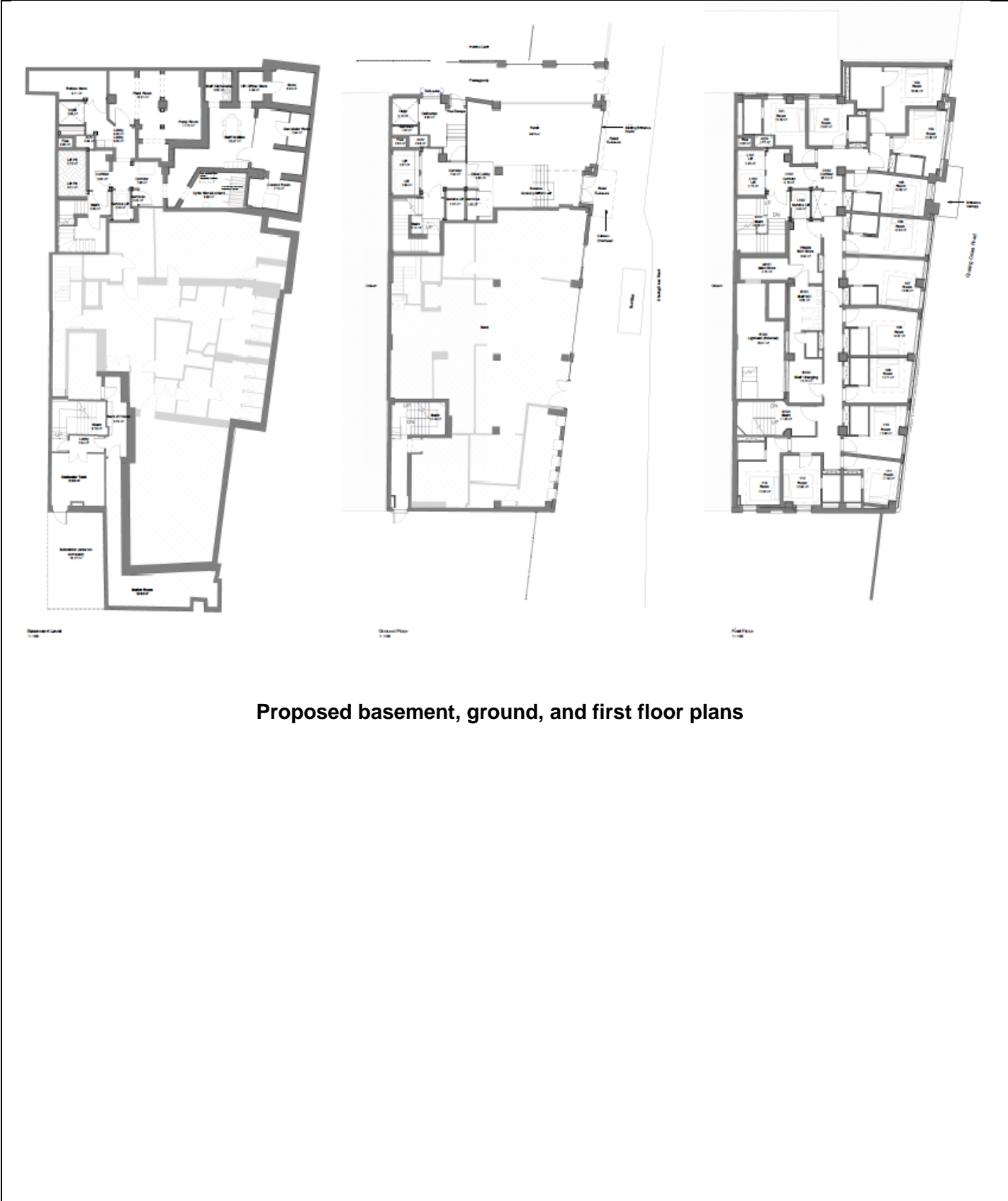
10. KEY DRAWINGS



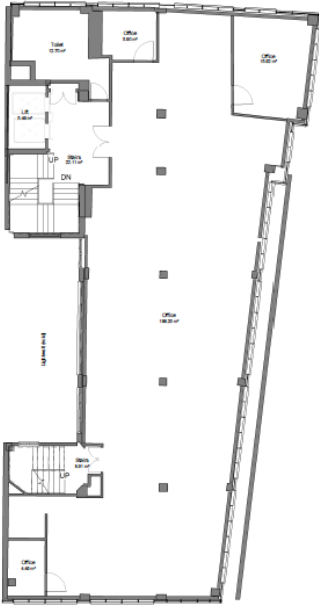
Existing basement, ground, and first floor plans



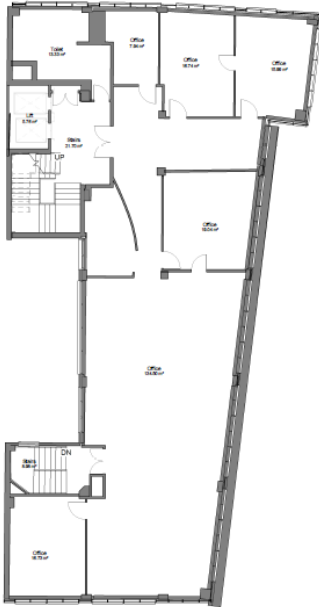
Approved basement, ground, and first floor plans (15/09858/FULL)



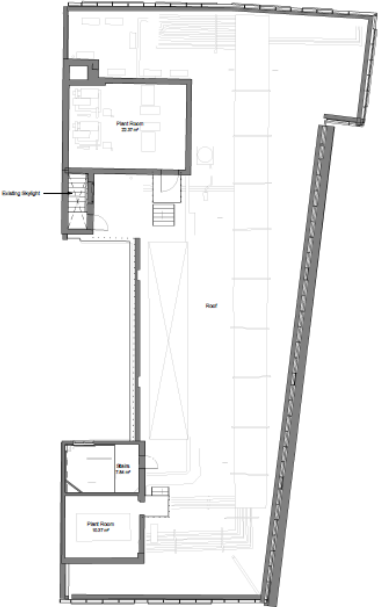
Proposed basement, ground, and first floor plans



Eighth Floor
1:100



Ninth Floor
1:100



Tenth Floor
1:100

Existing eighth, ninth and roof floor plans



Approved eighth, ninth and roof floor plans (15/09858/FULL)

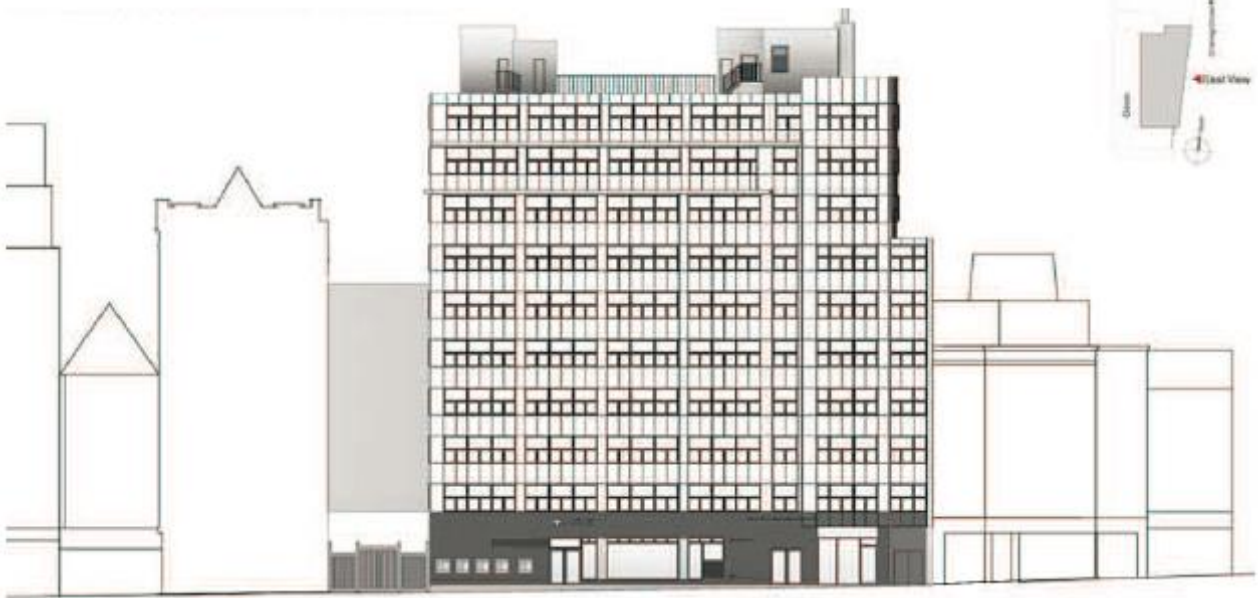


Eighth Floor
1:100

Ninth Floor
1:100

Tenth Floor
1:100

Proposed eighth, ninth and tenth floor plans

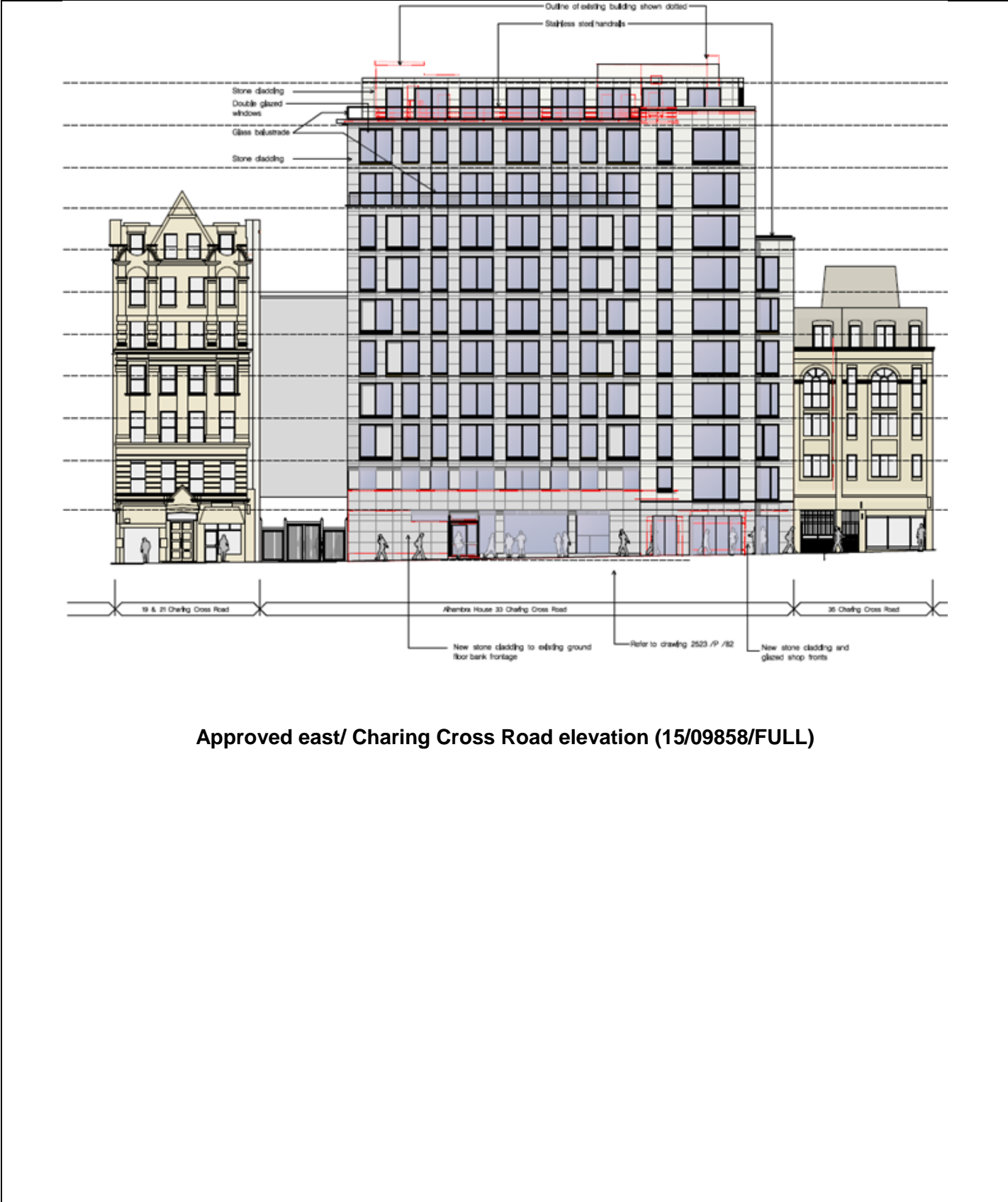


Existing Charing Cross
Plot Width 2017 - Elevation



Proposed Charing Cross
Plot Width 2017 - Elevation

Existing and proposed east/ Charing Cross Road elevations



Approved east/ Charing Cross Road elevation (15/09858/FULL)

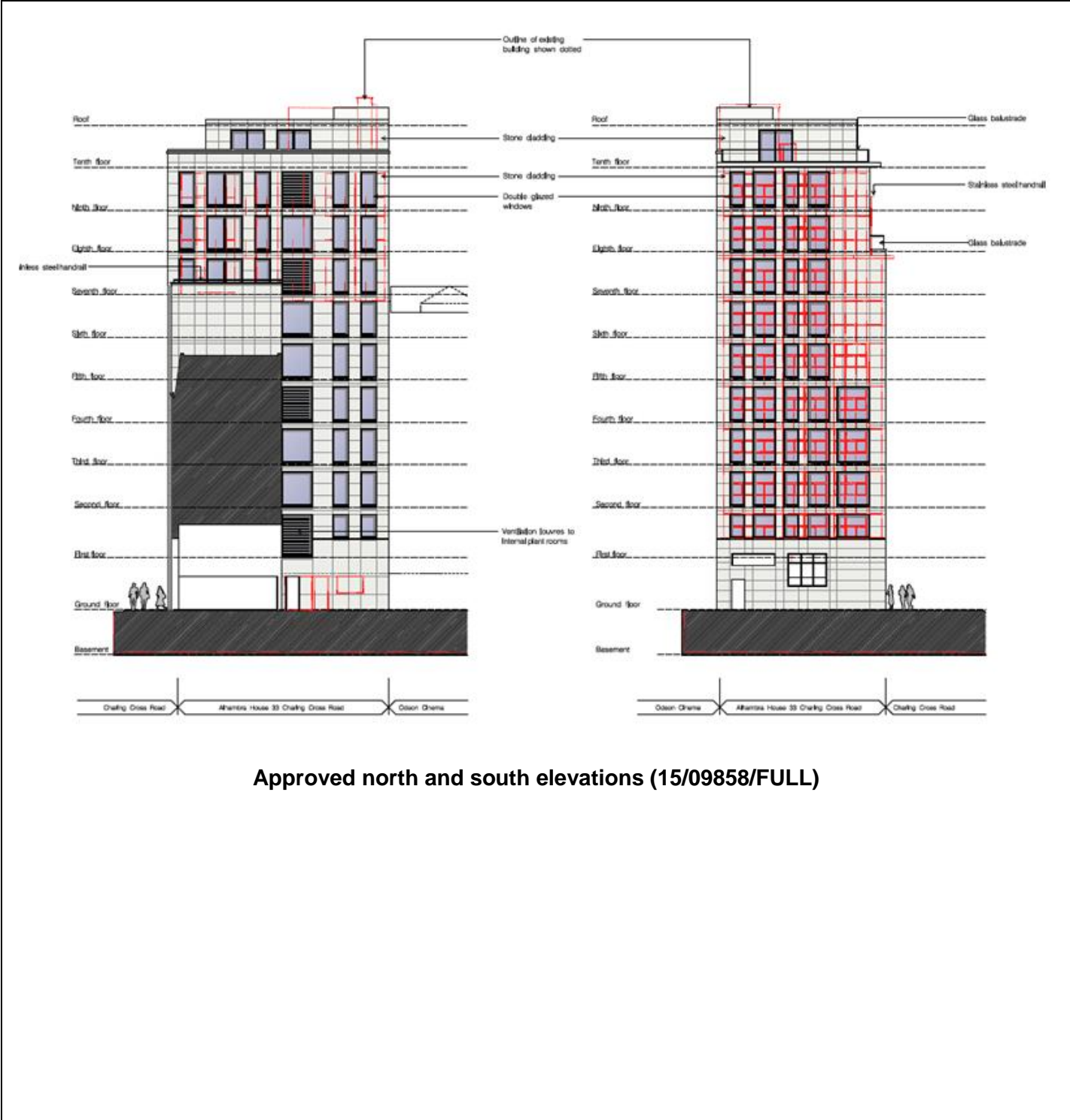


Existing north and south elevations

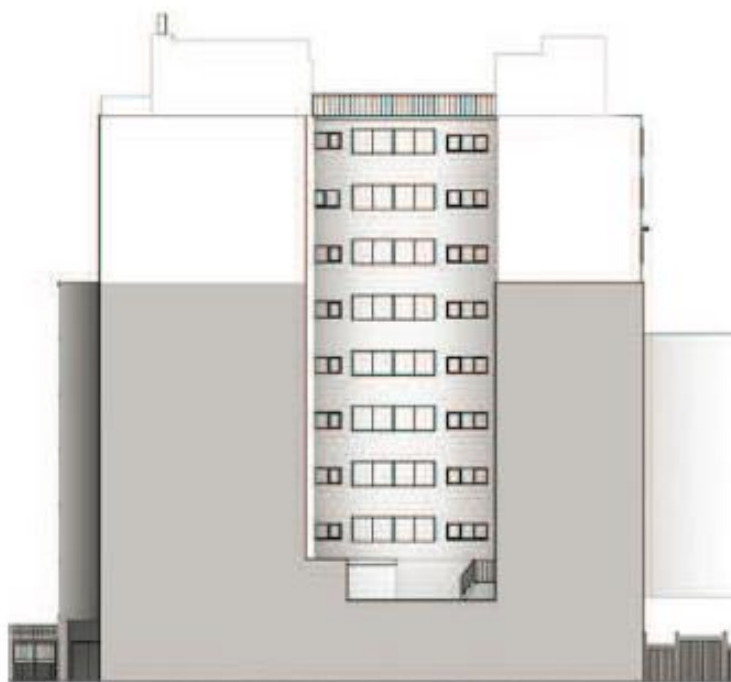


Proposed north and south elevations

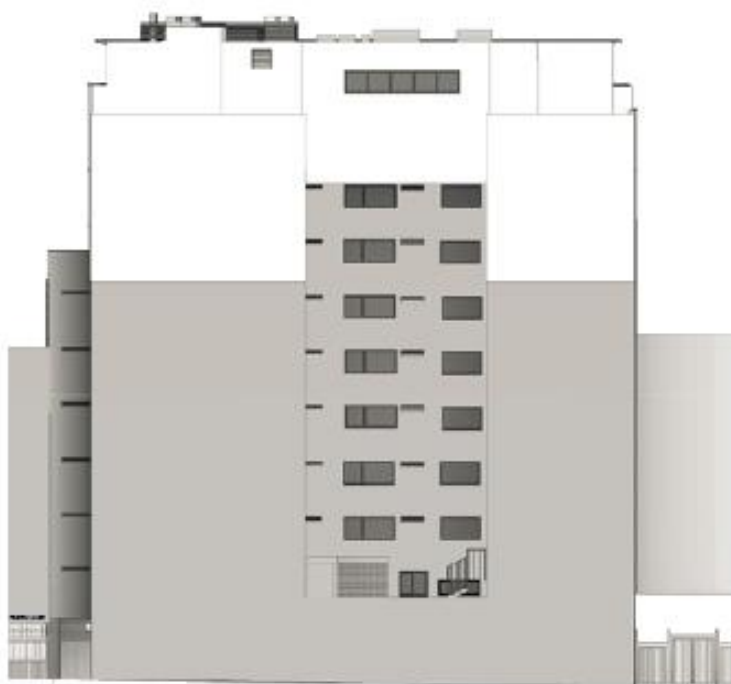
Existing and proposed north and south elevations



Approved north and south elevations (15/09858/FULL)

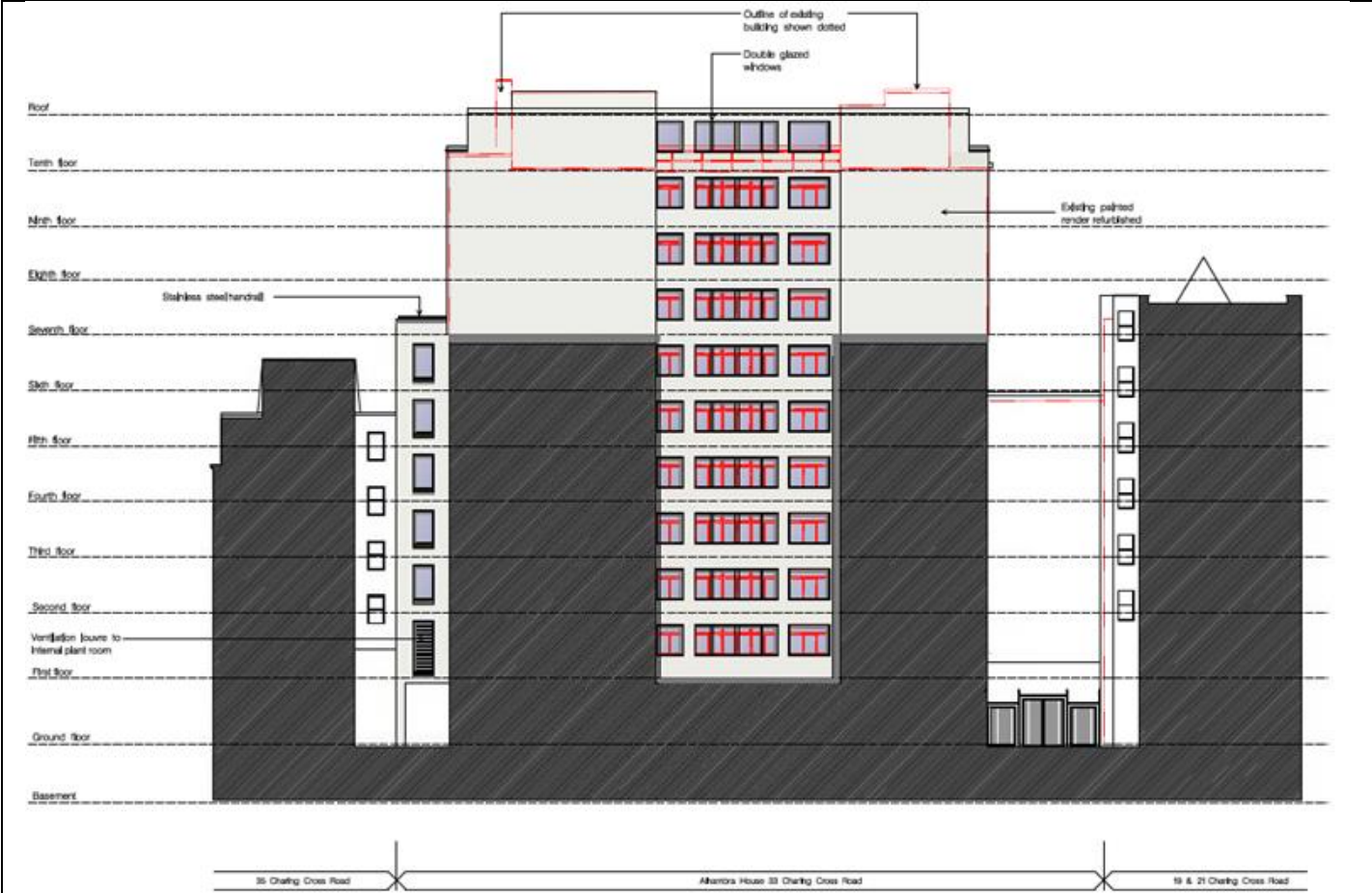


Existing west elevations (to rear)

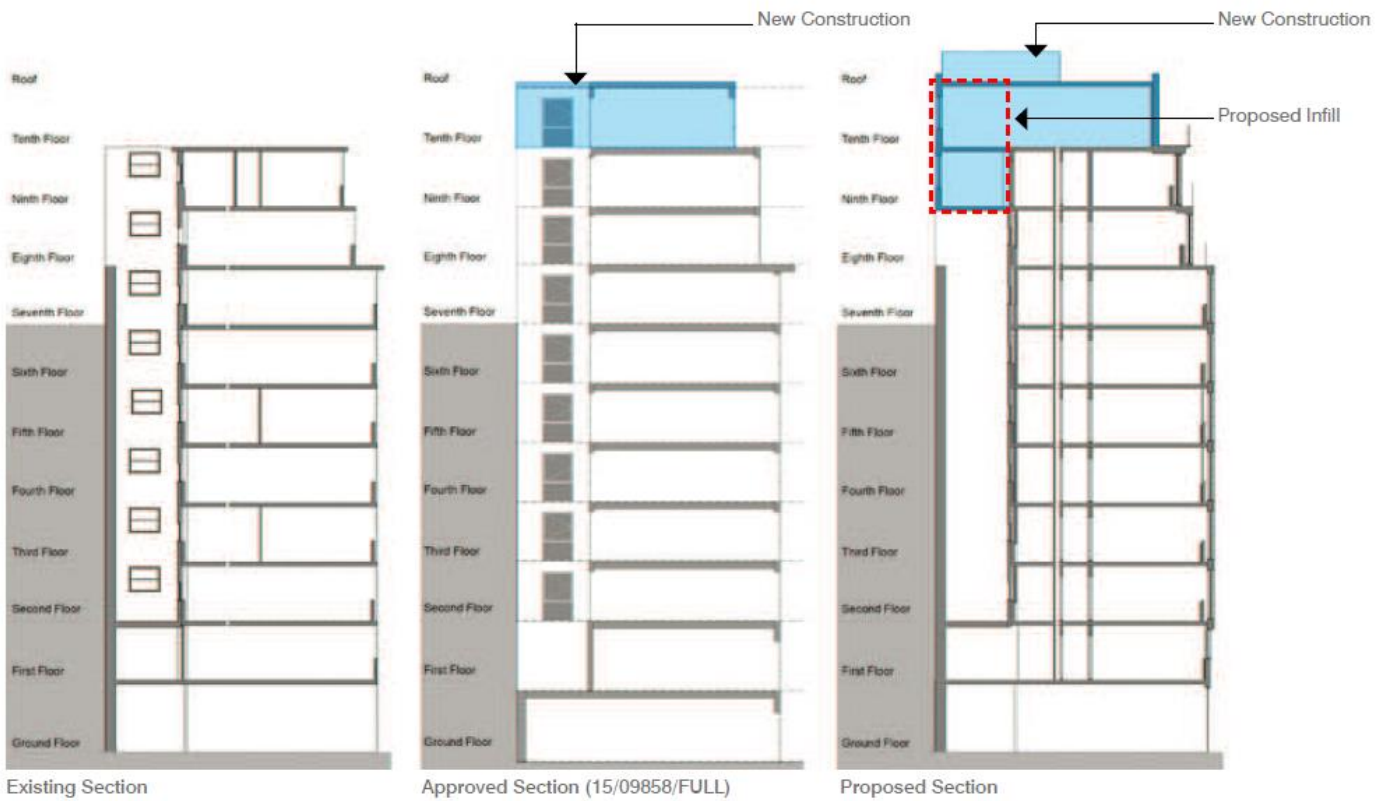


Proposed west elevations (to rear)

Existing and proposed west/ rear elevations



Approved west elevation (15/09858/FULL)



Existing, approved and proposed section

Key difference between approved and proposed – new ninth and tenth floor rear infill extension

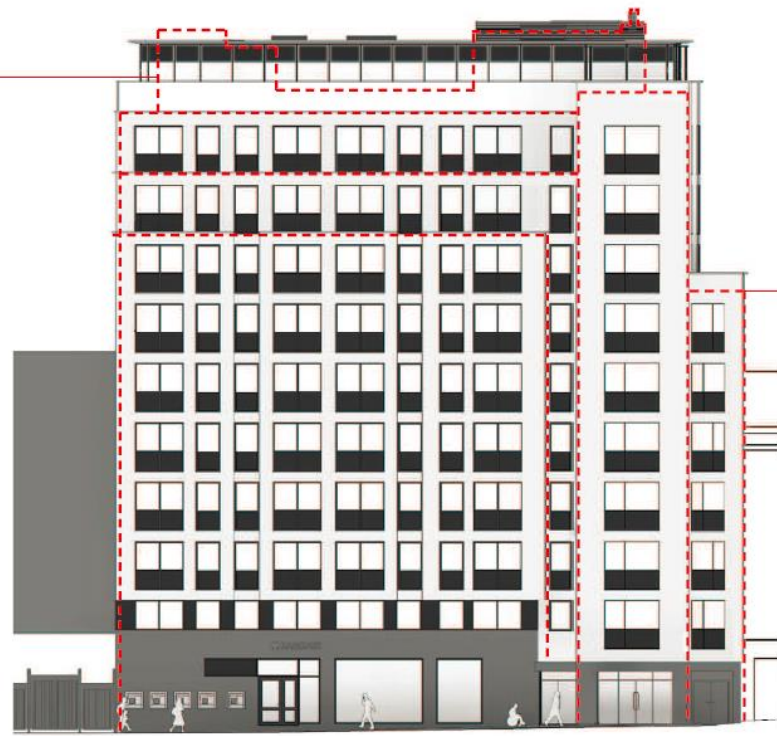
Proposed East
Elevation



Proposed east/ Charing Cross elevation

Comparison of Existing with Proposed

Existing building outline



Parapet raised for safety.

Charing Cross Road

Comparison of existing with proposed

DRAFT DECISION LETTER

- Address:** Alhambra House, 27-31 Charing Cross Road, London, WC2H 0AU,
- Proposal:** Use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors.
- Reference:** 17/03318/FULL
- Plan Nos:** Site Plan; Location Plan; 150225-STL-XX-ZZ-DR-A-XXXX-E1001 PL10 (Existing Basement, Ground Floor and First Floor); 150225-STL-XX-ZZ-DR-A-XXXX-E1002 PL10 (Existing Second, Third and Fourth Floor); 150225-STL-XX-ZZ-DR-A-XXXX-E1003 PL10 (Existing Fifth, Sixth and Seventh Floor); 150225-STL-XX-ZZ-DR-A-XXXX-E1004 PL10 (Existing Eighth, Ninth and Tenth Floor); 150225-STL-XX-XX-DR-A-XXXX-E1005 PL10 (Existing Roof Plan); 150225-STL-XX-ZZ-DR-A-XXXX-E2001 PL10 (Existing East Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-E2002 PL10 (Existing North Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-E2003 PL10 (Existing West Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-E3001 PL10 (Existing Sections); 150225-STL-XX-XX-DR-A-XXXX-E3002 PL13 (Existing Section CC); 150225-STL-XX-11-DR-A-XXXX-01010 PL12 (Proposed Basement, Ground and First Floor); 150225-STL-XX-11-DR-A-XXXX-01011 PL12 (Proposed Second, Third and Fourth Floor); 150225-STL-XX-11-DR-A-XXXX-01012 PL12 (Proposed Fifth, Sixth and Seventh Floor); 150225-STL-XX-11-DR-A-XXXX-01013 PL11 (Proposed Eighth, Ninth and Tenth Floor); 150225-STL-XX-11-DR-A-XXXX-01014 PL11 (Proposed Roof Plan); 150225-STL-XX-ZZ-DR-A-XXXX-02001 PL11 (Proposed East Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-02002 PL12 (Proposed North Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-02003 PL09 (Proposed West Elevation); 150225-STL-XX-ZZ-DR-A-XXXX-03001 PL09 (Proposed Sections); 150225-STL-XX-ZZ-DR-A-XXXX-03002 PL09 (Proposed Bay Elevation and Section); 150225-STL-XX-XX-DR-A-XXXX-03003 PL13 (Proposed Section CC); Planning Statement (DPP); Design and Access Statement (Stride Treglown Architects); Schedule of Accommodation (Stride Treglown Architects); Transport Assessment (Odyssey Markides); Noise Assessment (Hawkins Environmental); Daylight and Sunlight Assessment (Hawkins Environmental).

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours. (C11AA)

Reason:

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

- 6 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

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

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

Reason:

To ensure that servicing of the hotel does not block the surrounding street and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

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

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

Reason:

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

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

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

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

Reason:

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

- 11 All new work to the outside of the building must match existing original work in terms of the choice of

materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the use will not cause nuisance for people in the area and to make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Leicester Square Conservation Area. This is as set out in S24, S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and 9, ENV 6, and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 3 and 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the terrace use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding

on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:
John Firrell MHCIMA,
Secretary - Considerate Hoteliers Association,
C/o Wheelwright's Cottage,
Litton Cheney,
Dorset DT2 9AR
E-mail: info@consideratehoteliers.com
Phone: 01308 482313 (I76AA)
- 8 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 The Servicing Management Plan (SMP) required by Condition 9 should demonstrate that the proposal is to be closely managed and serviced with the least possible impact on the public highway and its users. The plan should clearly outline how servicing will occur on a day to day basis, identifying the process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations.
- 10 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 11 The Theatre Trust request that the 'Theatreland' plaque is reinstated after refurbishment.
- 12 The use of UPVC is not considered acceptable within the conservation area. The windows should be powder coated metal or similar.

- 13 In respect of condition 12, the level of proposed cycle parking provision (10 spaces) as set out in the transport assessment would be sufficient.
- 14 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil
- Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**
- CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
- Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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