

CITY OF WESTMINSTER			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 October 2014	<b>Classification</b> For General Release	
<b>Report of</b> Operational Director Development Planning		<b>Wards involved</b> West End	
<b>Subject of Report</b>	<b>50-57 Newman Street, London, W1T 3DZ</b>		
<b>Proposal</b>	Erection of rear extensions at first to fourth floor levels and a fifth floor roof extension in connection with use of the property as a hotel (Class C1), including an ancillary ground floor restaurant, lowering of basement floor slab, installation of plant within the basement and at fifth floor level and provision of green roof areas at fourth floor and main roof level.		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Newman Street Ltd.		
<b>Registered Number</b>	14/07688/FULL	<b>TP / PP No</b>	TP/9305
<b>Date of Application</b>	29.07.2014	<b>Date amended/ completed</b>	30.07.2014
<b>Category of Application</b>	Major		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside Conservation Area		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone  Within Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure:

- i) a financial contribution towards Crossrail;
- ii) a financial contribution of £1.2m towards the City Council's affordable housing fund (index linked and payable on commencement of development);
- iii) a financial contribution of £57,419 towards public realm improvements in the vicinity of the site;
- iv) S106 Monitoring contribution.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee's resolution then:

- (a) The Operational Director shall consider whether it would be possible and appropriate to issue

the permission with additional conditions attached to secure the benefits listed above. If so, the Operational Director is authorised to determine and issue such a decision under Delegated Powers; however, if not

(b) The Operational Director shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Operational Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.



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0 5 10 20 Metres





50-57 NEWMAN STREET, W1

## 2. SUMMARY

No. 50-57 Newman Street is an office building (Class B1) comprising basement, ground and four upper floors that was vacated early in 2014. The site lies within the Core Central Activities Zone. Permission is sought for alterations and extensions in connection with the conversion to a 95 bedroom hotel including an ancillary restaurant at ground floor level.

The key issues in this case are:

- The impact of the proposed use on the character and function of the area and on residential amenity.
- The offer of a commuted sum towards the City Council's affordable housing fund in lieu of residential.
- The impact of the extensions on the appearance of the building and the townscape.

The principle of hotel use is acceptable in land use terms and subject to appropriate conditions controlling the hotel operation it is considered that the use would be neither harmful to residential amenity nor the character and function of the area.

There is an extant permission granted in March 2014 for alterations and extensions in connection with the conversion of this office building to 23 residential flats. The proposed extensions, their design, materials and massing are similar to those previously approved, with added infill roof terraces at first to fourth floor levels and a larger fifth floor roof extension. The proposed extensions are again considered acceptable in design terms and whilst the additional bulk would result in some loss of light to surrounding residential properties it is considered that this is insufficient to justify withholding permission.

The increase in commercial floorspace of 851m<sup>2</sup> generates a requirement to provide an equivalent amount of housing on site. The applicant's argument that it is not practical or appropriate to provide this on site is accepted. A policy compliant financial payment towards affordable housing is offered, which is considered acceptable. In other respects the scheme is considered to comply with policies set out in the City Plan and in the Unitary Development Plan (UDP).

## 3. CONSULTATIONS

LONDON BOROUGH OF CAMDEN  
No objection.

DESIGNING OUT CRIME OFFICER  
No comments.

FITZROVIA NEIGHBOURHOOD ASSOCIATION:  
Any response to be reported verbally.

TRANSPORT FOR LONDON  
Any response to be reported verbally.

CLEANSING MANAGER  
Any response to be reported verbally.

ENVIRONMENTAL HEALTH  
Any response to be reported verbally

HIGHWAYS PLANNING MANAGER  
No objection, comment that a S106 should secure:

- a servicing management plan prior to occupation and be maintained for the life of the development;
- any highways works including new vehicular crossovers;
- 17 cycle spaces should be secured by condition.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 106; Total No. of Replies: 4.

Four objections received from three individuals raising some or all of the following issues:

##### Land Use

- The hotel and restaurant use should not reduce the affordable housing contribution secured in connection with the extant residential scheme approved in March 2014.
- The increase in floorspace would result in a profit of almost £12 million. A considerable contribution to affordable housing should be made.
- There are already multiple restaurants in the area, a financial contribution to affordable housing would be more worthwhile.

##### Amenity

- Loss of daylight.
- Loss of privacy from the roof terrace.

##### Highways

- Insufficient space for taxis, and the hotel is likely to necessitate removal of residents parking.

##### Other

- Existing noise and disturbance during construction works at Fitzroy Place works will be exacerbated by the proposed development.

## 4. BACKGROUND INFORMATION

### 4.1 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. The site opposite on the north side of Mortimer Street (former Middlesex Hospital site) is currently being redeveloped.

### 4.2 Relevant History

On 13 March 2014 permission was granted to convert the existing office building into 23 residential flats. The scheme included the erection of extensions at first to fourth floors, the erection of additional storey at fifth floor level and the creation of roof terraces at first to fifth floor levels. The permission was subject to a legal agreement to secure

- a payment of £4,300,000 towards the Council's affordable housing fund (index linked and payable on commencement of development).
- Parking mitigation payment of £10,000 payable on commencement of development.

- ii) The provision of up to five off street car parking spaces in Berners Mews, to be provided prior to occupation (RN 13/08849/FULL).

In September 1998 planning permission was granted for the use of the ground and basement floor as either retail or office use (RN 97/07460/FULL).

In July 1998 planning permission was granted for a third floor level extension for office use, new plant room at roof level, new windows and entrance/canopy to Newman Street facade.

## 5. THE PROPOSALS

Permission is sought for the conversion of the existing office (Class B1) building to a 95 bedroom hotel with an ancillary public restaurant on the ground floor. Corbin and King Hotels Ltd are the intended hotel operator, who have submitted an Operational Management Plan (OMP).

The scheme includes alterations and extensions at rear first to fourth floor levels and a fifth floor roof extension. These extensions are predominantly the same as those approved in March 2014 with small additions infilling previously approved residential roof terraces at rear first to fourth floor levels. At roof level an existing plant room will be removed and replaced with a fifth floor extension, slightly larger than permitted as part of the residential scheme in March 2014. No car parking will be provided but cycle parking would be provided at lower ground floor level. An off street loading and refuse area is provided at ground floor level with access from Berners Mews. Plant will be located in the existing basement and at roof level.

The extensions would result in an increase in commercial floorspace at the site of 851 m<sup>2</sup>. The applicant argues that it would be neither practical nor viable to provide on-site residential to match the commercial increase. A financial payment of £1.2 million is offered towards the City Council's affordable housing fund in lieu of on-site provision.

## 6. DETAILED CONSIDERATIONS

### 6.1 Land Use

#### 6.1.2 Mixed use policy

UDP Policies CENT3 and Westminster's City Plan Strategic Policy S1 aim to encourage mixed use developments within Central Westminster, requiring any increase in commercial development to be matched by residential provision. The scheme involves an increase in commercial floorspace of 851 m<sup>2</sup> without an equivalent increase in residential floorspace.

It is recognised that it is sometimes impractical and/or inappropriate to provide housing on-site in certain circumstances. The applicant argues that given the constraints of the site, particularly with the difficulties of providing a separate residential core, and the nature of the proposed use as a 24 hour hotel to provide the residential requirement on site. Where it is clearly not desirable to provide residential on site, it can instead be provided on another site in the vicinity. The applicant advises that they do not own other suitable sites within the vicinity.

Where it is accepted that residential cannot reasonably be provided either on or off site the policy adopts a 'cascade' approach in which acceptable alternative uses may be provided or an appropriate financial contribution may be made towards the City Council's affordable housing.

The applicant's supporting statement refers to the ground floor restaurant as being an alternative use in the context of the Council's mixed use policies. As, however, this is ancillary

to the hotel it is considered that this could not be regarded as an alternative to the provision of residential.

Objections have been received that the extant residential scheme included a financial contribution of £4.3 million towards affordable housing and in view of the value of the current hotel scheme the ground floor restaurant should not result in a reduction in any contribution secured towards affordable housing.

As already stated the ancillary ground floor restaurant is not considered to be an acceptable alternative use to residential. Further to discussions with officers the applicant has offered a financial payment of £1.2 million towards affordable housing. This is less than secured as part of the residential scheme permitted earlier this year because the current application involves a change from one commercial use to another and only the extensions generate a housing requirement. The offer of £1.2 million is in accordance with the current formula used to calculate payments in lieu of residential and is therefore acceptable.

#### Offices

The loss of the existing office floorspace (Class B1) is not considered objectionable given that the City Council does not currently have any policies which protect office accommodation.

#### Hotel

The Council's relevant policies are set out in S23 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE2 of the UDP adopted January 2007. Policy S23 recognises the importance of Westminster as one of the world's premiere visitor destinations but also the need to balance this against the residential neighbourhoods so that they function well and provide a high quality of life for residents. New hotels are therefore directed to certain areas and locations, such as the Core Central Activities Zone (CAZ), which do not have a predominantly residential character.

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

The proposal is considered to accord with these policies and the provision of a hotel is considered acceptable in principle. However, consideration is dependent upon the operational details.

#### Operational Details

The intention is that Corbin and King Hotels Ltd would be the hotel operator. The applicant's stated aim is to create a four/five star hotel with a very high standard of internal design and décor. The hotel will comprise 95 bedrooms with a restaurant and bar occupying a large part of the ground floor (capacity 160) and a small wellness centre / gymnasium on the lower ground floor (capacity 20).

The hotel would be open to guests 24 hours a day seven days a week. It is proposed that the restaurant, bar, and gymnasium would be open to non-residents from 07.00 to 12.00 midnight.

#### Restaurant Use

Although the restaurant would be an integral part of the hotel and under the same management, as is typical of a hotel of the nature proposed, the restaurant would be open to non residents. Although the restaurant 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 needs to be assessed against the City Council's entertainment policies.



The total floorspace is 423m<sup>2</sup>. As such, it should be assessed against City Plan Policy S24 and UDP Policy TACE 8.

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. UDP Policy TACE 8 states that permission will generally be granted for entertainment uses where TACE 8 is relevant, provided that the use has no adverse impact on residential amenity or local environmental quality and no adverse impact on the character and function of the area.

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 Plan (OMP). The key elements of the OMP are as follows:

- The hotel will have 24 hour CCTV coverage.
- An incident log will be kept at the premises and made available to an authorised officer at the City Council or the Metropolitan Police.
- The entrance will be attended at all times by door staff.
- There will be a designated hotline to residents and neighbours and management of the hotel will arrange quarterly meetings with local residents and businesses.
- The hotel will have a contract with a licensed car service.
- Management would ensure strict compliance with licensing and planning conditions.
- The only public entrance to the hotel will be from Newman Street. Management of evening guests would be strictly controlled to ensure minimal disturbance to neighbouring residents.
- A dedicated staff entrance would be on Berners Mews. Servicing will take place from Berners Mews in a dedicated off street delivery bay and would be restricted to hours of 07.00 and 18.00 daily.
- 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 premises would be a Member of the Considerate Hoteliers Association.

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

## **6.2 Amenity**

### **Daylight and Sunlight**

UDP Policy ENV 13 aims to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Part (E) of the policy aims to resist new developments

that would materially worsen sunlighting and daylighting levels for residential occupiers. Principally, the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m<sup>2</sup>). In implementing Policy ENV 13 the lighting levels advised in publications by the Building Research Establishment (BRE) with regard to natural lighting values are used.

The closest residential properties to this site at the rear are within 45, 46 and 48 Newman Street. The applicant has submitted a detailed daylight and sunlight report by Behan Partnership LLP surveyors which assesses the impact of the development on these surrounding properties.

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.

#### **Daylight**

The report submitted with the planning application demonstrates that the proposals would not breach BRE recommended VSC levels. None of the windows assessed would experience a loss in the VSC levels of more than 12 %. The study does that with regards to the No Sky Line test, two bedrooms at 45 Newman Street and a dining room at 46 Newman Street would experience losses of 21%, 27% and 26% respectively in breach of the BRE guidelines. However, in all three cases the rooms would still retain good daylight levels when compared with the existing situation.

#### **Sunlight**

With regard to the impact on levels of sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former value.

All the rooms assessed comply with the BRE's Annual Probably Sunlight Hours guidelines. The study shows that a second floor dining room at No. 46 Newman Street experience a loss of winter sun from 5% to 3%. Although this breaches BRE guidelines the actual reduction is minimal and this would not justify the withholding of planning permission.

Overall, the development would impact on the daylight or sunlight of nearby residential properties.

#### **Overlooking 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 acceptable and would not result in a material increased sense of enclosure to any of the surrounding properties.

An objection has been received that roof level terraces would result in overlooking and a loss of privacy. Roof terraces were permitted as part of the approved residential scheme. They have, however, been omitted from the current application. The scheme would therefore not result in overlooking or a loss of privacy due to terraces.

### **6.3 Townscape and Design**

The building is positioned at the northern end of Newman Street with a secondary facade on Berners Mews. It is a red brick and painted stone warehouse-type structure with sparse decoration, although the Newman Street entrance is marked out by an attractive canted oriel window. The rear of the building is a combination of yellow stock brick and blue render. Windows are metal-framed and of a uniform design, some with briese soleil at the rear.

The building varies in height and there is a lot of mechanical plant clutter at roof level. It is not in a conservation area but the Charlotte Street West Conservation Area boundary runs down the centre of Newman Street and partly along the centre of Berners Mews. Alterations to the building therefore have the potential to affect the setting of the neighbouring conservation area. The site also lies in Protected Vista 2A.2 (Parliament Hill to the Palace of Westminster) but is, and will remain, below the development plane.

The proposed alterations and extensions are similar to those approved in March 2014. The main changes are the enlargement of the roof level extension, taking it further north, and infilling at the rear, at the northern end of the site.

The roof extension will be more visible (than the approved scheme) in street views from the north but it is considered that this impact will be relatively small and acceptable. The roof storeys are to be clad in copper with steel framed double glazed windows, as previously approved. At the rear the extensions are designed to match the existing facades. These cause no harm to the building or its immediate context.

The design and massing of the proposals are acceptable and accord with UDP Policies DES 1, DES 5, and DES 6.

### **6.4 Transportation/Parking**

#### **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 eight deliveries a day. The Highways Planning Manager advises that the servicing requirements are likely to be successfully accommodated but a condition is recommended requiring the use to be operated in accordance with an approved servicing management plan.

Objections have been received that the location of the building at the northern end of Newman Street close to the junction with Mortimer Street would be unsafe for taxis to drop off and may necessitate the removal of residents parking. The Highways Planning Manager has 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.

The applicant advises that the hotel will not be marketed for coaches. Any SMP or OMP should contain a robust process for staff to follow in dealing with coach arrives and departures.

#### **On street changes including disabled parking**

The application includes proposals to alter existing on-street restrictions to provide a disabled bay. This would not be specific to the hotel and could be used by anyone displaying a valid blue badge. There is however considered to be no need to alter existing on street

arrangements. Blue badge holders are already afforded a number of dispensations in relation to car parking, and there are other disabled bays in the area which could accommodate disabled visitors to the hotel. There would be no need to change on-street residents' parking and the Council as local planning authority would not agree to this.

### **Cycle Parking**

UDP Policy TRANS 10 requires one cycle parking space per 10 staff. The applicant states that there are likely to be 175 staff (although it is accepted that they would not all be present at once) which would require 17 cycle parking spaces. The proposal includes 10m<sup>2</sup> for cycle parking. This space appears insufficient to accommodate the required cycle parking and a condition is therefore proposed to identify additional space within the building for cycle parking.

### **6.5 Economic Considerations**

The economic benefits of the proposed package are recognised.

### **6.6 Access**

The proposed development has been designed to meet the requirements of the Building Regulations and incorporates the principles of inclusive design.

### **6.7 Other UDP/Westminster Policy Considerations**

Adequate facilities for waste and recycling facilities would be provided, secured through condition.

Plant is proposed as part of the scheme at lower ground floor level on the Berners Mews frontage and at roof level in a dedicated plant enclosure. An acoustic report has been submitted in support of the application. The normal noise conditions are recommended to ensure that operation of the plant would not be audible from the nearest noise sensitive windows.

### **6.8 Construction Impact**

Objections have also been raised on the grounds of noise caused during building works particularly in conjunction with the significant works at the former Middlesex Hospital site, on the northern side of Mortimer Street. Whilst these concerns are acknowledged, permission could not reasonably be withheld for this reason. However, the City Council will seek to reduce the impact of building works through mitigation measures. These can, however, only limit disruption and inconvenience and not eliminate it entirely. A draft Construction Management Plan (CMP) has been submitted as part of the application. At this stage in the planning process prior to the appointment of a building contractor some information relating to the CMP is unknown. A condition is recommended that the development is carried out in accordance with an approved CMP.

### **6.9 London Plan**

The London Plan contains hotel-related objectives. These include the provision of 40,000 additional hotel bedrooms by 2031, to improve the quality, variety and distribution of visitor accommodation and facilities (Policy 4.5). The need to accommodate a wide range of provision is highlighted. The proposed 95 hotel bedrooms will help meet London Plan targets.

## 6.10 National Planning Policy Framework (NPPF)

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

## 6.11 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the three following tests set out in Regulation 122(2):

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

Policy S33 of Westminster's City Plan: Strategic Policies relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance (SPG) sets out in detail the scope and nature of obligations to which certain types of development will be typically subject. The proposals also attract a requirement for a financial contribution towards Crossrail under the London Plan (as detailed in the Mayor's Supplementary Planning Guidance) and the Mayoral Community Infrastructure Levy (CIL). The contribution payable under the Mayor's Supplementary Planning Guidance would be secured by S106 agreement.

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

- i. a financial contribution towards Crossrail;
- ii. a financial contribution of £1.28m towards the Council's affordable housing fund;
- iii. a financial contribution of £57,419 towards environmental improvements in the vicinity of the site;
- iv. monitoring costs

It is considered that the 'Heads of Terms' listed above would satisfactorily address City Council policies and the CIL Regulations.

### **6.12 Environmental Assessment including Sustainability and Biodiversity Issues**

Both London Plan policy 5.3 and City Plan Policy S28 seek to achieve the highest possible standards of sustainable design and construction. An Energy Strategy and Energy Sustainability Statement by MecServe has been submitted in support of the application

The following energy efficiency measures have been incorporated into the design to enhance the buildings energy performance and reduce carbon emissions.

- i) BREEAM refurbishment Very good or Excellent is targeted
- ii) Will reduce carbon emissions by 35 % compared to part L 2013
- iii) New thermal elements for the extensions will exceed Part L2B minimum requirements
- iv) Fixed internal and external lighting will be of low light fittings
- v) Heat recovery heating and cooling will be installed to serve the building
- vi) CHP units to act as lead heating device on low temperature hot water systems

Green roofs are proposed at fourth and fifth floor levels.

The measures relating to energy efficiency and sustainability are considered acceptable.

### **6.13 Conclusion**

The conversion of an existing office (Class B1) building to a 95 bedroom hotel is considered acceptable on this site within Core CAZ. Subject to the hotel and restaurant operating in accordance with an approved OMP the use is considered appropriate as it would be neither harmful to the character and function of the area or residential amenity.

The increase in commercial floorspace on the site generates a requirement to provide an equivalent amount of residential. It is accepted that the constraints of the site prevent residential being provided on site. In the circumstances a policy compliant payment in lieu (of on or off site residential) towards the City Council's affordable housing fund is considered acceptable.

An extant permission granted in March 2014 allowed rear and roof extensions. This application again proposes similar extensions. The additions are considered acceptable in both amenity terms and design terms. Subject to appropriate conditions the scheme is considered acceptable and approval is recommended

## **BACKGROUND PAPERS**

1. Application form
2. Letter from London Borough of Camden dated 8 September 2014
3. Memorandum from Highways Planning Manager dated 1 September 2014
4. E mail from Designing Out Crime Officer dated 4 September 2014
5. Emails from occupier dated 27 August and 4 September 2014
6. Email from occupier dated 3 September 2014
7. Email from occupier dated 4 September 2014
8. Memorandum from Cleansing Manager dated 12 September 2014

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT STEVE BRANDONON 020 7641 9541 OR BY E-MAIL – [StevenB@westminster.gov.uk](mailto:StevenB@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 50-57 Newman Street, London, W1T 3DZ

**Proposal:** Erection of rear extensions at first to fourth floor levels and a fifth floor roof extension in connection with use of the property as a hotel (C1 Use), including an ancillary ground floor restaurant, lowering of basement floor slab, installation of plant within the basement and at fifth floor level and provision of green roof areas at fourth floor and main roof level.

**Plan Nos:** Architectural drawings dated July 2014, Site location plan, proposed lower ground floor plan, proposed upper ground floor plan, proposed first floor plan, proposed second floor plan, proposed third floor plan, proposed 4th floor plan, proposed 5th floor plan, proposed roof plan, proposed front elevation, proposed rear elevation, proposed section A-A, proposed section B-B, proposed section C-C, proposed section D-D.

**Case Officer:** Mike Walton

**Direct Tel. No.** 020 7641 2521

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

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

**Reason:**

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must provide the waste store shown on the lower ground floor plan before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 4 You must provide details of cycle parking to be approved prior to occupation of the building. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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



acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 7 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

Green roofs as shown on 4th and 5th floor plans

You must not remove any of these features. (C43FA)

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 8 The hotel and restaurant use hereby approved shall be carried out in accordance with the Operational Management Plan dated September 2014.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 The hotel bar/restaurant and gymnasium areas shall not be open to customers, other than paying guests staying at the hotel, outside of the following hours :

07.00 and 00.00 (midnight) daily

No one other than paying guests shall be allowed on these premises outside these times.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 13 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and

DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

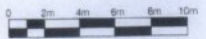
**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 5 You must get planning permission for any tanks, equipment, lift motor rooms, railings or other additions to the property. (I21AA)

- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 7 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 8 Conditions 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>  
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 10 You may need separate licensing approval for the ancillary restaurant. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to financial contributions towards crossrail, the City Council's affordable housing fund and public realm. (I55AA)

2.1 Proposed Plans

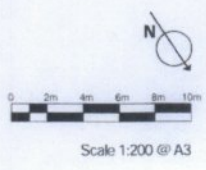
Ground Floor



Scale 1:200 @ A3

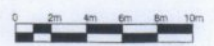
2.1 Proposed Plans

Lower Ground Floor



2.1 Proposed Plans

First Floor



Scale 1:200 @ A3

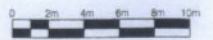
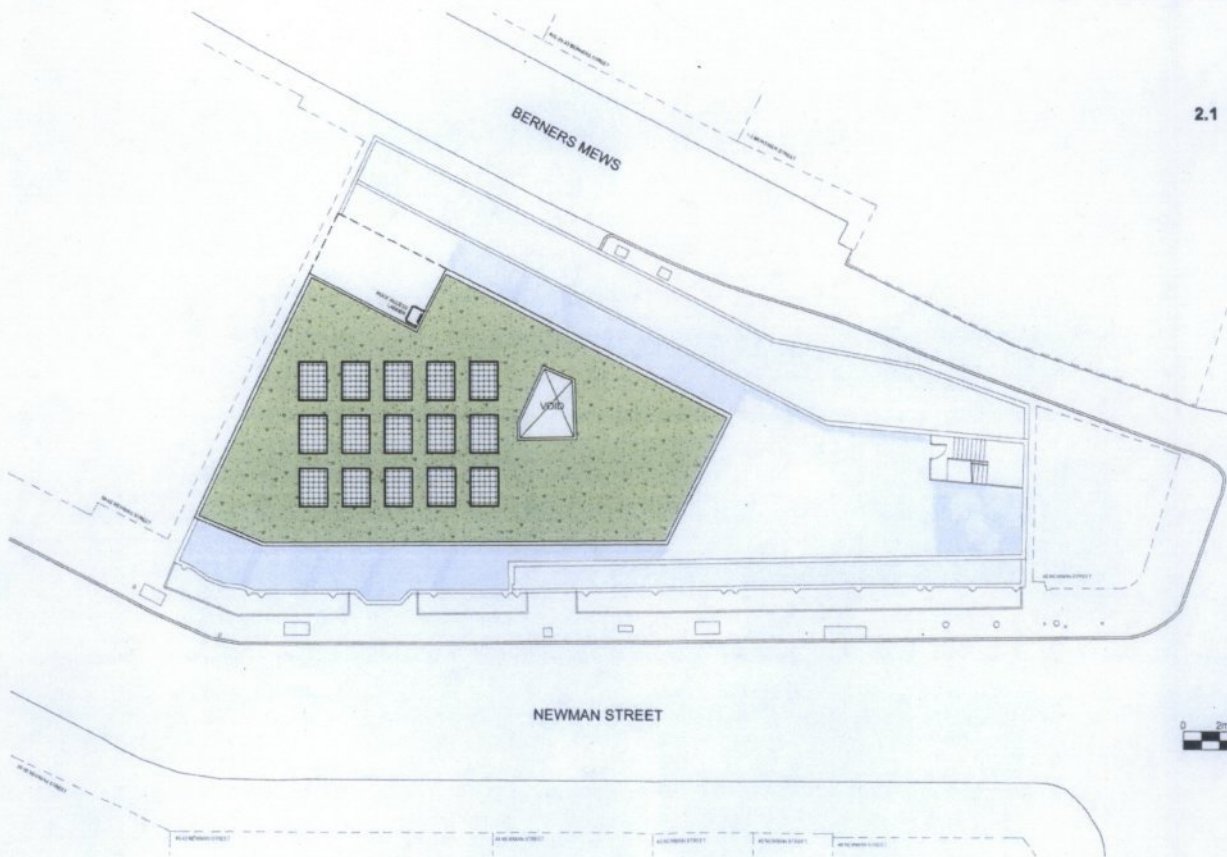
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ARCHITECTS

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**2.1 Proposed Plans**

Roof Plan



Scale 1:200 @ A3



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2.3 Rendered Proposed Elevations

Front Elevation



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**2.3 Rendered Proposed Elevations**

Rear Elevation

