

CITY OF WESTMINSTER			
MAJOR PLANNING APPLICATIONS SUB COMMITTEE	Date 12 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	50-57 NEWMAN STREET, LONDON, W1T 3DZ,		
Proposal	Demolition and redevelopment to provide a building of three basement levels, ground and part five, part six upper floors for use as a hotel (Class C1) with ancillary restaurant, bar and wellness facilities, including terraces at 4th and 6th floors; plant equipment at 6 th floor and roof level and associated works.		
Agent0	Gerald Eve LLP		
On behalf of	Leeu London Limited		
Registered Number	17/11106/FULL	Date amended/ completed	18 December 2017
Date Application Received	15 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to a Section 106 agreement to secure the following:</p> <ul style="list-style-type: none"> i) A Crossrail payment of 153,598 (subject to indexation) ii) An employment and training strategy for the construction phase and operational phases of the development; iii) Monitoring Costs <p>2. If the legal agreement has not been completed within six weeks from of the date of the Committee's resolution then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an Undertaking within an appropriate timescale, and that the
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proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 SUMMARY

Permission was granted on 18 June 2015 for alterations and extensions to the existing office building in connection with the conversion to a 100 bedroom hotel. Permission is sought for demolition and redevelopment to again provide a 100 bedroom hotel.

The key issues for consideration are :

- The impact of the operation of the hotel on the character and function of the area and on residential amenity
- The impact of the new building on the townscape
- The impact on the highway

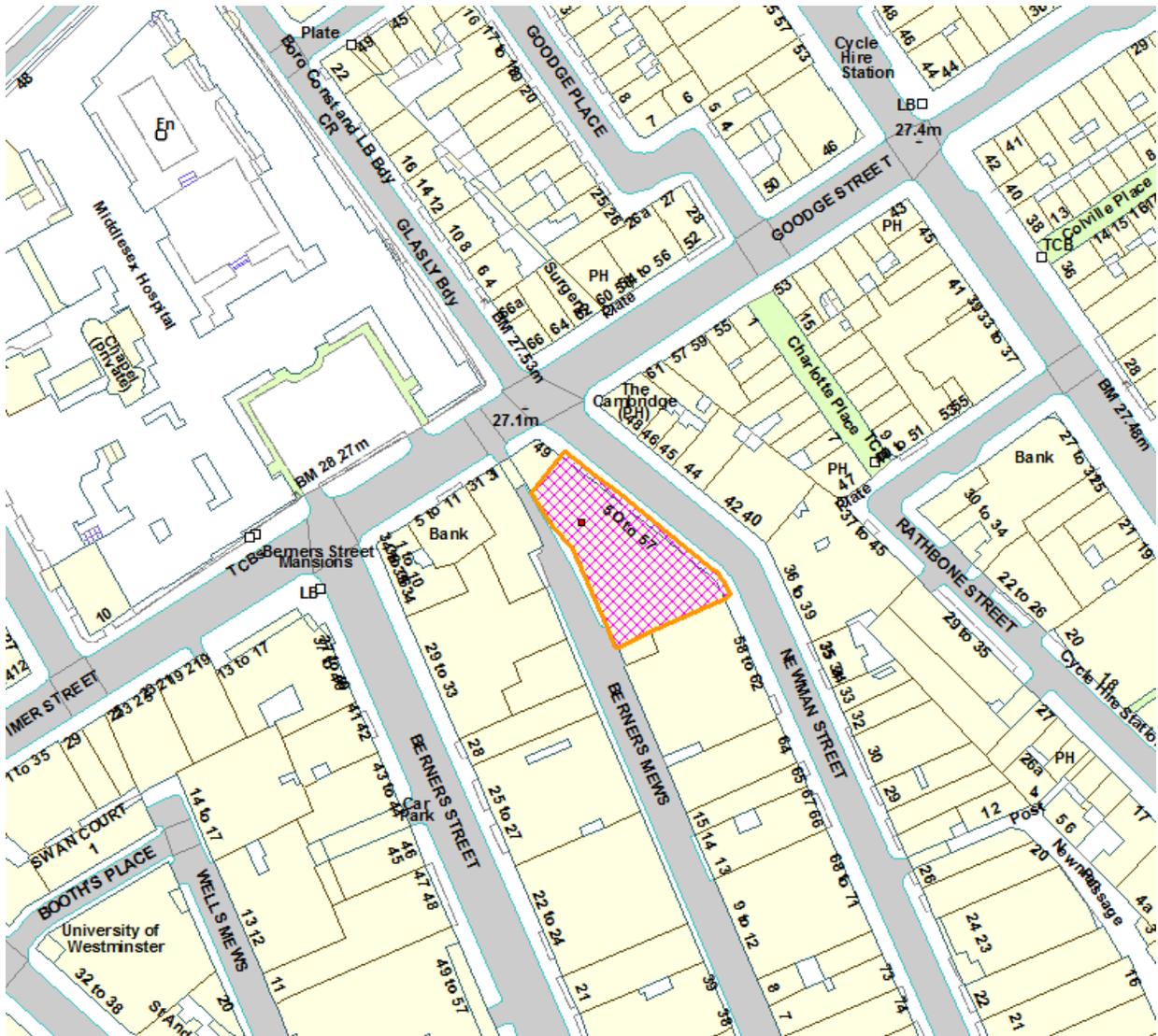
The permission granted in June 2015 remains extant and firmly establishes the principle of hotel use on the site. In land use terms loss of office floorspace (Class B1) and the provision of hotel (Class C1) remains acceptable, on this site in the Core CAZ. An Operational Management Statement (OMS) has been submitted which sets out the proposed operational details. It is considered that adherence to the OMS will ensure that the hotel operates without detriment to residential amenity or the locality.

The scheme will result in the provision of a new building broadly similar to the bulk and mass to the extensions permitted as part of the extant scheme. In design terms the new building which will encompass traditional and modern elements is appropriate to its context.

Subject to appropriate conditions including requiring the use to be carried out in accordance with an approved Servicing Management Plan and preventing the hotel from taking bookings from coach parties it is considered that the hotel use would not adversely impact on the highway.

The proposed development is considered to comply with relevant policies in the unitary Development Plan (UDP) and Westminster's City Plan adopted in November 2016. The application is therefore recommended for approval.

3 LOCATION PLAN



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4. PHOTOGRAPHS



View from Newman Street



View from Cleveland Street

5 CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER

No objections subject to conditions

CLEANSING MANAGER

Request details of waste storage and waste management strategy are secured by condition.

ENVIRONMENTAL HEALTH

No objection subject to appropriate conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 150

Total No. of replies: 7

No. of objections: 7 (from 6 individual respondents)

No. in support: 0

7 objections received raising some or all of the following grounds:

Amenity

Loss of Daylight

Loss of Sunlight (due to increase in height of the building and proposed planting to terraces)

Overlooking/loss of privacy

Noise nuisance from terraces

Highways

A dedicated taxi drop off should be provided the existing single yellow line on Newman Street is inadequate to successfully accommodate drop offs.

Other

Noise and disturbance during construction, concern over length of proposed construction process.

Concern that the additional basements would result in structural issues.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The application site is situated on the western side of Newman Street close to the junction with Mortimer Street. It comprises a part five, part four storey unlisted property located within

the Core Central Activities Zone. It falls outside of any conservation area, but is within close proximity to both the Charlotte Street West and East Marylebone Conservation Areas. The application property has frontages on both Newman Street and Berners Mews. The building was in use as offices (Class B1) but has been vacant since early in 2014.

The surrounding buildings are mainly in commercial use, but there are a significant number of residential properties on the upper floors of properties within the vicinity, including at the building opposite the application site at 45-48 Newman Street.

6.2 Recent Relevant History

On 18 June 2015 permission was granted for extensions at 5th and 6th floor levels in connection with use of the premises as a 100 bedroom hotel. The permission remains extant. It was linked to a section 106 agreement requiring financial contributions towards Crossrail and £2.6m towards affordable housing (RN 15/ 01046/FULL)

On 21st November 2014 permission was granted for alterations and extensions in connection with the use of the property as a 95 bedroom hotel (RN 14/07688/FULL)

On 13 March 2014 permission was granted for alterations and extensions in connection with the conversion to 23 residential flats (RN 13/08849/FULL)

7 THE PROPOSAL

Permission is sought for the demolition of the existing building and redevelopment to provide a new building comprising three basements ground and part five part six upper floors. The new building would provide a 100 bedroom hotel with ancillary restaurant and bar, deli and wellness centre.

The application has been submitted on behalf of Leeu Collection would currently operate three 5 * boutique hotels within the Franschhoek Valley area of South Africa. A detailed Operational Management Statement (OMS) has been submitted in support of the application.

The proposed layout is as follows:

- Basement level 2, – plant;
- Basement level 1, hotel back of house areas – (offices, staff canteen, changing rooms and storage);
- Lower Ground floor, restaurant and bar;
- Ground floor, hotel reception, accessed from Newman Street. Restaurant, bar/ deli-counter, wellness centre providing health, beauty and spa services, and internal loading bay accessed from Berners Mews;
- Floors 1-6 would provide 100 hotel bedrooms. The rooms are all double bedrooms measuring between 18m² and 40 m²;
- Terraces are proposed at 4th and 6th floor levels
- Roof level, plant.

All guests and visitors will enter and leave the hotel from the main entrance on Newman Street. There are two internal cores both provide a means of escape onto Berners Mews. The staff entrance will be onto Berners Mews. No car parking is provided, cycle parking is provided within a loading bay at ground floor level off Berners Mews. No coach bookings will be taken by the hotel.

8 DETAILED CONSIDERATIONS

8.1 Land Use

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Offices (Class B1)	3,644	0	-3,644
Hotel (Class C1)	0	6,162	+6,162
Total	3,644	6,162	+ 2,518

Loss of office use

The site lies within the Core CAZ where City Plan policy S1 promotes a mix of uses consistent with its vitality, function and character. There are no policies which restrict the loss of office accommodation to another appropriate commercial use. There is an extant permission which permits the loss of offices, this aspect of the application remains acceptable.

Hotel

The land use principle of the provision of hotel use has already been established. The provision of a hotel accords with the aims of City Plan Policy S23 and UDP Policy TACE 2. These policies recognise the importance of Westminster as one of the world's premier visitor destinations and direct new hotels to the Core Central Activities Zone (CAZ), which do not have a predominantly residential character. The policies set out the criteria for assessing new hotels and extensions to existing hotels, in relation to their impact on residential areas, traffic and parking. Use of the site as a hotel was previously and is again considered to accord with these policies subject to satisfactory operational details.

Mixed Use Policy

The permission granted on 18 June 2015 was subject to a legal agreement which required a financial contribution of £2.6 million towards affordable housing. Under UDP policy CENT 3 the increase in commercial floorspace triggered a requirement to provide housing. UDP policy CENT 3 is not a saved policy and adopted City Plan policy S1 which encourages mixed use developments within Central Westminster is only triggered by increases in office floorspace. The provision of commercial hotel floorspace does not generate a requirement to provide residential.

Operational Details

The applicant states that the hotel would be developed and self managed by Leeu Collection. The aim being to create a 5 * hotel with a high standard of internal design and décor. A range of facilities ancillary to the main hotel use would be provided typical of West End hotels. The ground and lower ground floors include a restaurant and bar. The restaurant measures 246 m² the bar 248 m². There is also a deli counter (35m²). The restaurant would be accessed from Newman Street through the hotel lobby. In addition to the restaurant and bar the hotel includes meeting room at lower ground floor level and a wellness centre on the ground floor which provides health and spa services.

Restaurant and bar

The restaurant/bar would be an integral part of the hotel, under the same management, and would be where hotel guests would have breakfast and evening meals. As is typical of a hotel of the nature proposed, the restaurant would be open to non-residents. The restaurant and bar would not be open to non-hotel guests outside the hours of 06.00 – 00.00 on weekdays and 06.00 – 00:30 on weekends. The restaurant and bar would not be operated as a stand alone facility and would be ancillary to the primary hotel use (Class C1), the impact of the restaurant and bar needs to be assessed against the City Council's entertainment policies.

UDP Policies TACE 8-10 are applicable to entertainment uses, and aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the city, while acknowledging that they provide services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance.

UDP entertainment policies are intended to represent a 'sliding scale' of permissibility from TACE 8 ('generally permissible') to TACE 10 ('permissible only in exceptional circumstances'), dependent upon the location, size and type of the entertainment use.

UDP policy TACE 10 is applicable to entertainment uses where the gross floorspace exceeds 500 m². Permission will only be granted where Policy TACE 10 has been identified as relevant in exceptional circumstances.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, and relationship to any existing concentrations of entertainment uses. New large scale late night entertainment uses of over 500m² floorspace will not generally be appropriate.

The total restaurant / bar floorspace is 495m². The scheme includes a small deli of 35 m² which will contain approximately 10 bar stools. If this floorspace is added to the proposed restaurant/bar the total 'entertainment floorspace' would be 532m². As such this would need to be assessed against City Plan Policy S24 and UDP Policy TACE 10.

The scheme proposes a restaurant of 110 covers and an additional 10 within the deli. The capacity of the bar is 155 persons. The 'entertainment' facilities proposed are of a similar size to those previously permitted as part of the hotel development approved in June 2015. The closest residential properties to the site are within the row of buildings directly opposite the application site at 40-48 Newman Street.

The application is accompanied by an Operational Management Statement (OMS). The key elements of the OMS are as follows:

- The hotel will have 24 hour CCTV coverage.
- All hotel guests and visitors would enter and leave the hotel from the main entrance on Newman Street which would have 24 hour door staff. Management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.

- The staff entrance will be located on Berners Mews.
- A private, direct contact number would be made available to local residents and businesses to enable them to contact the hotel management directly
- Hotel management would encourage in advance customers that plan to arrive by car to park in nearby car parks. Details of local car parking would be advertised on the hotels web site. The hotel would not be marketed for coach parties.
- The restaurant would be open to non- hotel guests at 06.00 throughout the week and close at 00.00 on weekdays and 00.30 at weekends.
- The bar would be open to non- guests at 11.00 and close at 00.00 on weekdays and 00.30 at weekends.
- Management would ensure strict compliance with licensing and planning conditions.

Newman Street is mixed use in character including some residential. The OMS is considered to be robust and it will ensure that activity associated with the hotel and ancillary facilities would not be harmful to the character of the area and more specifically to residential amenity. Subject to compliance with the OMS the hotel incorporating a restaurant and bar is again considered acceptable.

8.2 Townscape and Design

The sites lies outside but adjacent to the Charlotte Street West Conservation Area. Demolition of the existing building does not require planning permission. The key urban design issue is the acceptability of the proposed building and its impact on the character of this part of the city and the setting of the adjacent conservation area.

Height and bulk

The proposed height and bulk of the new building are very similar to those approved by a planning permission for extensions to the existing building in 2015 (15/01046/FULL). There is some additional bulk at roof level in the form of a screened plant area on the top of the new building. This is set back from the street facades and its visual impact is considered small and acceptable.

Design

The new building is a similar design to the existing building. It is faced in brickwork, with a dark brick base, with glazed shopfronts. The shopfronts and the windows are multi-pane. The facade is given a rhythm with the use of shallow projecting curved bays faced in stone. The roof is set back but vertical, clad in fibre cement panels. The design and materials are considered appropriate and acceptable for this site, with the exception of the fibre cement. This is not a material normally accepted by the City Council for cladding. Lead, zinc or slate would be acceptable alternatives and it is recommended that a condition be used to require an alternative material.

At the rear, the façade is more robust, simpler than the front, without projecting bays, but with the addition of planting areas. This will add positively to the character and appearance of the mews.

It is considered that this is a good design, with traditional and modern elements. The proposals are acceptable in urban design and conservation terms and compliant with the relevant policies of the City Plan and Unitary Development Plan, including S25, S28, DES 1, DES 4 and DES 9.

8.3 Residential Amenity

Daylight and Sunlight

UDP Policy ENV13 seeks to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Principally, the policy seeks to ensure good lighting levels for habitable rooms in existing premises. In implementing Policy ENV13, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Policy S29 of the City Plan is similarly worded. These policies also seek to ensure that developments do not result in a significant increase in a sense of enclosure or result in overlooking.

The closest residential properties to this site at the rear are within 36-39, 45, 46 and 48 Newman Street. The applicant has submitted a detailed daylight and sunlight report by GIA which assesses the impact of the development on the following properties: 34-35,36-39,40-44 (due to extant residential permission which has not been implemented), 45-46, 48 and 49 Newman Street, 34-36 Berners Street and 58-60, 62-64 and 66 Goodge Street.

For daylight matters, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, and there is a reduction of more than 4 % of annual probable sunlight hours,over the whole year then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

Of the 10 properties assessed in the report 4 (66 Godge Street, 34-35 Newman Street, 34-36 Berners Street and 58-60 Goodge Street) will achieve full BRE compliance in relation to daylight (VSC and NSL) and sunlight (APSH). The impact on the other 6 properties is summarised as follows:

- i) 45-46 Newman Street

No's 45-46 Newman Street is located directly to the east of the site. There are residential flats located at 1st to 4th floors. Objections have been received from the occupants of flats 1, 2 and 4 that the development would result in a loss of daylight and sunlight.

With regards to daylight of 10 of 22 windows would experience reductions in VSC levels ranging between 20% -27%. This is beyond the 20% loss in which the BRE guidelines state would be noticeable. These losses are however very similar to those permitted by the extant scheme granted in June 2015. An analysis of the consented against proposed schemes shows that the absolute changes at 45-46 Newman Street are between 0.1% and 0.5 %. As such the vast majority of windows and rooms will see no real perceptible change between the current scheme and the extant permission. The table below provides the data for the 10 windows in which there are breaches to the BRE guidelines at 45-46 Newman Street and a comparison with the approved scheme.

Floor	room	Room use	window	existing	consented	proposed	loss	% loss	Difference between consented and proposed
1 st	R2	Living room	W2	18.2	13.6	13.5	4.7	25.82	0.1
1 st	R2	Living room	W3	14.3	10.7	10.6	3.7	25.87	0.1
1 st	R3	Bedroom	W4	18.0	13.2	13.1	4.9	27.22	0.1
2 nd	R1	Dinning room	W2	23.2	17.1	16.9	6.3	27.16	0.2
2 nd	R1	Dining room	W3	17.6	13.1	12.9	4.7	26.70	0.2
2 nd	R2	Living room	W4	22.8	16.7	16.5	6.3	27.63	0.2
3 rd	R1	Bedroom	W2	28.5	21.6	21.3	7.2	25.26	0.3
3 rd	R1	Bedroom	W3	21.3	16.2	15.9	5.4	25.35	0.3
3 rd	R2	Living room	W4	28.4	21.1	20.8	7.6	26.76	0.3
4 th	R2	Bedroom	W4	31.0	25.2	24.7	6.3	20.32	0.5

With regards to sunlight, 11 of the 18 windows assessed meet the BRE guidelines for APSH. Of the seven windows which fall below the guidance, four will achieve BRE compliance in relation to annual sunlight. Of the three which do not comply two will retain annual APSH values of 21% (2 windows) and 12%. The BRE guidance suggests 25% for an urban location. The windows which see reductions in winter sunlight will retain APSH values of between 2% and 4% (guidelines recommend 5%) except one which will receive no winter APSH.

A comparison between the proposed and consented schemes shows that there will be little perceptible change with regards to sunlight .Of the seven windows impacted, one window will see an improvement. Four of the impacted windows see no additional change and the remaining two windows will see no more than a 1% change in annual or winter APSH.

ii) 49 Newman Street

The property is located immediately to the north of the site and shares a lightwell with the 50-57 Newman Street. There are residential units located at 1st to 4th floors but only one habitable room facing into the lightwell. A window in this room has an existing VSC level of 25.8% which will be reduced to 15.2 % a 41% reduction. Although this breaches BRE guidelines the retained VSC value of 15% is not uncommon for a central urban location.

The window and room assessed fully comply with BRE guidelines for APSH.

iii) 36-39 Newman Street

This is a mixed use building located to the south east of the site on Newman Street. The ground floor is commercial and the 1st to 4th floors are residential. In total 118 windows serving 28 rooms have been assessed in relation to VSC and NSL. The analysis shows that all windows and rooms will achieve BRE compliance.

Of 106 windows which have been assessed for sunlight 104 will meet the BRE guidelines. Two windows on the 3rd floor will experience a change marginally in excess of the BRE guidelines. The windows will retain annual sunlight hours of 23% and 24% respectively. This is only slightly below the BRE recommended 25% APSH.

iv) 40-44 Newman Street

40-44 Newman Street is located to the east of the application site. The building is a commercial property permission was granted for the conversion of the first to fifth floor to residential use in February 2016 (15/07438/FULL). An objection has been received on the grounds that the development would result in a loss of light to the lower floors of the property.

There are 62 windows serving 15 rooms which have been assessed for daylight (VSC and NSL). Thirty one of these windows will meet the BRE Guidelines for VSC and 12 rooms will achieve BRE compliance in relation to NSL.

The 31 impacted windows will experience changes in VSC (c.20%-27%). Almost all (c.94%) of the windows will retain VSC values in excess of 18% which is considered acceptable given the central London location.

In relation to sunlight, 56 windows have been assessed, of which 55 (98%) will achieve BRE compliance. One window which will see a reduction in annual sunlight but will achieve BRE compliance in relation to winter APSH. Given the urban location, the window experiences an unusually high level of existing sunlight (Annual APSH - 38%). Should the proposal be implemented, the retained value is 24% which is only marginally below the BRE's suggestion of 25% for an urban location.

v) 62-64 Goodge Street

This mixed-use property is located to the north-east of the site on Goodge Street. The ground floor is commercial and the upper floors are residential in use.

In total the report assesses 18 windows serving 7 rooms have been assessed in relation to VSC and NSL. All windows will achieve BRE compliance in relation to VSC and five rooms will meet the BRE Guidelines for NSL. Two rooms will experience NSL transgressions of c.21-24% with

retained values of c.59% and c.70%. This is considered to be a very minimal impact on daylight distribution. All 18 windows assessed for sunlight will meet the BRE Guidelines.

vi) 48 Newman Street

This mixed-use property is located to the east of the site on Newman Street. The ground and first floor serve the 'Newman Street Tavern' public house and the second, third and fourth floor are residential in use.

In total 20 windows serving 7 habitable rooms have been assessed in relation to VSC and NSL, of which 18 windows and six rooms which will achieve BRE compliance. There are two windows each serving bedrooms which will see a small change in VSC (c.21-23%) with retained values of c.21%. One of the impacted windows serves a bedroom which will also experience an NSL transgression, however bedrooms are less important with regards to daylight (NSL).

There are 13 windows which have been assessed in relation to sunlight, 11 of which will meet the BRE Guidelines. Two windows will experience winter sunlight transgressions; however, they will retain annual APSH values (31%) in excess of the suggested guidance.

In summary with regards to daylight the vast majority of the windows assessed will meet the BRE Guidelines for VSC (86%) and NSL (90%). The study also shows that with regards to sunlight (APSH) the vast majority of windows assessed (96%) would also meet guidelines. There are a number of breaches to the guidelines as discussed above. These breaches are however considered to be relatively marginal and the where there are breaches the retained values are typical for a central London location. Furthermore as one would expect given that the height and bulk of the proposed new building will be very similar to the extensions permitted as part of the extant scheme (June 2015) there would be no real perceptible change to the daylight or sunlight levels to any of the surrounding properties between the respective schemes. This aspect of the application is therefore considered to be acceptable.

Privacy and sense of enclosure

UDP Policy ENV13 aims to ensure that new developments do not unacceptably increase overlooking of neighbouring residential properties or sense of enclosure due to overbearing proximity.

The bulk and mass of the extensions are considered again considered acceptable and would not result in a material increased sense of enclosure to any of the surrounding properties.

Terraces are proposed at 4th floor and 6th floor roof levels. The 4th floor terrace would be available to hotel guests in the 2 x rooms at 4th floor level. The 6th floor terrace would have a capacity of 20. The applicant proposes that use of the terraces would be limited to between 08.00 and 22.00 hours.

Objections have been received from the occupants of flats at No 40-44 Newman Street situated to the front (east) of the site and a 1st floor flat at Berners Mansions No 34-36 Berners Street at the rear (west) of the site that use of the proposed terraces would result in noise nuisance and overlooking. Although the terraces are relatively large the intension is that they would be available for use for only a few of the hotel rooms. The capacity of the terraces is therefore relatively limited. Subject to conditions which control both the capacity and the hours of use (as proposed 08.00 – 22.00 hours) and which would prevent amplified music from being played, it is

considered that the terraces would not result in undue noise nuisance to the detriment of nearby residents. With regards to privacy, it is not considered that the terraces would result in any significant direct overlooking. There are high level terraces on the recently constructed development at No 29- 33 Berners Street which afford views into the rear lightwell at No 34-36 Berners Street. In the circumstances it would be unreasonable to require the terraces to be omitted from the scheme.

8.4 Transportation/Parking

The key highways considerations are summarised as follows

Car Parking

No changes are proposed to the on street residential parking bays and no car parking is proposed. The loss of 2 x off street car parking spaces has been established by the extant permission granted in June 2015. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal.

Servicing and trip generation

Policy S42 of the City Plan and TRANS 20 require off street servicing provision. The existing site includes two off street car parking spaces which will be converted into a loading bay. A transport statement submitted as part of the application states that the site would be serviced by approximately fifteen deliveries a day. The Highways Planning Manager advises that depending on the final operations of the ancillary hotel elements this may be a conservative estimate. However if all servicing excluding refuse collection does occur off street then the proposal would be consistent with policies.

It is recommended that a Servicing Management Plan is secured by condition to cover the servicing process. The plan should identify storage locations, scheduling of deliveries and staffing arrangements as well as how deliver vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This should be provided for waste collection as well.

Objections have been received that the hotel use would increase traffic congestion particularly from taxis and may necessitate the removal of residents parking. The Highways Planning Manager has not objected on this basis but advises that the application does not permit changes to the existing highway layout also raised concerns given the limited kerb space available that taxis dropping off and collecting in Newman Street may result in occasional congestion but that the impact is unlikely to be so great or frequent that permission should be withheld.

Coaches and Taxis

No provision for coach party arrivals is provided or taxi activity associated with the hotel. The applicant indicates that coaches would not serve the hotel, due to the type of hotel. This is set out within the Operational Management Statement. In addition to a requirement that the use operates in accordance with an OMS it is recommended that a condition specifies that the hotel does not accept coach party bookings.

Cycle Parking

The London Plan Policy 6.9 requires 1 cycle parking space per 20 bedrooms. 100 hotel bedrooms would generate a minimum requirement of 5 cycle parking spaces. The proposal includes 4 cycle parking spaces, which is less than required by the policy.

In addition the proposed development contains significant amount of ancillary hotel uses, for which, cycle parking should be provided consistent with the most applicable land use. This would be A class uses in this instance (primarily A3). The London Plan standard for A3 restaurant use is 1 space per 175m². Given this proposal is for full demolition and reconstruction, there is no reason not to provide sufficient cycle parking for all uses (including those of an ancillary nature) within the site.

No short term cycle parking provision is provided. Again, given the significant interventions in the site it is unclear why the minimum short term standard has not been met. Within Berners Mews, where the building is set back, would be an ideal location for short term cycle parking associated with the development. It is therefore recommended that additional cycle parking is secured by condition.

Vaults

The submitted drawings indicate the existing vaults under the highway will be rebuilt as is. TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway. A condition is recommended to ensure sufficient depth of highway (900mm) is retained.

Canopy/Structure over the Highway

The Highways Planning Manager advises that the proposed design of the building overhang in Berners Mews is too low and could result in vehicles striking the building. This would endanger highway users (including pedestrians and motorists) as well as building occupants. This is of particular concern for larger servicing vehicles that utilise the mews. A condition is therefore recommended requiring this aspect of the scheme to be addressed.

8.5 Economic Considerations

The economic benefits of the proposed package are recognised.

8.6 Access

The redevelopment scheme will result in a building with level access, and lift access to all floors.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement level 2 and at roof level in a screened roof level enclosure. An acoustic report has been submitted by Hoare Lea. Environmental Health have assessed the report and advise that the operation of the plant is likely to comply with the required noise criteria. Conditions are recommended in relation to the noise and vibration levels from the plant.

The proposal restaurant kitchen will be ventilated by a duct which rises internally through the building and discharges at roof level. This is acceptable in principle. Conditions are recommended to secure details of the high level extraction system.

Subject to the recommended conditions, the proposed development would be consistent with policies ENV 7 and ENV13 of the UDP and policy S29 of the City Plan.

Air Quality

An air quality assessment submitted with the application considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. The Air Quality assessment concludes that the development is air quality neutral in terms of its on-going operational impact. The mitigation of dust etc during demolition and construction will be managed through compliance with the City Council's Code of Construction Practice.

Refuse /Recycling

UDP policy ENV12 and City Plan policy S44 require major new developments to provide on-site recycling facilities.

Recycling and refuse facilities will be located at basement level 1. Refuse collection will take place from Berners Mews. Collections are made twice a day, seven days a week between 08.00 and 10.00 and 19.00 and 21.00. Refuse will be taken out for collection in service lifts by hotel staff and left in a holding area at an appropriate time. There is sufficient space within basement level 1 of the building to provide adequate waste storage. The Cleansing Manager advises that the dedicated refuse storage space needs to be clearly annotated on drawings including a diagram showing movement. It is recommended that this is dealt with by condition.

Basement

Basement developments need to be assessed against City Plan Policy CM28.1

The site includes three basement levels which will accommodate plant, back of house facilities, and ancillary restaurant and bar facilities. The extent of the basements complies with policy.

Structural issues

A Structural Method Statement has been submitted as part of the application. This includes a structural engineer's report and supporting geotechnical survey explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

The site is located outside the surface water flood risk hotspot.

Sustainability

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. New schemes are expected to achieve a 40% improvement when measured against the requirements of Part L of the 2010 Building Regulations which equates to a 35 % saving against the 2013 regulations.

Policy 5.6 states that development should evaluate the feasibility of connecting to a Decentralised Energy heating system and Combined Heat and Power (CHP) system.

Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

An Energy Statement (ES) has been prepared by Hoare Lea as part of the application. Design measures are incorporated into the building to reduce energy demands. The energy statement concludes that the 'be lean' measures would lead to a 7.6% reduction in energy when compared against part L baseline position. It is proposed to use Combined Heat and Power (CHP) plant and gas boilers. The CHP plant will act as the lead heat generator. The report indicates that the provision of CHP would save a further 45% of energy in relation to the 2013 Part L baseline. In terms of renewable technologies, Ground Source Heat Pumps (GSHP) are proposed. GSHPs utilise water extracted from an aquifer or water circulated within the ground pipework as a heat source in enabling them to produce heating and hot water. The report estimates that the renewable energy generate from the GSHP would provide 1.9 % of the buildings energy usage. Although this is below the 20% policy requirement of the London Plan and policy S40 of the City Plan, through combined measures a cumulative reduction of 50.2% saving when benchmarked against Part L of the 2013 Building Regulations would be made. This is considered to meet the policy objectives of the London Plan.

8.8 London Plan

The London Plan contains hotel-related objectives. These include to improve the quality, variety and distribution of visitor accommodation and facilities. The proposed 100 hotel bedrooms will help meet London Plan targets.

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 draft 'Heads' of agreement are proposed to cover the following issues:

- i. Crossrail payment of £153,598 (subject to indexation)
- ii An Employment and Training Strategy
- iii. Monitoring costs

The estimated WCC CIL payment is: £489,600.

8.11 Environmental Impact Assessment

The proposed development is not large enough to require submission of an Environmental Impact Assessment.

8.12 Other Issues

Construction impact

The development will be required by condition to comply with the City Council's Code of Construction Practice (CoCP) which requires the submission of and approval by the Environmental Sciences Team of a detailed Site Environmental Management Plan (SEMP) prior to the commencement of works and payment of all costs arising from site inspections and monitoring by the Code of Construction Practice Team. The CoCP also requires the developer to undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel, and to ensure that contractors and sub-contractors also comply with the code requirements

(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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk

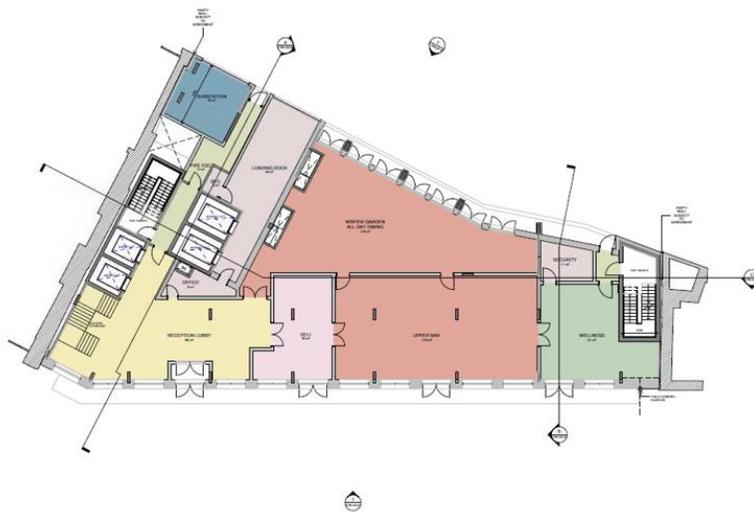
9 KEY DRAWINGS











GENERAL NOTES

1. The proposed development is subject to the following conditions:

- 1.1. The proposed development shall be in accordance with the approved planning permission.
- 1.2. The proposed development shall be in accordance with the approved building regulations.
- 1.3. The proposed development shall be in accordance with the approved fire safety certificate.
- 1.4. The proposed development shall be in accordance with the approved environmental impact assessment.
- 1.5. The proposed development shall be in accordance with the approved traffic impact assessment.
- 1.6. The proposed development shall be in accordance with the approved noise assessment.
- 1.7. The proposed development shall be in accordance with the approved air quality assessment.
- 1.8. The proposed development shall be in accordance with the approved flood risk assessment.
- 1.9. The proposed development shall be in accordance with the approved sustainability assessment.
- 1.10. The proposed development shall be in accordance with the approved accessibility assessment.
- 1.11. The proposed development shall be in accordance with the approved equality assessment.
- 1.12. The proposed development shall be in accordance with the approved gender equality assessment.
- 1.13. The proposed development shall be in accordance with the approved diversity assessment.
- 1.14. The proposed development shall be in accordance with the approved community assessment.
- 1.15. The proposed development shall be in accordance with the approved social assessment.
- 1.16. The proposed development shall be in accordance with the approved cultural assessment.
- 1.17. The proposed development shall be in accordance with the approved heritage assessment.
- 1.18. The proposed development shall be in accordance with the approved landscape assessment.
- 1.19. The proposed development shall be in accordance with the approved tree assessment.
- 1.20. The proposed development shall be in accordance with the approved biodiversity assessment.
- 1.21. The proposed development shall be in accordance with the approved green infrastructure assessment.
- 1.22. The proposed development shall be in accordance with the approved climate change assessment.
- 1.23. The proposed development shall be in accordance with the approved carbon assessment.
- 1.24. The proposed development shall be in accordance with the approved energy assessment.
- 1.25. The proposed development shall be in accordance with the approved water assessment.
- 1.26. The proposed development shall be in accordance with the approved waste assessment.
- 1.27. The proposed development shall be in accordance with the approved circular economy assessment.
- 1.28. The proposed development shall be in accordance with the approved net zero assessment.
- 1.29. The proposed development shall be in accordance with the approved green building assessment.
- 1.30. The proposed development shall be in accordance with the approved green infrastructure assessment.
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- 1.40. The proposed development shall be in accordance with the approved green infrastructure assessment.

KEY

PL. 1.1 - CONCRETE PLANNED OUTLINE

ROOM LEGEND

- RECEPTION LOBBY
- OFFICE
- CONFERENCE
- PUBLIC AREAS
- KITCHEN
- STAIR

KEY

PL. 1.1 - CONCRETE PLANNED OUTLINE

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FOR INFORMATION

DATE: 10/10/2023

BY: [Name]

PROJECT: [Project Name]

SCALE: 1:100

Item No.

4
