

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	157 Edgware Road, London, W2 2HR		
Proposal	Variation of Condition 2 and removal of Conditions 5 and 14 of appeal decision (APP/X5990/W/17/3190982) dated 14 May 2018 (RN: 16/11276/FULL) for the use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level. NAMELY, to allow the relocation of air conditioning equipment from roof level above second floor level to within the envelope of the existing building with louvres inserted into the Edgware Road elevation, relocate the hotel entrance along the Edgware Road elevation, omit the requirement to submit details of the design of a roof level plant screen which is to be omitted, and remove Condition 14 relating to the cafe area which is to be omitted.		
Agent	MRPP		
On behalf of	Criterion Capital		
Registered Number	18/05659/FULL	Date amended/ completed	5 July 2018
Date Application Received	5 July 2018		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This Section 73 application seeks to vary Condition 2 and removal Conditions 5 and 14 of the permission granted on appeal on 14 May 2018 for the use of part of the basement, ground, first and second floors as a hotel (Class C1) with associated external alterations, to allow a number of minor material amendments to the approved scheme. The amendments sought comprise the relocation of the hotel entrance in Edgware Road, omission of the previously proposed ancillary cafe for guests

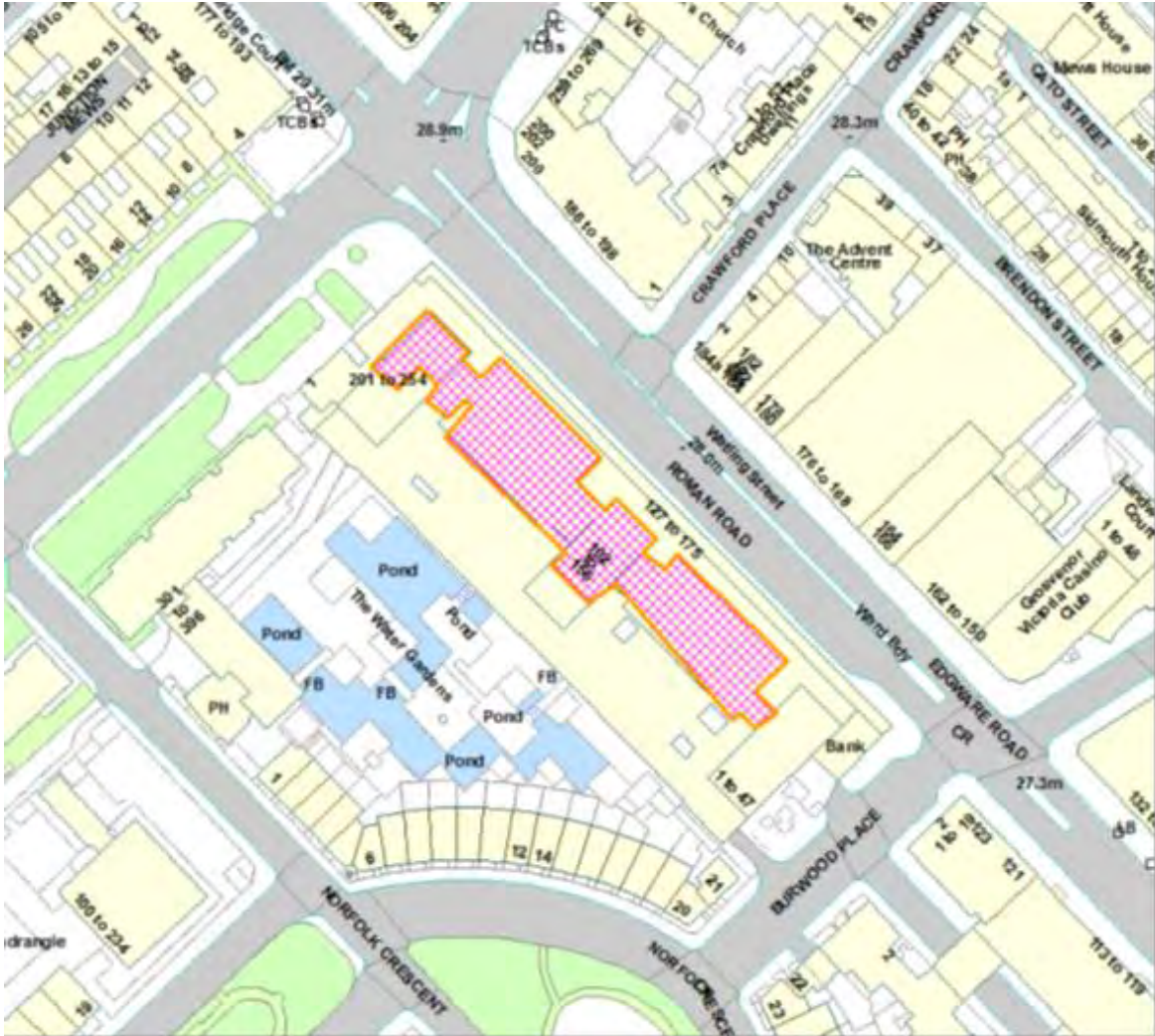
use only and relocation of the mechanical plant from second floor roof level to within the envelope of the building at first and second floor levels.

The key issues in this case are:

- The acceptability of the relocated entrance in land use, transportation and amenity terms.
- The acceptability of the amendments to the facade of the building to accommodate the mechanical plant within the envelope of the building in design terms.
- The impact of the relocated mechanical plant on the amenity of neighbouring residents.
- The impact of omitting the ancillary cafe in land use, amenity and servicing terms.

For the detailed reasons set out in this report, subject to the recommended conditions, the proposed minor material amendments to the scheme granted permission on appeal on 14 May 2018 are considered to be acceptable and would accord with the relevant policies in the London Plan (March 2016), the Unitary Development Plan (UDP) adopted in January 2007 and Westminster's City Plan (the City Plan) adopted in November 2016. The proposals would also be consistent with the relevant policies in the draft new London Plan and the Revised NPPF (July 2018).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation from Edgware Road.

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection. Conditions recommended to prevent noise and vibration nuisance/ disturbance to neighbouring occupiers, including a condition to secure the proposed noise mitigation measures.

HIGHWAYS PLANNING MANAGER

No objection. Notes that taxis would be more likely to stop in the bus stop outside the proposed entrance than in the taxi bay further to the north (and closer to the approved), as they are allowed to do this at bus stops that are marked with double red lines. However, he does not think is a ground on which the application can be refused. Private hire vehicles cannot use bus stops in this way and cannot use taxi ranks, so would be more likely to use the bus stop regardless of where the entrance is along Edgware Road. Welcomes the removal of the café from the hotel as this would reduce the demand for servicing. Asks whether a condition could be imposed to prevent a café being introduced at a later date, which would not have any controls on non-hotel guests.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 319; No. of Responses: 2.

One email from a neighbouring resident raising objection on the following grounds:

- Enclosing the ventilation machinery is helpful but still consider whole project to be inappropriate for the neighbourhood.
- Removal of the cafe from the hotel will mean it attracts even more downmarket customers.
- A dormitory is not what is needed in this part of Edgware Road. The proposals for flats across the road is much more suitable and will enhance the neighbourhood.
- Relocation of hotel entrance will move it closer to the bus stop and this will cause obstruction to both pedestrians and vehicular traffic.

One response from the Church Commissioners raising objection on the following grounds:

- Proposed louvers are intrusive and out of character with the existing building. They would be prominent in views from Edgware Road.
- Not clear where the noise report is identifying as the nearest noise sensitive receiver.
- Noise report does not consider insulation provided by the existing walls of the building and doesn't refer to noise that would be experienced by the southernmost tower of the Water Gardens.
- The noise mitigation measures recommended in the noise report should be installed if permission is granted and a post installation survey of the measures carried out to demonstrate their effectiveness.
- Impacts of mechanical plant in terms of vibration and air quality are not clear.

- Relocation of hotel entrance would locate hotel guests closer to the southernmost block of the Water Gardens and create additional noise disturbance below these residential flats.
- Consider that the previously approved entrance location, which is now to be used as a staff entrance, was a more suitable entrance location for the hotel.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to The Water Gardens, a mixed use development dating from the 1960s, which is located on the west side of Edgware Road, spanning the length of the street block between Burwood Place and Sussex Gardens. The building currently comprises retail units at basement/ ground floor, offices (Class B1) at first floor level and a mix of offices and residential flats at second floor level.

The office accommodation has previously been used for education purposes on a temporary basis, pursuant to the permission/ permitted development rights referred to in section 6.2 of this report. However, this temporary education use by the Minerva Academy ceased in 2017 and the premises has reverted to its lawful use as Class B1 offices. Permission was recently granted on appeal in May 2018 to use the office accommodation as a hotel (Class C1).

Above second floor level there are also three high rise residential towers, at basement level there is a self storage facility and communal gardens to the rear at ground level. The commercial uses within the site are accessed from Edgware Road, whilst servicing area and the car park are accessed from Burwood Place. There is no access to the residential flats from the Edgware Road frontage of the site.

The application site is accessed from a ground floor level door located within the Edgware Road parade, with two further entrances to this frontage providing a means of escape in an emergency. The site is therefore within a Central Activities Zone (CAZ) Frontage, as defined in the UDP, and is on a Named Street within the CAZ as defined in the City Plan. Edgware Road itself comprises a broad mix of commercial and residential uses. The site is within the Edgware Road Stress Area.

6.2 Recent Relevant History

14 May 2018 – An appeal decision was allowed by the Planning Inspectorate against the City Council's refusal of planning permission on 19 September 2017 for the *'Use of part of the basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level (16/11276/FULL)*'. The Planning Applications Sub-Committee (No.1) on 8 August 2017 had resolved to refuse the application on the following ground, which was not supported by the Planning Inspector:

'Because of the size of the hotel (in terms of its floor area and the number of bedrooms proposed), the facilities for accommodation of vehicles dropping off and collecting hotel guests are inadequate and the hotel use would result in a significant increase in the number servicing vehicle trips required to operate the hotel use relative to the existing lawful office use of the premises. As a consequence, the proposed hotel use would have a materially adverse impact on the operation of the local highway network, including the Transport for London Road Network (TLRN) along Edgware Road, as a result of generating additional traffic and causing increased vehicular obstruction. This would be contrary to Policies TRANS 6 and TRANS20 in the Unitary Development Plan we adopted in January 2007, Policy S42 in Westminster's City Plan that we adopted in November 2016 and Policies 6.3, 6.12 and 6.13 in the London Plan (March 2016).'

In addition to dismissing the appeal, the Inspector gave a full award of costs to the appellant against the City Council. It is this permission, which was granted on appeal that the current application seeks to vary. The appeal decision and relevant drawings are provided in the background papers.

27 March 2018 – Planning permission was refused for *'Use of part basement, ground, first and second floors as a hotel (Class C1) and external alterations to front and rear elevations at first and second floor levels to install louvres'*. The application was refused at the Planning Applications Sub-Committee (No.1) on the following ground:

'Because of the size of the hotel (in terms of its floor area and the number of bedrooms proposed), the facilities for accommodation of vehicles dropping off and collecting hotel guests are inadequate and the hotel use would result in a significant increase in the number servicing vehicle trips required to operate the hotel use relative to the existing lawful office use of the premises. As a consequence, the proposed hotel use would have a materially adverse impact on the operation of the local highway network, including the Transport for London Road Network (TLRN) along Edgware Road, as a result of generating additional traffic and causing increased vehicular obstruction. This would be contrary to Policies TACE2, TRANS 6 and TRANS20 in the Unitary Development Plan we adopted in January 2007, Policy S42 in Westminster's City Plan that we adopted in November 2016 and Policies 6.3, 6.12 and 6.13 in the London Plan (March 2016).'

It should be noted that the entrance to the proposed hotel in the 27 March 2018 scheme was located in the same location as in the current application, but this was not a ground on which the application was refused. The decision letter and relevant drawings are provided in the background papers.

11 November 2013 – Permission granted for use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure and photovoltaic panels at roof level (13/03354/FULL).

7. THE PROPOSAL

The current application seeks permission minor material amendments to the planning permission granted on appeal on 14 May 2018 for the use of part of the basement, ground, first and part second floor levels as a hotel, with associated external alterations

including installation of louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level (RN: 16/11276/FULL). The current application seeks to vary Condition 2 and remove Conditions 5 and 14 to allow the following amendment to be made to the appeal scheme:

- a) To allow the relocation of air conditioning equipment from roof level above second floor level to within the envelope of the existing building with louvres inserted into southern end of the Edgware Road elevation.
- b) Relocate the hotel entrance further to the south along the Edgware Road elevation than was approved in the appeal scheme. The previously approved entrance is proposed to be used as a staff entrance.
- c) Remove Condition 5 to omit the requirement to submit details of the design of a roof level plant screen (a plant screen is not required if the mechanical plant is relocated within the envelope of the building (see (a) above).
- d) Remove Condition 14, which requires the cafe area within the approved hotel to only be used by hotel guests. The removal of this condition is sought on the basis that the cafe is to be omitted from the amended scheme now proposed.

No changes are proposed to the size of the hotel in terms of its approved floorspace and it proposed to use the floorspace to provide 117 windowless hotel rooms, as per the scheme approved in May 2018.

There has been no change to the policies in the Unitary Development Plan adopted in January 2007 and the City Plan adopted in November 2016 since the previous appeal decision in May 2018. Whilst the Mayor has published his 'Draft New London Plan showing Minor Suggested Changes', following public consultation on the Draft New London Plan earlier in 2018, it has yet to undergo a full examination in public and is therefore of limited weight for decision making purposes. Furthermore, the relevant policies in the latest version of the draft new London Plan are not considered to be materially different to those in the version of the draft new London Plan which was published for consultation in December 2017, prior to determination of the appeal scheme to which this application relates. It is noted that Policy E10 in the draft new London Plan continues to direct new hotels and other visitor accommodation to the Central Activities Zone (CAZ), except where they would be in wholly residential streets or predominantly residential neighbourhoods. As set out in Section 7, Edgware Road comprises a mixed retail, commercial and residential area on the periphery of the CAZ and is not a predominantly residential street or neighbourhood. Whilst the Revised NPPF was published by the Government in July 2018, the amendments made have not materially altered the policy context relevant to the assessment of the development previously approved in May 2018. Set in this policy context, the remaining sections of this report focus on the amendments now proposed to the previously approved development. The previous officer reports to the Planning Applications Sub-Committee dated 4 April 2017 and 8 August 2017, in respect of the scheme allowed on appeal in May 2018, are provided in the background papers for information in respect of the previous policy considerations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed use of the part basement, ground, first and second floors as a hotel (Class C1) is considered to continue to accord with Policies S1, S8 and S23 in the City Plan, Policy TACE2 in the UDP and Policy 4.5 in the London Plan (March 2016). The alteration to the entrance to the hotel is not considered to have any material impact in land use terms.

One objector raises concern that the omission of the ancillary cafe from within the hotel will have an adverse impact on the quality of the hotel accommodation provided. However, as the cafe use was an ancillary use and not a separate planning unit, it is not considered that its omission would have any material impact on the acceptability of the hotel use in planning terms. The type and specification of the hotel use to be carried out within the premises is not a valid ground on which permission could reasonably be withheld.

8.2 Townscape and Design

In design terms the principal consideration in the current application is the amendment proposed to omit the previously approved roof level plant and relocate the mechanical plant to within the envelope of the building with louvred panels inserted into the two most southerly window opening in the Edgware Road facade at first and second floor levels. The Church Commissioners have raised objection on grounds that the proposed louvers would harm the appearance of the building and have a consequential adverse impact on the vitality of Edgware Road.

The amendment to introduce louvre panels in the window openings is considered to be a relatively discrete method of providing mechanical plant to serve the previously approved hotel use. Whilst the proposed louvers would be appreciable in views from Edgware Road, their impact on the appearance would be mitigated sufficiently provided they are painted in a colour to match the brown frames of the existing windows to the first and second floor podium structure. A condition is recommended to ensure the louvers are painted accordingly. In this context, and given the roof level plant enclosure forming part of the appeal scheme would also be likely to be visible in views from Edgware Road, it is not considered that the Church Commissioners objections to the louvers on design grounds can be supported as a ground on which permission could reasonably be withheld.

Whilst the entrance to the hotel is proposed to be relocated, the current scheme does not propose any alterations to the existing entrance doors and therefore this aspect of the application is not objectionable in design terms.

In summary the minor material amendment proposed are acceptable in design terms and would accord with Policies DES1 and DES5 in the UDP and S28 in the City Plan.

8.3 Residential Amenity

8.3.1 Relocated Mechanical Plant

Concerns have been expressed by the Church Commissioners regarding the accuracy of the acoustic report. They note that the report identifies the proposed hotel as the

nearest noise sensitive receiver and not the neighbouring residential windows in the southernmost tower of the Water Gardens and consider that the report fails to assess the noise insulation qualities of the existing walls of the building.

The applicant has surveyed the nearest hotel windows, which are immediately adjacent to the proposed louvres, as being the nearest noise sensitive receptors. Policy ENV7 in the UDP identifies hotel windows as noise sensitive receptors and therefore the choice of these windows as the nearest noise sensitive receptors is appropriate in this case. It is noted also that the nearest residential windows in the southernmost tower of the Water Gardens are approximately 6.5m from the louvres, further from the proposed louvres than the hotel windows.

Environmental Health have considered the submitted acoustic report and are content that the assessment that has been made is accurate in terms of the likely operational noise levels of the proposed mechanical plant, having regard to attenuation measures including the existing fabric of the building and the specific noise attenuation measures specified, which comprise the provision of acoustic louvres and inline silencers located within the plant room. Environmental Health are content that the proposed mechanical plant would operate below the background noise level in accordance with Policies ENV6 and ENV7 in the UDP and Policy S32 in the City Plan, subject to conditions to secure the provision of the noise mitigation measures and to ensure ongoing compliance with the noise policies following installation of the mechanical plant.

The Church Commissioners have requested that a post commissioning survey be required by condition to demonstrate that the noise mitigation measures proposed are effective. However, Environmental Health do not consider such a condition is required in this instance and it is clear from the conditions they have recommended in their observations that they are content that the noise mitigation measures proposed by the applicant will be sufficient to prevent noise disturbance to neighbouring noise sensitive receptors.

In terms of vibration, a condition is recommended to ensure perceivable vibration is not transmitted through the structure of the building and this condition can typically be complied with by installing mechanical plant on anti-vibration mounts.

8.3.2 Other Amenity Considerations

The relocation of the entrance to the hotel has attracted objection from the Church Commissioners on amenity grounds. They are concerned that the entrance would be closer to the occupiers of the southernmost residential tower within the Water Gardens resulting in additional noise disturbance being caused to the residents of this tower. However, the nearest residential windows are to the south eastern corner of the tower at second floor level and would be screened from the entrance by the existing canopy over the pavement of the public highway along the Edgware Road frontage of the Water Gardens. Given these considerations and as Edgware Road is already a busy arterial route, it is not considered that the relocated entrance would materially increase noise disturbance to neighbours. It is noted that the approved entrance location would have a similar relationship to the central residential tower as the proposed hotel entrance has to the southernmost residential tower.

A further consideration is that the provision of the entrance to the hotel location was assessed as part of the scheme refused earlier this year on 27 March 2018 (RN: 18/01075/FULL) and the provision of the entrance in this location was not a ground on which that application was refused.

The stair and lift core itself serves the existing office accommodation at first and second floor level and provides a secondary means of access to the bank (Barclays) at the corner of Edgware Road and Burwood Place. As such, the use of this entrance would not conflict with existing residential communal space/ circulation space within the Water Gardens.

The omission of the ancillary cafe will not have any adverse impact in amenity terms. The omission of an ancillary use that could have generated additional noise within the premises is welcomed.

Accordingly, the relocation of the hotel entrance and the omission of the cafe are acceptable in amenity terms and would accord with Policies ENV6 and TACE2 in the UDP and Policies S23 and S32 in the City Plan.

8.4 Transportation/ Parking

Concern has been expressed by an objector that the relocated hotel entrance would be closer to the bus stop and that this would increase obstruction to both pedestrians and vehicular traffic.

Whilst the proposed hotel entrance would be adjacent to the end of the bus stop markings in Edgware Road, the entrance would be some 19 metres from the front of the bus stop where the bus shelter is located. This degree of distance between the entrance and the bus shelter, coupled with the width of the pavement (approximately 4.4m) along this section of Edgware Road, is considered to be sufficient to ensure that the entrance would not give rise to significant obstruction to either pedestrian or vehicular traffic. In this context and given the Highways Planning Manager does not object to the relationship between the proposed entrance and the bus stop, it is considered to be in accordance with Policies TRANS2 and TRANS3 in the UDP and S41 in the City Plan.

The Highways Planning Manager has noted that taxis are able to lawfully stop in bus stops with double red lines and comments that this could result in the use of the bus stop by taxis rather than the taxi rank a short distance to the north along Edgware Road. However, he is content that the use of the bus stop in this lawful manner would not increase by a material degree as a result of the proposed relocation of the hotel entrance. Accordingly, he is content that this is not a ground on which permission could reasonably be withheld.

The Highways Planning Manager welcomes the omission of the ancillary café as this will reduce the demand for servicing of the hotel. He recommends a condition to prevent an ancillary café being reintroduced, so as to prevent a café being introduced that could be used by non-guests (Condition 14 currently prevents the café in the approved scheme being used by non-guests). A condition is recommended to address this concern and is included on the draft decision letter.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposed relocation of the hotel entrance allows the provision of step free access to an existing lift providing step free access to the hotel accommodation on the first and second floors. The approved entrance to the hotel does not provide step free access as there would be a flight of stairs prior to arriving at the proposed lift to first floor level. Accordingly, the proposed hotel entrance would improve access to the hotel in accordance with Policies DES1 and TRANS27 in the UDP and Policy S28 in the City Plan, which promote inclusive design.

8.7 Other UDP/ Westminster Policy Considerations

The Church Commissioners have raised concern regarding the impact of the mechanical plant on air quality; however, the plant proposed is electrically powered air handling equipment which would not emit odours or air pollutants and therefore the mechanical plant would not have an adverse impact on the air quality along Edgware Road. As such, the proposal would accord with Policy ENV5 in the UDP and Policy S31 in the City Plan.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

This application does not raise any strategic issues.

8.10 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 (July 2018) unless stated otherwise.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application and the proposals are not CIL liable development as no new floorspace would be created.

8.12 Environmental Impact Assessment

The proposed development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.13 Other Issues

Given that the omission of the cafe and the relocation of the mechanical plant from roof level to within the envelope of the building are considered to be acceptable for the

reasons set out in the earlier sections of this report, the proposed removal of Conditions 5 and 14 of the May 2018 permission is supported.

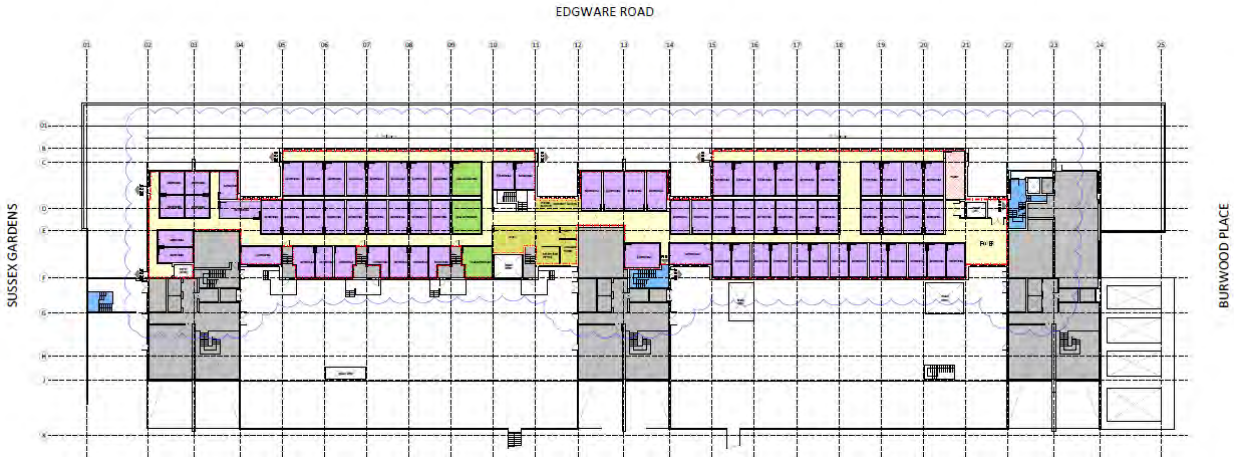
In respect of Condition 5, as there is no longer a need for a roof level plant enclosure, there is therefore no need for details of the plant enclosure to be submitted pursuant to the condition. It is recommended that Condition 5 is replaced by the condition referenced in Section 8.3 requiring the plant noise attenuation measures referred to in the submitted acoustic report to be provided and permanently retained. In respect of Condition 14, this condition requires the cafe to only be used by hotel guests and is no longer necessary given the cafe is to be omitted from the amended scheme.

(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: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk



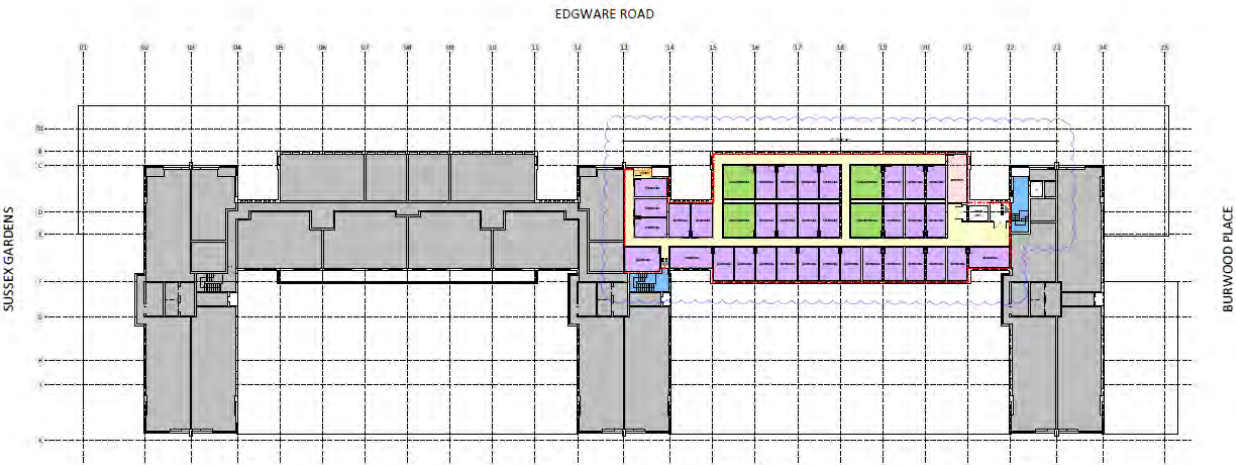
Approved first floor.



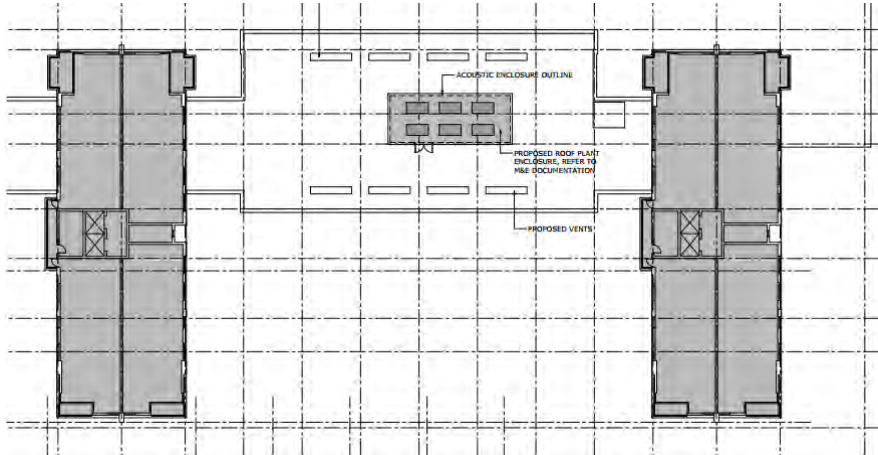
Proposed first floor.



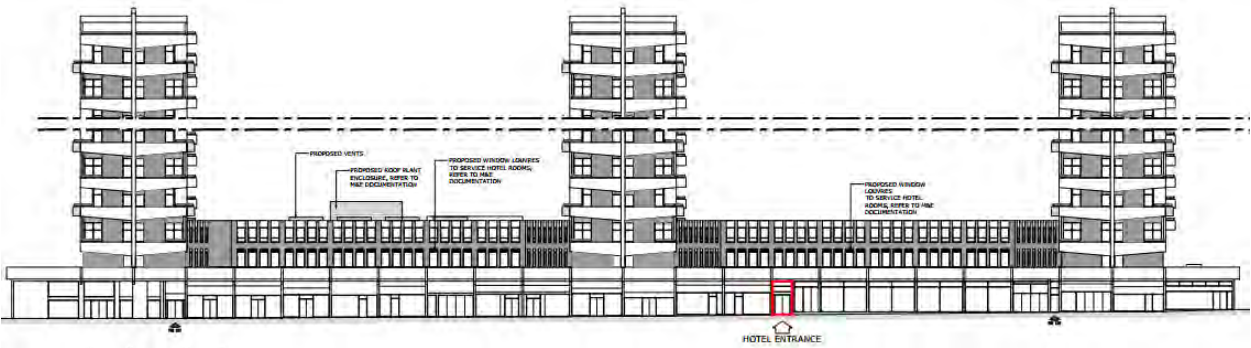
Approved second floor.



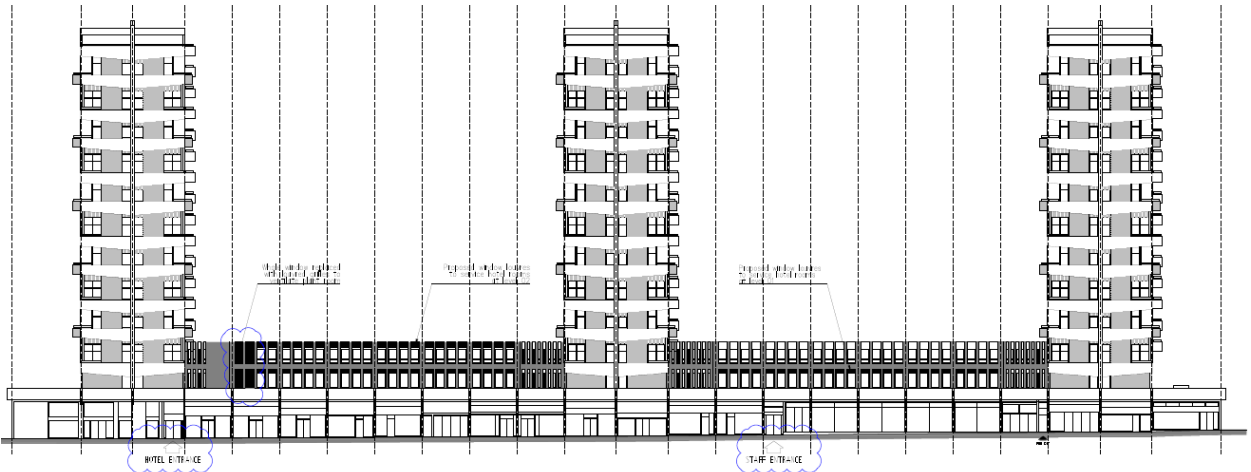
Proposed second floor.



Approved plant enclosure at third floor roof level.



Approved Edgware Road elevation.



Proposed Edgware Road elevation.

DRAFT DECISION LETTER

Address: 157 Edgware Road, London, W2 2HR,

Proposal: Variation of Condition 2 and removal of Conditions 5 and 14 of appeal decision (APP/X5990/W/17/3190982) dated 14 May 2018 (RN: 16/11276/FULL) for the use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level. NAMELY, to allow the relocation of air conditioning equipment from roof level above second floor level to within the envelope of the existing building with louvres inserted into the Edgware Road elevation, omit the requirement to submit details of the design of a roof level plant screen which is to be omitted, and remove Condition 14 relating to the cafe area which is to be omitted.

Plan Nos: **Drawings Previously Approved Under RN: 16/11276/FULL & APP/X5990/W/17/3190982:** PL(00)001, PL(00)010, PL(00)011, PL(00)020 Rev.A, PL(00)021 Rev.A, PL(00)100 Rev.A, PL(00)110 Rev. A, PL(00)111, PL(00)200, PL(00)201, PL(00)210, PL(00)211, PL(90)001.

As Amended by the Drawings and Documents Hereby Approved: EDG-1102-GF Rev.P0, EDG-1103-L01 Rev.P0, EDG-1104-L02 Rev.P0, EDG-1171-NE Rev.P0, EDG-1172-SW Rev.P0, Planning, Design and Access Statement dated July 2018 and Noise Impact Assessment dated 4 July 2018 (7929-NIA-02 RevB).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

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

- 1 This permission must be commenced no later than 13 May 2021.

Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 2 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.

- 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 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)

- 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 Prior to operation of the mechanical plant hereby approved, you must install the noise mitigation measures set out in Section 6.2 of the Noise Impact Assessment dated 4 July 2018 (7929-NIA-02 RevB). Thereafter you must permanently retain the noise mitigation measures.

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. (R46AB)

- 6 No development shall take place until details of the arrangements to provide disabled access to the first floor from the hotel entrance including plans/drawings at scale 1:50 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the hotel use commencing.

Reason:

To ensure the hotel provides inclusive access for guests in accordance with Policies DES1 and TRANS27 in the Unitary Development Plan we adopted in January 2007 and Policy S28 in Westminster's City Plan that we adopted in November 2016.

- 7 The vents/ louvres to be inserted in the facade of the building at first floor level shall be finished in a colour to match the colour of the first floor window frames.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 No development shall take place until plans/details/method of by which the existing windows at first and second floor level will be obscured so that the windowless hotel rooms and associated internal structures would not be visible externally have been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the hotel use commencing and maintained thereafter.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 9 (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. (R46AB)

- 10 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. (R48AA)

- 11 The hotel use must not commence until a Hotel Bookings, Arrivals and Departures Management Plan has been submitted to, and approved in writing by the local planning authority. This should set out the measures that will be implemented to ensure that guests do not arrive or depart the hotel premises in a vehicle containing more than 15 seats. The approved Management Plan shall be adhered to throughout the period of operation of the hotel use.

Reason:

To avoid obstruction of surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan that was adopted in

November 2016, STRA 25, TACE 2, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.13 in the London Plan adopted in March 2016.

- 12 All servicing of the hotel, including waste and recycling collection, must be carried out within the existing basement servicing area as shown on drawing PL(00)020 Rev.A (area shown in blue and annotated 'Service Road') and shall not be carried out on the public highway.

Reason:

To ensure that servicing of the hotel does not obstruct the public highway. As set out in Policies ENV12 and TRANS20 in our Unitary Development Plan that we adopted in January 2007 and Policy S42 of Westminster's City Plan which was adopted in November 2016.

- 13 No development shall take place, including any works of demolition, until a construction traffic management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan must include the following details (where appropriate):

- i) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- ii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- iii) erection and maintenance of security hoardings.

Development shall be carried out in accordance with the approved details.

Reason:

To prevent obstruction of the Transport for London Strategic Road Network and the local road network as set out in S29 of Westminster's City Plan that was adopted in November 2016, STRA 25, TRANS 2, TRANS 3 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007 and 6.11 in the London Plan adopted in March 2016.

- 14 The hotel use shall not commence until space has been laid out within the site in accordance with drawing no. PL(00)020 Rev.A for cycle parking. You must provide each cycle parking space shown on the approved drawings prior to the commencement of the hotel use. That space shall thereafter be kept available for the parking of bicycles.

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.

- 15 The hotel use shall not commence until space has been laid out within the site in accordance with drawing no. PL(00)020 Rev.A for waste storage. That space shall thereafter be kept available for the storage of waste.

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)

- 16 You must not provide an ancillary cafe or restaurant within the hotel premises.

Reason:

To prevent noise disturbance to neighbouring residents and ensure that servicing of the hotel does not obstruct the public highway. As set out in Policies TACE2 and ENV6 in our Unitary Development Plan that we adopted in January 2007 and Policies S23 and S32 of Westminster's City Plan we adopted in November 2016.

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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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.
- 4 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA
Secretary - Considerate Hoteliers Association
C/o Wheelwright's Cottage
Litton Cheney
Dorset DT2 9AR

E-mail: info@consideratehoteliers.com
Phone: 01308 482313

(I76AA)

- 5 Conditions 5, 9 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.