

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 20 December 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	7 - 8 St Martin's Place, London, WC2N 4HA,		
Proposal	Change of use of first to fourth floors from offices (Use Class B1) to hotel (Use Class C1) accommodation together with associated works to comprise the erection of extensions at fifth floor/ roof level to create a rooftop restaurant and bar with external terrace (Use Class A3), reconfiguration of the ground floor retail and the creation of new retail floorspace at basement level (Use Class A1), works to the ground floor entrance, replacement of existing windows, installation of new shopfronts and signage at ground floor level and installation of mechanical plant at podium and roof level.		
Agent	Mrs Robyn Prince		
On behalf of	Best Effort Ventures Ltd		
Registered Number	16/07659/FULL	Date amended/ completed	10 August 2016
Date Application Received	10 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

7 - 8 St Martin's Place is a five storey unlisted building which comprises retail on the basement and ground floors and offices on the upper floors. The building forms a whole block bounded by St Martins Place, William IV Street, Adelaide Street, and adjoining the Grade II Star listed St Martin's Vicarage, Vestry and School to the south. The site is located within the Trafalgar Square Conservation Area and the Core Central Activities Zone (CAZ).

Planning permission is sought for the use of the first to fourth floors as a hotel (Class C1), reconfiguration of the retail units at ground level and new retail floorspace at basement level, together with external alterations including an extension at fifth/ roof level to create a rooftop restaurant and bar with an external terrace, replacement of all windows, new shopfronts at ground level, a new hotel entrance fronting St Martin's Place, and mechanical plant at podium and roof levels.

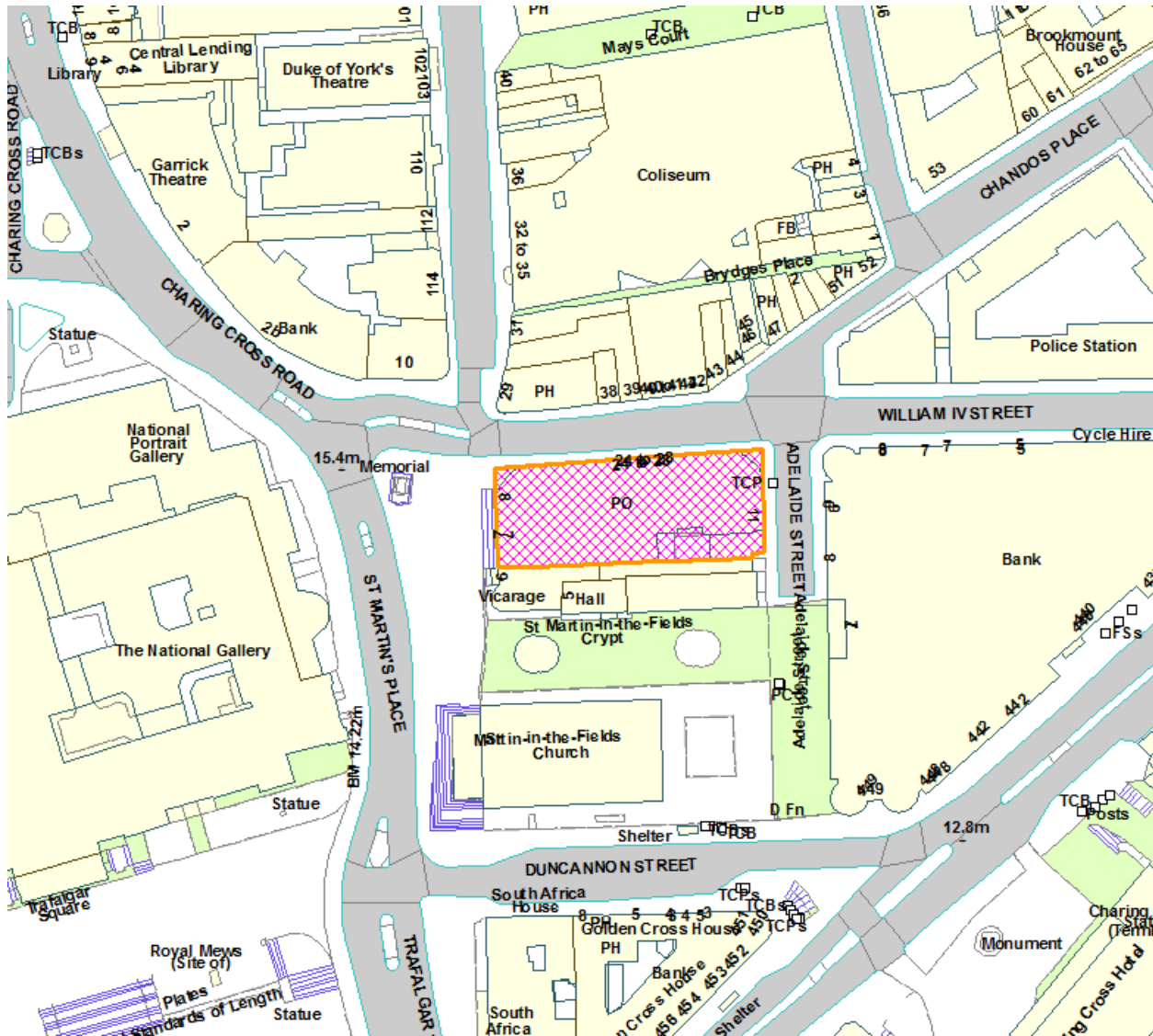
Two objections have been received from local amenity groups, The Covent Garden Community Association and The Covent Garden Area Trust, primarily concerned with the effects of new hotels in the area and the potential adverse impacts on residential amenity and the highway network.

The key issues in this case are:

- Loss of the office use and the provision of a new hotel;
- Impact of the proposals on the significance of designated heritage assets and the character and appearance of the Trafalgar Square Conservation Area;
- The impact of the proposals on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network.

The proposed development would be consistent with relevant development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is acceptable in terms of land use, design, amenity, and transportation terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



7 – 8 St. Martin's Place



View across Trafalgar Square



View from corner of National Portrait Gallery



View from Charing Cross Road



View along William IV Street



View from Duncannon Street



Corner of William IV Street & Adelaide Street

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION:

Raise no objection to a hotel in this location however have serious concerns about the following:

- Adverse impacts and disruption to the high volumes of vehicular traffic;
- No parking for taxis or coaches or other space for dropping off/ picking up guests;
- Servicing and deliver proposals are unclear and a detailed strategy must be provided;
- Impact of the proposed outdoor terrace on residential amenity, particularly noise and disturbance late at night;
- The restaurant and bar windows must be closed at all times to prevent noise break out;
- Restaurant and bar must be restricted to hotel residents and their guests only;
- The area is more residential than it may seem, thus the impacts on residents must be considered;
- Impact on heritage assets must be considered.

COVENT GARDEN AREA TRUST:

Object on following grounds:

- Concern about the loss of offices;
- Cumulative impact of hotel proposals in the local area;
- Lack of information relating to transport/ servicing/ delivery to the hotel;
- Concern about the potential impacts on the neighbouring heritage assets;
- Impact of the proposed outdoor terrace on residential amenity.

HISTORIC ENGLAND:

This application should be determined in accordance with national and local policy guidance.

HIGHWAYS PLANNING MANAGER:

Unacceptable but could be considered acceptable. Recommend conditions for a revised Servicing and Delivery Plan, including a restriction on coach party booking.

CLEANSING MANAGER:

Objection on following grounds:

- No waste storage provision for the reconfigured retail units;
- Recommends that the waste storage for the hotel should be enlarged to accommodate waste from the retail units; and
- All waste generated should be collected from Adelaide Street and not from William IV Street.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One objection raising concern on the following grounds:

- Noise and disturbance from the roof top bar
- Loss of privacy to flats opposite;
- Disturbance from demolition works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

7 - 8 St Martin's Place is a five storey unlisted building located within the Trafalgar Square Conservation Area. The building forms a whole block bounded by St Martins Place to the west, William IV Street to the north, Adelaide Street to the east, and adjoining the Grade II Star listed St Martin's Vicarage, Vestry and School to the south. The building has a frontage onto St Martin's Place and a secondary frontage onto William IV Street.

The building is in retail use at basement and ground floor level providing a commercial frontage onto St Martin's Place and William IV Street. The remaining upper floors are in office use. The site is also located within the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

The planning history comprises a number of minor applications for signage, new lighting, and minor external alterations.

7. THE PROPOSAL

The proposals seek to change the use of the upper floors of the existing building from office use (Class B1) to a 136 bedroom hotel (Class C1). The building will remain in retail use (Class A1) at ground level. The layout of the existing four retail units will be reconfigured and new retail floorspace will be created at basement level.

An extension at fifth/ roof level is proposed to create a rooftop restaurant and bar with an external terrace. The restaurant and bar will be open to hotel guests and members of the public.

The existing building will be retained but will be refurbished including replacement of all windows, new shopfronts at ground level, and a new hotel entrance fronting St Martin's Place. Mechanical plant is also proposed at podium and roof levels.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Core Central Activities Zone (CAZ). The typical character of land uses in this part of the City is one of retail and entertainment uses on the ground floor with residential and office uses on the upper floors.

The proposed scheme is for a new 136 bedroom hotel with ancillary rooftop restaurant and bar. The hotel operator will be the Butterfly Hotel Group who are based and primarily operate hotels in Hong Kong.

The layout of four existing retail units, including a Post Office, will be reconfigured and new retail floorspace will be created at basement level.

The existing and proposed land uses can be summarised as follows:

Use Class	Existing (sqm)	Proposed (sqm)	Change (sqm)
A1 Retail	1493	1362	-131
A3 (Restaurant and bar)	0	450	+450
B1 Office	4266	0	-4266
C1 Hotel	0	4396	+4396
Other (plant/ storage/ parking/ substation)	1391	1157	-234
Total	7150	7365	+215

8.1.1 Loss of office use

The existing B1 office accommodation (4266sqm) will be replaced by a hotel. Policy S20 of the City Plan July 2016 resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to hotel use (which is another employment-generating use) in this location. The loss of the existing office accommodation is therefore acceptable in principle.

8.1.2 New hotel use

Policy S23 of the City Plan states that new hotels will be directed to the Core CAZ and that existing hotels will be protected where they do not have significant adverse effects on residential amenity and proposals to improve the quality and range of hotels will be encouraged.

Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated

within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

The hotel will provide 136 bedrooms with a rooftop restaurant and bar with an external terrace. The restaurant and bar will be open to hotel guests and members of the public. The hotel will be open 24 hours a day, seven days a week. A new hotel entrance will be created on St Martin's Place. The hotels supporting facilities are very limited and therefore guests are likely to be out of the hotel for the majority of the day. The applicant expects that guests would typically leave in the morning, return for a short period in the evening before leaving again and returning later at night. The main on-site facility for guests is the rooftop restaurant and bar.

It is not considered that there is an over proliferation of hotel uses in the surrounding area and the proposal would complement the existing multifaceted mix of uses in this part of the City as well as cater for tourist and business travellers. It is considered that this location within the CAZ and Covent Garden locale would be appropriate for a new hotel use.

Conditions are recommended to restrict the hotel restaurant and bar opening for non-hotel guests between 01.00 hours and 08.00 hours; and to restrict access to the rooftop external terrace to all customers before 07.00 hours or after 11.30 hours each day.

It is proposed that the details of hotel operation and servicing arrangements be controlled through conditioning a Servicing and Operational Management Plan. This will ensure that the highway network, amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded. The servicing and highways implications of the development are detailed later in this report.

8.1.3 Retail use

There are four existing retail units at ground floor level including a post office. Policy S21 of the City Plan states that existing A1 retail will be protected throughout Westminster.

The proposals seek to reconfigure the existing retail floorspace on the ground floor to create better quality and more efficient retail units. New retail floorspace will also be created at basement level. The proposals would provide four new retail units. This includes one large retail unit set over ground and basement levels on the corner of William IV Street and Adelaide Street; and 3 smaller retail units at ground floor level only fronting William IV Street. The applicant states that the reconfigured layouts would provide more efficient and high quality retail units which will complement the new hotel and improve the overall contribution the building makes to the character and function of the surrounding area.

There would be a loss of some 131 sqm of A1 retail floorspace, which mostly arises through the removal of an existing mezzanine floor serving the Post Office. The mezzanine level is considered to be of poor quality and is currently used as ancillary storage. As such the mezzanine floor is not considered to add to the retail character or function of the area. The loss of retail floorspace also partly arises from the inclusion of the new hotel entrance lobby on the St Martin's Place frontage.

There is no adopted policy which resists the reconfiguration of existing retail units, providing they remain within the same use class. The four reconfigured units would remain class A1 retail, and although there is a loss of some existing retail floorspace, the new units are considered to be an improvement in terms of layout. Whilst the loss of retail floorspace and frontage on St Martin's Place is regrettable, the retail frontage on to William IV Street will be significantly improved creating larger, unified shopfronts, making it more attractive to customers. The proposals are not resisted in land use terms within the context of the NPPF, UDP and City Plan.

In respect of the existing Post Office, the applicant has advised that they are actively engaging with representatives of the Post Office. The applicant has confirmed that the proposals enable the Post Office to remain within the building but in a smaller unit which the Post Office advise would meet their requirements should they decide to remain in this location.

8.2 Townscape and Design

The application site is an unlisted post-war building of some architectural merit within the Trafalgar Square Conservation Area, although the Conservation Area Audit does not list it as a building of merit. It forms a whole block bounded by St Martins Place to the west, William IV Street to the north, Adelaide Street to the east and adjoining the Grade II Star listed St Martin's Vicarage, Vestry and School to the south. The location is one of intense heritage significance, including not only the Square itself, but also high graded listed buildings in close proximity including the National Gallery, the National Portrait Gallery (Grade I), the former City Council Offices at Cavell House, Coutts Bank (434-438 Strand - Grade II Star), the Church of St Martin-in-the-Fields (Grade I), the Edith Cavell Memorial (Grade I) and the London Colliseum (Grade II Star). The building is an evident feature in views of the Church from the Square.

In accordance with the requirements of the Act, and Sections 7 and 12 of the NPPF, there is a presumption against harm when determining applications affecting the setting of listed buildings or within Conservation Areas.

The proposal would include the complete re-fenestration of the building, new shopfronts and extensions to the existing fifth floor plant level to include a rooftop restaurant and bar, including roof terrace. The extensions at roof level include a substantial set back from the roof edge in order to prevent the building from breaking the silhouette of the St Mary's Vestry roofline in views of the Church from Trafalgar Square and other key local viewpoints. This includes a set back over the main staircase and no additional height for plant over the proposed main roof.

The proposed alterations and extensions to the building for enabling the proposed use(s) are considered to be acceptable, subject to conditions.

The proposed re-fenestration of the building and modification of the shopfronts and roof parapets would work well with the building's existing architecture, preserving what is best about it, but improving upon its current limitations. The proposed new canopy onto St Martin's Place would add legibility to the building whilst being appropriately sized for the site.

The extensions at roof level are adequately set back and restrained in extent to avoid the building from detracting from the setting of the adjacent listed buildings, and to protect key views from various angles. As amended during the course of the application, the new roof extension would sit comfortably behind the silhouette of the adjacent listed building in views of it and the Church from both Trafalgar Square and Duncannon Street. From the latter, where the hipped roof of the School building tapers down the extension would become visible, infilling the sky gap which currently aids the definition of the School's silhouette, but this is only slight, transient and is based on a viewing position hard up against the buildings fronting Duncannon Street. The impacts of the development on significant local views are therefore considered to be acceptable.

The applicant has submitted an indicative signage strategy, which is generally acceptable however it doesn't remove the requirement to apply for advertisement consent for signage for the hotel and each shop unit.

There is some risk of currently unidentified impacts on the views through post-development ad-hoc paraphernalia accumulating on the roof terrace, including umbrellas and planters, but also from functional items accumulating on the roof. Conditions can adequately control this, as set out in the draft decision letter.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly to existing dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

The majority of neighbouring properties are in commercial use. However, there are some residential properties nearby with the nearest being located on the upper floors on the opposite side of William IV Street at nos.38 – 42 and at 29 St Martin's Lane and 43 Chandos Place. An objection has been received from a neighbouring occupier raising concern about noise and disturbance from the hotel restaurant and bar roof terrace as well as overlooking of their windows.

8.3.1 Noise

A terrace in this location adjacent one of London's most popular tourist destinations, with views towards Trafalgar square is considered acceptable. However given its size, the proposed hotel restaurant and bar roof terrace has the potential to result in noise disturbance, especially if used for entertainment purposes. Conditions are therefore recommended to restrict access to the rooftop terrace to all customers before 07.00 hours or after 11.30 hours each day; and also to prevent amplified music from being played on the terrace.

8.3.2 Privacy

Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. The proposed terrace would have a capacity to hold up to 80 people. The nearest residential occupiers are located on the opposite side of William IV Street, which is located over 10m from the proposed external terrace and at a lower oblique angle.

Given that the terrace is also set back from the roof edge, it is considered that the terrace will not lead to an unacceptable loss of residential amenity in terms of overlooking.

8.3.3 Sunlight and Daylight

The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines. Windows in the nearest residential properties (29 St Martin's Lane, 38 - 42 William IV Street, and 43 Chandos Place) have been tested for daylight and sunlight and comply with BRE guidelines with reductions in Vertical Sky Component of less than 20% and as such are considered acceptable.

8.3.4 Sense of Enclosure

Policy ENV13 also states that developments should not result in an increased sense of enclosure. The fifth floor roof extensions infill the gaps between existing part enclosures. The proposed rooftop structure will not be higher than the existing structures but they are being enlarged. It is considered that the resulting relationship between the extended building and neighbouring residential buildings would not result in an unacceptable increase in sense of enclosure.

8.4 Transportation/Parking

8.4.1 Car Parking

It is proposed to reduce the number of car parking spaces on the site from the existing 23 spaces to three spaces (one standard and two blue badge parking spaces). One disabled bay will be for use of disabled employees at the retail unit, and the other for the use of disabled employees at the hotel. The standard bay will be retained in accordance with an existing contract with St- Martin-In-The Fields Vicarage, which requires one car parking space to be provided in the basement level for the use of the church.

The site is within a Controlled Parking Zone and has a good level of public transport accessibility. The reduction in car parking spaces is supported by the London Plan which states that only operational and disabled parking should be provided at sites with high public transport accessibility. It is therefore considered that the proposal is unlikely to have an adverse impact on on-street car parking in the area.

8.4.2 Cycle Parking

24 secure cycle parking spaces are to be provided at basement level in accordance with London Plan requirements. It is recommended that their provision is secured by condition.

8.4.3 Servicing and deliveries

The existing building currently has an off-street basement access and a street level service bay on the Adelaide Street frontage. The access to both is restricted as any large vehicles over 7 metres in length would have difficulty with entry or exit.

The applicant indicates that the site would likely (if the B1 was occupied) generate approximately 14 daily service trips (which seems conservative given the size of the B1

floor area) while the proposal would likely generate 21 daily service trips. The availability and retention of both the off-street service areas will help reduce the impact on the public highway.

The submitted Service and Delivery Plan (S&DP) states that all retail units will have access to the off-street service areas. It is not clear from the plans how this is possible given that the three smaller ground floor retail units fronting William IV Street do not have direct access to the off-street service areas. It's likely that only one of the A1 units would have access to the off-street facility which is no different to the existing situation. For clarity and completeness it is considered that an amended S&DP should be secured by condition.

Any servicing for the three smaller ground floor retail units fronting William IV Street and from larger vehicles (e.g. refuse lorry) will need to comply with the on-street restrictions (which is no different to the existing situation). The site is located within a Controlled Parking Zone; the double yellow lines on William IV Street allow unloading to occur during restricted times. While not ideal, as it will mean transporting goods over the footway, this is no worse than the existing situation.

On balance, given no increase in A1 retail floorspace is proposed and the off-street servicing facilities are retained for use by the hotel and larger A1 corner unit, the proposal is considered acceptable subject to an updated S&DP.

8.4.4 Coaches and Taxis

The Highways Planning Manager requests details of how coaches and taxis will be managed. The applicant has confirmed that bookings for coach parties will not be accepted. Highways Planning is concerned that this may change in future, however if the Servicing and Delivery Plan explicitly rules out coach parties, any future change to accept coach parties would subsequently need approval by the Council.

With regard to taxis, both the existing office and proposed hotel users would use taxis. The submitted Transport Statement confirms that the proposed use would represent a net reduction in pedestrian, servicing and car borne trips in comparison to the existing use. This reduction with the added control that will be in place by condition should serve to adequately mitigate any impacts on the highway network.

8.4.5 Frontage Alterations

The corner of the building on William IV Street and Adelaide Street is to be altered with the chamfered corner removed. The proposal extends further out than the existing building line and covers an area of land that is public highway. The applicant is advised by informative that pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place.

8.5 Economic Considerations

The economic benefits associated with the creation of a new hotel and reconfigured retail units are welcomed.

8.6 Access

Step free access would be provided to the new hotel and retail units. Access within the building is designed to comply with all relevant access legislation. Two cores containing stairs and lifts are provided. All lifts will meet the minimum standards for Part M and wheelchair friendly.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Mechanical Plant

Mechanical plant is to be located at roof level and at podium level within the buildings internal lightwell area. Subject to conditions Environmental Health officers have no objection and it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

8.7.2 Refuse /Recycling

The proposed waste storage for the hotel and rooftop restaurant and bar is provided at basement level and is considered acceptable.

No waste storage provision is shown for the reconfigured retail units. The existing four retail units currently store waste within their units and place their waste on William IV Street for collection. The applicant states that there will be no change to the existing situation in that each retail tenant will be responsible for designing and providing sufficient internal waste storage space within their unit.

The Cleansing Manager advises that it is not acceptable for the retail units waste to place their waste on William IV Street, and advises that the basement level waste storage should be enlarged further to accommodate waste from the retail units, and also that all the waste generated should be collected via Adelaide Street.

Despite this request from the Cleansing Manager, it is not possible for the three ground floor retail units to store their waste in the basement given that they would not have direct access to the basement store. However it is considered that a condition can be attached requiring revised plans to be submitted and annotated to show waste storage for the retail units, together with a waste management strategy which agrees to a co-ordinated approach for the future hotel and retail occupiers to place their waste in the same location and at the same time on Adelaide Street.

8.7.3 Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant has submitted an Energy and Sustainability Assessment setting out the energy efficiency and sustainability measures for the proposals which include a combination of passive design measures, and Combined Heat and Power (CHP). It is estimated that for the whole site the proposal will achieve an overall total carbon reduction of 47%.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable in this case.

9. BACKGROUND PAPERS

1. Application form
2. Response from Covent Garden Area Trust dated 21 September 2016
3. Response from Covent Garden Community Association dated 12 September 2016
4. Response from Highways Planning Manager dated 09 November 2016
5. Response from Cleansing Manager dated 06 August 2016
6. Response from Environmental Health dated 12 October 2016
7. Response from Historic England dated 4 October 2016
8. Letter from occupier of Flat 4, 40-42 William IV Street dated 5 September 2016

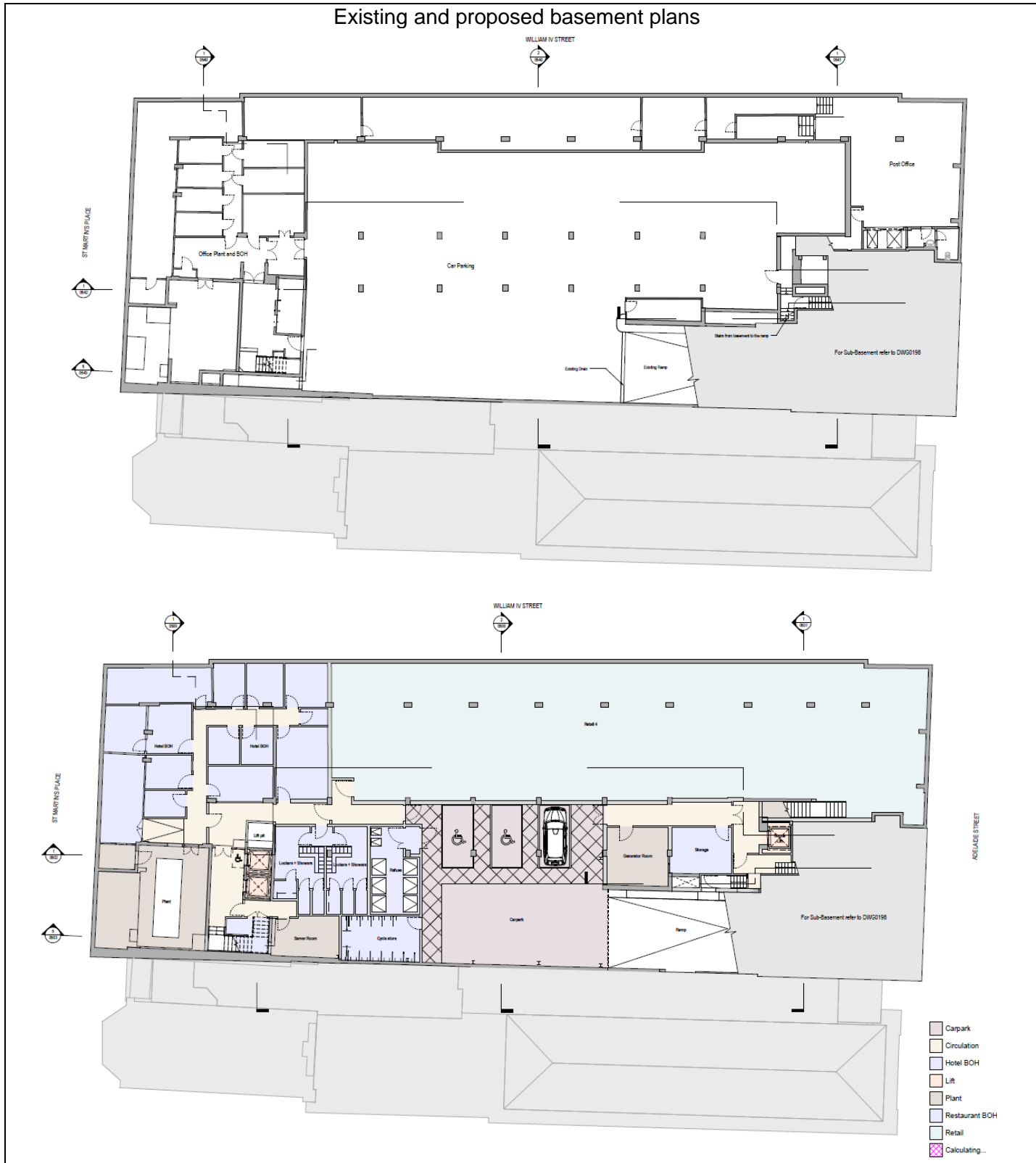
Selected relevant drawings

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

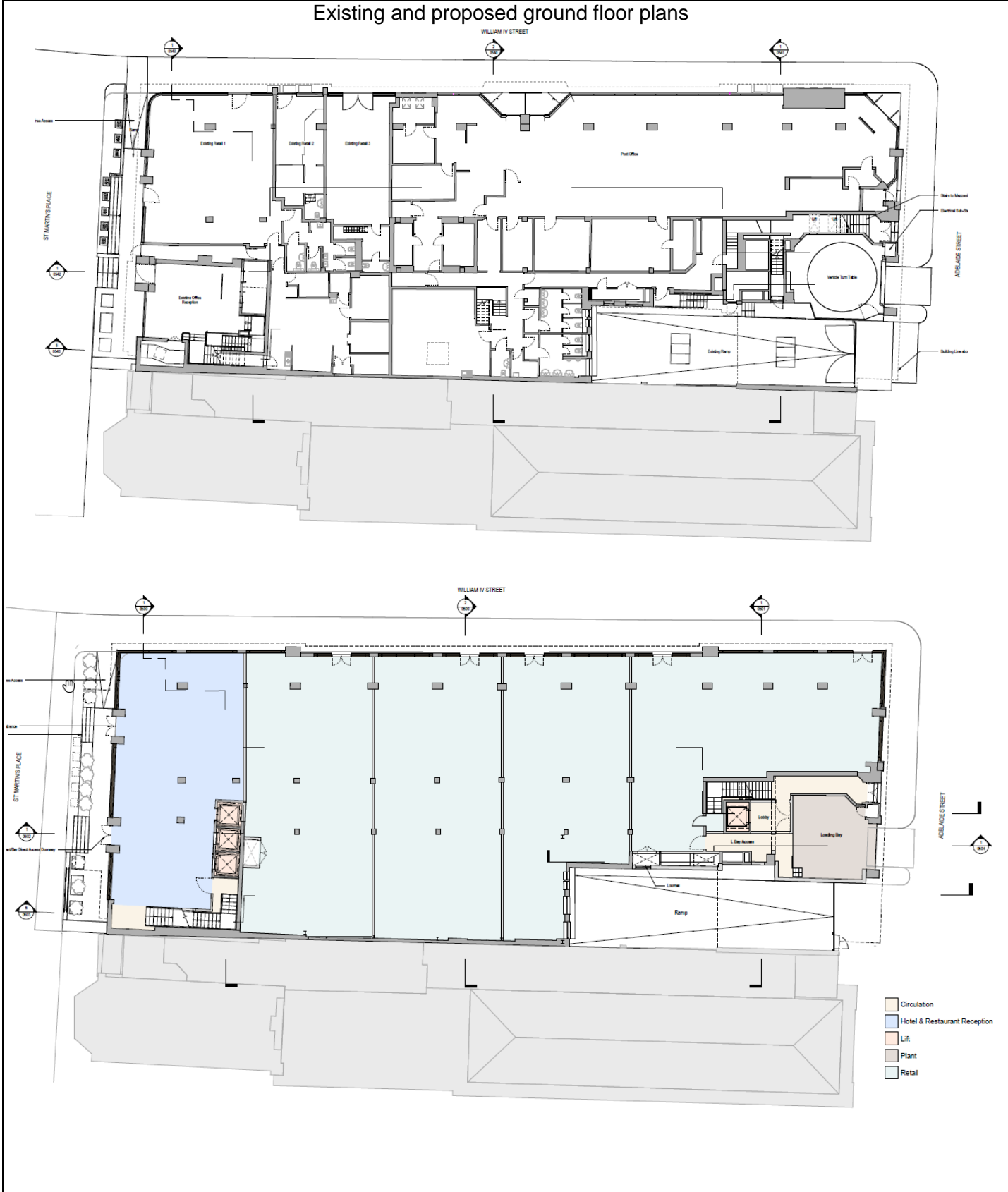
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT LFRANCIS@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

Existing and proposed basement plans



Existing and proposed ground floor plans



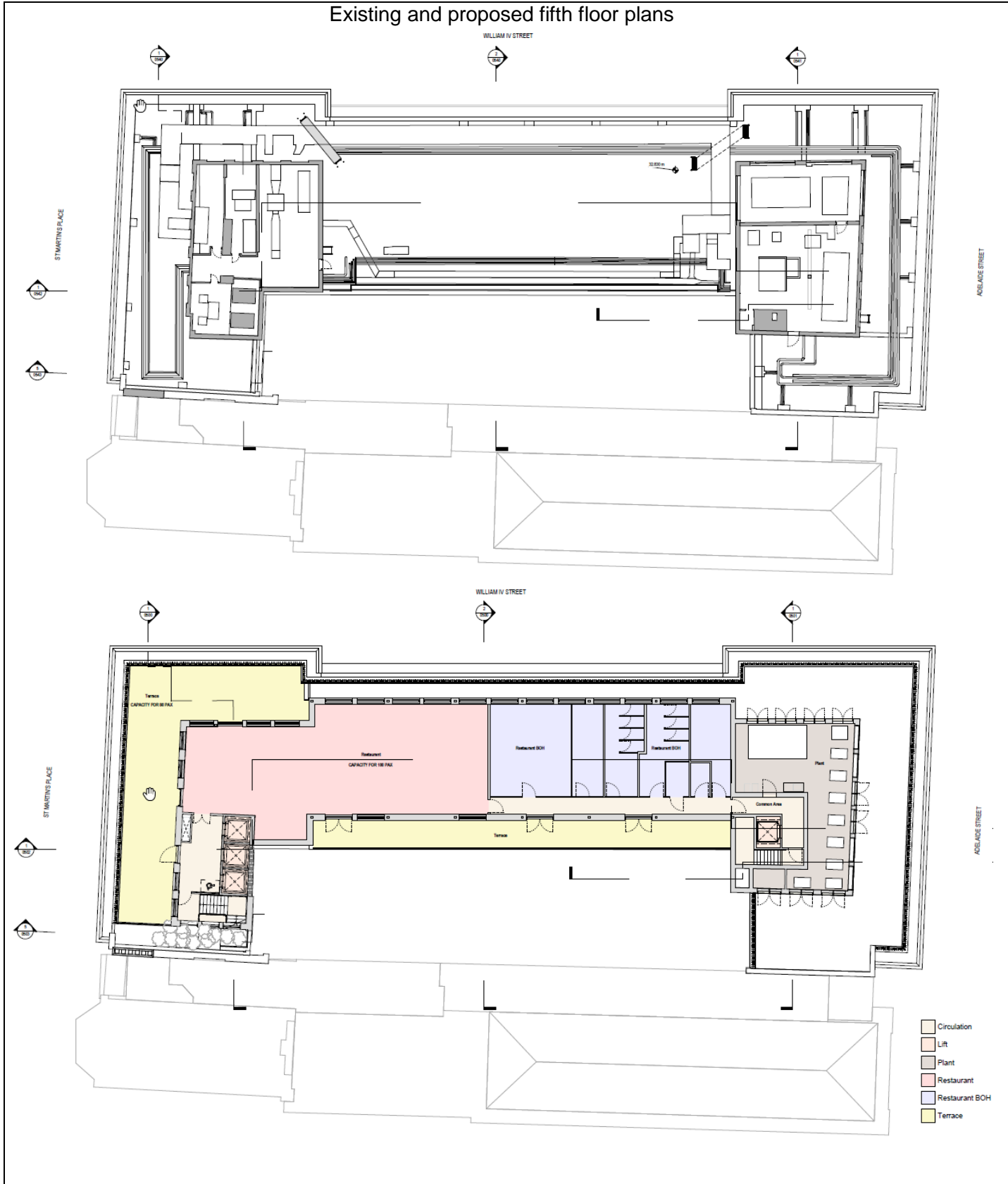
Existing and proposed first floor plans



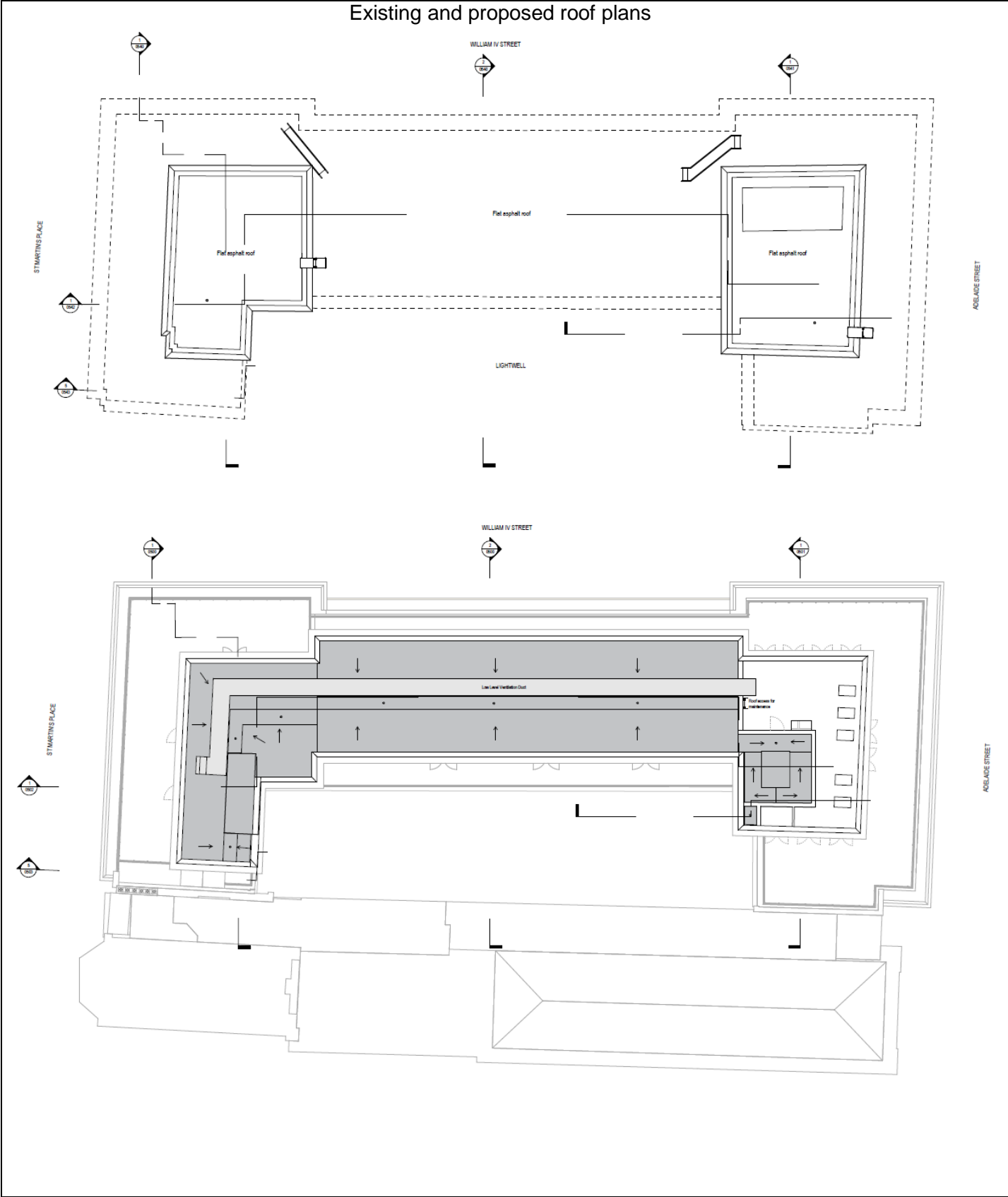
Existing second and proposed second, third, and fourth floor plans



Existing and proposed fifth floor plans



Existing and proposed roof plans



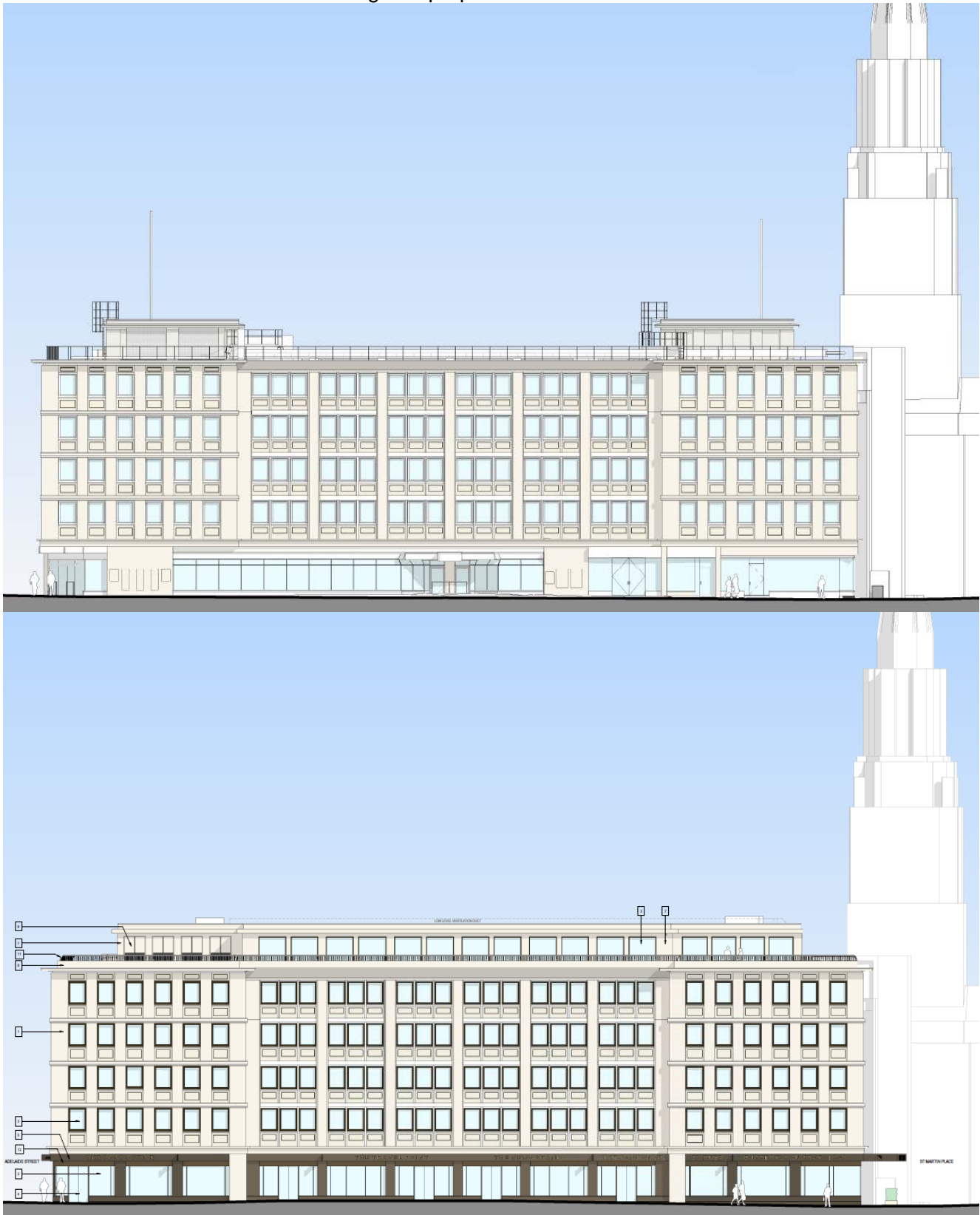
Existing and proposed west elevations



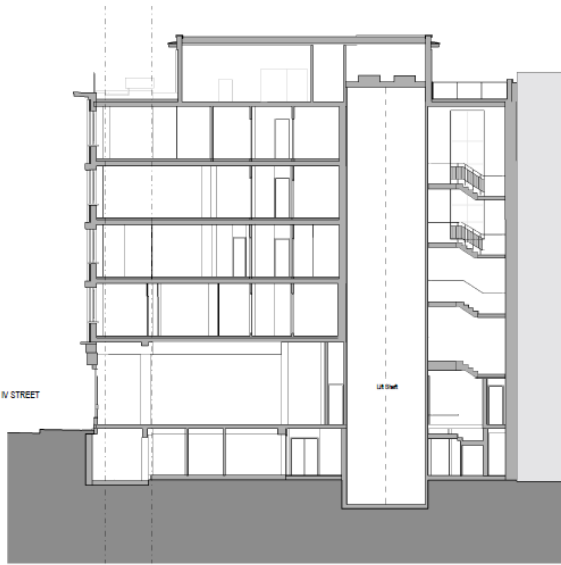
Existing and proposed east elevations



Existing and proposed north elevations



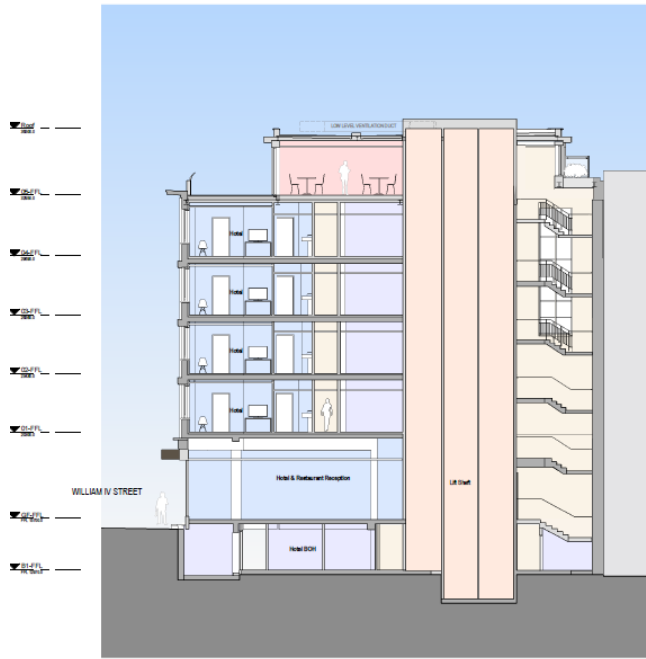
Existing and proposed sections AA & BB



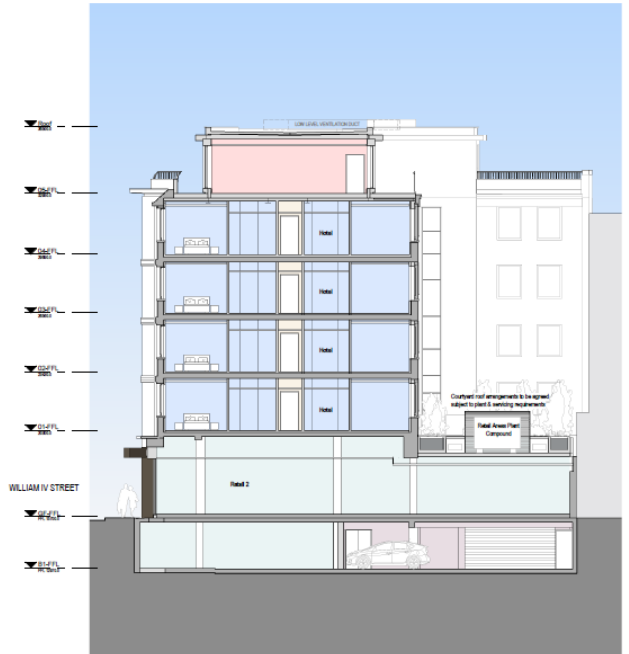
Existing Section AA



TP Existing Section BB

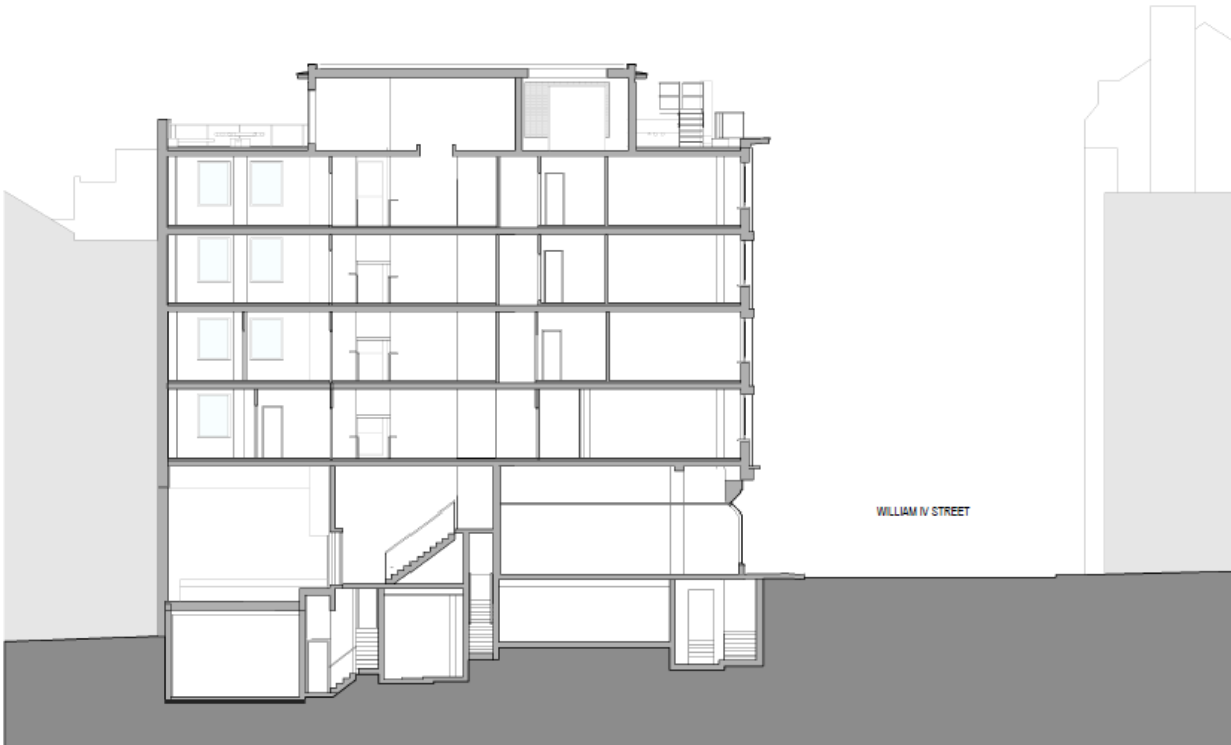


TP Proposed Section AA

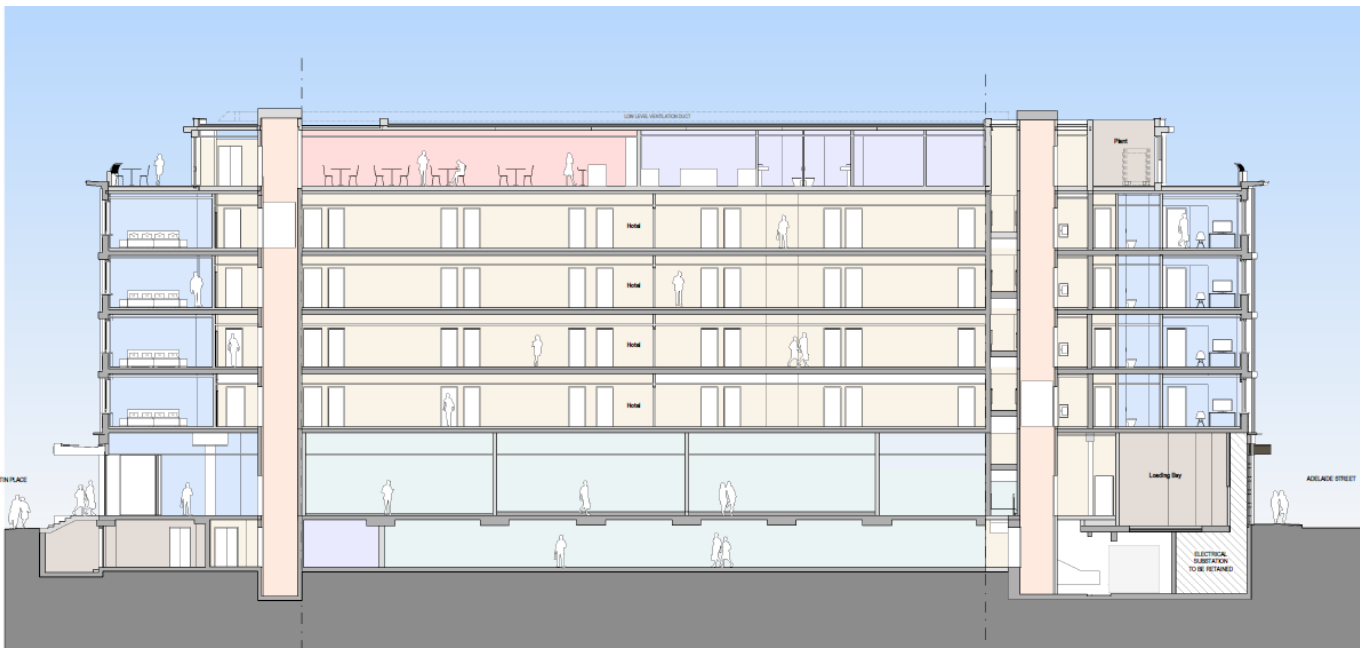
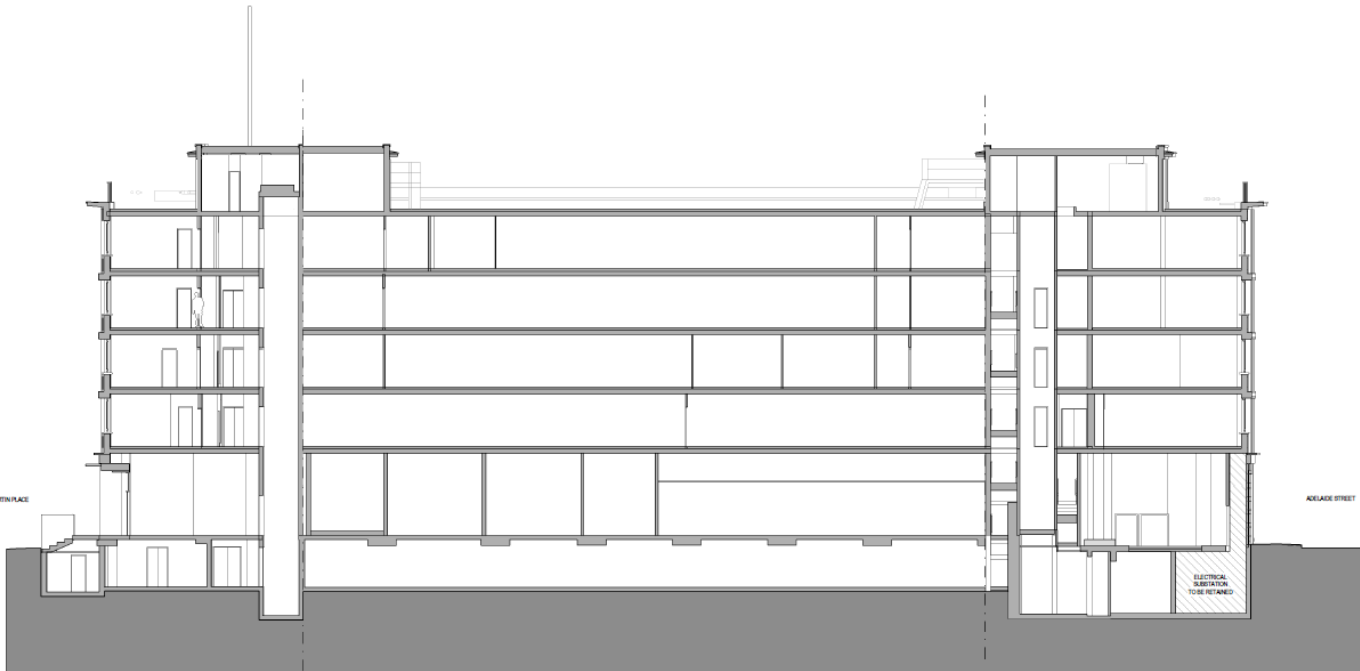


TP Proposed Section BB

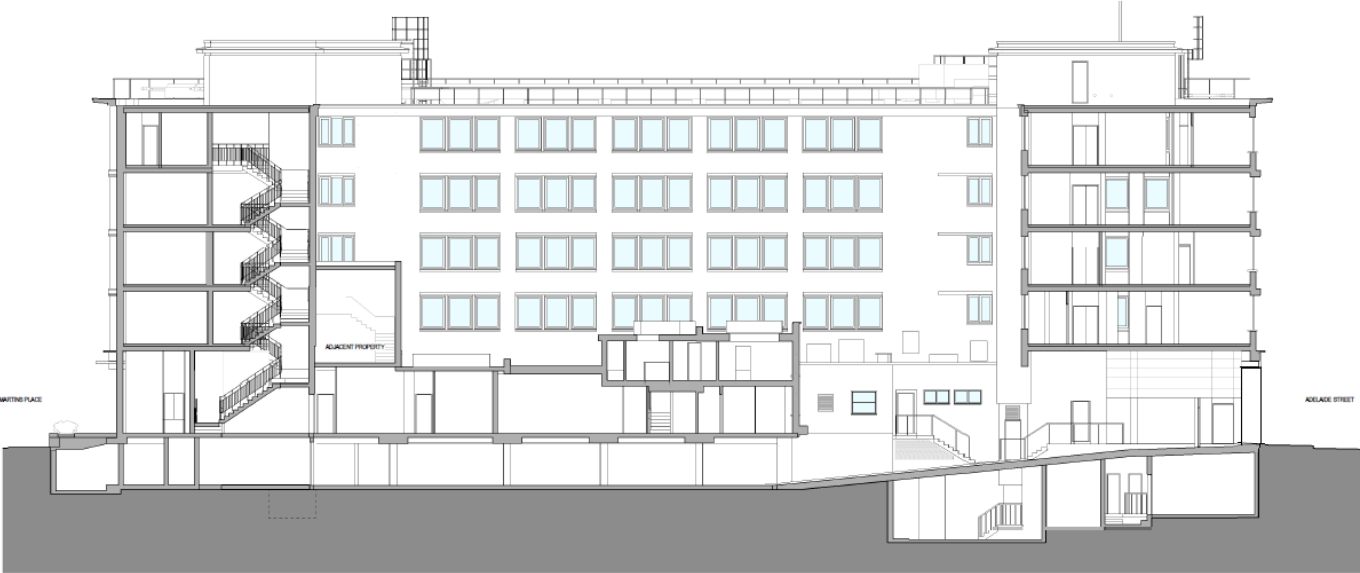
Existing and proposed sections CC



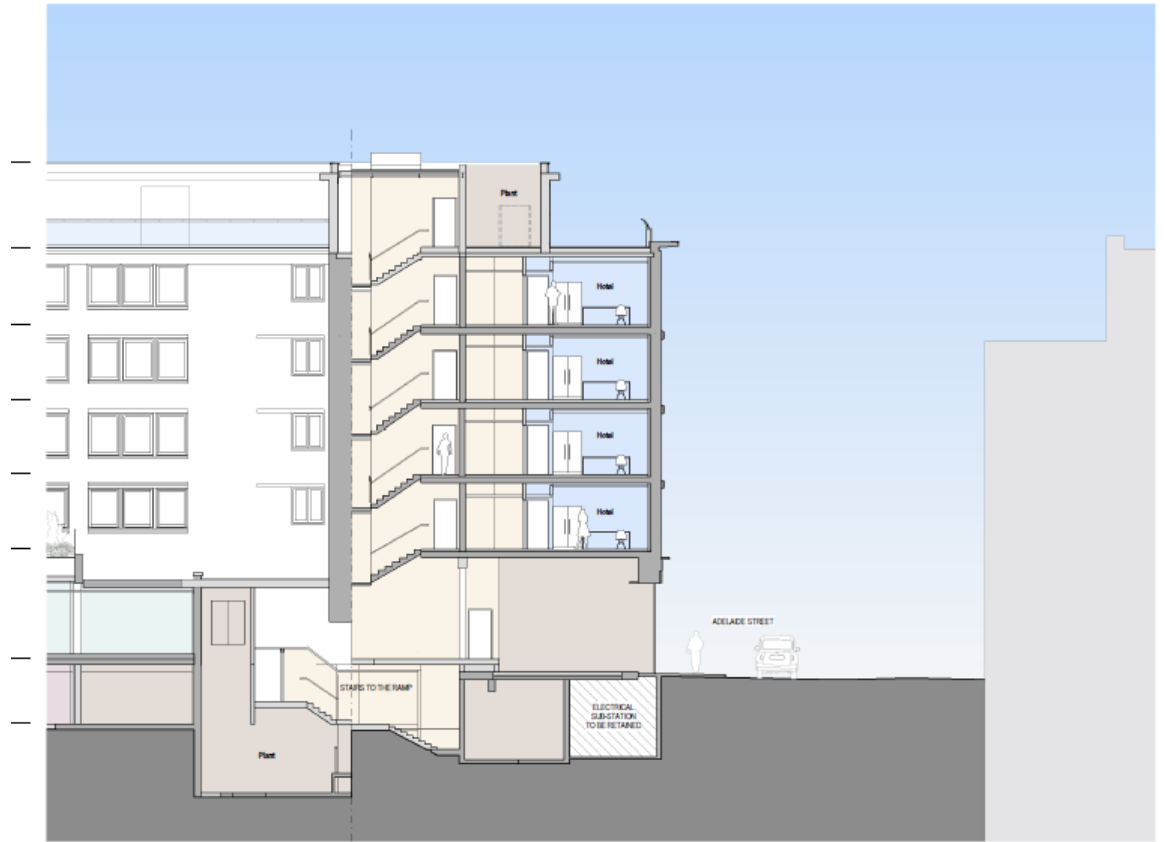
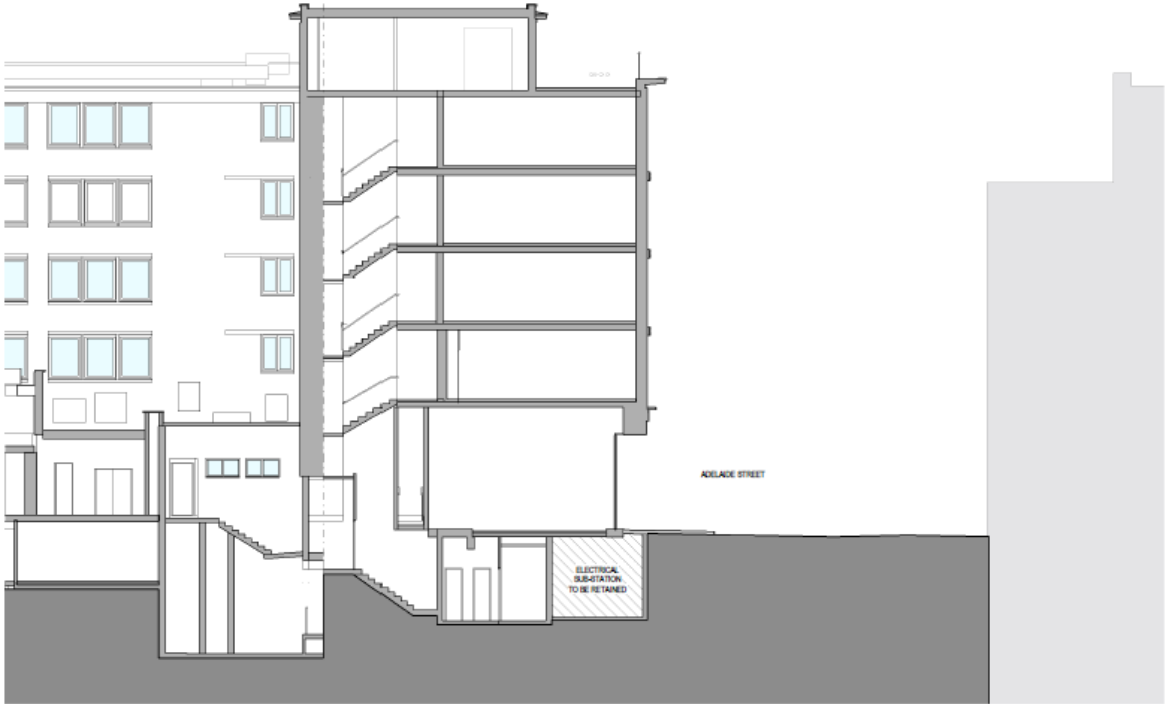
Existing and proposed sections DD



Existing and proposed sections EE



Existing and proposed sections FF



Photomontages



DRAFT DECISION LETTER

Address: 7 - 8 St Martin's Place, London, WC2N 4HA,

Proposal: Change of use of first to fourth floors from offices (Use Class B1) to hotel (Use Class C1) accommodation together with associated works to comprise the erection of extensions at fifth floor/ roof level to create a rooftop restaurant and bar with external terrace (Use Class A3), reconfiguration of the ground floor retail and the creation of new retail floorspace at basement level (Use Class A1), works to the ground floor entrance, replacement of existing windows, installation of new shopfronts and signage at ground floor level and installation of mechanical plant at podium and roof level.

Reference: 16/07659/FULL

Plan Nos: Proposed drawings: 0100 Rev 3, 0198 Rev 6, 0199 Rev 8, 0200 Rev 10, 0201 Rev 7, 0202 Rev 6, 0205 Rev 7, 0206 Rev 4, 0400 Rev 5, 0401 Rev 7, 0402 Rev 4, 0500 Rev 5, 0501 Rev 4, 0502 Rev 4, 0503 Rev 4, 0504 Rev 4; Existing drawings: 0238 Rev 3, 0239 Rev 3, 0240 Rev 3, 0241 Rev 3, 0242 Rev 3, 0243 Rev 3, 0244 Rev 3, 0245 Rev 3, 0246 Rev 3, 0247 Rev 3, 0440 Rev 3, 0441 Rev 3, 0442 Rev 3, 0540 Rev 3, 0541 Rev 3, 0542 Rev 3, 0543 Rev 3, 0544 Rev 3; Demolition drawings: 0258 Rev 3, 0259 Rev 3, 0260 Rev 3, 0261 Rev 3, 0262 Rev 3, 0263 Rev 3, 0264 Rev 3, 0265 Rev 3, 0266 Rev 3, 0267 Rev 3, 0460 Rev 3, 0461 Rev 3, 0462 Rev 3, 0560 Rev 3, 0561 Rev 3, 0562 Rev 3, 0563 Rev 3, 0564 Rev 3

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police

traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of details as set out below of the following parts of the development:

- (a) Shopfronts (elevations and plans at 1:20, sections at 1:5);
- (b) New windows and doors (elevations and sections at 1:5);
- (c) Roof extension (typical bay-study elevation and section at 1:20);
- (d) New front entrance canopy (section at 1:10).

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 according to these details. (C26DB)

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 Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put structures such as canopies, umbrellas, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Trafalgar Square Conservation Area, and also that it protects the setting of the adjacent listed buildings at St Martin's Church and Vicarage / School. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and para, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary

Development Plan that we adopted in January 2007. (R26BE)

- 6 Any planters on the roof terrace must have their planting kept trimmed so that it does not exceed the approved height of the terrace balustrading.

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 Trafalgar Square Conservation Area, and also that it protects the setting of the adjacent listed buildings at St Martin's Church and Vicarage / School. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and para, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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 Trafalgar Square Conservation Area, and also that it protects the setting of the adjacent listed buildings at St Martin's Church and Vicarage / School. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and DES 5 or DES 6 or both and para, DES 9 and DES 10 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 No customer, hotel resident or guest shall be permitted onto the fifth floor hotel terrace before 0700 hours or after 2330 hours daily.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 9 The fifth floor restaurant and bar within the hotel hereby approved shall not be open to customers (other than hotel residents (those staying overnight at the hotel)) before 0800 hrs or after 0100 hrs daily.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 No music shall be played in the hotel such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development

Plan that we adopted in January 2007. (R13BC)

- 11 No amplified music shall be played on the external hotel terrace.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015

- 16 You must apply to us for approval of a Servicing, Delivery and Operational Management Plan prior to occupation. The plan should identify process, internal storage locations, scheduling of deliveries and staffing, and a clear process for managing taxis and private hire vehicles arrivals/ departures including measures to deter coaches. You must not commence the hotel use until we have approved what you have sent us. The Servicing, Delivery and Operational Management Plan 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 S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 You must provide the refuse store shown on drawing 0199 Rev 8 (proposed basement floor plan) before anyone moves into the hotel. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the building and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 18 You must apply to us for approval of details of how waste is going to be stored and how materials for recycling will be stored separately for the retail units. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the retail units. You must store waste inside the building and only put it outside just before it is going to be collected.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 19 You must apply to us for approval of a Waste and Recycling Management Strategy. The strategy should identify internal waste and recycling storage locations, and scheduling of when and where waste is to be put outside to be collected for the hotel and retail units. The Waste and Recycling Management Strategy must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning

briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place

outside the permitted hours unless you have our written approval. (I50AA)

6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

7 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

8 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

9 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

10 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

11 Pursuant to s247 of the Town and Country Planning Act 1990, a stopping up order for parts of the

Item No.
1

public highway would be required to enable parts of the development to take place.