



City of Westminster

# Committee Agenda

Title:

**Planning (Major Applications) Sub-Committee**

Meeting Date:

**Tuesday 18th January, 2022**

Time:

**6.30 pm**

Venue:

**18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members:

**Councillors:**

Robert Rigby (Chairman)  
David Boothroyd  
Geoff Barraclough

Jim Glen  
Elizabeth Hitchcock  
Louise Hyams

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams.**

**Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**

**If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 07870 548348; Email: [gwills@westminster.gov.uk](mailto:gwills@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

**(Pages 5 - 12)**

To access the recording after the meeting please revisit the  
Media link

1. **25 - 31 WELLINGTON STREET LONDON WC2E 7DD**

**(Pages 15 - 68)**

**Stuart Love  
Chief Executive  
7 January 2022**

## Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

## MINUTES

### Planning (Major Applications) Sub-Committee

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 23rd November, 2021**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Rigby (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and Mark Shearer

#### 1 MEMBERSHIP

1.1 There were no changes to membership.

#### 2 DECLARATIONS OF INTEREST

2.1 Councillor Rigby explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Boothroyd declared that in respect of Item 1, DP9 were planning consultants for the scheme, and for some clients of Thorncliffe where he was Head of Research and Psephology, but his role did not involve working with planning consultants.

2.3 Councillors Glen, Hyams, Shearer and Rigby declared that in respect of Item 1, they had visited the site the morning of the Committee.

2.4 Councillor Rigby declared that in respect of Item 1 he had met the Applicant online with the Officer in March 2021 for an early siting of the scheme.

### **3 MINUTES**

#### **3.1 RESOLVED:**

That the minutes of the meeting held on 20 October 2021 be signed by the Chair as a correct record of proceedings.

### **4 TREE PRESERVATION ORDER NO. 681 – 50 SPRINGFIELD ROAD LONDON NW8 0QN**

T1 Japanese maple tree.

Late representations were received from Tant Building Surveying Ltd (19/11/2021), a neighbour (21/11/2021) and the Owner (22/11/2021).

Officer memorandum dated 22/11/2021 correcting an error on p13 of the report.

Elliot Lipton addressed the Sub-Committee in objection to the TPO being confirmed.

**RESOLVED (For: Councillors Rigby, Glen, Hyams and Shearer, and Against: Councillors Barraclough and Boothroyd)**

That the provisional Tree Preservation Order No. 681(2021) not be confirmed on the grounds that it was not expedient to make the TPO permanent because of the tree's limited contribution to the conservation area.

### **5 PLANNING APPLICATIONS**

#### **1 456 - 472 OXFORD STREET LONDON W1C 1AP**

Demolition of three existing buildings on site for the construction of a ground plus 9 storey mixed use development (Use Class E) comprising of retail, cafe/restaurant, office, and gym as well as a new pedestrian arcade, public realm works and associated works.

An additional representation was received from the Applicant (19/11/2021).

Late representations were received from a resident (21/11/2021), a ward Councillor (22/11/2021), Save Britain's Heritage (22/11/2021), Montagu-Evans on behalf of REM Ltd (22/11/2021), Historic England (23/11/2021) and the Place Shaping and Town Planning team (23/11/2021).

The Presenting Officer tabled the following changes to the recommendations and Conditions and the following additional Conditions.

**Item No. 1 456 - 472 Oxford Street London W1C 1AP**

## **Revised Recommendation**

Subject to the views of the Mayor of London, grant conditional permission subject to the completion of a legal agreement to secure the following:

- i. A carbon offset payment of £1,198,134 (index linked) payable on commencement of the development.
- ii. Provision of and adherence with an Employment and Skills Plan for the construction and operational phases of the development.
- iii. Provision of a financial contribution of £816,278 towards the Westminster Employment Service, payable prior to commencement of development
- iv. Provision of highways works and works to the public realm necessary to facilitate the development in consultation with TfL with regards to the relocation of taxi and bus stands from Orchard Street to Oxford Street.
- v. Provision of 'Be Seen' energy monitoring (details to be approved in consultation with the GLA).
- vi The costs of monitoring the agreement

2. If the s106 agreement has not been completed within eight weeks of the committee resolution, then:

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of a part of the public highway on Orchard Street and Granville Place. That the Director of Place Shaping and Planning, Executive Director of Environment and City Management, Director of City Highways or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

## **Additional conditions**

Condition 26

The development shall be implemented in accordance with the approved fire statement and retained as such for the lifetime of the development.

#### Condition 27

You must apply to us for approval of a final travel plan. You must not occupy any part of the development until we have approved what you have sent us. You must carry out the development in accordance with the details approved. At the end of the first and third years of the life of the Travel Plan, you must apply to us for our written approval of reports monitoring the effectiveness of the travel plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

#### Condition 28

You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan. You must not start any work until the plan has been approved. You must then carry out the development in accordance with the approved plan.

#### Condition 29

Prior to commencement of the development detailed plans shall be submitted to and approved in writing by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

#### Condition 30

You must provide, maintain and retain the following sustainability measures before you start to use any part of the development, as set out in your application.

- Sustainable drainage measures including green/blue roofs, surface water attenuation and rainwater harvesting.
- Provision of water use components in line with BREEAM Wat 1 requirements.

You must not remove any of these features. (C44AA)

#### Condition 31

You may only use the terraces at 6th floor, 7th floor, 8th floor and 9th floor levels between the following times: 09:30 – 21:30 on any day. You must not play any amplified music on the terraces which is audible from the boundary of the site.

#### Condition 32

You must apply to us for approval of details of the following parts of the development:

The reinstatement of the existing clock at the corner of Oxford Street and Orchard Street on the new building. You must not start any work on these parts of the development until we have approved what you have sent us. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

### Condition 33

You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CC)

### Condition 34

Notwithstanding the submitted drawings, the retractable shopfront awnings shall only be installed at ground floor level

### **Remove Condition 13**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us., , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA. , , (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Jace Tyrrell addressed the Sub-Committee in support of the application.

Andrew Turton addressed the Sub-Committee in support of the application.

### **RESOLVED (For: Councillors Rigby, Boothroyd, Glen, Hyams and Shearer, and Against: Councillor Barraclough)**

1. That subject to the views of the Mayor of London, to grant conditional permission, as amended, subject to the completion of a legal agreement to secure the following:
  - i. A carbon offset payment of £1,198,134 (index linked) and payable prior to the commencement of development).

- ii. Provision of and adherence with an Employment and Skills Plan for the construction and operational phases of the development.
  - iii. Provision of a financial contribution of £816,278 (index linked) towards Westminster's Employment Service, payable prior to commencement of development.
  - iv. Provision of highway works and works to the public realm necessary to facilitate the development in consultation with TfL with regards to the re-location of taxi and bus stands from Orchard Street to Oxford Street.
  - v. Provision of 'Be Seen' energy monitoring (details to be approved in consultation with the GLA).
  - vi. A financial contribution of £35,000 (index linked and payable of commencement of development) towards cycle parking improvements.
  - vii. The cost of monitoring the agreement.
2. If the legal agreement has not been completed within eight weeks of the date of the Committee resolution, then:
  - a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3 That the Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on Orchard Street and Granville Place. That the Director of Place Shaping and Planning, Executive Director of Environment and City Management, Director of City Highways or other such proper officer of the City Council responsible for highways functions, be authorised to take all necessary procedural steps in conjunction with making of the order and to make the order as proposed if there are no unresolved objections to that order.
4. That Condition 21 be amended to include restriction on the lower ground floor for Class E1 (a).

5. That Condition 31 be amended to include removal storage and reinstatement of the clock, white knight and M&S Insignia.
6. That Condition 32 be amended to include landscaping to terraces.
7. That additional Conditions be included which requires the designing out crime security measures and to ensure Urban Greening Factor 0.41 are met.
8. An additional Informative which encourages the applicant to consider decorative construction hoardings during construction.

The Meeting ended at 8.53 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

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CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE –  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 21/02273/FULL  St James's	25 - 31 Wellington Street London WC2E 7DD	Partial demolition, alterations, extensions and refurbishment of existing buildings to provide a part 4-8 storey block plus one basement level for use as Hotel (Class C1) with ancillary facilities and roof terrace; continued pub/bar (Sui Generis) and residential (Class C3) at 23 Wellington Street; provision of plant, servicing, cycle parking and other associated works (Site includes: 23 Wellington Street, 25-31 Wellington Street, 22 Tavistock Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street and 15 Exeter Street)	Portfolio Club PropCo 2 Limited
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to a s106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i. Employment and Skills plan</li> <li>ii. Financial contribution of £335,022.17 to the Westminster Employment Service - index linked and payable prior to the commencement of development</li> <li>iii. Carbon off-set payment of £695.40 index linked and payable prior to commencement of development</li> <li>iv. A covenant to protect and retain the permanent residential Class C3 units in 23 Wellington Street for the lifetime of the development</li> <li>v. Financial payment index linked to cover cost of essential highways works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions</li> <li>vi. Monitoring costs</li> </ul> <p>2. If the S106 legal agreement has not been completed within eight weeks of the Committee resolution then:</p> <p>a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not</p> <p>b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				

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# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>MAJOR PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 18 January 2022	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>25 - 31 Wellington Street, London, WC2E 7DD</b>		
<b>Proposal</b>	Partial demolition, alterations, extensions and refurbishment of existing buildings to provide a part 4-8 storey block plus one basement level for use as Hotel (Class C1) with ancillary facilities and roof terrace; continued pub/bar (Sui Generis) and residential (Class C3) at 23 Wellington Street; provision of plant, servicing, cycle parking and other associated works (Site includes: 23 Wellington Street, 25-31 Wellington Street, 22 Tavistock Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street and 15 Exeter Street)		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Portfolio Club PropCo 2 Limited		
<b>Registered Number</b>	21/02273/FULL 21/02274/LBC	<b>Date amended/ completed</b>	24 November 2021
<b>Date Application Received</b>	6 April 2021		
<b>Historic Building Grade</b>	Burleigh House, 22 Tavistock Street; 14 Burleigh Street; 15 Exeter Street and 23 Wellington Street are all Grade II listed.		
<b>Conservation Area</b>	Covent Garden		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a s106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i. Employment and Skills plan</li> <li>ii. Financial contribution of £335,022.17 to the Westminster Employment Service – index linked and payable prior to the commencement of development</li> <li>iii. Carbon off-set payment of £695.40 index linked and payable prior to commencement of development</li> <li>iv. A covenant to protect and retain the permanent residential Class C3 units in 23 Wellington Street for the lifetime of the development</li> <li>v. Financial payment index linked to cover cost of essential highways works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions</li> <li>vi. Monitoring costs</li> </ul>
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2. If the S106 legal agreement has not been completed within eight weeks of the Committee resolution then:

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not

b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3. Grant conditional listed building consent

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The site is bounded by Wellington Street, Tavistock Street, Exeter Street and Burleigh Street and consists of a group of seven buildings four of which are listed Grade II.

Planning permission and listed building consent have twice previously been granted for a hotel development on this site – in 2016 for a hotel with 83 guest bedrooms and ancillary facilities and in 2019 a hotel with 146 guest bedrooms and ancillary facilities. Both permissions are extant; the 2016 scheme has been lawfully implemented and is capable of being built out at any time in the future, the 2019 permission expires on 4 November 2022.

The current applications have been submitted on behalf of the new owners of the site and encompass the entire street block including the previously excluded basement and grounds floors of 22 Tavistock Street and 23 Wellington Street in its entirety.

Compared to the 2019 approved scheme the main differences are an increase in hotel guest bedrooms from 146 to 189; the introduction of a bar (instead of a restaurant) with external roof terrace at eighth floor level; a mansard extension to 23 Wellington Street and the introduction of additional Juliet balconies.

Objections have been received from the CGCA, CGAT and local residents on amenity grounds.

The key issues for consideration in this case are:

- Impact of the hotel and ancillary facilities including the use of external terrace/balcony areas on residential amenity
- Impact of hotel servicing/deliveries on residential amenity, the local environment and traffic

- Impact on the significance of designated heritage assets and the character and appearance of the Covent Garden Conservation Area

For the reasons set out in the report, the current applications are considered acceptable in land use, amenity, highways, design, conservation and listed building terms and, subject to conditions, comply with the City Council's policies as set out in the City Plan 2019-2040 (April 2021).

3. LOCATION PLAN



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4. PHOTOGRAPHS

23, 25-31 Wellington Street WC2



Tavistock Street



Burleigh Street



Exeter Street



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Do not wish to offer comments.

### HISTORIC ENGLAND (ARCHAEOLOGY)

Any response received to be reported verbally by officers

### THEATRES TRUST

No objection but request that conditions are attached to protect the activities of the Lyceum Theatre during the demolition and construction phases and once the development is completed and operational.

### COVENT GARDEN COMMUNITY ASSOCIATION

Object – to the increase in number of hotel guest bedrooms and the extent/number of external terraces and balconies. The roof top bar and open terrace – must have a restriction on numbers, no amplified music, acoustic barriers and not to be used after 9pm. The balconies/terraces to hotel bedrooms must not be used beyond 10pm (if at all) to protect the amenity of residents; terraces on Burleigh Street should have planting to protect privacy of residents in Harlequin Court. The public bistro/bar should be waiter service, the entrance on the corner of Tavistock Street should have a sound lobby, doorman and must not be used to enter/exit the bistro/bar after 10.00pm, public areas of the hotel to be open to non-hotel guests from 07.30 to midnight. Servicing from Exeter Street will cause disturbance and congestion, delivery hours should be controlled by condition. Would like to be involved in agreeing the Delivery and Servicing Management Plan and Operational Management Plan for the development. Construction works will cause noise and disruption; developer should ensure meaningful on-going liaison with neighbours.

### COVENT GARDEN AREA TRUST

Object – to the terraces and balcony areas which will cause increased noise pollution. The proposed use of the roof top bar and terrace from 07.30 until 01.30 is inappropriate for a residential area; acoustic screening must be in place to protect the amenity of residents. Concerned that servicing from Exeter Street will cause congestion and on-street obstruction. Measures should be taken to alleviate congestion and minimise noise disturbance during construction and once the hotel is operational.

### ENVIRONMENTAL SCIENCES

No objection subject to conditions controlling plant noise emission levels, internal activity – noise and hours and requiring the installation of a noise limiter device to the 8<sup>th</sup> floor roof terrace.

## HIGHWAYS PLANNING MANAGER

Concern is raised to i) the hotel entrance which has been relocated from the previously approved position on Tavistock Street to the corner of Wellington Street/Tavistock Street where it is likely to have an adverse effect on highway users including pedestrians; significant concern is raised to ii) the on-street servicing bay on Exeter Street which, when in use, would block the northern footway. Small vehicles would be able to pass by using the southern footway but there would be no safe location for pedestrians whilst servicing is taking place. Larger vehicles would however be unable to pass, resulting in local congestion; iii) the proposed changes to the highway layout in Exeter Street which will result in passing vehicles damaging properties on the south side and no assessment has been made of structures under the highway which may not be able to support the weight of a vehicle. Alterations to the layout of Exeter Street may reduce the impact of servicing but the detailed design and any changes to on-street restrictions would need to be agreed with the Highway Authority with all associated costs to be borne by the hotel developer; iv) the submitted Servicing Management Plan requires further work so that it is site specific; v) a revised Operational Management Plan is also required to include procedures for managing taxis and coaches.

The cost of all essential highway works including the creation of the on-street loading facility on Exeter Street to be secured by S106 legal agreement

## PROJECTS OFFICER (WASTE)

No objection. The proposals are in line with the City Council's waste storage requirements.

## WCC ECONOMY TEAM

Based on the total net uplift in floorspace the scheme should provide an Employment and Skills Plan and a financial contribution of £335,002.17 to the Westminster Employment Service.

## WCC GO GREEN PROGRAMME

Any response received to be reported verbally by officers.

## LOCAL FLOOD AUTHORITY

Any response received to be reported verbally by officers.

## THAMES WATER UTILITIES

No objection subject to a condition requiring submission and approval of a piling method statement to protect the sub-surface sewerage network.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 96 No. of replies: 12

2 letters of support, 1 letter raising issues of concern and 9 objections on the following grounds:

#### AMENITY

- Intensification of hotel use - increase in number of guest bedrooms and hospitality facilities
- Noise nuisance from external balconies and terraces
- Noise nuisance from entrance to public bistro/bar on corner of Burleigh Street/Tavistock Street
- Noise nuisance from servicing and deliveries on Exeter Street
- Plant noise nuisance
- Loss of privacy
- Loss of views and light

#### HIGHWAYS

- New servicing and delivery bay on Exeter Street will cause congestion and conflict with servicing/deliveries to other businesses including the Lyceum Theatre

#### OTHER

- Impact of demolition and construction on the operation of the Lyceum Theatre

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site is bounded by Wellington Street, Tavistock Street, Exeter Street and Burleigh Street and consists of a group of seven buildings Wellington House, 25-31 Wellington Street/24-28 Tavistock Street, Burleigh House, 22 Tavistock Street, 12 Burleigh Street, 14 Burleigh Street, 13-14 Exeter Street, 15 Exeter Street, and 23 Wellington Street.

Wellington House is comprised of two buildings, 24-28 Tavistock Street which was built in 1912 and 25-31 Wellington Street built in the 1930s. The building comprises vacant basement, lower ground and ground floor restaurant premises and offices on first to fifth floors.

Burleigh House, 22 Tavistock Street is Grade II listed and was last occupied as a retail shop on ground and basement floors with offices on the first to third floors above.

12 Burleigh Street is a late C19th building consisting of vacant retail on lower ground and ground with office use on the four upper floors.

14 Burleigh Street (Clergy House) is a Grade II listed Victorian Gothic building which was constructed as a rectory in 1859-60 and is also vacant.

13-14 Exeter Street was built in 1912 as a warehouse. The ground, lower ground and basement levels were last used for restaurant purposes and the two upper floors as offices. The building is connected at ground and first floors to Wellington House.

15 Exeter Street is a Grade II listed Georgian townhouse, last used as retail on ground and basement floors with offices on first to third floors above.

23 Wellington Street is a Grade II listed 1830s building (statutory listing address: the Old Bell PH 16 Exeter Street) comprised of a pub on the ground and lower ground floors and residential flats on first to third floors.

The buildings are all located within the Covent Garden Conservation Area and within the Core Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area. The Grade II\* listed Lyceum Theatre is located immediately to the south of the application site on the corner of Wellington Street and Exeter Street.

## 6.2 Recent Relevant History

Planning permission was granted on 30 November 2016 (16/03534/FULL and 16/03536/LBC) for:

Redevelopment behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) with works of repair and refurbishment of the listed buildings and other associated works (Site includes: 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street)

The approved hotel included 83 guest bedrooms and ancillary uses. The permission also expressly allowed the relocation of the residential unit at 14 Burleigh Street to Capco's (now built) residential led mixed-use scheme at Floral Court.

In August 2017 permission was granted under S73 (17/04754/FULL) to vary Condition 8 of the 30 November 2016 permission to allow building works that are not audible at the boundary, but included in the demolition, excavation and piling phases to take place on a Saturday between the hours of 08:00 and 13:00.

In October 2017 a non-material amendment (17/08425/NMA) and associated listed building consent (17/08420/LBC) was granted for additional works within 22 Tavistock Street, 12 Burleigh Street, 13, 14 and 15 Exeter Street and at the rear of 23 Wellington Street.

On 18 July 2019 a non-material amendment (19/05032/NMA) to the August 2017 (17/04754/FULL) approved scheme was granted which added a condition to allow a phased development, with the use of the ground and basement floors of 12 Burleigh Street for retail purposes forming Phase 1 of the development, ahead of physical works associated with the wider permission for a hotel redevelopment of the site.

On 10 October 2019 a Certificate of Lawful Development (19/06831/CLEUD) was issued to confirm that the August 2017 (17/04754/FULL) permission had been lawfully implemented through the change of use of the ground and basement floors of 12 Burleigh Street from office to retail. This permission (17/04754/FULL) therefore remains extant and is capable of being built out at any time in the future.

On 4 November 2019, a further S73 permission (19/04325/FULL) and associated listed building consent (19/04315/LBC) were granted. The S73 permission varied the wording of Conditions 1, 9, 10, 11, 12, 13, 22, 23, 24, 28, 29, 30 and 31 and removed Condition 21 of the August 2017 permission (17/04754/FULL). The amendments comprised an increase in the number of guest bedrooms from 83 to 146, the omission of the private members club, spa and pool, the submission of a revised Archaeological Written Scheme and Piling Method Statement, evidence demonstrating liaison with the Ambassadors Theatre Group, removal of the previously approved CHP and the introduction of flexible retail/restaurant use at 12 Burleigh Street and flexible residential/hotel use at 14 Burleigh Street.

## 7. THE PROPOSAL

The current applications have been submitted on behalf of the new owners of the site, The Portfolio Club, who acquired the site from the previous owners Capco in October 2020. The application site boundary now encompasses the entire street block and includes the previously excluded basement and ground floors of 22 Tavistock Street and 23 Wellington Street in its entirety.

Planning permission and listed building consent is sought for alterations and extensions to the buildings to provide a part 4-8 storey block plus one basement level for use as a hotel (Class C1) comprising 189 bedrooms with ancillary public bar/bistro at ground floor level, spa and associated facilities at lower ground, private members bar at basement level and a public bar at eight floor level with roof terrace; with retained pub/bar (sui generis) use on the lower ground and ground floors and three one-bedroom residential units (Class C3) on the first to third floors of 23 Wellington Street.

It is proposed to retain all the listed buildings (22 Tavistock Street, 14 Burleigh Street, 15 Exeter Street and 23 Wellington Street) as well as 12 Burleigh Street. Wellington House (comprising 25-31 Wellington Street and 24-28 Tavistock Street) and 13-14 Exeter Street are rebuilt and extended behind partially retained street facades.

Three additional floors are proposed to Wellington Street, two additional floors are proposed to Tavistock Street and Exeter Street and one additional floor is proposed to 22 Tavistock Street and 23 Wellington Street. The massing of the proposed scheme is largely consistent with that of the previously approved schemes. The key difference is the addition of a mansard extension to 23 Wellington Street. However, the principle of a mansard extension to this building has previously been accepted by virtue of planning permission/listed building consent granted 26 April 2016 (16/01512/FULL & 16/01513/LBC) (not implemented).

Compared to the November 2019 (S73) (19/04325/FULL) approved hotel scheme the proposed amendments can be summarised as follows:

- Increased retention of building fabric
- Previously approved internal courtyard extended down to basement level to create a three-storey atrium
- Site now includes 23 Wellington Street and ground/basement floors of 22 Tavistock Street
- Spa and associated swimming pool re-introduced at lower ground and basement level
- Public bistro/bar introduced at ground floor level on Tavistock Street
- Number of hotel guest bedrooms increased from 146 to 189
- Guest bedrooms proposed at lower ground floor level and within 14 Burleigh Street, 15 Exeter Street and mansard extension to 23 Wellington Street
- Previously approved restaurant at seventh floor level replaced with guest bedrooms
- Public bar (instead of restaurant) with external roof terrace proposed at eight floor level
- Private members bar proposed at basement level

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Land use	Existing	2019 approved scheme plus 22 Tavistock Street & 23 Wellington Street	Proposed scheme	Net change
Hotel & ancillary uses	0	9394	11027	+1633
Residential	648	238	249	+11
Hotel/residential	0	372	0	-372
Restaurant	2548	606	0	-606
Pub	229	229	229	0
Retail	697	476	0	-476
Offices	4797	0	0	0
<b>TOTAL</b>	8919	11315	11504	+189

#### Table of land uses (GEA sqm)

#### Loss of existing commercial uses

Policy 13 (Supporting Economic Growth) of the City Plan 2019-2040 (April 2021) seeks to resist the loss of office space within the CAZ. Part D.2 of the policy states that the net loss of office floorspace from the CAZ to hotel use will only be permitted where there is no interest in continued office or any other Class E uses, education or community use as demonstrated by vacancy and appropriate marketing for a period of at least 12 months.

The existing office accommodation will be replaced by the hotel and ancillary uses. The

loss of the existing office accommodation has previously been accepted with the granting of planning permission for a hotel-led scheme firstly in 2016 (16/03534/FULL) and subsequently in 2019 (19/04325/FULL). Furthermore, the City Council issued a certificate of lawfulness (CLEUD) in October 2019 confirming that the 2016 hotel permission as varied by S73 decision (17/04754/FULL) had been lawfully implemented and therefore remains extant. The extant hotel permission is a material consideration in this case and therefore, notwithstanding the absence of appropriate marketing, the loss of the existing office accommodation is considered acceptable.

### **Hotel and ancillary uses**

City Plan Policy 15 (Visitor Economy) Part G directs hotels to the commercial areas of the CAZ. Policy 2 (Spatial Development Priorities) of the City Plan states that the West End Retail and Leisure Special Policy Area (WERLSPA) should prioritise commercial-led development such as hotels and that additional commercial floorspace will be provided through the sensitive refurbishment and extension or replacement of existing buildings.

A total of 11,027sqm (GEA) of hotel and ancillary uses will be provided at lower ground, ground and first to eighth floor levels. The ancillary uses include a spa and lounge area at lower ground and basement level; a private members bar at basement level; a public bar and external terrace at eighth floor and a public bistro/bar on the ground floor fronting Tavistock Street. The total number of hotel guest bedrooms is increased from 146 (as approved in 2019) to 189. This is achieved through internal reconfiguration plus the inclusion of the lower ground and ground floors of 22 Tavistock Street and an additional storey over the top of 23 Wellington Street.

The hotel will be open 24 hours a day, seven days a week. It is proposed that the public facilities will be open as follows: the ground floor bistro/bar – 0700-0130 hours Monday to Saturday and 0730-0000 (midnight) Sundays and Bank Holidays; the 8<sup>th</sup> floor bar and terrace – 0730-22.30 daily. The spa on the lower ground floor and the private members bar in the basement would be open 0700-0130 daily.

The proposed bistro/bar opening hours are the same as those previously approved for the ground and lower ground restaurants in the 2016 approved (extant) scheme. The proposed opening hours for the spa (0730-0130) are longer than the spa opening hours (0600-2200 daily) approved in 2016.

The spa was omitted from the 2019 approved scheme. The lower ground floor restaurant was also omitted and instead a new restaurant was proposed at 7<sup>th</sup> and 8<sup>th</sup> floor levels with associated roof terraces. The 2019 approved hours of opening for the public areas of the hotel including the ground and 7<sup>th</sup>/8<sup>th</sup> floor restaurants is as currently proposed: 0700-0130 Monday to Saturday and 0730-0000 (midnight) on Sundays and Bank Holidays. The 2019 approved restaurant terraces at 7<sup>th</sup> and 8<sup>th</sup> floor are restricted to use between 0730 and 2230 daily. The applicants are seeking 0730-2230 daily for the proposed 8<sup>th</sup> floor bar and terrace.

As previously, it is proposed that the operation and management of the various facilities within the hotel, the bistro/bar, the rooftop bar and terrace, the spa and members bar will be controlled via an agreed Operational Management Plan (OMP) to ensure that the amenity of neighbouring residents and the quality of the surrounding environment is

adequately safeguarded. The applicants have submitted a draft OMP but it is recommended that a final version is secured by condition. In addition, and as previously, conditions are recommended restricting the bistro/bar and roof top bar to sit-down waiter service only, limiting the number of covers in the bistro/bar (120) and the 8<sup>th</sup> floor roof top bar (70) and controlling the hours of operation. Conditions to mitigate potential noise, smells and fumes nuisance are discussed in Section 8.3 (Residential Amenity) of this report.

### **Residential**

City Plan Policy 8 Part C (Existing Housing) protects all residential uses, floorspace and land except where the reconfiguration or redevelopment of supported or affordable housing would better meet need or non-family sized housing is being reconfigured to create family housing.

The existing residential floorspace (249 sqm) on first to third floors of 23 Wellington Street is retained and reconfigured to provide three 1 bedroom/2 person units. The residential units will be accessed via a separate/ independent access from Wellington Street and all meet or exceed minimum internal space standards for 1 bed 2 person dwellings (50sqm).

It is proposed to create a single door opening from each flat through the party wall with Wellington House (25-31 Wellington Street /24-28 Tavistock Street) into the hotel. The intention is that this link, via a lockable door, will provide the residential units access to the hotel services should it be required. In response to officer's concerns that this may, in time, result in the loss of these residential units, the applicants have confirmed that the units will be retained and occupied as permanent residential (Class C3) and that this will be secured with a covenant on the land as part of the S106 legal agreement. The primary entrance to the residential units will continue to be from the street (not from within the hotel) and this will be secured by condition.

As previously, it is proposed to convert 14 Burleigh Street (Clergy House) to hotel use. The loss of this residential floorspace (399sqm) has already been accepted and approved as part of the 2016 approved scheme where the loss was offset against the net additional residential units permitted and now built at Floral Court.

### **Existing pub**

City Plan Policy 16 (Food, Drink and Entertainment) Part B states that public houses will be protected throughout Westminster except where there is no reasonable prospect of continued use as a public house as evidenced by appropriate marketing for a period of at least 18 months.

The applicant had originally sought a flexible pub/bar (Sui Generis) or Class E use on the ground and lower ground of 23 Wellington Street in the belief that the existing occupier, Be At One, is a modern bar rather than a public house and therefore Policy 16 Part B did not apply. However, the building was originally built as a public house (The Old Bell PH) and in the absence of any evidence of appropriate marketing for at least 18 months, the loss of the pub use would be unacceptable. The application has been amended to retain the pub use.

## 8.2 Townscape and Design

The site includes four Grade II listed buildings, 22 Tavistock Street (Burleigh House), 14 Burleigh Street, 15 Exeter Street and 23 Wellington Street (also known as 16 Exeter Street), formerly the Old Bell Public House, and is within the Covent Garden Conservation Area.

The application proposes redevelopment behind the partially retained facades of the non-listed buildings, excluding 12 Burleigh Street, and repairs and alterations to the listed buildings including roof extensions to 22 Tavistock Street and 23 Wellington Street.

Key considerations in assessing the proposals include the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Sections 16, 66 and 72 and the requirements set out in Chapters 12 and 16 of the NPPF - namely the design merits of the proposal and its impact on the setting of designated heritage assets, on the character and appearance of the Covent Garden Conservation Area - the London View Management Framework, the London Plan (2021), policies 38, 39, 40 of Westminster's City Plan 2019-40 (April 2021) and the guidance contained within Westminster's 'Covent Garden Conservation Area Audit' SPG, 'Development and Demolition in Conservation Areas', 'Westminster Carbon Offset Fund Guidance' and our emerging 'Environment' SPD.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

Furthermore, Chapters 12 and 16 of the NPPF require great weight to be placed on design quality and the preservation of designated heritage assets. 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. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Policy 39 (Heritage) of the City Plan reiterates that listed buildings should be preserved, whilst also allowing them to adapt to changing needs. The policy also encourages the appropriate restoration of original or significant detail.

Paragraph 132 of the NPPF states that '*when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation*'. In this case, the designated heritage assets affected are the listed buildings within the application site, the Covent Garden Conservation Area and the setting of listed buildings surrounding, but located outside of, the application site.

The listed buildings within the application site are to be retained and will be the subject

of minor alterations, which have been revised to comply with our adopted policies and guidance. As revised, and subject to conditions, the proposed works to the listed buildings on site are considered acceptable.

The existing non-listed buildings are to be retained. The areas where demolition is proposed are in general modern and/or positioned within the centre of the site and, therefore, are not readily visible from outside of it. As such, the significance of the heritage assets within and outside of the application site and the character and appearance of the Covent Garden Conservation Area will be retained.

Paragraph 134 goes on to state that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. In this case, the impact of the proposal is not considered to be substantial and whilst it is recognised that the proposals will form some degree of harm, the benefits of the scheme are considerable, leading to numerous job opportunities and other benefits to the public.

Policy 38 'Design principles' states that "New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods." Policy 39 'Westminster's heritage' states that "Development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability". Policy 40 'Townscape and architecture' states that development will be sensitively designed.

The proposed scheme is at the limit of what is acceptable development on the site. However, the massing and roofscape of the proposals does not substantially differ from the previously approved schemes and it maximises the use of the site, which allows for the greatest possible public benefit to be provided. The green roof proposals are acceptable subject to a long-term management plan to secure the public benefit.

### 8.3 Residential Amenity

#### **Ground floor public bistro/bar**

The ground and lower ground floors of 22 Tavistock Street did not form part of the 2016 and 2019 approved hotel schemes. In both cases the previous retail use of the ground and lower ground floors of 22 Tavistock Street was retained. The previous occupier Charles H Fox (theatrical makeup) has since relocated to alternative premises within Covent Garden and therefore, the ground and lower ground floors of 22 Tavistock Street are now included in the current application proposals.

The ground floor of 22 Tavistock Street will now form part of the hotel bar/bistro which will be open to the public; the lower ground floor will accommodate the bistro kitchen. Access into the bar/bistro will be via a central entrance on Tavistock Street as well as an entrance on the corner of Burleigh Street/Tavistock Street and via the hotel entrance on the corner of Wellington Street/Tavistock Street. The bar area provides for 40 seated covers and the bistro area for a further 80 seated covers; both will be open to the public (non-hotel guests) from 0700-0130 Monday to Saturday and 0730-0000 (midnight) on Sundays and Bank Holidays (the same hours approved for the restaurants in the 2016

and 2019 approved schemes).

Both the previously approved 2016 and 2019 hotel schemes incorporated public restaurants at ground floor level. The restaurant in the 2016 scheme had 270 covers (with a second restaurant at lower ground floor of 120 covers). The restaurant in the 2019 scheme had 159 covers (with a further 70 covers in a second restaurant at 7<sup>th</sup> and 8<sup>th</sup> floor levels). In both schemes the ground floor restaurant was located on the Wellington Street frontage, with the hotel entrance lobby positioned centrally on the Tavistock Street frontage. The inclusion of 22 Tavistock Street in the current scheme and the applicant's decision to replan the ground floor layout re-positioning the hotel entrance to the corner of Wellington Street/Tavistock Street means that the hotel bistro/bar will be positioned closer to the residents in Harlequin Court on Burleigh Street.

In response to objections from the residents of Harlequin Court and the Covent Garden Community Association (CGCA), the applicant has agreed to accept a condition prohibiting the use of the door (into the bistro/bar) on the corner of Burleigh Street/Tavistock Street after 10.30pm each night. After which time all access/egress into the bistro/bar will be via the central door on Tavistock Street or the hotel entrance on the corner of Wellington Street only, except in the case of emergency. Conditions are also recommended to restrict the hours of use of the bistro/bar by non-hotel guests (as discussed in Section 8.1 above), to restrict the number of covers, that it be used for sit-down waiter service only and that no music is to be played which would be audible outside the premises.

### **8<sup>th</sup> floor roof top bar and terrace**

The CCGA, CGAT, Harlequin Court residents and Florian House Residential Management Ltd (20-26 Wellington Street) have objected to the roof top bar and terrace and have requested that restrictions are imposed on the number of number of people allowed on the terrace at any one time, the hours of use, the playing of music and that some form of acoustic barrier be installed.

The 2019 approved scheme included a restaurant at 7<sup>th</sup> and 8<sup>th</sup> floor levels of the development with external terrace areas on Wellington Street (8<sup>th</sup> floor) and Tavistock Street (7<sup>th</sup> floor). Conditions were imposed restricting the restaurant to 70 covers for sit down waiter service only, the terraces could only be used between 0730 to 2230 and no amplified music was to be played on the terraces.

The proposed 8<sup>th</sup> roof top bar and terrace can only be accessed via the main hotel entrance and lift core. Staff will manage the arrival of guests from the entrance lobby on the eighth floor. The roof top bar will not be available for events and capacity will be restricted to 70 seated people using an advanced booking system.

The Council's Environmental Sciences Team are satisfied that the applicant's noise impact assessment for the 8<sup>th</sup> floor terrace is robust given the proposed hours of operation (0730 to 2230) and distance to nearest noise sensitive receptors (35 metres) subject to conditions including a noise limiter condition to control music noise breakout, restrictions on the number of patrons and the hours of operation. The same conditions as per the 2019 approved scheme plus a noise limiter condition are therefore recommended.

### **Balconies and terraces to hotel guest bedrooms**

The CCGA, CGAT, Harlequin Court residents and Florian House Residential Management Ltd (20-26 Wellington Street) have objected to the extent and number of external terraces and balconies on the grounds of noise nuisance, loss of privacy and overlooking. The CGCA have requested that the use of terraces/balconies to hotel guest bedrooms is prohibited after 10pm.

The terraces to hotel guest bedrooms at third floor level on Exeter Street, third and fourth floor levels at corner of Tavistock Street/Burleigh Street and sixth floor level on Tavistock Street are all as previously approved. These terraces were not the subject of any restrictions on hours of use. The terrace at seventh floor level on the Wellington Street frontage which was previously the restaurant terrace (restricted to use between 0730 and 2230) plus unrestricted terraces for two hotel guest bedrooms will now be entirely for use in conjunction with hotel guest bedrooms.

On the (south facing) gable end of Wellington House, previously approved terraces at fourth to seventh floor levels are modified to form smaller Juliet balconies, with two additional Juliet balconies created at eight floor level above. Three new Juliet balconies are proposed at sixth to eight floor levels above the plant area on Exeter Street and two further Juliet balconies are proposed at sixth and seventh floor levels on the west facing (Tavistock Street) end of Wellington House. All these balconies are small and are intended to allow the occupiers of the rooms a view rather than being used for sitting out purposes. The three Juliet balconies at sixth to eight floor levels above the internal courtyard/atrium are decorative only and the windows to these balconies are not openable. The new terraces originally proposed to hotel guest bedrooms at lower ground floor level on Burleigh Street have been omitted.

The Council's Environmental Sciences Team are satisfied with the applicant's operational noise impact assessment and agree with the assumptions for the smaller terraces/balconies i.e. that due to their relatively small size these could only accommodate 2-3 people and that the noise from people talking on the terraces would be no more intrusive than people talking in the street. It is not therefore considered appropriate or necessary to impose conditions restricting the use of these terraces. The applicant has however confirmed that there will be 'house rules' which hotel guests will be expected to abide by and these will be detailed in the Operational Management Plan which is to be secured by condition.

### **Plant noise**

Mechanical plant including air handling units, MVHR units, air source heat pumps, extract and supply fans is proposed within the basement and within an enclosure at fifth floor level. The application is accompanied by a Noise Impact Assessment report.

The Council's Environmental Sciences Team have confirmed that the plant is capable of complying with the Council's normal noise requirements. Conditions controlling noise emission levels including those from the emergency power generation plant are recommended.

## **Daylight and Sunlight**

City Plan Policy 7 (Managing development for Westminster's people) states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

An objection has been received from a resident of Harlequin Court on the grounds of loss of light as a result of the extension to the Tavistock Street/Burleigh Street corner of the building.

Except for the addition of a mansard extension to 23 Wellington Street, remodelling of the adjacent gable end on Wellington Street and minor modifications to the roof plant, the height and massing of the proposed scheme is consistent with that of the previously approved schemes.

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). The report assesses the impact on 20-22 Wellington Street, 24 Wellington Street, 26 Wellington Street, 28 Wellington Street and 7-9 and 11-13 Burleigh Street (Harlequin Court) by comparing the proposed scheme to the previously approved (2019) scheme and to the existing situation. The report demonstrates that, as previously, there is no material impact on daylight to windows to flats in Harlequin Court. As none of the main windows to rooms in Harlequin Court face within 90 degrees of due south, there is no requirement under the BRE guidelines to carry out a sunlight analysis.

## **8.4 Transportation/Parking**

### **Servicing and Deliveries**

City Plan Policy 29 states that the City Council will strongly support the provision of consolidated facilities for freight, servicing and deliveries and that servicing, collection and delivery needs should be fully met within a development site. Part D of the policy states that where it is not possible to fully meet the servicing, delivery and collection needs within a development site they must be met in such a way that minimises adverse effects on other highway and public realm users and other residential and commercial activity. In this instance the City Council will seek planning obligations in the form of a commuted sum for both the cost of implementation and maintenance of any loading bay as well as the opportunity cost of lost kerbside space.

As with both previously approved schemes, the applicant is proposing to service the site from an on-street loading bay in Exeter Street and an adjacent ground floor holding area within the building. As previously, the loading bay would be created through the creation of a length of raised carriageway (c.20 metres) and is capable of accommodating two x 8 metre long vehicles.

The Highways Planning Manager is concerned that given the nature of the development, larger vehicles (10.4m vehicle length) may need to service the site which will affect how many vehicles could be accommodated at any one time and that the dwell time of

vehicles loading/unloading is unknown. In addition, when servicing is taking place, because the proposed loading bay would be partly on the footway and partly on the carriageway, the northern footway on Exeter Street would be blocked to pedestrians and vehicles which need to pass would have to use the southern footway leaving no safe location for pedestrians while servicing is taking place. Larger vehicles (10m rigid vehicles) are unlikely to be able to pass at all while another vehicle is servicing the hotel, resulting in localised congestion.

Without the changes proposed by the applicant to the highway layout in Exeter Street, vehicles servicing the hotel could block the carriageway to all through traffic. However, the detailed design of any changes to the highway layout must be agreed with the City Council as Highway Authority and must deliver significant improvements to the highway for all highways users and not just for the development site. The precise hours of any on-street servicing restrictions would also need to be fully considered as part of the detailed highway design and approval process. The cost of all highway works and changes to on-street parking and loading restrictions will be borne by the developer and secured by S106 agreement. A Delivery and Servicing Management Plan is to be secured by condition.

### **Coaches and Taxis**

City Plan Policy 28 Part D requires new development likely to attract large visitor numbers to ensure that proportionate provision is made for taxis, coaches and other tourist vehicles where necessary.

The applicant's Transport Statement includes swept path analysis of taxi pick-up and drop-off in the vicinity of the proposed hotel entrance on the corner of Wellington Street/Tavistock Street which demonstrates that vehicles can pass taxi picking-up/dropping-off immediately adjacent to the hotel entrance. The hotel will also have staff in the main hotel lobby who will assist with visitor arrivals and departures which will help reduce taxi dwell time and facilitate the efficient arrival and departure of guests.

The applicant has stated that the hotel does not intend to accept coach parties. It is recommended that this is secured by condition and that the general management of the arrival and departure of hotel guests is included in the Operational Management Plan which is to be secured by condition.

### **Cycle Parking**

Policy 26 Part C of the City Plan requires major development to promote sustainable transport by prioritising walking and cycling in the City. The City Council's cycle parking requirements are in line with London Plan standards for cycle parking and facilities.

16 long stay cycle parking spaces are provided in a communal store at basement level accessed via a lift. This, and the provision of cycling support facilities (showers and lockers) is welcomed. 6 cycle parking spaces are provided separately for the three residential units which is also welcomed.

As with both previously approved hotel schemes, there is no provision for any short stay (visitor) cycle parking which is disappointing. However, there is a TfL (Santander) cycle

hire docking station immediately opposite the application site on Tavistock Street.

### **Waste and recycling**

City Plan Policy 37 (Waste Management) requires that all new development (including extensions and change of use) must provide appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection and sufficient capacity for current and projected future use.

Waste storage for the commercial uses is located at basement level and servicing (collection) proposed from Exeter Street. The waste store for the residential units in 23 Wellington Street is proposed at ground floor level with waste servicing (collection) proposed from Wellington Street. The waste storage provision is in line with the City Council's waste storage requirements and the Council's Project Officer (Waste) is satisfied with the arrangements subject to a condition to ensure that the waste storage facilities are provided and permanently retained for use by the occupiers of the buildings.

### 8.5 **Economic Considerations**

The economic benefits associated with the conversion and re-use of these buildings to provide a new hotel and ancillary facilities is welcomed. An Employment and Skills Plan which promotes and facilitates employment and, training and apprenticeship opportunities for residents of Westminster plus a financial contribution of £335,022.17 index linked will be secured by S106 legal agreement.

### 8.6 **Access**

Given the emphasis on retaining the built heritage at the site, including minimum intervention in the listed buildings, level access to and within the site cannot be as comprehensive as in a completely new development, but improvements will be achieved compared to the existing situation. Step free access via the main hotel entrance on the corner of Tavistock Street will be provided with the installation of a new sesame lift, details of which are to be reserved by condition. Additionally, level access will be provided into the hotel and public bistro/bar via the existing step free entrance from Tavistock Street. From here there is a step free route to the public facilities and hotel guest bedrooms. 5% of the hotel guest bedrooms will be wheelchair accessible in line with Building Regulation requirements.

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

#### **Archaeology**

The site is located within the Tier 1 Lundenwic and Strand Archaeological Priority Area.

There is limited potential for archaeological finds at the site given that much of the site has already been excavated to accommodate existing basement levels. In these circumstances, it is considered appropriate to impose the City Council's standard archaeological condition requiring a programme of archaeological work to be undertaken in accordance with an agreed written scheme of investigation (WSI). As an archaeological written scheme of investigation has already been agreed with Historic

England's GLAAS, under the 2019 approved scheme (Condition 27 19/04325/FULL), a condition is recommended requiring the archaeological work and development to be carried out in accordance with this approved WSI.

### **Flood Risk and Sustainable Drainage**

The site lies within the Flood Risk Zone 1 area and a flood risk assessment has been submitted with the application to assess the proposals and suggest appropriate mitigation measures. The report confirms that the site is at low risk from flooding from all sources.

A SuDS Assessment has been carried out using London Plan and City Plan guidance. Surface water attenuation will be provided in the form of blue and blue-green roofs at roof and terrace levels across a large part of the building. The areas that cannot be routed to blue roof are proposed to discharge at an unattenuated rate to the sewers in Tavistock Street and Exeter Street via existing connections. Whilst greenfield run-off rates are not achievable, the proposed sustainable drainage measures will provide an 82% improvement on the existing surface water run-off rates.

### **Energy and Sustainability**

City Plan Policy 36 (Energy) promotes zero carbon development and expects all developments to reduce on-site energy demand and maximise the use of low carbon energy sources. Part B requires that all development should follow the principles of the Mayor of London's energy hierarchy: Be Lean, Be Clean, Be Green, Be Seen. In accordance with the London Plan, Part C states that where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment.

Policy 38 of the City Plan at Part D (Sustainable Design) states that development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design and, at Part E, that this will be demonstrated by requiring that non-domestic developments of 500sqm (GIA) or above achieve at least BREEAM 'Excellent' or equivalent standard.

The energy strategy for the proposed development is: i) a fabric performance improvement over Building Regulations, ii) an Air Source Heat Pump (ASHP) serving the space heating and cooling for all areas and iii) an Air Source Heat Pump (ASHP) and Water to Water Source Heat Pump (WWSHP) serving the Domestic Hot Water (DHW) for all areas.

The calculations for this energy strategy have been carried out using the SAP 10 CO2 emission factors. The site wide results indicate a regulated carbon saving of 722 tCO2/year which is 75% of the site's regulated carbon emissions of 962 tCO2/year. This exceeds the London Plan minimum of at least 35% beyond Building Regulations requirement for major development and improves on the 36.7% of CO2 reduction achieved by the previously approved (2016) scheme (with no carbon off-set payment). As the currently proposed scheme includes only minor changes to the floorspace and atrium (a total 9sqm of new built area) the carbon off-set payment is calculated on this

additional area of the development. To achieve the 100% carbon emissions reduction required by the London Plan at a cost of £95 per tCO<sub>2</sub> for 30 years, an overall carbon off-set contribution of £695.40 is therefore required. This will be secured by S106 agreement.

As required by City Plan Policy 38, BREEAM 'Excellent' is targeted for the proposed development. An initial pre-assessment review has been undertaken and a baseline score of 70.8% is indicated.

### **Biodiversity**

In accordance with City Plan Policy 34 (Green Infrastructure) the applicant has sought to maximise the green infrastructure potential at the site through the incorporation of a blue-green roof and bird nesting boxes. Opportunities for further biodiversity measures are limited given that four of the seven buildings on the site are listed. Subject to a condition requiring the submission and approval of a long-term management plan, the green roof and associated ecological measures are welcomed.

### **Air Quality**

The submitted Air Quality Assessment report details impact assessments during construction and operation of the development. The City Council's Environmental Sciences Team have confirmed that the assessments have been carried out in line with the appropriate methodologies and that the report indicates that the proposed development will not have a significant impact on air quality and is better than air quality neutral.

## **8.8 Westminster City 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 s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.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.

## **8.9 London Plan**

The London Plan supports the provision of additional hotel accommodation in Central London.

## **8.10 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During determination of the application, a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and the requirement to set up a community liaison group. The applicant has agreed to the imposition of these conditions.

### 8.11 **Planning Obligations**

Under Section 106 of the Town and Country Planning Act 1990 (as amended) local planning authorities have the power to enter into planning obligations with any person with an interest in land in their area for the purpose of restricting or regulating the development or use of the land. In accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and paragraph 57 of the NPPF a planning obligation should only be sought where they meet all the following tests:

- (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.

Paragraph 55 of the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

- Employment and Skills plan
- Financial contribution of £335,022.17 to the Westminster Employment Service – index linked and payable prior to the commencement of development
- Carbon off-set payment of £695.40 index linked and payable prior to commencement of development
- A covenant to protect and retain the permanent residential Class C3 units in 23 Wellington Street for the lifetime of the development
- Financial payment index linked to cover cost of essential highways works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions
- Monitoring costs

### 8.12 **Environmental Impact Assessment**

The City Council issued a screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 on 1 April 2021 confirming that a development of this size and nature would not require an Environmental Impact Assessment (EIA).

**8.13 Other Issues****Construction impact**

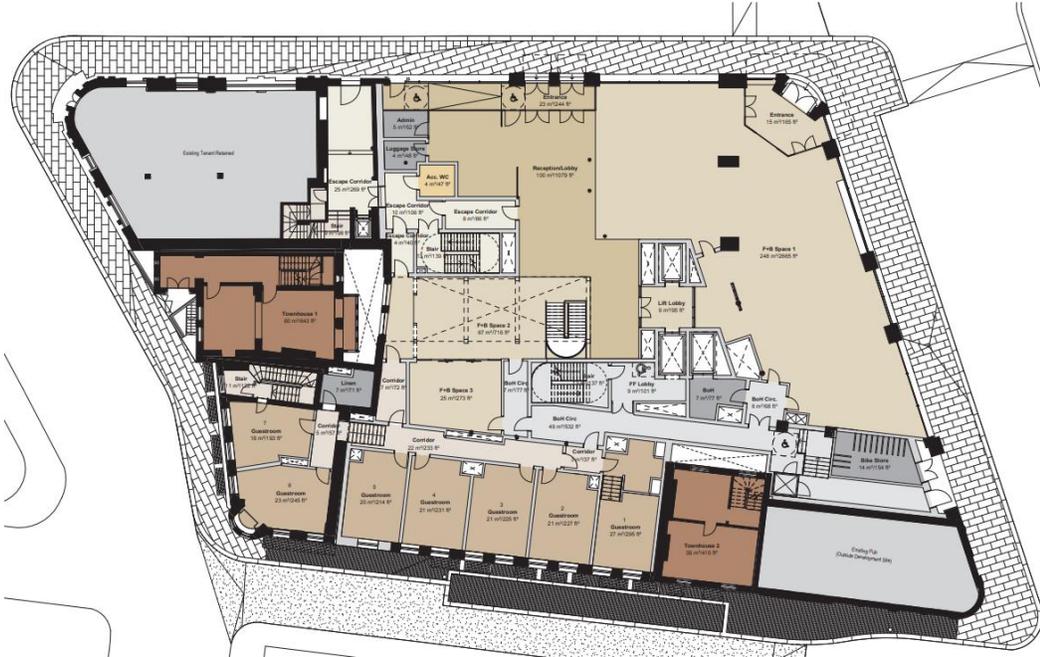
The applicant has confirmed that they and their contractors will comply with the City Council's Code of Construction Practice. The development will be subject to a Site Environmental Management Plan (SEMP) with all the demolition and construction work monitored by the City Council's Environmental Sciences Team. The SEMP will include a schedule of noisy works restrictions, agreed with the Lyceum Theatre to ensure that there is no disruption to theatre performances including weekday matinees. In addition, it is recommended that a condition is attached requiring the applicant to establish a community liaison group to keep local residents and businesses informed throughout the demolition and construction process and to provide key contacts/numbers for residents once the hotel is operational.

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

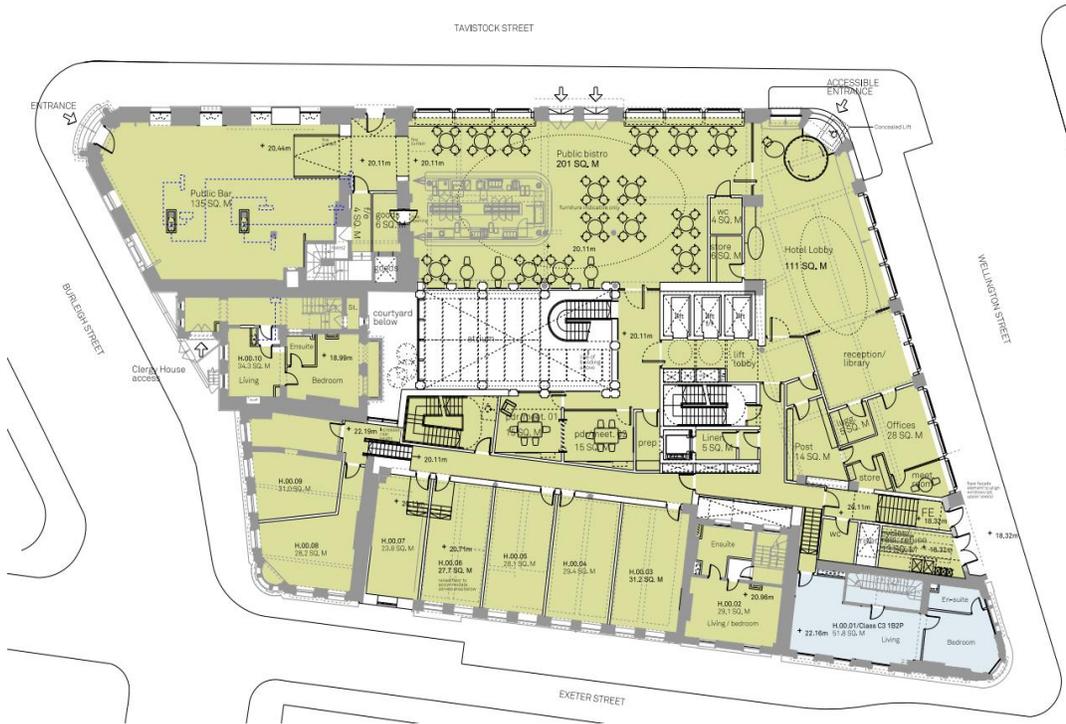
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

9. KEY DRAWINGS

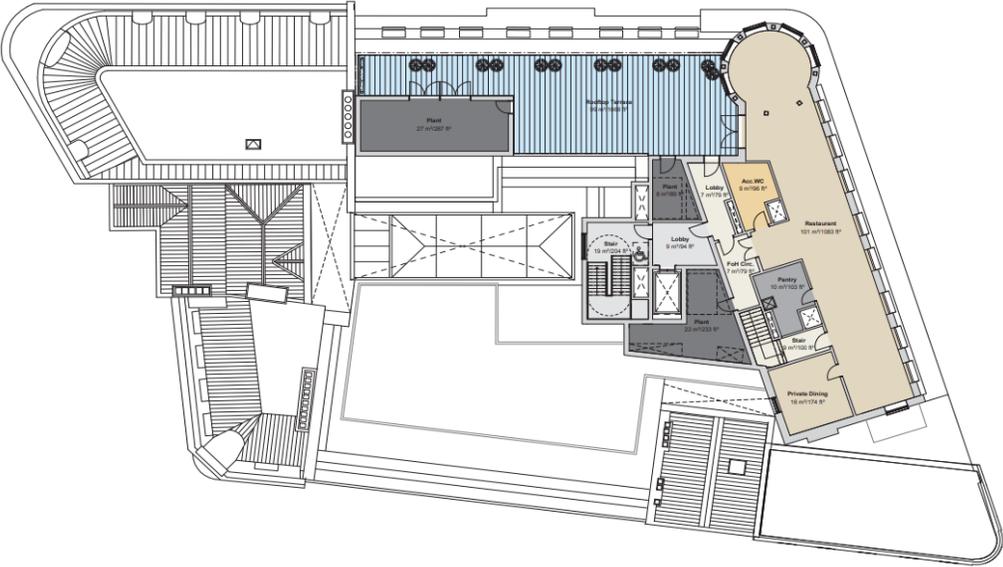
2019 Approved ground floor plan



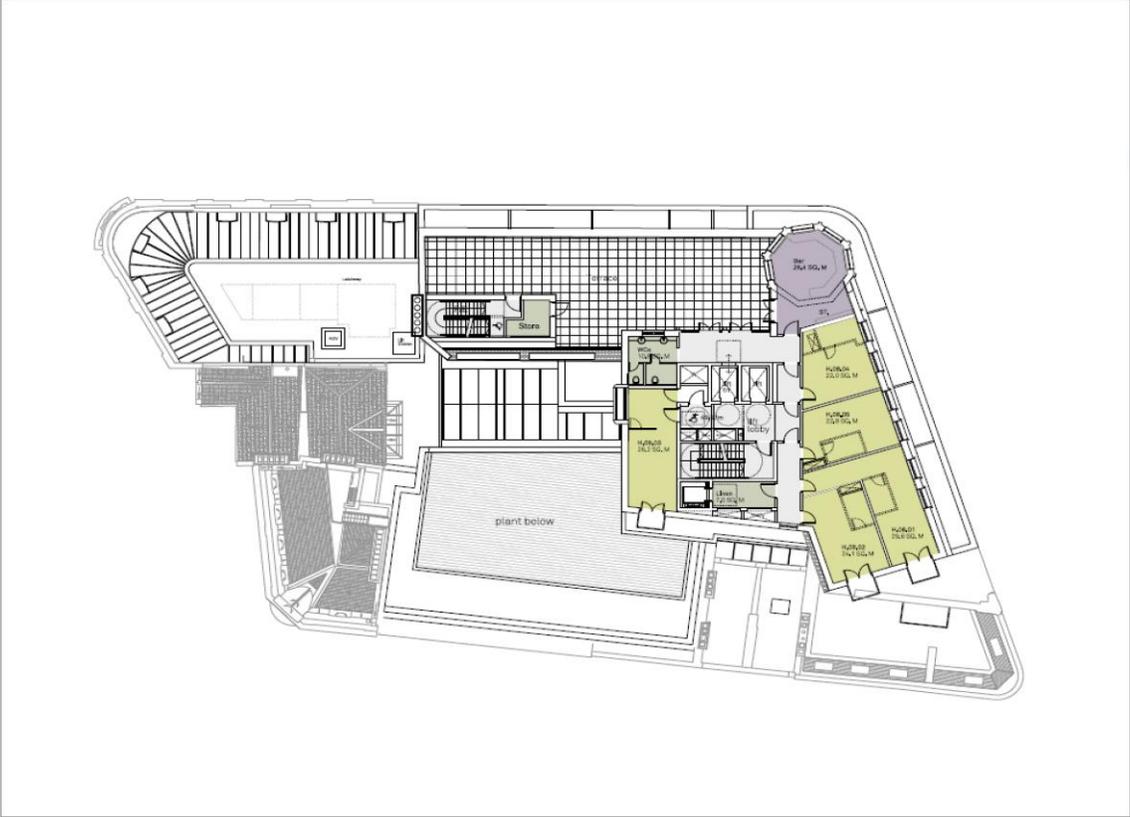
Proposed ground floor plan



2019 Approved 8<sup>th</sup> floor plan



Proposed 8<sup>th</sup> floor plan



### Wellington Street elevations

Wellington Street elevation



### Tavistock Street elevations

Tavistock Street elevation



**DRAFT DECISION LETTER**

**Address:** 25 - 31 Wellington Street, London, WC2E 7DD,

**Proposal:** Partial demolition, alterations, extensions and refurbishment of existing buildings to provide a part 4-8 storey block plus one basement level for use as Hotel (Class C1) with ancillary facilities and roof terrace; continued pub/bar (Sui Generis) and residential (Class C3) at 23 Wellington Street; provision of plant, servicing, cycle parking and other associated works (Site includes: 23 Wellington Street, 25-31 Wellington Street, 22 Tavistock Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street and 15 Exeter Street)

**Plan Nos:**

P20049FCHXXB2DRA1100 P02  
P20049FCHXXB1DRA1101 P02  
P20049FCHXX00DRA1102 P02  
P20049FCHXX01DRA1103 P02  
P20049FCHXX02DRA1104 P02  
P20049FCHXX03DRA1105 P02  
P20049FCHXX04DRA1106 P02  
P20049FCHXX05DRA1107 P02  
P20049FCHXX06DRA1108 P02  
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 P20049FCHBFXXDRA1560 P01  
 P20049FCHBGXXDRA1570 P03

For information only

Design and Access Statement by FCH P03 March 2021  
 Planning Statement by Gerald Eve March 2021  
 Energy Statement by Elementa March 2021  
 Sustainability Statement by Elementa March 2021  
 Ventilation and Extraction Statement by Elementa March 2021  
 Daylight and Sunlight Report by Delva Patman Redler  
 Townscape and Visual Impact Assessment by Peter Stewart.  
 Heritage Assessment by Peter Stewart March 2021  
 Statement of Community Involvement by Kanda March 2021  
 Transport Statement by WSP March 2021  
 Site Waste Management Strategy by WSP Rev 2 June 2021  
 Air Quality Assessment by Dar  
 Flood Risk Assessment and Sustainable Drainage (SuDS) Strategy by HTS  
 Structural Report by HTS  
 Noise Impact Assessment by Sandy Brown March 2021  
 Archaeological Assessment by MOLA March 2021

**Case Officer:** Amanda Jackson

**Direct Tel. No.** 07866038919

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

## Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

## Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to the wider development (details relating to the listed buildings are covered elsewhere):

- i) Windows,
- ii) Doors,
- iii) Roof dome,
- iv) Courtyard roof,
- v) Canopies/ awnings,
- vi) Ventilation grills/ louvres,
- vii) Balconies/ railings,
- viii) high level fretwork and planter boxes to the shopfront bays at 12 Burleigh Street,
- ix) detailed design of typical floor to rear elevation of 25-31 Wellington (including 1 spandrel, window and Juliet balcony assembly),
- x) sesame lift (retracted and deployed) and any associated controls
- xi) furniture, planters, tubs including plants/soft landscaping/and details of irrigation/maintenance plan on

## 8th floor roof terrace

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

## 7 You must submit detailed drawings at a scale of 1:10 of the following parts of the development:

- i) 13-14 Exeter Street extension detailed design

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

## 8 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 22 Tavistock Street:

- i) Windows including glazing,
- ii) Typical dormer types,
- iii) Entrance door,
- iv) Domed roof construction,
- v) Reconstructed balustrade,
- vi) Roof level plant,
- vii) new vault doors,

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

## 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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

## 9 You must submit a sample of the proposed roof slate to be used at 15 Exeter Street. 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.

## 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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

## 10 You must submit detailed drawings at a scale of 1:10 of the following parts of the development in relation to 15 Exeter Street:

- i) details of access hatch at main roof level in the context of retained fabric;
- ii) aluminium framed glazed roof to rear yard (at top floor level)

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

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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).  
(R26FE)

- 11 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 23 Wellington Street:

i) the new roof and dormers,

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

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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).  
(R26FE)

- 12 Notwithstanding the approved documents, you must apply to us for approval of detailed drawings showing the following revisions to the scheme at any listed buildings (where relevant):

- (a) A repair schedule of the existing windows, including photos, and which are proposed for joinery repairs, part or full replacement  
(b) For windows proposed for full replacement, detailed plans and elevations at 1:10 and sections at 1:5

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

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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).  
(R26FE)

- 13 Any replacement roof coverings and leadwork must be on a like-for-like basis in terms of the material used and their detailed design.

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 Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).  
(R26FE)

- 14 The ground floor bar/bistro and eighth floor roof top bar and terrace as shown on the approved drawings at ground and eighth floor levels shall only be used by seated customers with waiter service. You must not use these areas of the ground and eighth floor for any other purposes including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it)

Reason:

We cannot grant planning permission for unrestricted restaurant/ café / bar use because it

would not meet Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05CD)

- 15 You must not allow more than 120 customers in the bar/bistro on the ground floor and no more than 70 customers in the bar/roof top terrace on the eighth floor as shown on the approved drawings at any one time.
- Reason:  
We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05AC)
- 16 No music shall be played in the hotel, bar/bistro, roof top bar/terrace, spa or private members bar such as to be audible outside the premises.
- Reason:  
To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)
- 17 No live or amplified music shall be played on the external hotel or roof top bar terraces/balconies.
- Reason:  
To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)
- 18 The public areas of the hotel shall only be open to non-hotel guests between 0700-0130 Monday to Saturday and between 0730-0000 (midnight) on Sundays and Bank Holidays; the ground floor bar/bistro shall only be open between 0700-0130 Monday to Saturday and between 0730-0000 (midnight) on Sundays and Bank Holidays; and the eighth floor bar and roof terrace shall only be used between 07.30 and 22.30 daily.
- Reason:  
To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)
- 19 No customer, hotel resident, guest or member of staff shall be permitted to use the door at the corner of Tavistock Street/Burleigh Street to enter or exit the bar/bistro after 22.30 hours and before 07.30 hours Monday to Sunday. Outside these hours you can only use this door to escape in the case of an emergency.
- Reason:  
To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)
- 20 You must apply to us for approval of an Operational Management Plan (OMP) that takes account of all the uses in the development. The OMP shall include but not be limited to details of i) operational hours for each use and area within the hotel, ii) capacity and cover numbers in each restaurant/bar, iii) management of restaurant/bar entrances and external roof terrace areas including noise mitigation measures iv) details and numbers of entrance and front of desk staffing and their role in managing arrivals and departures, v) management of evening guests and visitors including the duties of doormen and porters, vi) staffing and security measures. You must not commence the hotel and ancillary uses hereby approved until we have approved what you have sent us. The OMP must thereafter be maintained and followed by the occupants for the life of the development unless a revised OMP is approved (in writing) by the City Council as Local Planning Authority.

## Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 21 The street level entrance on Wellington Street to the three Class C3 residential units on first to third floors of 23 Wellington Street shall be built out in accordance with approved lower ground floor plan B1-DR-A-1301-P05 and maintained as the primary entrance to the residential units for the lifetime of the development.

## Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets Policy 8 and 12 of the City Plan 2019 - 2040 (April 2021). (R07AC)

- 22 (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 schedule of all plant and equipment that formed part of this application;
  - Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - Manufacturer specifications of sound emissions in octave or third octave detail;
  - The location of most affected noise sensitive receptor location and the most affected window of it;
  - 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;
  - 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;
  - The lowest existing LA90, 15 mins measurement recorded under (f) above;
  - Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

## Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 23 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 draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 24 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

- (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 25 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

- (3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
  - (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 26 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 27 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 28 A Sound Limiter device shall be installed and set to the satisfaction of Environmental Health to ensure that the Sound Source levels meet the design, criteria and/or mitigation specified in Condition 25. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Applicant. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the

premises without being routed through the sound limiter device.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 29 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 30 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P20049-FCH-XX-B1-DR-A-1301 P03 & P20049-FCH-00-DR-A-1302 P03 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the hotel, bar/bistro, pub and residential. (C14FC)

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)

- 31 You must apply to us for approval of details of secure cycle storage and associated facilities for cyclists for the hotel and residential flats use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage and associated facilities in line with the approved details prior to occupation and make it available at all times to everyone using the hotel and residential flats. You must not use the cycle storage and associated facilities for any other purpose. (C22JA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 32 You must apply to us for approval of a Servicing Management Plan prior to occupation. The plan should identify process, internal storage locations, scheduling of deliveries, staffing and a clear process for managing coach party arrivals and departures. You must not commence the hotel, bar/bistro or roof top bar use until we have approved what you have sent us. The SMP must thereafter be maintained and followed by the occupants for the life of the development.

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). (R23AD)

- 33 No servicing activity including deliveries shall occur or be accepted via the hotel entrance on Wellington Street.

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). (R23AD)

- 34 All servicing areas as shown on the approved plans to be maintained for servicing including waste collection and for no other purpose.

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). (R23AD)

- 35 Any structure (including awnings, canopies and signage) over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the existing kerb edge; when within 1 metre of the kerb edge and over the carriageway, 5.3 metres vertical clearance must be maintained by the structure. This includes building overhangs, signage, awnings, flags and canopies.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 37 The development shall retain a minimum vertical depth below the footway and carriageway of 900mm between the highway surface and the vault structure.

Reason:

To ensure sufficient space is retained for utilities and in accordance with Policy 45 of the City Plan 2019-2040 (April 2021).

- 38 The operator of the hotel must not knowingly accept bookings from parties travelling to and from the premises by coach.

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). (R23AD)

- 39 No piling shall take place until a Piling Method Statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved by the City Council as local planning authority in consultation with Thames Water.

## Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure.

- 40 A) The development shall only commence in accordance with the agreed Written Scheme of Investigation dated 13 August 2019 (Issue 3) hereby approved by the City Council as local planning authority and Historic England's GLAAS on 4 November 2019 under application reference 19/04325/FULL. The archaeological work must be undertaken by a suitably qualified person or organisation and work must not start until any revisions to the approved written scheme have been included.
- B) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record.
- C) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme.

## Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

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

Living roof

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

## Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 42 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the Living roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

## Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 43 Pre Commencement Condition. No development shall commence until a programme has been submitted to and approved by the City Council as local planning authority for the implementation of a Community Liaison Group to keep local residents and businesses including the Lyceum Theatre informed throughout the demolition and construction works.

## Reason:

To minimise the impact of the development demolition and construction on adjacent occupiers in order to safeguard their amenity, in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 44 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces and balconies.

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

### 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.
- 2 With reference to condition 2 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will

carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 4 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 5 The term 'clearly mark' in condition 30 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).

- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 8 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 9 You must register your food business with the Council, please use the following link: [www.westminster.gov.uk/registration-food-business](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 10 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be provided at the premises, you will need to apply for a Special Treatment Licence. Please use the following link for further information and to make your application: [www.westminster.gov.uk/massage-and-special-treatment-premises-licences](http://www.westminster.gov.uk/massage-and-special-treatment-premises-licences). You should contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice to ensure the treatment rooms meet the

appropriate standards.

- 11 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

- \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
- \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 12 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 13 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- \* Lighting - ensure luminaires can be safely accessed for replacement.

- \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.htm)

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 15 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:
  - i. Employment and Skills plan
  - ii. Financial contribution of £335,022.17 to the Westminster Employment Service - index linked and payable prior to the commencement of development
  - iii. Carbon off-set payment of £695.40 index linked and payable prior to commencement of development
  - iv. A covenant to protect and retain the permanent residential Class C3 units in 23 Wellington Street for the lifetime of the development
  - v. Financial payment index linked to cover cost of essential highways works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions
  - vi. Monitoring costs
- 16 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: [www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening](http://www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening).

**DRAFT DECISION LETTER**

**Address:** 25 - 31 Wellington Street, London, WC2E 7DD,

**Proposal:** Repair and refurbishment of 14 Burleigh Street, 15 Exeter Street, 22 Tavistock Street and 23 Wellington Street including internal and external alterations; mansard roof extensions at 23 Wellington Street and 22 Tavistock Street all in connection with the partial demolition of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a part 4-8 storey block for use as a hotel and associated facilities, retained residential and pub/bar (Sui Generis) at 23 Wellington Street and associated facilities and works. (Site includes: 23 Wellington Street, 25-31 Wellington Street, 22 Tavistock Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street and 15 Exeter Street)

**Plan Nos:**

P20049FCHXXB2DRA1100 P02  
 P20049FCHXXB1DRA1101 P02  
 P20049FCHXX00DRA1102 P02  
 P20049FCHXX01DRA1103 P02  
 P20049FCHXX02DRA1104 P02  
 P20049FCHXX03DRA1105 P02  
 P20049FCHXX04DRA1106 P02  
 P20049FCHXX05DRA1107 P02  
 P20049FCHXX06DRA1108 P02  
 P20049FCHXXRFDRA1109 P02  
 P20049FCHXXXXDRA1110 P02  
 P20049FCHXXXXDRA1111 P02  
 P20049FCHXXXXDRA1112 P02  
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 P20049FCHBFXXDRA1161 P01  
 P20049FCHBFXXDRA1162 P01  
 P20049FCHBFXXDRA1163 P01  
 P20049FCHBGB1DRA1170 P01  
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 P20049FCHXX00DRA1322 P02  
 P20049FCHXX01DRA1323 P02

P20049FCHXX02DRA1324 P03  
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P20049FCHXX04DRA1326 P04  
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P20049FCHXX06DRA1328 P03  
P20049FCHXXRFDRA1329 P03  
P20049FCHBBXXDRA1342 P01  
P20049FCHBBXXDRA1343 P01  
P20049FCHBCXXDRA1351 P02  
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P20049FCHXX01DRA1303 P02  
P20049FCHXX02DRA1304 P02  
P20049FCHXX03DRA1305 P02  
P20049FCHXX04DRA1306 P02  
P20049FCHXX05DRA1307 P02  
P20049FCHXX06DRA1308 P02  
P20049FCHXX07DRA1309 P02  
P20049FCHXX08DRA1310 P04  
P20049FCHXXRFDRA1311 P05  
P20049FCHBBXXDRA1340 P02  
P20049FCHBBXXDRA1341 P02  
P20049FCHBCXXDRA1350 P03  
P20049FCHBFXXDRA1360 P01  
P20049FCHBFXXDRA1361 P03  
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P20049FCHBGXXDRA1371 P02

P20049FCHBGXXDRA1372 P02  
P20049FCHBGXXDRA1373 P01  
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P20049FCHXXXXDRA1402 P03  
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P20049FCHBBXXDRA1440 P01

P20049FCHBCXXDRA1450 P02  
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 P20049FCHBBXXDRA1540 P01  
 P20049FCHBCXXDRA1550 P02  
 P20049FCHBFXXDRA1560 P01  
 P20049FCHBGXXDRA1570 P03

For information only

Design and Access Statement by FCH P03 March 2021  
 Planning Statement by Gerald Eve March 2021  
 Sustainability Statement by Elementa March 2021  
 Townscape and Visual Impact Assessment by Peter Stewart.  
 Heritage Assessment by Peter Stewart March 2021  
 Structural Report by HTS  
 Archaeological Assessment by MOLA March 2021

**Case Officer:** Amanda Jackson

**Direct Tel. No.** 07866038919

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

4 Notwithstanding the approved documents, you must apply to us for approval of detailed drawings showing the following revisions to the scheme:

- (a) Cleaning methodology, including discussion of the potential effectiveness of the proposed methods and their potential impacts on the historic fabric of the building; and
- (b) Before and after photographic sample trial panel/s (outlined in red) of the proposed masonry cleaning method/s carried out on discreet but representative section/s of the brickwork (max. panel size 1 metre squared).

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to the wider redevelopment (details relating to the listed buildings are covered elsewhere):

- i) Windows,
- ii) Doors,
- iii) Roof dome,
- iv) Courtyard roof,
- v) Canopies/ awnings,
- vi) Ventilation grills/ louveres,
- vii) Balconies/ railings,
- viii) high level fretwork and planter boxes to the shopfront bays at 12 Burleigh Street,
- ix) detailed design of typical floor to rear elevation of 25-31 Wellington (including 1 spandrel, window and Juliet balcony assembly),
- x) sesame lift (retracted and deployed) and any associated controls

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

6 You must submit detailed drawings at a scale of 1:10 of the following parts of the development:

- i) 13-14 Exeter Street extension detailed design

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

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

of the development in relation to 22 Tavistock Street:

- i) Windows including glazing,
- ii) Typical dormer types,
- iii) Entrance door,
- iv) Domed roof construction,
- v) Reconstructed balustrade,
- vi) Roof level plant,
- vii) Secondary glazing,
- viii) Floor strengthening,
- ix) new vault doors,
- x) details of insulated and/or fire rated wall linings (how fixed / how will relate to historic fabric)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 8 You must submit a sample of the proposed roof slate to be used at 15 Exeter Street. 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.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 9 You must submit detailed drawings at a scale of 1:10 of the following parts of the development in relation to 15 Exeter Street:

- i) details of access hatch at main roof level in the context of retained fabric;
- ii) aluminium framed glazed roof to rear yard (at top floor level)
- iii) second floor w.c. design and installation,
- iv) floor strengthening,
- v) structural works to vaults (associated with proposed loading bay above)
- vi) secondary glazing
- vii) details of insulated and/or fire rated wall linings and/or underdrawing to the staircase (how fixed / how will relate to historic fabric)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 10 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 23 Wellington Street:

- i) the new roof and dormers,
- ii) secondary glazing,
- iii) details of insulated and/or fire rated wall linings and/or underdrawing to the staircase (how fixed / how

will relate to historic fabric),  
iv) new internal doors

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 11 Notwithstanding the approved documents, you must apply to us for approval of detailed drawings showing the following revisions to the scheme at any listed buildings (where relevant):
- (a) A repair schedule of the existing windows, including photos, and which are proposed for joinery repairs, part or full replacement
  - (b) For windows proposed for full replacement, detailed plans and elevations at 1:10 and sections at 1:5

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 12 Any replacement roof coverings and leadwork must be on a like-for-like basis in terms of the material used and their detailed design.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 13 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 14 Burleigh Street:

- i) Basement level courtyard door,
- ii) Secondary glazing,
- iii) Dumb waiter design and location,
- iv) Floor strengthening,
- v) new internal doors
- vi) details of insulated and/or fire rated wall linings and/or underdrawing to staircase (how fixed / how will relate to historic fabric)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 14 Notwithstanding the approved documents, you must apply to us for approval of further

information relating to the proposed structural masonry repairs (use of Helifix bars or similar) as set out below showing the following revisions to the scheme:

- (a) a detailed assessment of the cracks in the masonry (including the chimney stacks) and whether movement is active or historic; and
- (b) following assessment of the cracks, a detailed written specification of structural repairs, to include traditional mason's repairs in the first instance, with proprietary metal reinforcement methods used only where demonstrated to be the minimum intervention necessary.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 15 Any floorboards within the listed buildings will be marked, recorded, lifted as individual units, stored and re-laid in their original positions following completion of the installation of approved acoustic insulation, fire proofing and/or service routes.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

#### **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 decided that the proposed works would not harm the special architectural and historic interest of this listed building.

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.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 This decision is based on the drawings and report(s) submitted by you, including structural details. For the avoidance of doubt matters relating to structural performance have not been assessed by the City Council and as a consequence we do not endorse or approve these aspects in any way; they have been considered for information purposes only. The details submitted demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the buildings themselves, including all the listed buildings on site. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 5 Please be advised that in response to any structural details secured by these conditions, architectural drawings showing any demolition of and/or alterations to historic structure and fabric and the relationship of any new structural members to historic fabric should be submitted so that the impact of the works on the listed buildings can be assessed. The engineering aspects of the proposals will be assessed at a later stage by Building Control.
- 6 There are only isolated areas with lath and plaster ceilings in the listed buildings on the site and, generally, the ceilings in the listed buildings have been compromised. The submitted fireproofing detail for areas of lath and plaster ceiling within the listed buildings will be subject to review by Building Control. In our experience, fixing plasterboard directly to lath and plaster ceilings is not best practice. If Building Control requires a change to this detail, you will need to come back to us to comply with Informative 2 of this decision.
- 7 Please be advised that listed building consent will be required for any new fire safety equipment, such as PIRs, lighting, etc and their associated service routes not shown (or annotated) on the approved drawings.
- 8 Please be advised that if any roof insulation (beyond the laying of insulation quilt) is proposed within the listed buildings, we would need to see existing and proposed insulation details showing the relationship of the proposed insulation to the roof structure and coverings.