

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	41 Kingsway, London, WC2B 6TP		
Proposal	Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor level, installation of new shopfronts and signage at ground floor level, installation of mechanical plant and an extract duct at podium and roof level.		
Agent	JLL		
On behalf of	Elleric UK Ltd		
Registered Number	18/02441/FULL	Date amended/ completed	26 March 2018
Date Application Received	26 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

41 Kingsway is located on the junction between Kemble Street and Kingsway and within the Strand Conservation Area and the Central Activities Zone. (CAZ). The building is not listed but is noted as an 'unlisted building of merit'.

The existing building comprises of basement, ground and seven upper floors. The lower ground and ground floors are occupied by a building society (Class A2) with the remainder of the upper floors in office use (Class B1).

Planning permission is sought to provide a 66-bedroom hotel on the upper floors and a restaurant (Class A3) on part ground and basement floors. The application includes an extension in the rear light well at first to seventh floors, an extension and new dormer windows at seventh floor level,

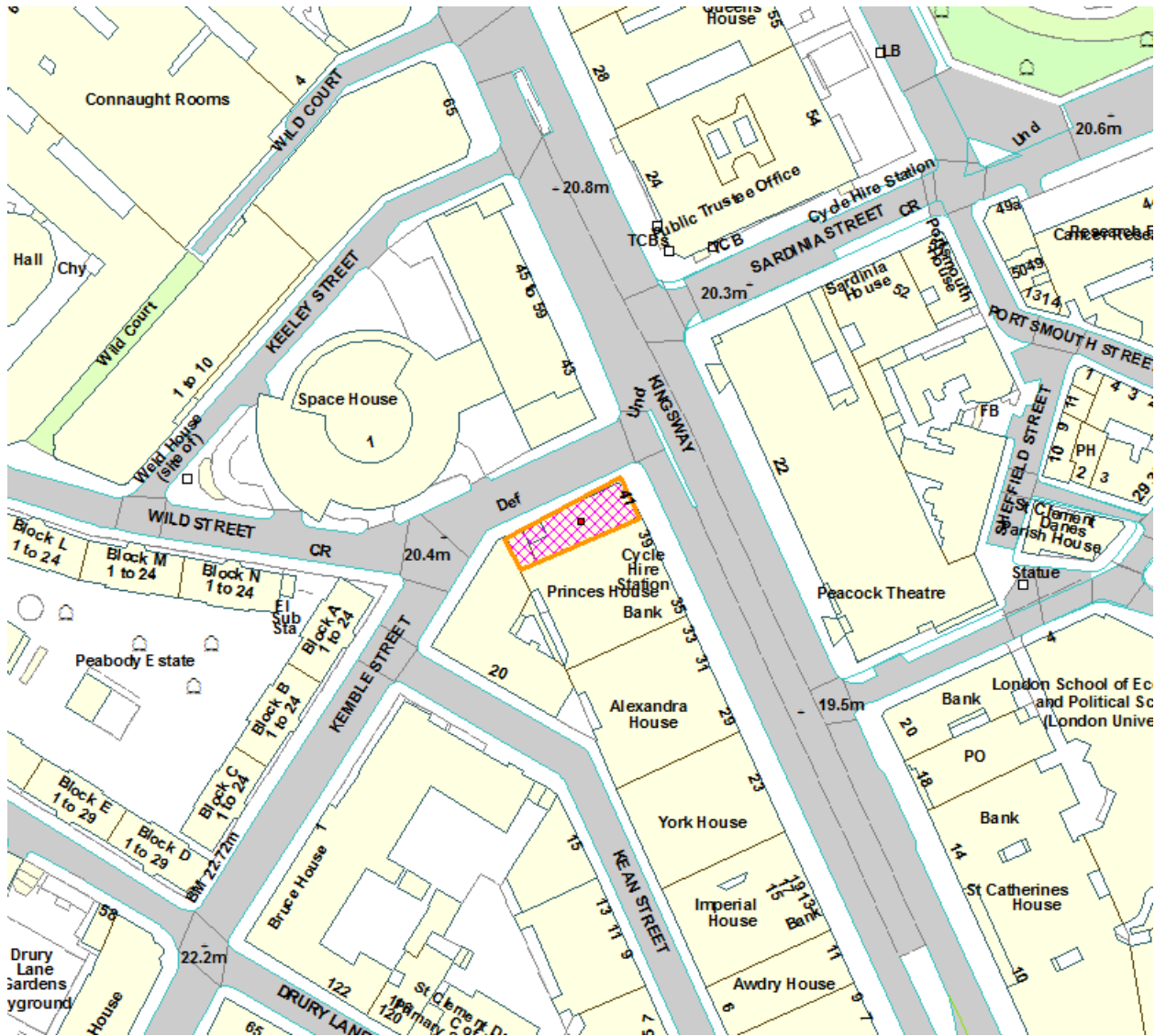
installation of new shopfronts at ground floor level, and new mechanical plant and an extract duct at roof level.

The key issues for consideration are:

- The impact of the proposed works on the character and appearance of the existing building and surrounding area.
- The land use implications of the proposal;
- The impact of the proposal on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The proposed hotel and restaurant use is considered acceptable in design, conservation, land use, amenity and highway terms in accordance with the Core Strategy and Unitary Development Plan (UDP) policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Kingsway



View from Kemble Street

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Concerns relate primarily to the impact on local residents in Kemble and Kean Street from noise and disturbance caused by customers of the restaurant and hotel, as well as increased volume of servicing and deliveries. Recommend conditions are imposed to protect residential amenity if minded to grant permission.

COVENT GARDEN AREA TRUST:

No response to date.

HIGHWAYS PLANNING MANAGER:

Servicing would take place from the street which is not in line with UDP policy Trans 20, but is no different to the existing situation and it is not expected that the numbers of vehicles involved would be significantly different. A Servicing Management Plan should be secured by condition. Kingsway has a number of coach parking bays so a hotel in this location would be well served in this respect. Cycle Parking is below London Plan standards. 6 spaces are proposed for long-stay, which is welcome, but none for short-stay.

TRANSPORT FOR LONDON:

- Kingsway forms part of the Strategic Road Network (SRN);
- The enjoys an excellent public transport level of PTAL 6b;
- Cycle parking should be provided to meet London Plan standards;
- A staff and customer travel plan, coach management plan, delivery and servicing management plan, Construction Management Plan, and Construction Logistics Plan should be secured by condition.

ENVIRONMENTAL HEALTH:

No objection subject to conditions to control noise from plant.

CLEANSING MANAGER:

No objection subject to conditions. The storage arrangements for waste and recycling are in line with the Council's requirements.

DESIGNING OUT CRIME:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 79; No. of Replies: 0

ADVERTISEMENT/SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

41 Kingsway is located on the junction between Kemble Street and Kingsway and within the Strand Conservation Area and the Central Activities Zone. (CAZ). The building is not listed but is noted as an 'unlisted building of merit'.

The existing building comprises of basement, ground and seven upper floors. The lower ground and ground floors are occupied by a building society (Class A2) with the remainder of the upper floors in office use (Class B1).

6.2 Recent Relevant History

16/12156/FULL

Permission granted 5 April 2017 for: Use of part basement and part ground floor as a restaurant (Class A3) and use of part ground and first to seventh floors to provide 14 residential flats (Class C3). External alterations including altered ground facade, rear extension within rear lightwell between second and seventh floor levels, extension and new dormer windows at roof level, installation of mechanical plant at seventh floor level, and installation of an extract duct to the rear elevation.

15/03597/FULL

Permission granted 4 August 2015 for: Use of part basement and part ground floor as a restaurant (Class A3) and use of part ground and first to seventh floors to provide 14 residential flats (Class C3). External alterations including extension and new dormer windows at roof level; installation of mechanical plant within the rear lightwell and at seventh floor level; and installation of an extract duct to the rear elevation.

Both planning permissions (16/12156/FULL and 15/03597/FULL) established that the loss of office (Class B1) on the upper floors and the provision of an A3 restaurant use on the ground floor of the property was acceptable.

In addition, both planning permissions (16/12156/FULL and 15/03597/FULL) established that works to install mechanical plant and an extract duct at roof level, extensions in the rear lightwell, an extension at seventh floor level, and alterations to the façade were all accepted in principle.

Planning permissions 16/12156/FULL and 15/03597/FULL have however not been implemented. Therefore, the upper floors of the building remain in lawful use for office (B1) and the ground floor and basement, still in lawful use as a building society (A2).

7. THE PROPOSAL

The proposal seeks the change of use of the upper seventh floors of the existing building from office use (Class B1) to a hotel (Class C1). At part ground floor and basement level, the proposal is to change the use from a building society (Use Class A2) to a restaurant (Use Class A3).

Works are proposed to accommodate the new uses with extensions into the rear lightwell and at seventh floor providing an additional 140sqm (GIA). A new entrance will be introduced off Kemble Street that will become the new main entrance to the hotel.

The application proposes:

- A restaurant (Use Class A3) at part ground floor and part basement;
- Hotel (Use Class C1) at part ground floor and basement and first to seventh floors;
- An extension to floors one to seven into the rear lightwell and a seventh floor extension, cumulatively providing an additional 140sqm (GIA);
- A new entrance for the hotel into the reception area will be created on the Kemble Street elevation;
- External works to the building façade including replacement windows and stonework restoration;
- A new ground floor shopfront to be installed on Kemble Street and Kingsway elevations;
- A new set of doors to the service bay;
- A waste and bike storage area (ancillary) on the ground floor.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (B1)	1,113	0	-1,113
Building Society (A2)	836	0	-836
Hotel (C1)	0	1,614	1,614
Restaurant (A3)	0	363	363
Other (plant/ service areas)	31	143	112
Total	1,980	2,120	140

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The site lies within the core CAZ. The proposal will result in the loss of 1,113sqm of office floorspace. Policy S20 of Westminster's City Plan (November 2016) relates to offices and seeks to restrict the loss of office space to housing, however, the loss of offices to other commercial uses is acceptable. The proposal is therefore in accordance with this policy.

Increase in commercial floorspace

Policy S1 of the City Plan relates to mixed uses in the CAZ. It encourages development, which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting population. Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted. The policy requires an element of residential floorspace to be provided on

developments where additional B1 office floorspace of a certain scale is proposed. There is no policy requirement for residential floorspace to be provided where increases in hotel floorspace are proposed.

Hotel use

Policy S23 of the City Plan and TACE 2 of the UDP relate to new hotels. Policy S23 states that new hotels will be directed to the Victoria Opportunity Area and Core CAZ. Policy TACE 2 states that within the CAZ, in streets that do not have a predominantly residential character, planning permission will be granted for new hotels where no 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 the setting down and picking up of visitors by coaches and taxis serving the hotel.

The hotel will provide 66 en-suite bedrooms, predominantly doubles. The typical size of the proposed hotel rooms is between 13-20sqm per room. The rooms are considered to be sufficient in size and layout with each served by a window.

The hotel entrance will be on Kemble Street. The reception area will be open 24 hours and have a designated individual responsible to assist hotel guests with enquiries and services. A lift core would provide disability access to all floors, and the staircase and lift mean guests can access their rooms from the ground floor reception area. A dedicated luggage store will be provided in the ground floor but will only be accessible to hotel staff who can safely secure guests belongings. An office for the hotel staff and a linen store will be also be provided at basement level accessible for staff via the stair well and lift shaft. A dedicated service lift will be provided at ground floor with access to basement level, to transport laundry (to be outsourced) and deliveries.

A separate restaurant (Class A3) is proposed at part ground and basement floor levels, which is considered below. No other facilities such as a spa/gym, meeting rooms or conference facilities are proposed.

A hotel of the scale proposed is considered appropriate in this central area of Westminster, close to many of London's top tourist attractions and with excellent access to public transport. The primary function of the hotels operation will be to ensure that guests benefit from a quiet environment during night-time hours. Therefore, it is in the hotels interests to ensure that noise disturbance from hotel guests is kept to a minimum. The applicant has provided an 'Operational Management Plan' and a 'Delivery and Servicing Plan', which are considered acceptable and conditions are attached requiring the hotel to operate in accordance with these details. This will ensure that the proposed hotel will not have a significant effect on residential amenity or local environmental quality.

It is considered that this location within the Core CAZ would be appropriate for a new hotel use.

Restaurant use

Policy S24 relates to Entertainment Uses and sets out that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any

cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Policy SS5 seeks an appropriate balance of town centre uses within the CAZ. SS5(C) sets out that non-A1 uses must not cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Policy TACE 9 relates to entertainment uses which may be permissible. TACE9 (B) sets out that permission will only be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of its area.

The proposal involves the change of use of the existing commercial unit at ground and basement levels, currently occupied as a building society (Class A2), to a restaurant (Class A3).

Both planning permissions (16/12156/FULL and 15/03597/FULL) established that the provision of an A3 restaurant use on the basement and ground floors of the site was acceptable.

The proposed restaurant measures 363sqm (GIA) and provides 81 covers with a bar (for restaurant customers only). The restaurant would be for use by hotel guests and visiting members of the public. Access to the restaurant for hotel guests will be available through reception, whilst members of the public will be able to access the restaurant from the existing corner entrance off Kingsway and Kemble Street. Members of the public will be unable to access the hotel area from the restaurant.

A condition is recommended to ensure that the bar area is limited to a small part of the business (15%) and the bar could be used only by diners before and after meals. A condition is also recommended to control opening hours from between 7am to 12 midnight. This is in line with the extant permission.

In environmental terms, the plans provide for appropriate extraction to serve the restaurant. There will be sufficient provision for storage of waste and recyclable material and there is no reason to presume that, with suitable management procedures in place, the new use would result in littering or pollution of the public realm.

Impact of hotel and restaurant use on neighbours

The Covent Garden Association raise concerns with the proposed hotel and restaurant use relating to the impact on local residents in Kemble and Kean Street from noise and disturbance caused by customers of the restaurant and hotel, as well as increased volume of servicing and deliveries.

The nearest residential occupiers are located on Kemble Street approximately 40 – 50m from the site. The applicant argues that as the building is located on the edge of Covent Garden, facing towards Holborn station, guests arriving and departing with their luggage are more likely to travel along Kingsway, a more clearer and prominent route, when compared with the less legible streets within Covent Garden, thereby avoiding residential

properties. The site is considered to be in a strong position to allow guests and customers to disperse quickly and in many directions.

The applicant has provided an Operation Management Strategy, which provides further detail on how the hotel will be managed to safeguard amenity. This sets out that the hotel is to be staffed 24 hours a day and staff will take active and courteous steps to ensure that both restaurant and hotel guests exit the premises in an orderly and quiet manner.

The restaurant will be under the same management as the hotel and will be governed by the same operational standards. Given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that the restaurant is properly managed. On this basis and given the central location, the size of the hotel and restaurant proposed is considered acceptable in this instance.

The servicing and highways implications of the development are detailed in section 8.4 of this report.

8.2 Townscape and Design

41 Kingsway is located within the Strand conservation area. The building is not listed but is noted as an 'unlisted building of merit' within the Strand Conservation Area.

The proposed works are largely identical to those approved under planning permission 16/12156/FULL.

A large proportion of the proposed works involve internal alterations. These works have a limited impact on the external appearance of the building.

The external works consist of:

Rear extension within the light well from first to seventh floor levels

The extension is within the rear internal 'courtyard' and is of minimal dimensions. It would not be visible from outside the site. The extension does not project past the rear building line and is to be constructed of materials to match the existing and as such, it is not considered to harm the character of the building or conservation area. Strictly speaking, the works would be contrary to policy DES5, which restricts rear extensions from rising above the penultimate storey. However, the additional volume, given the confined space is not considered to harm the character of the building or conservation area and therefore in this case is deemed acceptable.

Roof remodelling/ Extension and dormer windows at seventh floor level

The ridge height is to remain the same as existing. The pitched roof return is to be in filled to meet the party wall of the building behind. This creates additional accommodation without harming the appearance of the building. The existing plant at roof level is to be removed and the roof extended to the west. The existing plant at roof level is currently visible from ground level and its removal and replacement with a traditional roof form is considered an improvement to the area and the building.

The new dormer windows are, in general to be aligned with those below. Double storey roof levels are features of some buildings within Westminster and when used correctly do not cause harm to the overall composition. Given the scale of Kingsway, this approach is considered acceptable in this instance. Furthermore, the existing roof is vast and the additional accommodation does not mean an increase in the ridge height. This is a considerable advantage and lessens the impact of the dormers on the overall design, whilst maximizing the buildings potential.

Façade Alterations

The works consist of the replacement of existing entrance on the Kemble Street elevation, plus the addition of a new entrance and renovation of existing windows and doors. The new entrance is designed to match the existing, the works create a simple and elegant ground floor façade that is appropriate to the building and as such enhances the character of the building and conservation area.

All of the windows are to be replaced on the upper floors with 'like for like' replacements. Details of the new doors/ windows are required by condition.

The drawing annotation indicates that the external stonework is to be cleaned and restored. A detailed method statement for the cleaning of the building is secured by condition.

Mechanical Plant

The plant within the basement has no external impact on the appearance of the building. The drawings are annotated to indicate that plant is to be placed on the new flat roof in the light well at seventh floor level. This position is relatively discrete and is unlikely to harm the character and/ or appearance of the conservation area. Details of the plant and associated enclosure are secured by condition.

In summary, the works are generally considered acceptable in design terms, subject to conditions. The works are also largely identical to those approved under planning permission 16/12156/FULL, which established that works to install mechanical plant and an extract duct at roof level, extensions in the rear lightwell, an extension at seventh floor level, and alterations to the façade were all accepted in principle.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

Daylight/Sunlight/ Sense of Enclosure

The new rear extension within the internal courtyard between second and seventh floor levels does not project past the rear building line. It is not considered is not considered

that this extension would have an adverse impact on neighbouring windows particularly those to the rear in Princes House, 37 Kingsway, which face onto the courtyard.

At roof level, the existing plant at roof level is to be removed and the roof extended to the west. It is proposed to remodel and extend at roof level though the ridge height is to remain the same as existing. The pitched roof return is to be in filled to meet the party wall of the building behind - Kemble House, Kemble Street. This building is in office use and is lower in height than the application site. There are no adjacent windows in Kemble House, which would be adversely affected by the works. The nearest residents are approximately 40 - 50 metres from the application site in Kemble Street and Wild Street. Given the distance and orientation of these buildings, they will not be adversely affected in terms of loss of light or sense of enclosure.

Mechanical Plant

The proposals include an extract duct for the new restaurant, which will discharge at roof level, and other new plant equipment, which would be located at basement level and on a flat roof within the rear light well at seventh floor level.

As the proposed duct will discharge at roof level, it is not considered that it will have a detrimental impact on odours in the area. An acoustic report has been submitted and Environmental Health has no objection to the proposal, subject to the City Council's standard noise conditions.

The application is therefore considered acceptable in amenity terms in accordance with policies S29, S32, of the City Plan and ENV13, ENV6 and ENV7 of the UDP.

8.4 Transportation/Parking

The site is well served by public transport, with a Public Transport Accessibility Level (PTAL) of 6b indicating its excellent location. The site is close to Holborn LUL, high frequency bus routes, and coach parking bays on Kingsway.

Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing.

The applicant has submitted a Servicing Management Plan, which indicates that the development would generate 10 delivery trips per day (6 for the restaurant and 4 for the hotel). While servicing is proposed to take place from the street, which is not in line with policy, that is no different to the existing situation. The Highways Planning Manager does not expect the numbers of vehicles involved to be significantly different to the existing situation, so considers the proposal is acceptable in servicing terms.

Trip generation

The Highways Planning Manager has no concerns regarding the number of customers that might use the premises. Kingsway has a number of coach parking bays so a hotel in this location would be well served in this respect.

Cycle Parking

Six spaces are proposed for long-stay, which is welcome, but none for short-stay. The Highways Planning Manager advises that it would be desirable to have short-stay cycle spaces but agrees with the applicant that few customers are likely to attend the restaurant by bike. The applicant advises that they would be able to make the spare space in the staff storage available for customer bike parking upon request.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

All public entrances into the building for the hotel and restaurant uses will have level access with lift access provided to all floor levels. All doors are to have level thresholds, which will be of sufficient width to facilitate wheelchair access. Three DDA accessible rooms are provided on levels 2, 3 and 4. The London Plan requires that 10% of hotel bedrooms should be wheelchair accessible. A condition is recommended requiring that 10% of the hotel rooms to be wheelchair accessible in accordance with the London Plan's requirements.

8.7 Other UDP/Westminster Policy Considerations**Refuse /Recycling**

The waste store is located at basement level. The Cleansing Manager is satisfied with the refuse and recycling storage arrangements proposed.

Sustainability

The applicant has submitted an Energy Strategy and Pre BREEAM assessment in support of their application. The building will achieve a 40% improvement in carbon emissions based on the current Building Regulations (2013) through the use of energy efficiency 'be lean' measures. A BREEAM excellent rating is targeted.

8.8 London Plan

This application raises no strategic issues.

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

The scheme does not generate any requirements for planning obligations.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

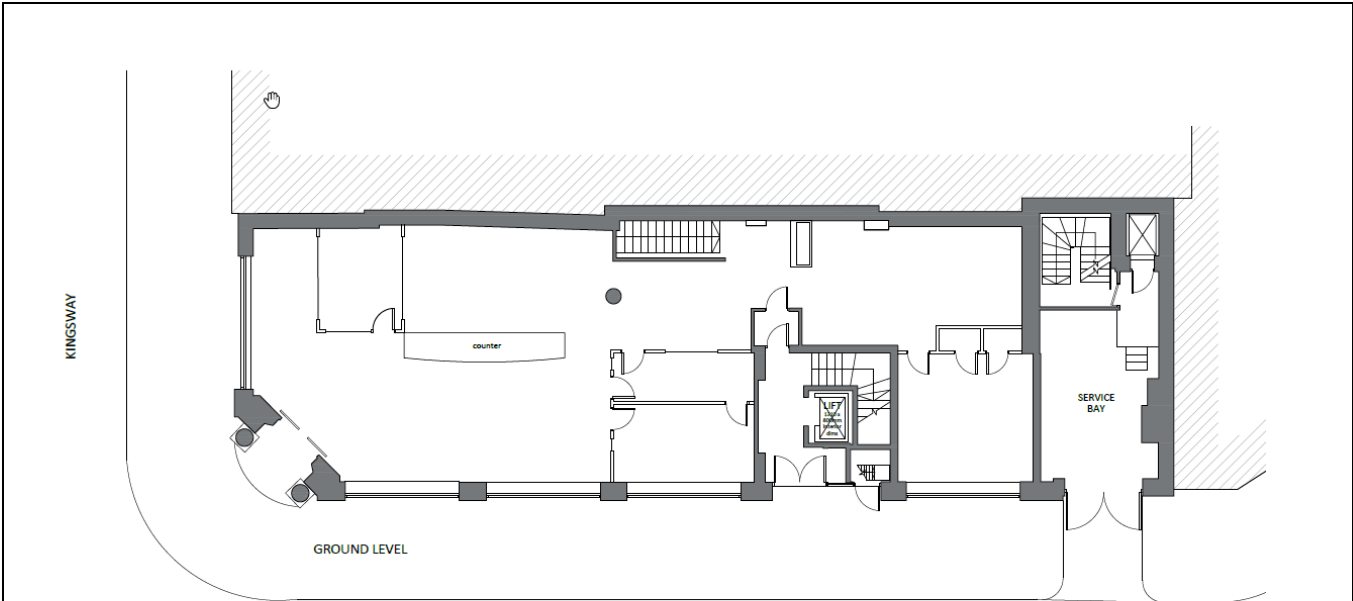
8.12 Other Issues

Transport for London has requested additional condition be attached requiring a Staff and Customer Travel Plan, a Construction Management Plan, and a Construction Logistics Plan. The scheme however is of insufficient scale to require the submission of these details.

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

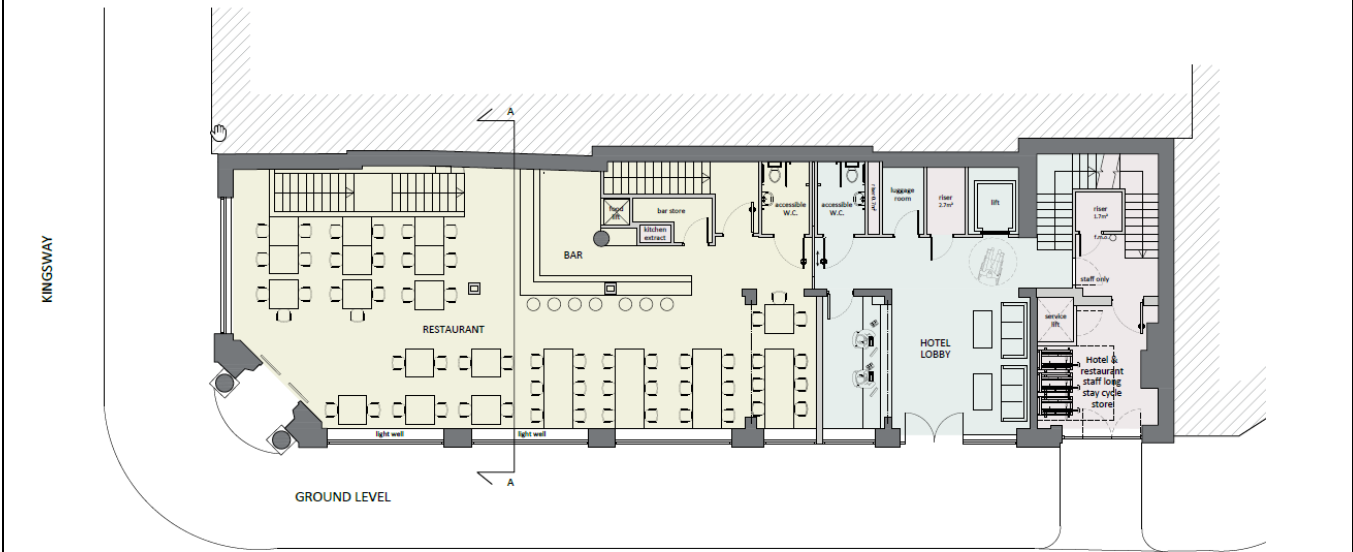
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

9. KEY DRAWINGS



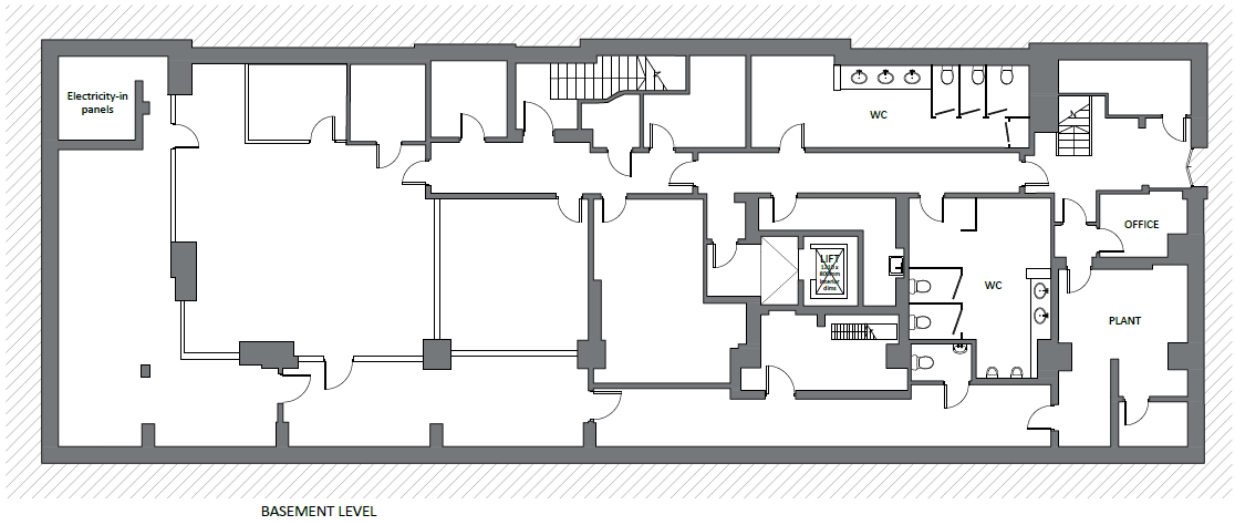
KEMBLE STREET

Existing ground level

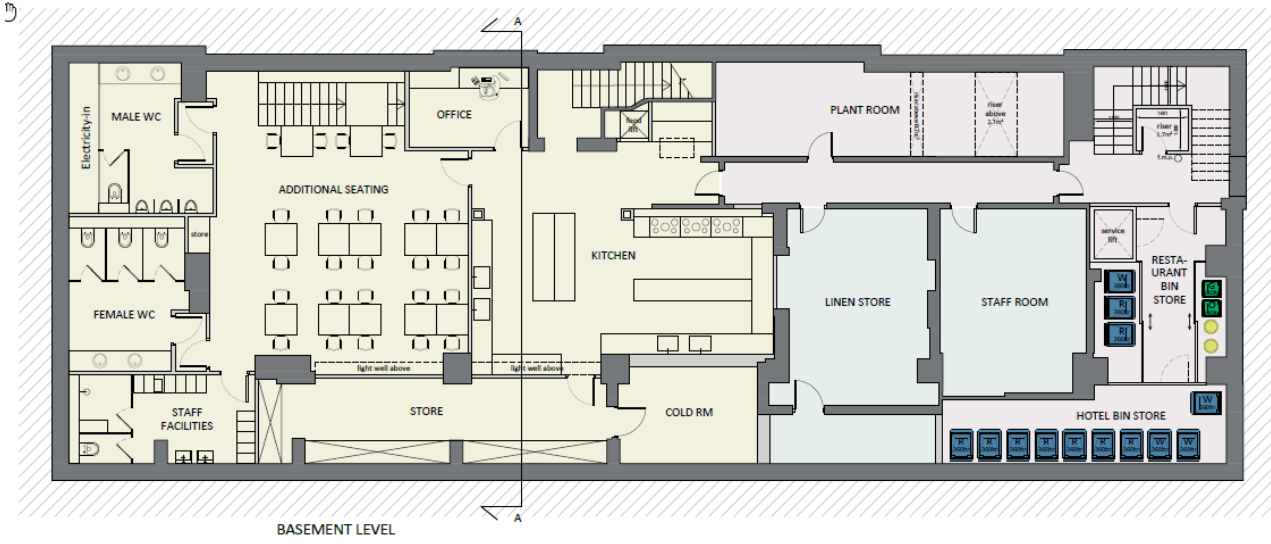


KEMBLE STREET

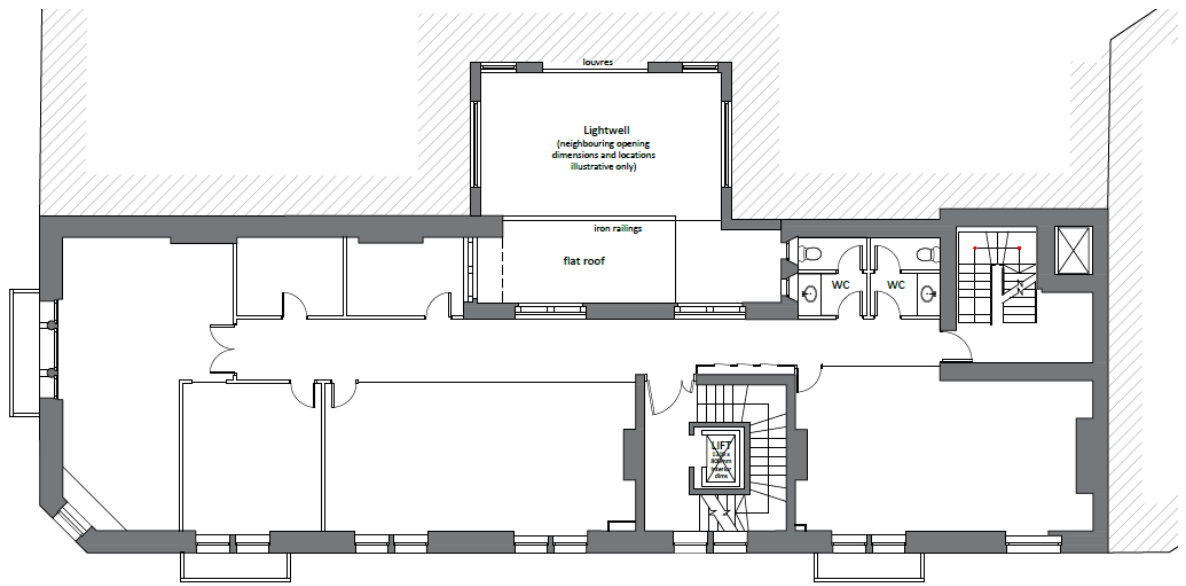
Proposed ground level



Existing basement level

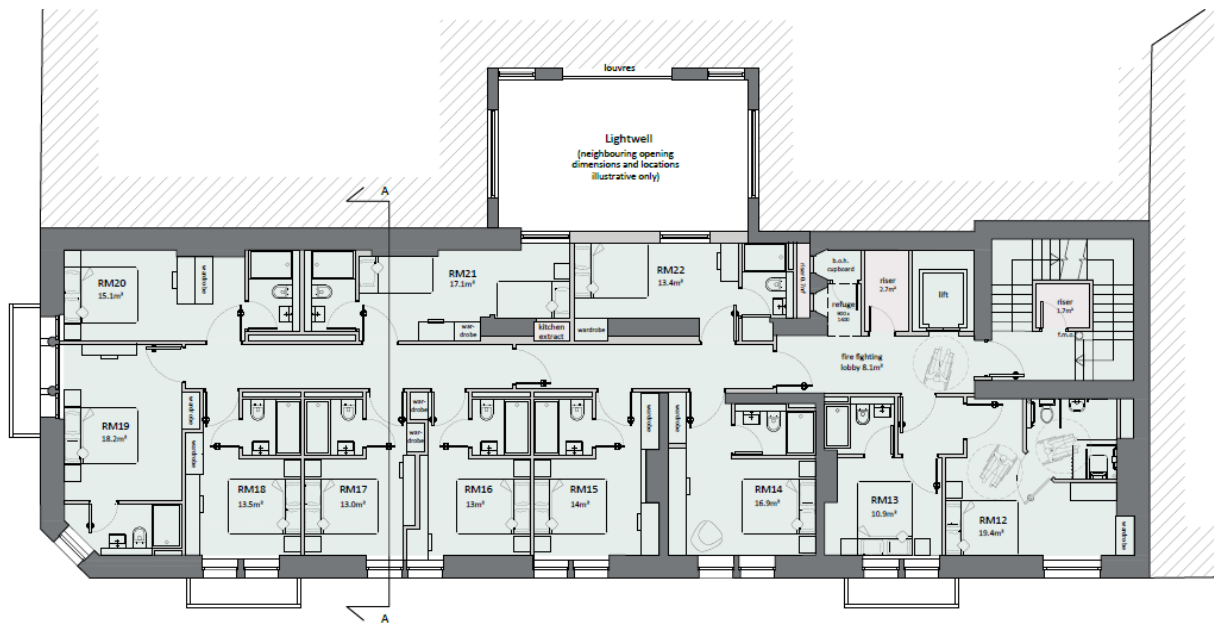


Proposed basement level



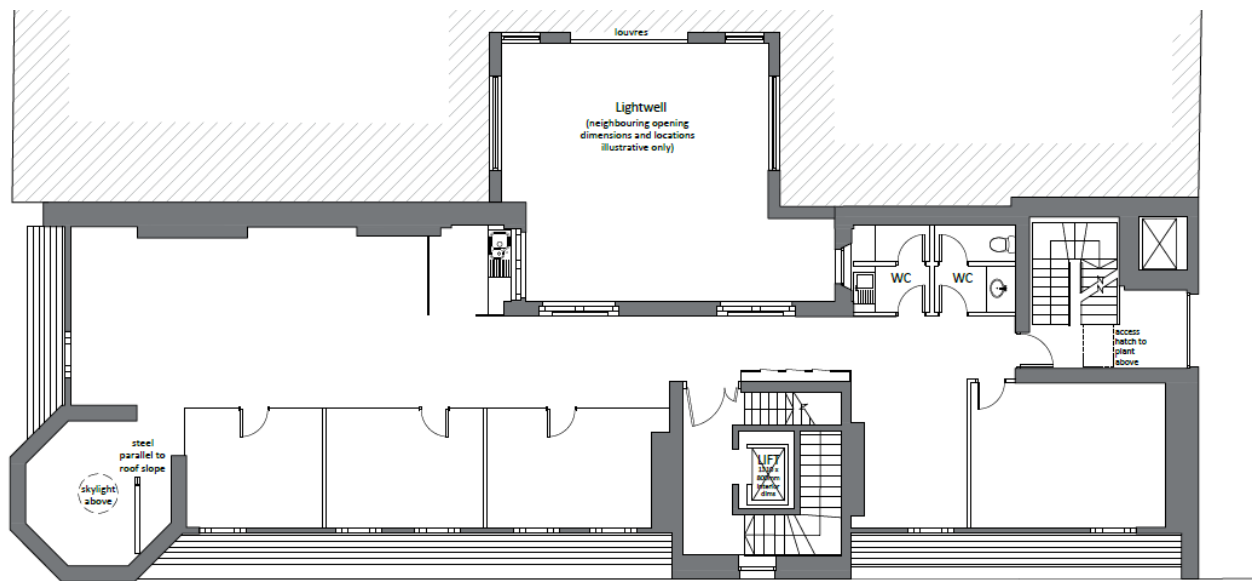
LEVEL 2

Existing second level



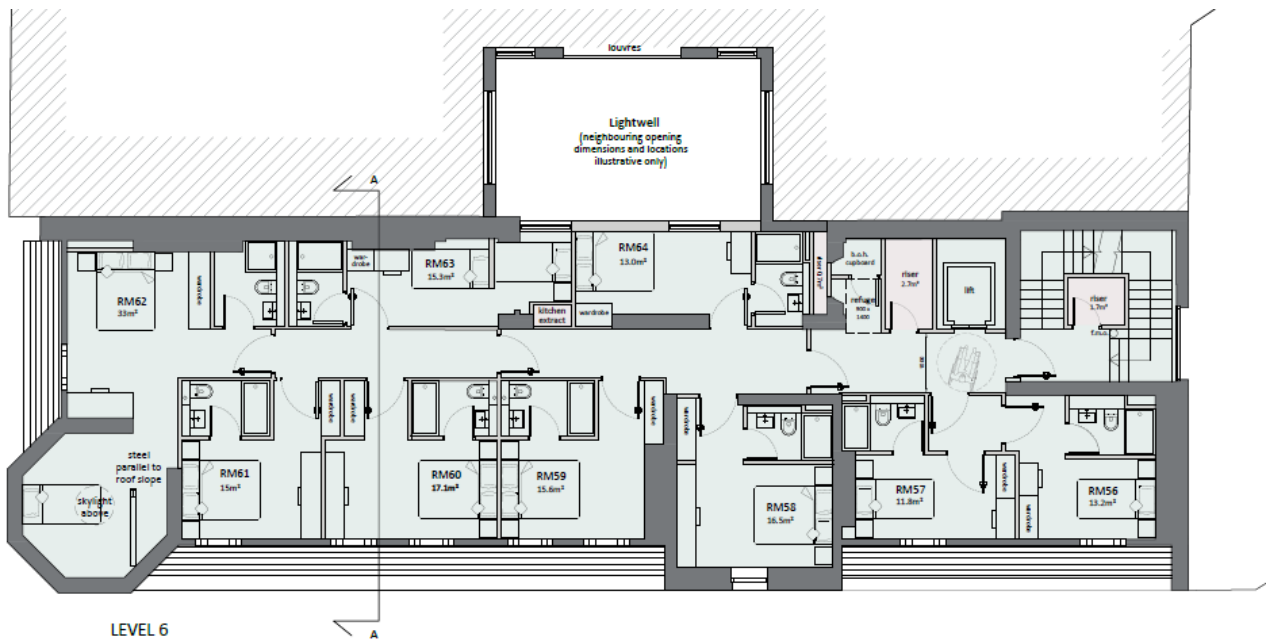
LEVEL 2

Proposed second level



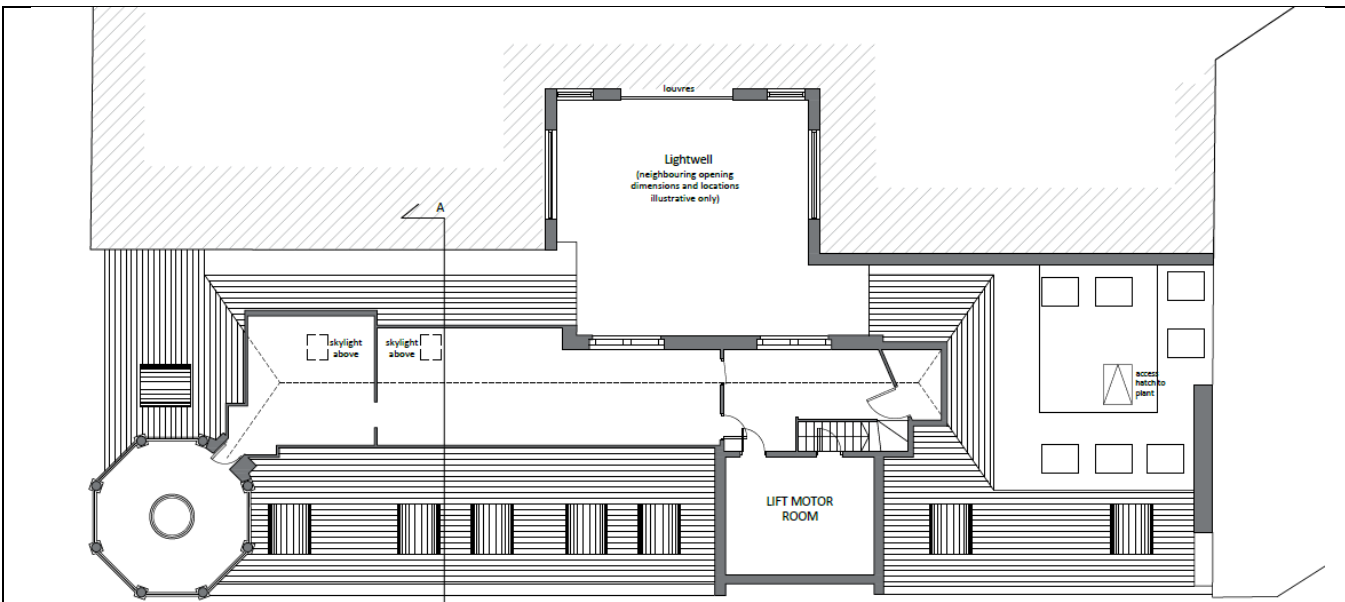
LEVEL 6

Existing sixth level

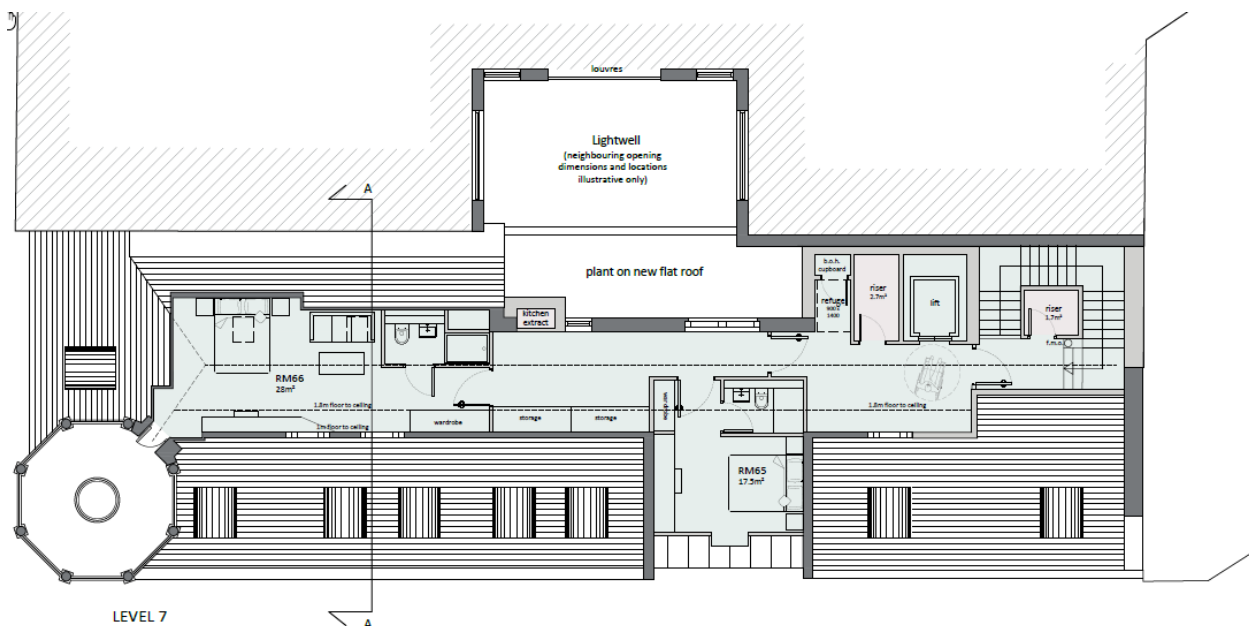


LEVEL 6

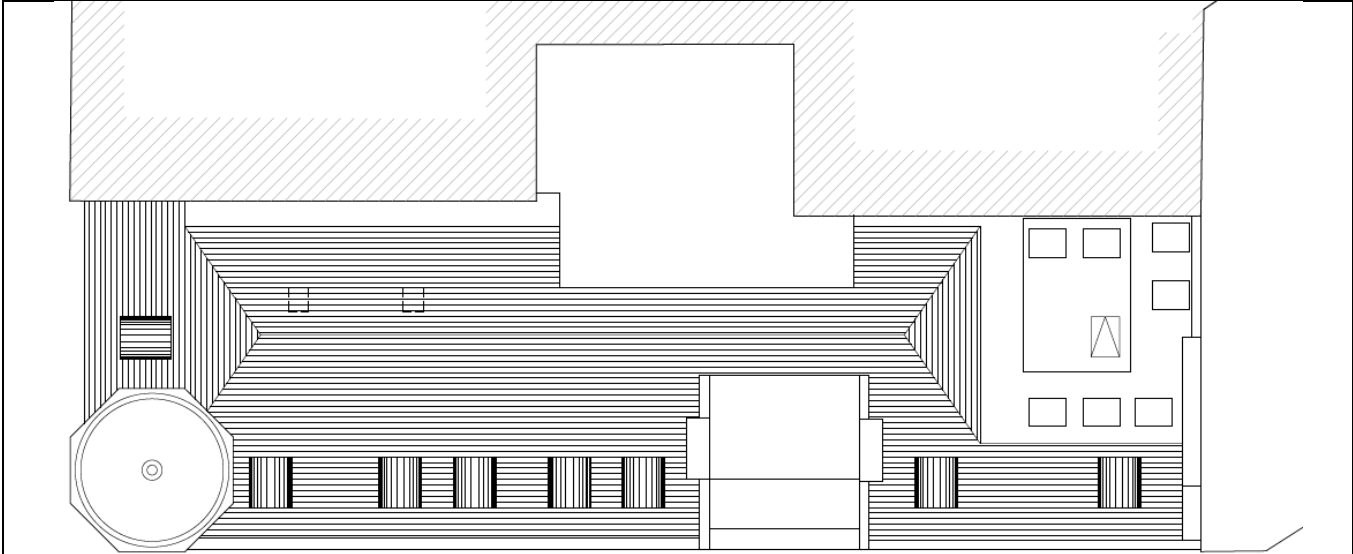
Proposed sixth level



Existing seventh level

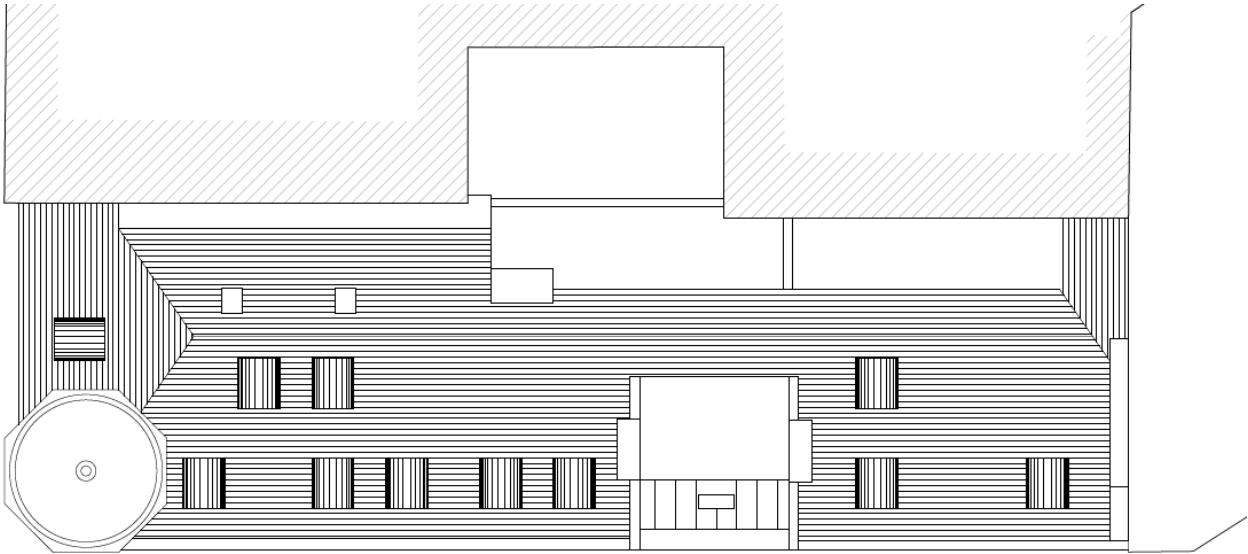


Proposed seventh level



ROOF PLAN

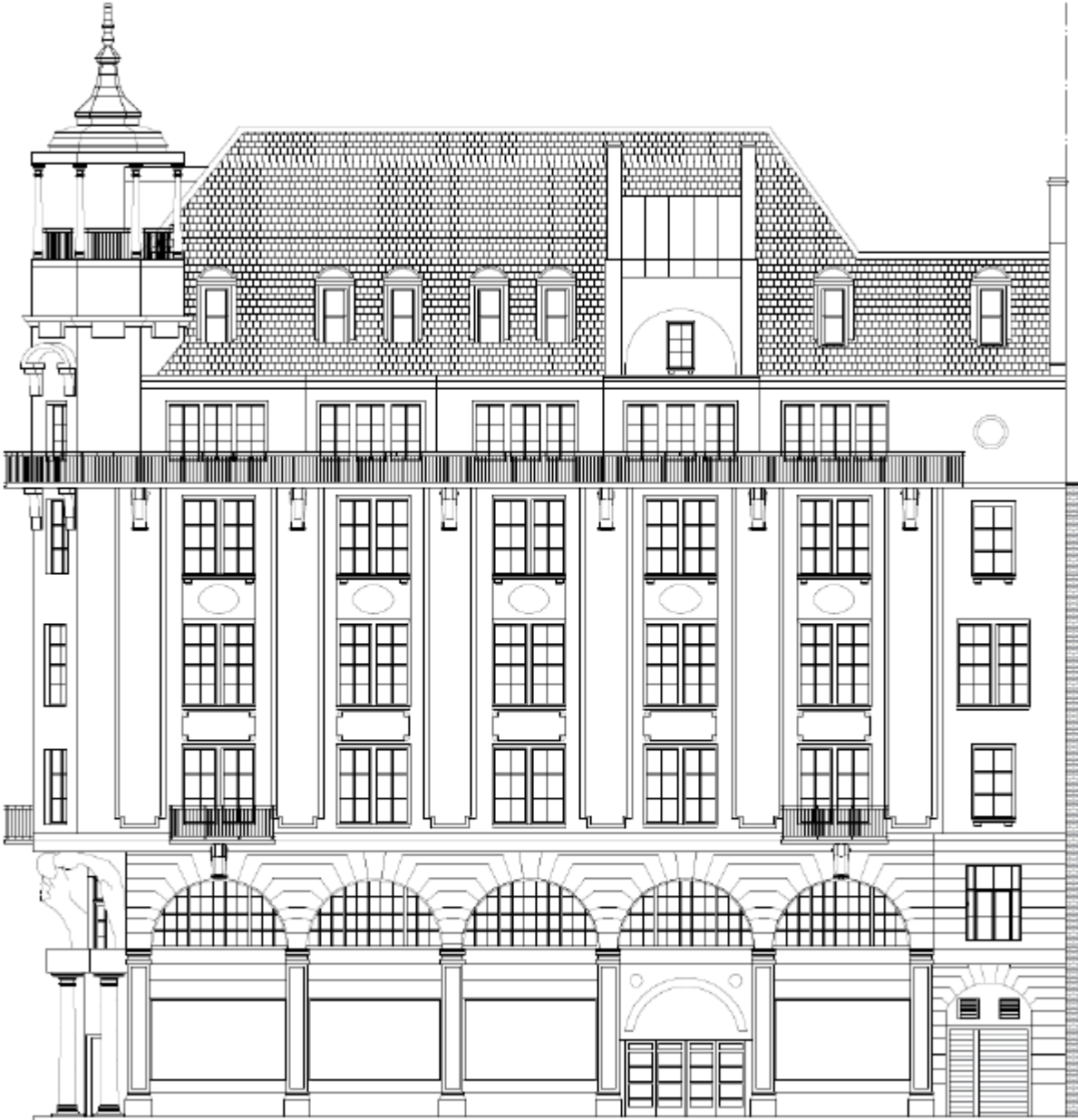
Existing roof level



ROOF PLAN

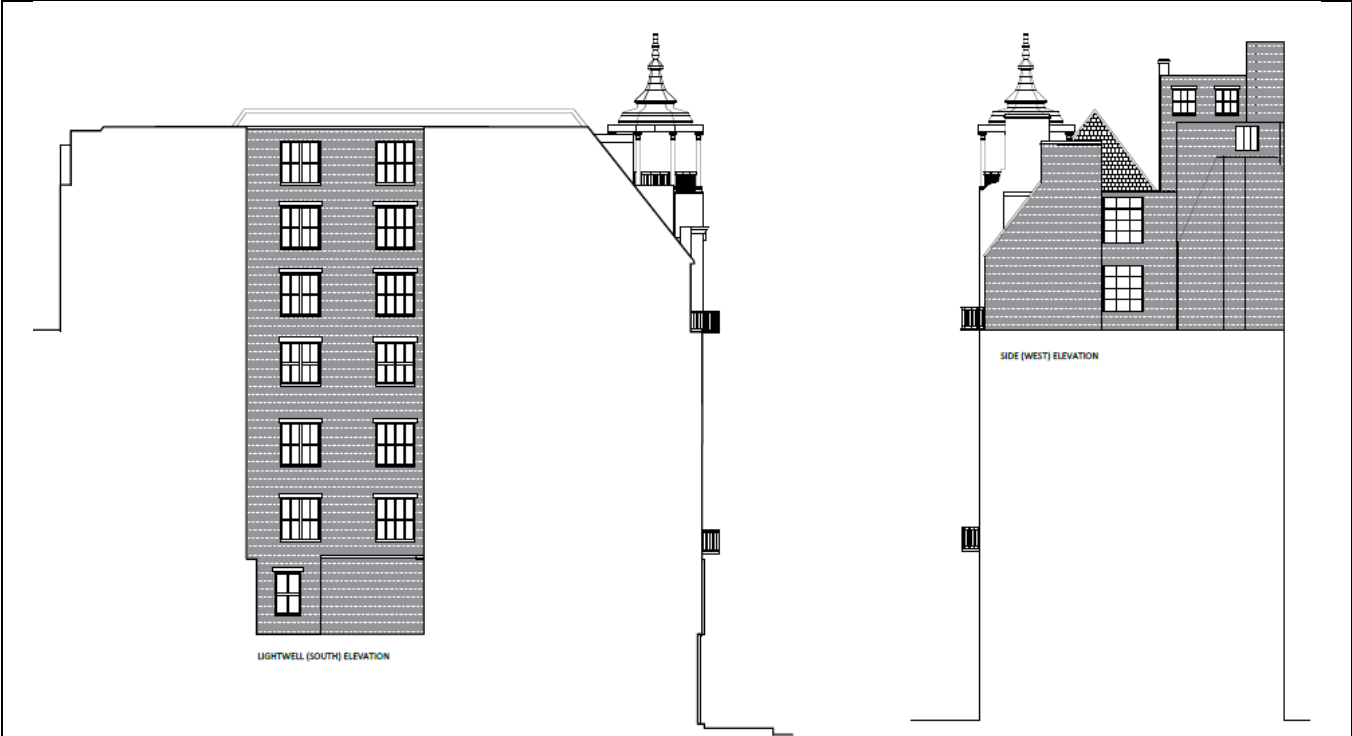
Proposed roof level

3.2 Existing Kemble Street Elevation

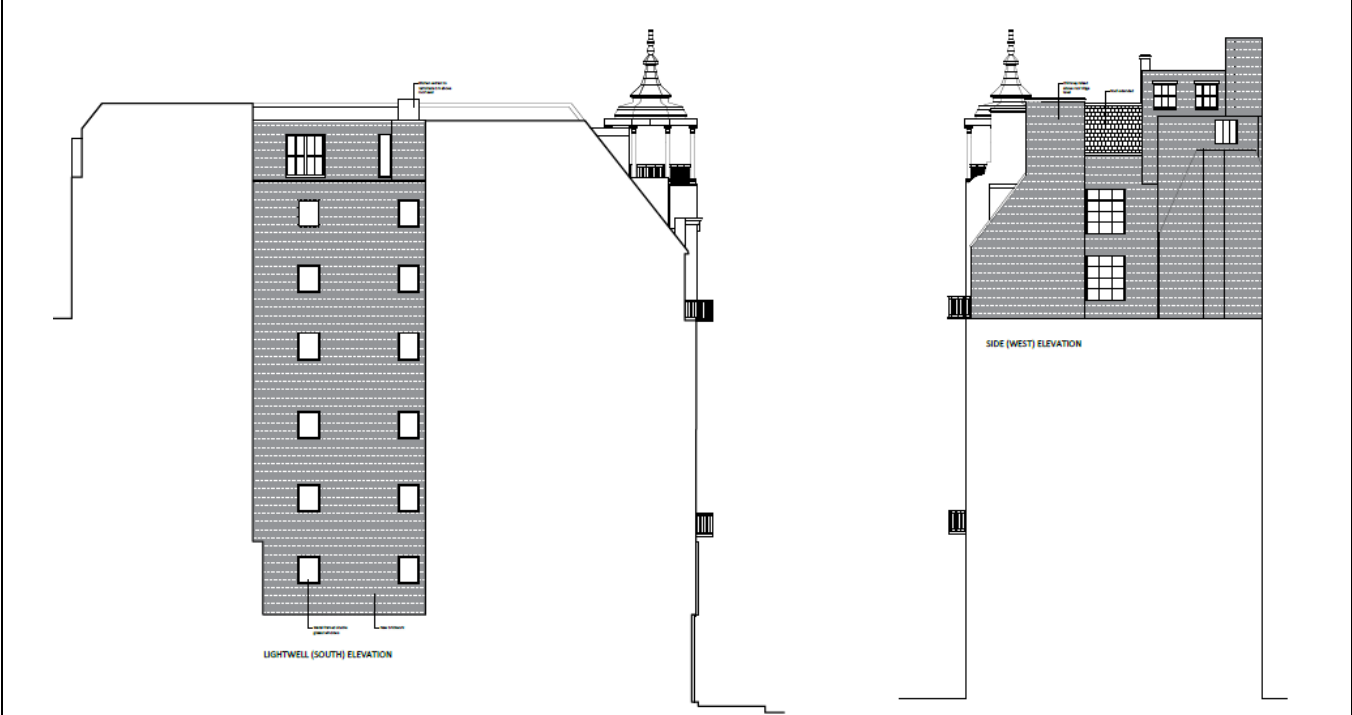


Application Site

KEMBLE STREET (NORTH) ELEVATION

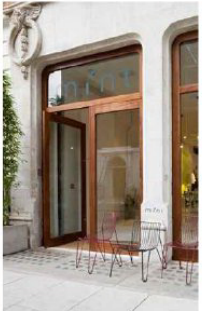


Existing light well and side (west) elevations

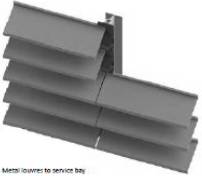


Proposed light well and side (west) elevations

3.4 Proposed Altered Kemble Street Entrance



Simple and elegant new entrance to hotel



Metal corners to service bay

DRAFT DECISION LETTER

Address: 41 Kingsway, London, WC2B 6TP

Proposal: Use of first to seventh floors as a hotel (Class C1) and as a restaurant (Class A3) at ground floor and basement level, extension in the rear light well at first to seventh floors, extension and new dormer windows at seventh floor level, installation of new shopfronts and signage at ground floor level, installation of mechanical plant and an extract duct at podium and roof level.

Reference: 18/02441/FULL

Plan Nos: 494-(PL)110, 494-(PL)111, 494-(PL)112, 494-(PL)120, 494-(PL)121, 494-(PL)122, 494-(PL)123, 494-(PL)210, 494-(PL)211, 494-(PL)212, 494-(PL)220, 494-(PL)221, 494-(PL)222, 494-(PL)223, 494-(PL)224; (For Information: Covering letter by JLL; Design and Access Statement by NP Architects; Planning Statement by JLL; Acoustic Planning Report, BREEAM Pre-Assessment, Energy Assessment, Energy Statement, Transport Statement and waste Collection Strategy by Scotch Partners LLP).

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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand 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)

- 4 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 Strand 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)

- 5 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, with corresponding cross-referenced elevations;
- ii) Doors, with corresponding cross-referenced elevations;
- iii) Typical dormer design;
- iv) Plant and acoustic enclosure on new flat roof at seventh floor level.

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 Strand 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)

- 6 The flue shall be painted to match the adjacent brickwork and retained that colour.

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 Strand 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)

- 7 All balustrades/ railings are to be painted black and retained that colour.

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 Strand 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)

- 8 You must apply to us for approval of details of secure cycle storage for the commercial use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any 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.

- 9 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)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 494(PL) 210 REV C. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 11 No waste should be left or stored on the public highway.

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)

- 12 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 13 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 14 Customers shall not be permitted within the restaurant premises before 7am or after midnight each day. (C12AD)

Reason:

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

- 15 Apart from the entrances to the restaurant annotated on the approved drawings, the ground floor windows shall be fixed permanently shut.

Reason:

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

- 16 No live or recorded music shall be played in the Class A3 restaurant that is audible outside of the premises.

Reason:

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

- 17 Notwithstanding what is shown on the approved drawings, a minimum of 10% of the hotel bedrooms shall be fully wheelchair accessible.

Reason:

To make sure that there is sufficient choice for people who require an accessible bedroom as set out in policy E10 of the draft New London Plan 2017.

- 18 The hotel and restaurant must be managed in accordance with the Delivery and Servicing Strategy and Management Plan as set out in the Transport Statement by Steer Davies Gleave or in accordance with other details as submitted to and approved by the City Council.

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.

- 19 The hotel must be managed in accordance with the Operational Management Strategy as set out in Appendix 1 of the Planning Statement by JLL or in accordance with other details as submitted to and approved by the City Council.

Reason:

To make sure that the 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 (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007

- 20 (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.

- 21 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.

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 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.**
- 3 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)
- 4 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)
- 5 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)

- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

- 7 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)

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.