

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 6 December 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>The London Pavilion, 1 Piccadilly, London, W1J 0DA</b>		
<b>Proposal</b>	Use of part basement, part ground, and first to fifth floor plans as a tourist hostel (Class C1). Installation of photovoltaic panels and plant at roof level, internal alterations and replacement of windows with louvres at second floor level on east elevation.		
<b>Agent</b>	Centro Planning Consultancy		
<b>On behalf of</b>	London Trocadero (2015) LLP		
<b>Registered Number</b>	22/02113/FULL and 22/02114/LBC	<b>Date amended/ completed</b>	29 March 2022
<b>Date Application Received</b>	29 March 2022		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Soho		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.

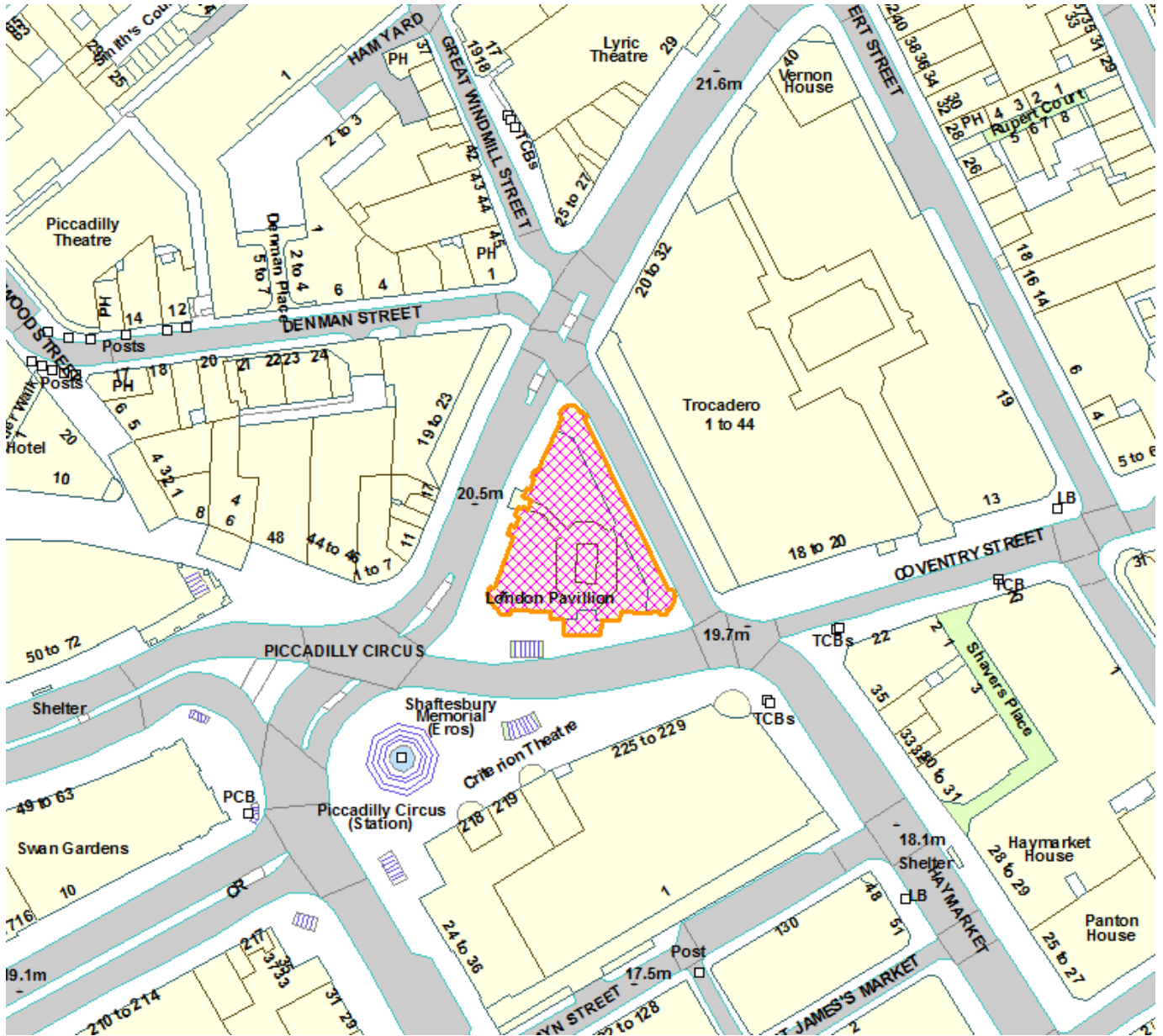
## 2. SUMMARY & KEY CONSIDERATIONS

The application proposes the conversion of parts of the basement, ground and most of the upper floors of the building that were previously used for entertainment purposes into a visitor hostel. A significant portion of the floorspace already has planning permission for this use (approved in March 2020 but not yet implemented), to provide 434 bed spaces in shared rooms & with shared bathroom facilities. The current application incorporates additional floorspace, currently occupied by a nightclub, at first and second floor levels, as part of the proposed hostel. This will have a capacity of 964 bedspaces. A smaller nightclub venue (222 sqm) will be retained at basement and ground floor levels, thereby ensuring that an active frontage for visiting members of the public is retained at street level (on the Shaftesbury Avenue frontage).

The key consideration in this case is the loss of the existing entertainment uses (to which the Soho Society has objected) and their replacement with the proposed visitor accommodation. There are council and London Plan policies in support of both uses. A key consideration is the fact that permission already granted for a large part of the floorspace; furthermore, the operator of the nightclub has confirmed that their premises were too large given financial difficulties and they had to surrender their lease and only retain a smaller venue on part basement and part ground floor. The proposed visitor hostel is considered to comply with policies to provide visitor accommodation, and with little low cost accommodation in the immediate area, it will help to diversify the range of accommodation and encourage younger visitors to the area.

Accordingly permission is recommended, subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

The London Pavilion, from Piccadilly Circus



Entrance to the night club on Shaftesbury Avenue



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### SOHO SOCIETY

Objects to “the change of use from F1 and sui generis. The London Pavilion is in a very strategic location at Piccadilly Circus and its use indicates a great deal about the council's attitude to the centre of our great city. We believe it should continue to be regarded as primarily for cultural use (as with its previous designation of D1) and the change to hotel use would be a significant loss, at odds with the City Plan priority for the West End of 'A diverse evening and night-time economy and enhanced cultural offer' (Section 2C).”

#### WASTE PROJECT OFFICER

No objection subject to a condition to secure the area for waste storage.

#### HIGHWAYS PLANNING

Any response to be reported verbally

#### PLANT AND EQUIPMENT

No objection subject to conditions

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

No. Consulted: 62;

Total No. of replies: 0

No. of objections: 0

No. in support: 0

#### PRESS NOTICE/ SITE NOTICE:

Yes

### 5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application.

However, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan

for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan. (It falls just outside of the Soho Neighbourhood Plan.)

## **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The London Pavilion occupies a prominent location at Piccadilly Circus, a triangular site bounded by Shaftesbury Avenue, Coventry Street and Great Windmill Street. It is listed Grade II but there is very little internally that is of historic or architectural interest. The building has a history of entertainment use and was originally constructed as a theatre in 1885. Since that time it has been subject to a number of significant internal alterations, first to convert it to a cinema in the 1930s and then in the 1980s when the building was redeveloped (behind retained facades) to facilitate its use by The Rock Circus.

The site is located within the Central Activities Zone CAZ), the Soho Conservation Area, the West End Strategic Cultural Area and the West End Retail and Leisure Special Policy Area (WERLSPA).

The building is divided into a number of units: there are a couple of retail units on the ground floor a nightclub which predominantly occupies an entrance at ground floor, part basement and the first and second floors, and an entertainment venue which predominantly occupies an entrance at ground floor and the third, fourth and fifth floors. The entertainment unit was last occupied by the Body Worlds 'Museum Experience' based on 'plastinated' human specimens. However, this use closed in March 2020 at the beginning of the covid pandemic and did not reopen after the pandemic, but it had already indicated that it was facing financial difficulties. Prior to this the space had been used by 'Ripley's Believe It or Not', and before that the space was occupied by the 'Rock Circus' waxworks exhibition (operated by Madame Tussaud's Limited). The unit's occupational history strongly suggests that such entertainment type uses have had limited success, with the two previous occupants having also surrendered their leases early, with periods of vacancy in between.

The night club was operated as the Piccadilly Institute, formally known as On Anon. The nightclub has also suffered serve financial difficulty during the Covid-19 pandemic and has consequently surrendered its lease and is currently operating on a more informal landlord tenant basis, and only occupies part of the basement and ground floor, having vacated the first and second floors that it previously occupied.

There does not appear to be a specific planning decision for the nightclub (and thus no planning restrictions on the hours of use) but the use is longstanding. The applicant has suggested that it may be more akin to a drinking establishment rather than a nightclub (with implications for the significance of its contribution to the night-time economy). However, this has not been tested through a certificate of lawfulness and officers remain of the view that the use is as a nightclub and thus one type sui generis use, distinct from a drinking establishment, which is another type of sui generis use. It is acknowledged that in practice the actual use is similar to both categories, but the presence of dancing floors is considered to be a key feature of a nightclub use.

## 7.2 Recent Relevant History

June 2022 – Conditional listed building consent granted for removal of the redundant existing signage ("Body Worlds" and "Ripleys" at Street level) to the 3 facades; full clean of each of the elevations to the building; servicing and repairs of existing light fixtures; removal of redundant cables to the 3 facades; and associated works.

March 2020 – Conditional planning permission and listed building consent granted for use of part basement, part ground and parts first to fifth floors as a tourist hostel within Class C1 and associated internal alterations. There were no objections to the applications. This permission remains extant and is a realistic fallback position.

This approval related to those parts of the building that had been occupied by Body Worlds, which had occupied the building since October 2018, under a 10 year lease, but according to the agent the business had already signalled financial difficulties, making its short-term future uncertain (there was a letter from Body Worlds confirming as much). The applicant wished to establish a contingency planning permission in case Body Worlds surrenders its lease. Body Worlds appears to have subsequently closed in March 2020, with the arrival of the covid pandemic, and has not reopened.

The approval (which is still extant) was for a tourist hostel, providing 434 bed spaces in shared rooms & with shared bathroom facilities. It aimed to target a younger demographic of travellers within the age group 25-35 years. Most of the sleeping accommodation was at third, fourth & fifth level, with a few rooms occupying part of the second floor (which is largely occupied as part of a night club); the hostel lobby at ground floor would be accessed off Great Windmill Street & would provide a seating area & work space but there would be no other facilities such as a restaurant; at part basement level there are staff facilities, the refuse storage & staff cycle storage; the inclusion of first floor is purely to provide access.

February 2018 - the Council issued a letter with regard to the proposed use of parts of the building [including those areas subject to the current application] for the Body Worlds venture - although it queried whether the proposed use is a "museum" as such, as opposed to an "exhibition", "officers are satisfied that the use does fall within Class D1

(non-residential institutions). On that basis, I can confirm that use of parts of the building previously occupied by Ripley's (which was considered to be a Class D1 use) would not appear to require planning permission."

September 2007 - a Certificate for Lawfulness was issued (07/05836/CLEUD) for 'Use of third floor, third floor mezzanine and fourth floor as exhibition floorspace (Class D1) as well as part of first and second floors as access associated with this use.'

October 2005 - Permission granted for use of part ground, first, second, third, third mezzanine and fourth floors as an event venue including provision of 420 seat auditorium and facilities for conferences, trade shows/exhibitions and corporate hospitality with dining capacity for 500 persons (sui generis). This permission had not been implemented.

February 2002 - permission granted for use of part second to fifth floors as a health and fitness centre (Class D2).

August 1984 - Permission was granted for the use of the third and fourth floor as exhibition floorspace with entry off Coventry Street.

September 1980 - Permission was granted for the rehabilitation and extension of the London Pavilion, Piccadilly W1, retaining facades, to provide concourses, two cinemas, restaurant, shopping and ancillary facilities.

## 8. THE PROPOSAL

The current proposal is a variation of the March 2020 scheme: the main difference is the inclusion of much of the floorspace that the nightclub occupied, primarily the floorspace at first and second floor levels, to provide a larger visitor hostel. As before, the entrance will be under the colonnade on the Great Windmill Street frontage. The nightclub will remain on part basement and ground floor, on the Shaftesbury Avenue frontage.

The size of the existing nightclub is 1,172 sqm GIA; this will reduce to 222 sqm. The total size of the vacant entertainment use is 2,729 sqm GIA. The approved hostel was 2,547 sqm and 434 bedspaces; the current proposals are for a hostel occupying 5,764 sqm and providing 964 bed spaces in the hostel in the form of dormitory type accommodation, which will vary between 2 tier and 3 tier bunkbeds. The applicant advises that when the GIA was calculated for the approved hostel, the stair and lift cores were excluded in this calculation as these were shared between the hostel and the nightclub. For the current proposal, the stair cores have been included within this calculation, and hence the apparently larger GIA increase. Some of the bedspace increase is also due to better internal layout efficiency

There will be minimal back of house and amenity areas, and no bar nor restaurant areas that are frequently provided as part of visitor accommodation and which can have adverse impacts in terms of intensification of use.

Guests visiting the hotel will enter via Great Windmill Street entrance. It is expected that most guests will be using public transports such as London Underground and buses, and coach bookings will be strongly discouraged. Cycle parking is located in the



basement of the building and accessed by lift.

The proposed changes to the exterior of the building are for the removal of four windows on the Great Windmill Street façade and the installation of louvers to service the plant room, install three heat pumps and 70 photovoltaic panels at roof level, and alterations to the interior.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

#### Policy considerations

The London Plan Policy HC6 supports the night-time economy, particularly in the Central Activities Zone, with a diverse range of night-time activities. Policy E10 supports the provision of visitor infrastructure.

Relevant policies in the Council's City Plan 2019-2040 (Adopted April 2021) include:

Policy 2. Spatial Development Priorities, including the West End Retail and Leisure Special Policy Area (WERLSPA), which promotes the intensification of the area and significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use. The policy also promotes a diverse evening and night-time economy and enhanced cultural offer (referred to in the objection from the Soho Society).

Policy14. Town centres, high streets and the CAZ, which requires uses that provide active frontages and serve visiting members of the public at the ground floor throughout the town centre hierarchy; and that the WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy

Policy15. Visitor Economy, which states that: the Council will maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities; that the designated Strategic Cultural Areas contain a number of renowned arts and cultural uses, which we seek to promote, protect and enhance. The West End Strategic Cultural Area has one of the largest clusters of cultural and entertainment uses in the country, including Theatreland, of which Shaftesbury Avenue is clearly an important part.

But this policy also promotes visitor accommodation, stating that "Any significant decline in the extent of visitor accommodation in Westminster would have significant impacts on strategically important central London activities and levels of employment. Therefore, a strong level of protection is given to existing hotels" and encourages new hotels to locate in the commercial areas of the CAZ. When assessing proposals for new hotels and other visitor infrastructure, account is taken of the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking. Although there is no specific reference to 'visitor hostels', it is considered that these are a type of hotel, insofar as they provide budget visitor accommodation.

### Loss of existing uses

The existing entertainment space (that was last used by Body Worlds) was largely used for Class D1 purposes, a non-residential use that is closest in nature to a museum, but effectively an entertainment use. The lawful unrestricted D1 use of the unit was established in September 2007, via a certificate of lawful existing use. [This excludes the existing main entrance area, which the agent has argued has lawful A1 retail use, based on its history, & is used for selling merchandise as part of Body Worlds. The current application does not include this former retail unit.] That use would now fall within Class F1 of the Use Classes Order introduced in September 2020.

When considering the application for visitor hostel use that was approved in 2020, the applicant, then as now, argued, perhaps rightly, that the entertainment uses that have occupied the building have not been successful and that the two previous occupants have surrendered their leases early, with substantial periods of vacancy in between. Given the nature of the last uses occupying that part of the building it was considered to be an 'entertainment' activity rather than an arts or cultural use: this was consistent with the view that the Council has taken with previous applications on the site. The relevant policies at the time for 'large' entertainment uses did not afford any protection to large entertainment uses and therefore there was limited policy grounds for resisting the loss of the existing use. These factors are still considered to be relevant to the loss of the entertainment use.

With regard to the nightclub, the use is being retained albeit much smaller. The space it occupied at first and second floor levels has already been vacated, and the tenant has confirmed in writing (included in the background papers) that they had to surrender their lease due to financial difficulties. The smaller nightclub will occupy part of the basement and ground floor, and thus provides an active frontage on Shaftesbury Avenue that serves visiting members of the public.

The applicant has argued that the nightclub makes little contribution to the West End's night-time economy, that it is in an area with a high concentration of similar uses and therefore its partial loss would not cause a significant loss or negative impact to the night-time economy owing to its modest and discrete offering. The applicant also argues that the proposal is part of a wider area vision for the Trocadero complex, for which the loss of the existing use would be a key facilitator. The London Pavilion falls within the 'Trocadero complex' under a single ownership and that there has already been significant investment in the Trocadero complex with the opening of the Zedwell Hotel in 2020, as well as the introduction of brands such as Hai Di Lao, Five Guys, The Crystal Maze, Bubba Gump, and other independent entertainment operators, over the last few years. In the near future other entertainment-type uses are proposed, including

- the 'Sky Bar' on the roof of the Trocadero complex (12th & 13th floor), to be operated by Tao (part of the Madison Square Garden group), with a capacity of 1,000, also offering some entertainment/cabaret/live music, a function room, and extensive dining, with an opening time until 3 am (planning and licensing both now in place for this development).
- Leasing the large ground floor unit at 30 Shaftesbury Avenue (currently operating as a 'meanwhile' souvenir shop) to be operated under the Coyote Ugly Saloon

brand (owned by Disney), with a capacity of 350, which will incorporate all day food and drink, and with some live entertainment incorporating singing and dance performances, with opening proposed until 3 am (following the recent grant of planning permission, with licensing pending).

- Leasing the 'Rainforest Café' unit to Albert Schloss restaurant/bar including some live performance and cabaret, with a capacity of 650, and opening time until 2 am (licencing application to extend the capacity pending).
- Leasing the former 'Opium' unit (Rupert Street) to an operator for entertainment use, including karaoke, with a capacity of 350 - 475, and opening time until 3 am (licencing application to extend the capacity to be submitted shortly).

This demonstrates that the applicant's wider vision for the Trocadero includes delivering a world-class experiential nightlife. These points are noted and it is acknowledged that there are a number of entertainment-type uses in the immediate vicinity. Given this, the contribution of the existing nightclub is considered to be modest and its reduction in size is considered to be acceptable. Issues of licensing are discussed in section 9.8 below.

#### Proposed use

When the visitor hostel was approved in 2020, the provision of low cost visitor accommodation was considered to be acceptable under the policies at the time. The larger hostel now proposed is similarly considered to be acceptable for the same reasons. Whilst there are a number of hotels in the area, these tend to be quite expensive. The proposal would deliver additional tourism accommodation, as supported by City Plan Policy 15 and London Plan Policy E10, a key benefit its affordability and consequent diversity of accommodation within the West End.

The delivery of affordable visitor accommodation in the form of a hostel would deliver something qualitatively different, offering visitor accommodation far more affordable than what is currently available. The applicant advises that there is a lack of nearby hostels within the West End/ Soho area. Currently, YHA London Oxford Street Hostel, and SoHostel are the only tourist hostels within the West End; YHA London Oxford Street Hostel has a capacity of 250 bed spaces and the SoHostel has a capacity of 295 bed spaces. This demonstrates an evident lack of supply of affordable visitor accommodation, and a likely barrier to the range of visitors to London.

The applicant argues that the delivery of a tourist hostel would be specifically welcoming to the younger generation (both domestically and internationally), who often have a preference for affordable/hostel accommodation. Such visitors are essential consumers of the night-time economy, and therefore the delivery of a hostel would be a key pillar in supporting the night-time economy and helping to ensure that there is sufficient demand to create sustainable growth in this sector.

These arguments are considered to have some validity and as with the approved smaller visitor hostel, the proposal for a larger one are considered to be policy compliant and as such is considered to be acceptable.

The nearest residential accommodation appears to be on the corner of Coventry

Street/Haymarket, Great Wind Mill Street (to the north of Shaftsbury Avenue) and Denman Street. Given that this is the heart of the West End with a large number of late night tourist facilities, it was not considered that the proposed use would have any material impact on local residents, nor adversely affect the character and function of the local environment. It was considered that in land use terms alone the proposal was acceptable and would help diversify the type and cost of visitor accommodation in this location. It was noted that the current proposal would effectively replace a similar visitor hostel which used to exist nearby at 12 Sherwood Street, which was lost when that site was converted to residential flats in 2013.

### Objection

The concerns of the Soho Society are noted but the above arguments for the previous application are considered to be as applicable for the current proposals. There are clearly policies that protect and promote visitor infrastructure and uses that contribute to the night-time economy and both the existing and proposed uses fall within that category. However, key considerations are the extant planning permission for a visitor hostel in part of the site and the fact that the tenant of the nightclub has confirmed in writing (included in the background papers) that they have had to surrender their lease and contract the size of the nightclub to just part of the basement and ground floor. It is therefore considered that in land use terms the proposals are acceptable.

## **9.2 Environment & Sustainability**

As well as general improvements to the building fabric, the proposals include the use of heat pumps and photovoltaic cells. Heat pumps are to be used for the generation of space heating, cooling and domestic hot water heating. The final arrangement of plant is not fixed however the intention is to use heat pumps as the lead energy source for the generation of hot water, backed up by gas boilers.

The existing flat roof allows space for an array of photovoltaic panels with an area of approximately 82m<sup>2</sup>.

Overall, despite the restrictions imposed by the listing, the proposed redevelopment of the existing building will deliver energy improvements of 69% when compared with the existing building and 7% when compared with the current building regulations.

The pre-assessment indicates that for this project a BREEAM score of 69.85% is possible achieving a BREEAM rating of Very Good. Given that the building is listed it is accepted that there are limitations on what might be achieved.

## **9.3 Biodiversity & Greening**

Although City Plan Policy 34 encourages the provision of green infrastructure, the physical constraints of the site, including the listed status of the building, prevent any being provided in this case.

## **9.4 Townscape, Design & Heritage Impact**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The London Pavilion at 1 Piccadilly Circus is a grade II listed building located within the Soho Conservation Area. The building originally dates from 1885 and consists of three storeys with a mezzanine level, as well as a two-storey mansard roof. It is highly decorated on its Shaftesbury Avenue and Coventry Street facades which are clad in Portland Stone and are in an eclectic classical style with various pilasters and columns, as well as highly distinctive oculi at mezzanine level. Its Windmill Street façade is in comparison much simpler in a more restrained classical style with less decoration. The building is surrounded by a number of other listed buildings, including 18-20 Coventry Street, 20-24 Shaftesbury Avenue, both of which are listed at grade II, as well as the Criterion Theatre and Restaurant which is listed at grade II\*.

The interior of the building is entirely modern and has been renovated on a number of occasions. This includes major renovations which occurred in 1934 when the interior was completely rebuilt to convert it into a cinema, and then again in 1986 when it was converted into a shopping arcade and exhibition space. The interior does not contribute to the special architecture and historic interest of the building. The proposed interior works will therefore not harm the special architectural and historic character of the listed building and are in keeping with policy 39 of the Westminster City Plan 2019-2040 (Adopted April 2021).

The proposed changes to the exterior of the building are for the removal of four windows on the Great Windmill Street façade and the installation of louvers to service the plant room. The windows which have been proposed to be replaced are modern in design and construction. The Great Windmill Street façade is the plainest of the buildings three facades and has a somewhat of a service character with a large proportion of the windows already having been replaced for louvres which was approved in 1999 (99/04141/LBC). The proposals will not harm the special architectural and historic character of the listed building and will have a neutral impact the character of the Soho Conservation Area and are in keeping with policies 38, 39, and 40 of the Westminster City Plan 2019-2040 (Adopted April 2021). Similarly the installation of the three heat pumps and 70 photovoltaic panels at roof level are considered to be acceptable.

Overall, the proposals will not harm the special architectural and historic character of the listed building and will have a neutral impact on the Soho Conservation Area. They are in keeping with policies 38, 39, and 40 of the Westminster City Plan 2019-2040 (Adopted April 2021), and policy 1 of the Soho Neighbourhood Plan.

## 9.5 Amenity

Environmental Health have assessed the application, which includes an Acoustic report, and have no objection to it. Similar to the previous noise assessment this report considers the impact of noise on the proposed hotel use and also the impact of noise from mechanical services plant and servicing activity on noise sensitive properties in the area. The nearest noise sensitive receiver is located at 35 Haymarket With flats on the upper floors). The report identifies that the site is located in an area where the existing background noise levels exceed WHO Guidelines. The proposal is to install three air handling units within plantrooms, with inlet and exhaust louvres in the north east façade of the building. In addition, there are mechanical units to be installed in a plant-well area on the 6th floor roof. The plant will be subject to standard noise conditions.

A large number of the bed spaces are in rooms with no natural light. However, this is similar to a number of recent hotel schemes, including 'pod' type accommodation, and there are no policy grounds for resisting this.

### Air quality

The site is within the city-wide Air Quality Management Area (AQMA) with declared exceedances for short and long term Nitrogen Dioxide NO<sub>2</sub> and PM<sub>10</sub> objectives. Environmental Health confirm that the site has only been assessed against short term air quality objectives as the proposed use is a hostel and not for permanent occupation. The short term objectives are likely to be met for future occupants. The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). The proposals are considered to be car-free. As such, the development is air quality neutral from a transport emissions perspective.

## 9.6 Transportation, Accessibility & Servicing

No car parking is proposed, which is acceptable. The Highways Planning Manager has

previously confirmed that he has no concerns over trip generation although he would like confirmation about not accepting bookings from coaches enshrined by condition in some way. This is in fact incorporated into the Transport Assessment and will be conditioned.

Cycle parking is proposed to be provided to London Plan standards for long-stay spaces for employees and guests, with a total of 28 cycle parking spaces in the basement. The cycle parking will be secured by condition. The applicant argues that short-stay visitor cycle (the London Plan would require 11 such spaces) cannot be accommodated within the building. Whilst this is unfortunate, given the excellent public transport provisions within the vicinity, including the provision of Santander cycle hubs, this is considered to be acceptable.

With regard to servicing, the Transport Statement says the hotel will only require laundry/linen, vending machine supplies and stationery and that these would be accommodated within an existing off-street servicing bay [accessed in Rupert Street, as part of the Trocadero, and which is linked at basement level to the London Pavilion]. The number of vehicles that would be associated with these proposals is estimated to be only 5 per day, which seems reasonable in these particular circumstances.

The Highways Planning Manager previously agreed that the servicing could be accommodated within the existing servicing bay off Rupert Street but would like to be sure that the applicant has the necessary permission in place to service from this bay and that this arrangement will remain for the life of the development. A Framework Delivery and Servicing Management Plan has been submitted but it is considered that a final version should be secured by condition.

The Highway Planning Manager was previously also concerned that a different type of hotel could be created without further need for planning permission. A hotel with ancillary restaurants and bars would be a different proposition in terms of the amount of servicing it would require. He has therefore requested a condition that no such facilities should be created. The information the applicant has provided on servicing relates to this type of hotel only. If they, or a future operator, wants to provide such facilities they could apply to vary or delete the condition and would have to provide evidence in relation to servicing with such an application.

Following discussions between the applicant and the Council's Projects Officer (Waste), the proposed storage area at basement level has been confirmed as being acceptable and this area will be secured by condition.

## **9.7 Economy including Employment & Skills**

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing employment for staff to operate the hostel and will attract younger visitors who will contribute to the broader economic activity within the area.

## 9.8 Other Considerations

### Accessibility

The applicant has confirmed that the hostel will be fully accessible to wheelchairs bound and other impaired guests providing a platform lift to the basement and an accessible lift for evacuation to all floors. Every floor will house a fully accessible dorm with adjacent WC and washing accommodation. The existing fire stair cores will be retained and refurbished and accommodate accessible refuges.

### Licensing

The applicant has submitted information regarding the licensing of the existing nightclub and their intention to effectively transfer the licence to other entertainment uses within the Trocadero. The Trocadero and Piccadilly Institute are both located within the West End Cumulative Impact zone. As such, the applicant advises, it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact zone for pubs and bars, and music and dancing & similar entertainment, other than applications to vary hours within the core hours under policy HRS1 and/or vary the licence to reduce the overall capacity of the premises. Increases in capacity are not accepted. The current licensing policy (effective from October 2021) states at D12 (page 47) that *"Applicants for premises uses that have a presumption to refuse will be expected to demonstrate an exception as to why their licence application should be permitted. ...."* At D15 (page 48) one of the examples given which the committee may accept as an exception to policy states, *"One example might be a proposal to transfer an existing operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives, and where the existing operation would otherwise continue as before in the first premises."*

The applicant gives details of the entertainment uses it hopes to obtain licences for, as set out in paragraph 9.1 above, and regard the hostel proposal (and consequent loss of nightclub floorspace) as being a facilitator for these other night-time uses, which would deliver a more diverse evening and night-time economy in accordance with City Plan Policies 1, 2 and 14, and London Plan Policy HC6. Without the loss of this floorspace, the other uses could not come forward, owing to WCC's licensing policy.

It is noted that the site does lie within the West End Cumulative Impact Zone, a licensing designation demonstrating the high number of licensed premises within the area, and the applicant's aspirations for these other activities. However, planning and licensing are distinct and separate regulatory regimes, each with its own specific statutory and policy considerations.

## 9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.



### **9.10 Planning Obligations & Pre-Commencement Conditions**

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

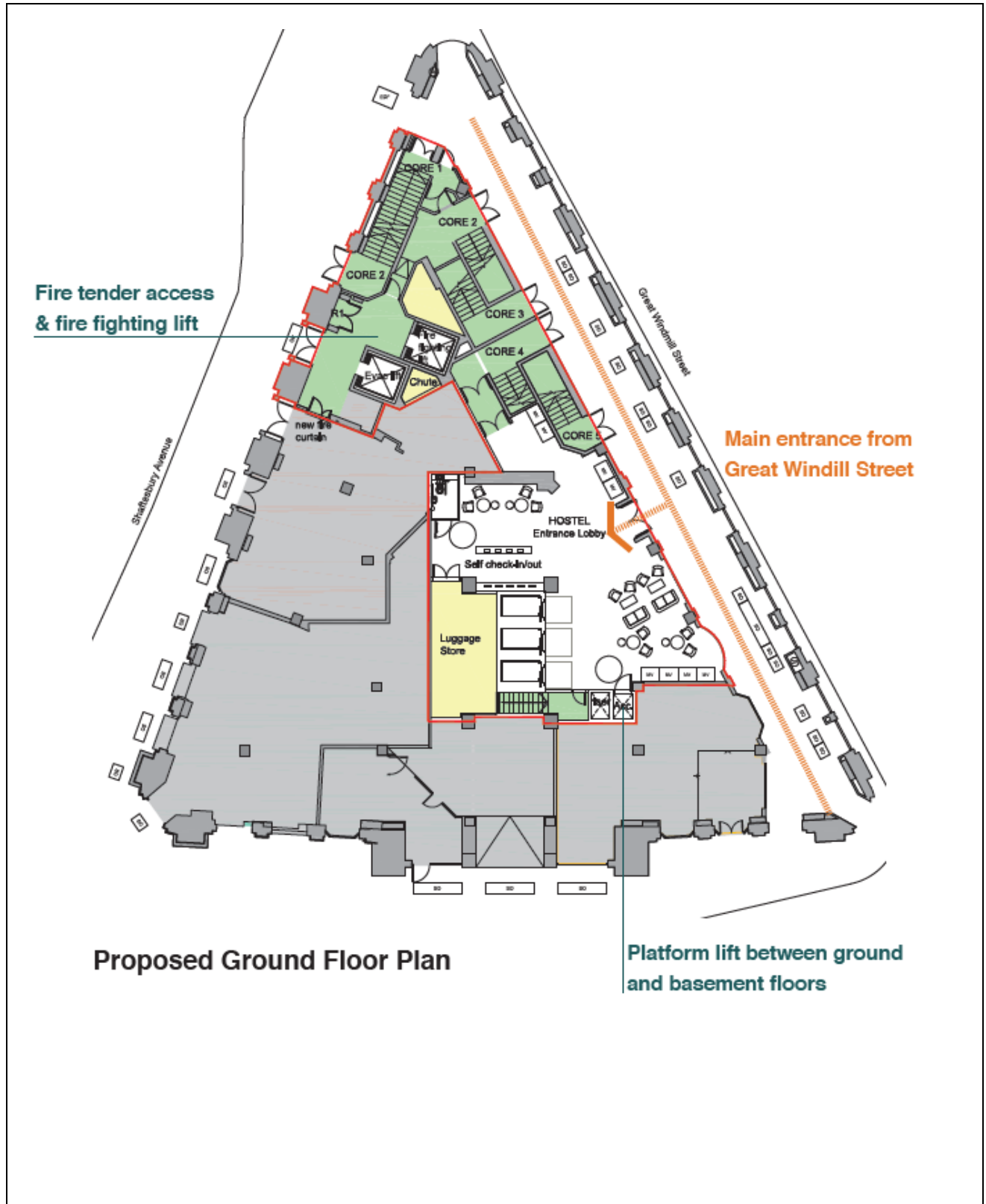
### **10. Conclusion**

The objection from the Soho Society to the loss of the existing uses is noted. However, there is an extant permission for the change of use of the entertainment unit previously occupied by Body World to a visitor hostel. The existing nightclub is being retained, albeit much smaller, and the tenant has confirmed that the accommodation they previously occupied on the upper floors is no longer required. The area also has a number of other entertainment-type facilities and it is not considered that the loss of the uses in the current proposal will have a materially adverse impact on the character and function of this part of the West End. The proposed visitor hostel will provide a valuable contribution to the visitor infrastructure in the area, providing low cost accommodation that helps diversify the range of accommodation and attract a younger demographic that will contribute to the night-time and wider economy. The proposed works are limited and acceptable. For these reasons the objection from the Soho Society is not considered to be sustainable and approval is therefore recommended.

(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: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

11. KEY DRAWINGS



Fire tender access  
& fire fighting lift

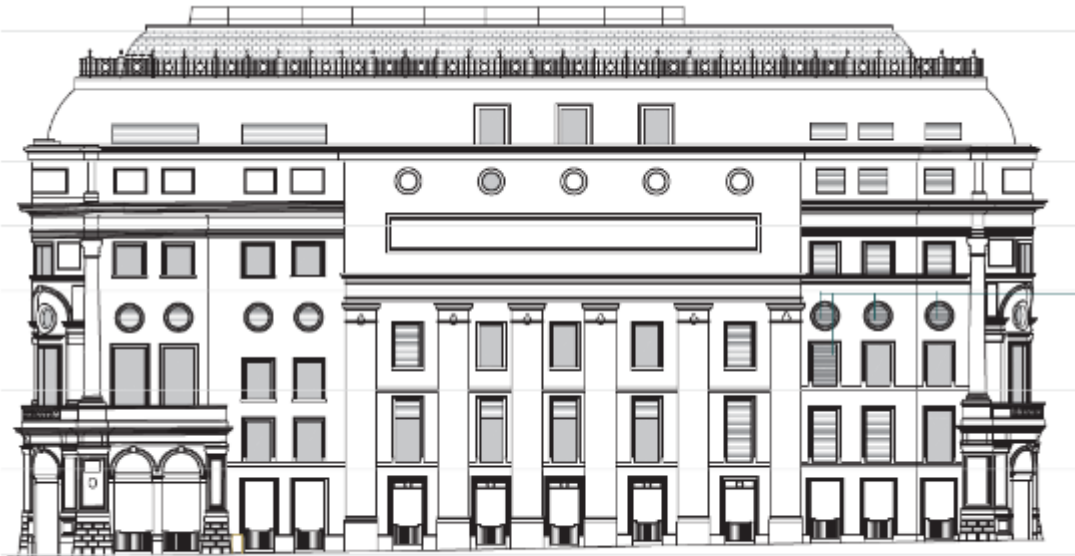
Main entrance from  
Great Windill Street

Proposed Ground Floor Plan

Platform lift between ground  
and basement floors



**Proposed Typical Floor Plan**



Great Windmill Street Elevation



Photograph



**DRAFT DECISION LETTER - 22/02113/FULL**

**Address:** The London Pavilion, 1 Piccadilly, London, W1J 0DA

**Proposal:** Use of part basement, part ground, and first to fifth floor plans as a tourist hostel (Class C1). Installation of photovoltaic panels, plant at roof level, internal alterations and replacement of windows with louvres at second floor level on east elevation.

**Reference:** 22/02113/FULL

**Plan Nos:** TBC

**Case Officer:** Paul Quayle

**Direct Tel. No.** 07866 039895

**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 The tourist hostel use hereby permitted shall be operated in accordance with the Hotel Management Plan dated March 2022.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 3 The tourist hostel use hereby permitted shall be operated in accordance with the Framework Travel Plan dated 28 March 2022 and with the Transport Statement dated 28 March 2022, in particular paragraph 2,4 'Coaches' of the latter document, namely, that the hostel will not accommodate coach/tour groups and this practice will be enforced and controlled at the booking stage.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

- 4 You must apply to us for approval of an updated Delivery and Servicing Management Plan that includes demonstrating how the servicing of the tourist hostel hereby approved will be co-ordinated with other servicing vehicles servicing the Trocadero. You must not start the tourist hostel use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the tourist hostel is in use.

## Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

- 5 All deliveries and collections to the loading bay in Rupert Street can only take place between 08:00 and 18:00 hours on Monday to Fridays and 08:00 and 12:00 on Saturdays. No deliveries or collections to the loading bay shall take place on Sundays or Bank Holidays. Outside of these hours the loading bay door must remain closed.

## Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

- 6 The tourist hostel hereby permitted shall be used solely for the provision of sleeping accommodation with associated bathroom facilities, and shall not provide any other ancillary facilities other than those shown on the ground floor plan 21122-D1-100 Rev P5, in particular it will not provide any ancillary bar or restaurant facilities.

## Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

- 7 You must provide the waste store shown on drawing 2112-D1-099 Rev P8 before the tourist hostel use begins. You must clearly mark it and make it available at all times to everyone using the tourist hostel. You must store waste inside the property and only put it outside just before it is going to be collected. No waste shall be left or stored on the public highway. You must not use the waste store for any other purpose. (C14DC)

## Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

## Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 9 You must provide level access for people with disabilities as shown on the approved drawing(s) and in the Design and Access Statement dated March 2022 before you use the building.

## Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 10 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 11 (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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary

Planning Document (February 2022). (R46CC)

- 12 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 13 You must provide, maintain and retain the three heat pumps and 70 photovoltaic panels at roof level as shown on approved drawing 2112-D1- 106 Rev P6 before you start to use any part of the development, as set out in your application. You must not remove or change any of these features unless otherwise agreed in writing with the City Council as local planning authority.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

**DRAFT DECISION LETTER - 22/02114/LBC**

**Address:** The London Pavilion, 1 Piccadilly, London, W1J 0DA

**Proposal:** Installation of photovoltaic panels, plant at roof level, internal alterations and replacement of windows with louvres at second floor level on east elevation.

**Plan Nos:** TBC

**Case Officer:** Paul Quayle

**Direct Tel. No.** 07866 039895



**Recommended Condition(s) and Reason(s) :**

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Regent Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.