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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 29 January 2019 | Classification For General Release | |
| Report of Executive Director of Growth, Planning and Housing | | Ward(s) involved St James's | |
| Subject of Report | 61 - 71 Victoria Street, London, | | |
| Proposal | Facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and hotel (Class C1) on the upper floors. | | |
| Agent | Mr Colin Sinclair | | |
| On behalf of | Aviva Standard Life | | |
| Registered Number | 18/06814/FULL | Date amended/ completed | 16 August 2018 |
| Date Application Received | 13 August 2018 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Broadway And Christchurch Gardens | | |

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

61-71 Victoria Street comprises basement, ground and six upper floors with retail (Class A1 and A4) uses at basement and ground floor levels and offices on the upper floors.

Planning permission is sought for the replacement of the façade retaining the existing structural frame and the erection of two additional floors including a covered and screened plant area at rear eighth floor level, in connection with use of the building as retail (Class A1) at part basement and part ground floor level and hotel (Class C1) on the upper floors.

The key issues for consideration are:

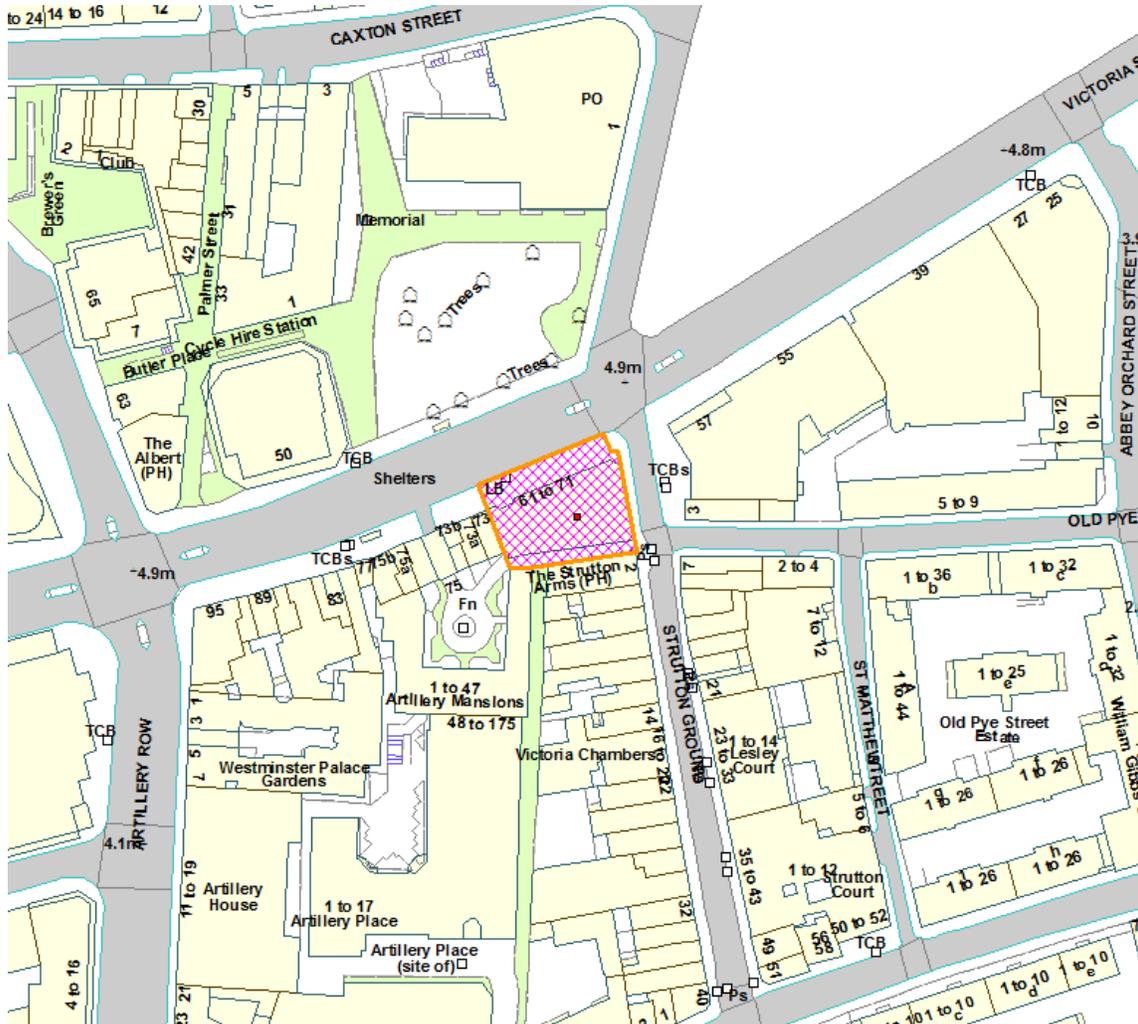
- The impact of the new building on the character and appearance of the surrounding

Broadway and Christchurch Gardens Conservation Area.

- The impact on amenity of neighbouring residents.

The proposals are considered to comply with the City Council's land use, design, conservation and amenity policies as set out in Westminster's City Plan: Strategic Policies (City Plan) and the Unitary Development Plan (UDP) and the application is accordingly recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

TRANSPORT FOR LONDON (TfL)

Delivery and Servicing Management Plan to be secured by condition. Request a Framework Construction Logistics Plan is submitted so that the impact on the Strategic Road Network and existing infrastructure can be fully understood. Further details required on coach pick up and drop off and on how this will be managed.

ENVIRONMENT AGENCY

No objection.

THORNEY ISLAND SOCIETY

Objection on the grounds that the proposed building will detract from the appearance of Artillery Mansions, which the existing building complements well.

WESTMINSTER SOCIETY

Any response received to be reported verbally by officers.

ENVIRONMENTAL HEALTH

No objection subject to conditions requiring details of the height of the CHP, the hotel kitchen extract system, a supplementary acoustic report and controlling plant noise emission levels.

HIGHWAYS PLANNING MANAGER

Servicing and Operational Management Plans should be secured by condition. The OMS should include details of how coach party arrivals and departures will be managed. Cycle parking and waste storage should also be secured by condition.

WASTE PROJECT OFFICER

Revised details of waste storage required. (Revised drawing submitted).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 331

Total No. of replies: 1

One objection from resident of Artillery Mansions on the following grounds:

- Height and design of building should be in keeping with that of surrounding buildings
- Hotel will cause additional traffic and congestion in already busy area

- Any loss of light will be harmful to the wellbeing of residents and harmful to plants and bird habitat in the courtyard garden

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application property lies within the Core Central Activities Zone and is situated in the Broadway and Christchurch Gardens Conservation Area on the corner of Victoria Street and Strutton Ground. The existing building comprises retail at basement and ground floor level and offices at first to sixth floor level with plant at main roof level.

6.2 Recent Relevant History

Planning permission was granted in December 2017 for facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and offices (Class B1) on the upper floors.

Planning permission was granted in August 1988 for the redevelopment of the site and erection of office and retail accommodation on basement, ground level and six floors above.

7. THE PROPOSAL

It is proposed to replace the façade whilst retaining the existing structural frame and erect two additional floors in order to provide a building of basement, ground and eight upper floors. A covered and screened plant area is proposed at rear eighth floor level along with a lift overrun at main roof level.

The building would provide hotel accommodation (Class C1) on the upper floors and retail (Class A1) at part basement and part ground floor level.

The existing, approved and proposed land uses, based on floorspace figures provided by the applicant area as follows:

| | Existing GIA (sqm) | Approved scheme GIA (sqm) (Dec 2017) | Proposed GIA (sqm) | +/- from Existing | +/- from Approved scheme (2017) |
|-------------------|--------------------|--------------------------------------|--------------------|-------------------|---------------------------------|
| Office (Class B1) | 2,879.75 | 3,845.46 | 0 | -2,879.75 | -3,845.46 |
| Hotel (Class C1) | 0 | 0 | 3,957.85 | +3,957.85 | +3,957.85 |
| Retail (Class A1) | 293.25 | 474.73 | 452.35 | +159.1 | -22.38 |

| | | | | | |
|----------------|----------|----------|----------|---------|--------|
| Bar (Class A4) | 524.35 | 0 | 0 | -524.35 | 0 |
| Total | 3,697.35 | 4,320.19 | 4,410.20 | +712.85 | +90.01 |

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application involves an increase of commercial floorspace of approximately 713 sqm GIA. This does not trigger a requirement for the provision of any residential accommodation under Policy S1 (Mixed Use) of Westminster's City Plan.

The Thorney Island Society have objected to the loss of office accommodation and on the grounds that the location is unsuitable for a hotel. However, in land use policy terms, the loss of office accommodation to another commercial use is acceptable and there is no objection to a hotel in this location within CAZ. The hotel proposes 141 bedrooms with an accessible hotel bedroom on each floor. The application is speculative as there is no hotel operator identified at the present time.

The basement space currently occupied by the existing bar (Class A4) will be converted into 'back of house' hotel and retail floorspace. The loss of the existing bar was agreed as part of the December 2017 approved scheme, which remains extant.

There will be a reduction in retail floorspace at ground floor level of 76 sqm in order to allow for the creation of the hotel reception and food and beverage area. However given that there will be an overall increase in retail (Class A1) accommodation at part basement and part ground floor levels of 159 sqm as a result of the loss of the existing bar (Class A4) at basement level, this is considered acceptable in policy terms. This compares to a loss of 49 sqm ground floor retail and an overall increase (basement and ground) of 181 sqm as part of the approved scheme, which means that the current proposal will result in an additional loss of 22 sqm of retail floorspace overall compared to the approved scheme.

Up to three retail units are proposed to the Victoria Street elevation with flexible divisions to allow for their use individually or together. Two of these units have additional space at basement level (if required by the future occupier). As previously approved there is a further retail unit at ground floor level on the Strutton Ground which will serve to further enliven this retail frontage.

The current proposal does not result in the reduction of the retail frontage compared to the existing and approved situation. The new retail units are positioned on the prominent ground floor corner aspect of the new building, which will serve to strengthen the retail presence of the building when viewed from Victoria Street and will assist in signposting Strutton Ground as a retail destination.

8.2 Townscape and Design

The Thorney Island Society and a local resident have objected on the grounds that the design, height, scale and façade treatment of the new building is detrimental to the

adjacent Artillery Mansions. They consider the existing building to be a better design with a more comfortable relationship to the adjoining building. The proposed design of the new building is predominantly the same as the extant permission granted in December 2017.

The current building is a late 20th century design, which while competent, is not considered to make any positive contribution to the character or appearance of the conservation area. It is described in the Broadway and Christchurch Gardens Conservation Area Audit as making a neutral contribution and this attribute is considered correct.

The building occupies a prominent position on the corner of Victoria Street and Strutton Ground. There is a considerably taller and larger scale of development to Victoria Street compared to the smaller, more domestic scale of buildings in Strutton Ground. This pattern is typical of the Victoria Street area. Artillery Mansions, adjacent to the site is a handsome Victorian mansion block and is identified as an unlisted building of merit in the Conservation Area Audit. The smaller scale Victorian buildings in Strutton Ground that adjoin the site are similarly identified as buildings of merit.

The existing building is to have its facades removed and the proposed replacement design utilizes the existing concrete frame. This will minimize on-site disruption and is generally considered a more sustainable form of development than total demolition and rebuilding.

The proposal is for a building of similar scale to parapet level but with a two storey, inhabited roof compared to the single storey roof structure of the existing building. The new building would be approximately one storey higher than the existing. The projecting bays of the existing building would be cut back to approximately half the projection of those existing and the bays would be made wider. The degree of projection over the highway therefore remains substantially the same.

The projecting bays help to animate the façade, creating depth and shadow and reflect the tradition of projecting bays on the more traditional Victorian buildings in the area, including the adjacent Artillery Mansions. The façade design is contemporary but maintains the tradition of a brick wall with punched openings. Materials have been simplified to a palette of red brick, Portland stone detailing and metal window frames and decorative details to the openings. This restrained use of materials is again typical of the more traditional buildings in the area.

The roof parapet aligns with that of Artillery Mansions and a double height, double-pitched traditional mansard with dormers provides additional accommodation. This is approximately one storey higher than the adjacent Artillery Mansions, but due to the 35-degree angle of the secondary pitch its visibility in the streetscene is limited. It is also considered that due to its corner location, it would not be atypical to have a slightly taller building in such a location in the townscape. The scale of building on the opposite corner of Strutton Ground is also considerably taller again and the building sits comfortably within the scale of the streetscene.

It is not considered that the building is too high nor that it visually dominates the adjacent Artillery Mansions. The rear of the building is also modelled in brick with stone banding

and fenestration where internal planning and overlooking allows. The rear is visible in some street views from the south and it is considered to provide a well-designed, secondary façade to these views.

With regard to the objections received, the appreciation of the façade design is necessarily subjective to a degree, but the new building is characteristic of the tradition of Victorian mansion-type buildings in both its materiality and its design. The use of red brick, Portland stone and slate roof along with projecting bays and a double-pitched mansard roof are all typical details of such a building type and is considered to sit better with its neighbours than the design of the current building which has more reference to a post-modern interpretation of Victorian architecture.

In summary, it is considered that the new building is an improvement on the existing in design terms and the scale is not inappropriate for its context. The building is considered to enhance the character and appearance of the conservation area. As such the proposals meet S25 and S28 of the City Plan and DES 1, DES 5 and DES 6 and paras 10.108 to 10.128 of the UDP.

8.3 Residential Amenity

An objection has been received from a resident of Artillery Mansions on the grounds that any loss of light could be detrimental to the well-being of residents and to the courtyard garden of Artillery Mansions.

Policy ENV13 of the UDP states that the City Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The new building will be one storey higher than the existing building but the same height as the previously approved building. There are residential properties adjacent at Artillery Mansions and nearby in the recently completed 55 Victoria Street. It is understood that there may also be ancillary residential accommodation above the Grafton Arms PH at 2 Strutton Ground.

The rear of the building faces the flank wall of the Grafton Arms public house and the flank wall of one of the internal blocks to Artillery Mansions. Given the relationship of the site with the neighbouring buildings and as the proposal is to replace existing facades it is not considered that the proposals will give rise to significant amenity issues for adjoining residents in terms of sense of enclosure, outlook or privacy sufficient to warrant a refusal of the application on these grounds.

Sunlight and Daylight

The applicant has submitted a daylight and sunlight study carried out in accordance with BRE guidelines in support of the application which demonstrates that the proposed development will not lead to any significant reduction of daylight and sunlight to neighbouring windows.

Artillery Mansions is located immediately adjacent to the application site on Victoria Street. Flats in the flank wall of the eastern wing of Artillery Mansions contain windows, which look onto the application site. The daylight assessment demonstrates that with the exception of a single window at third floor level, the windows in this elevation will not experience a material worsening of daylight. The reduction of daylight to the affected window is only slightly in excess of the BRE recommended guidelines and the affected room is lit by two further windows which are not affected by the proposals. There is no material change compared to the extant permission (2017 approved scheme).

No. 55 Victoria Street is situated to the east of the application site across Strutton Ground. The applicant's daylight and sunlight assessment confirms that the scheme will not cause a material impact on windows to flats in this building. There is no material change compared to the extant permission.

The rear of the application site faces the flank wall of The Grafton Arms Public House at 2 Strutton Ground, which is situated to the south of the site separated by a narrow alley.

The applicant has considered the daylight and sunlight impact on this property on the basis that there may be an element of ancillary residential accommodation to the upper floors. The assessment shows that the majority of windows retain VSC levels at or within 0.8 times their former value or, in the case of dual aspect space, experiences reductions only to a secondary window. A small number of the single aspect rooms experience reductions up to 0.6 times their former value, however, these percentage reductions are exacerbated by the low pre-existing levels. Absolute changes in VSC to these windows does not exceed 1.5% and is therefore likely to be unnoticeable. When considered against extant permission the new proposal shows differences of no more than 0.2% VSC.

8.4 Transportation/Parking

S42 of the City Plan and TRANS20 of the UDP require off-street servicing. There is no off-street servicing for the existing building and it is not possible to provide off-street servicing for the new building.

All servicing will therefore need to comply with the on-street restrictions. There are Single Yellow Lines in the vicinity from which this can occur but these are already in high demand for the servicing of other surrounding users. Goods will need to be transported along the footway, potentially obstructing pedestrian movement, in a similar fashion to the current office use.

As a hotel occupier is yet to be identified, the Highways Planning Manager recommends that a Servicing Management Plan be secured by condition. The Servicing Management Plan must identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants.

The Highways Planning Manager has also commented that without sufficient coach parking or a plan to deal with coaches dropping off and picking hotel guests, coaches will stop in the carriageway and obstruct traffic (including buses). Should the end

operator propose to take coach parties, an Operational Management Plan will need to set out how coach activity associated with the hotel will be managed. The Operational Management Plan must also address how taxi activity associated with the hotel will be managed.

It is recommended that the Servicing and Operational Management Plans are secured by condition and also cycle parking and waste storage.

8.5 Economic Considerations

The economic benefits associated with the creation of a new hotel and retail units are welcomed. Once operational, the proposed development will support jobs directly on site, mainly in hospitality and retail employment and would support further employment through supply chain impacts and expenditure of both hotel guests, customers and workers. In order to ensure these benefits are felt by the local community an employment and training opportunity strategy for the development is recommended to be secured by condition which would mean that the jobs created would be advertised locally in order to help unemployed Westminster residents get back into work.

8.6 Access

The proposed new entrance thresholds will be flush with pavement level on Victoria Street and Strutton Ground. The development has been designed to conform with Part M of the Building Regulations and will be DDA compliant.

8.7 Other UDP/Westminster Policy Considerations

Plant

A dedicated area for plant is proposed at eighth floor level, where an acoustically screened external plant deck is proposed. The detailed plant specifications have not been selected at this stage, however the plant will need to meet the Council's standard noise conditions and a supplementary acoustic report is required once the plant has been selected, and this is secured by condition.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 London Plan

This application raises no 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 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.11 Planning Obligations

The proposals are of an insufficient scale to generate a requirement for any planning obligations.

The proposals are CIL liable and the total estimated sum is £222,238.21 of which £51,785.52 corresponds to Mayoral CIL and £170,452.69 corresponds to Westminster CIL.

8.12 Environmental Impact Assessment

The proposals are of an insufficient scale to require an environmental impact assessment.

The applicant has submitted a Sustainability Statement which confirms that the proposed development will deliver a building which is significantly more energy efficient than at present, resulting in a reduction in energy and carbon consumed by the site.

8.13 Other Issues

TfL have requested that a Framework Construction Logistics Plan is submitted so that the impact of the development on the Strategic Road Network and existing infrastructure can be fully understood. The City Council's Code of Construction Practice is applicable in this application and discussion with TfL forms part of this process. A condition is recommended in this regard.

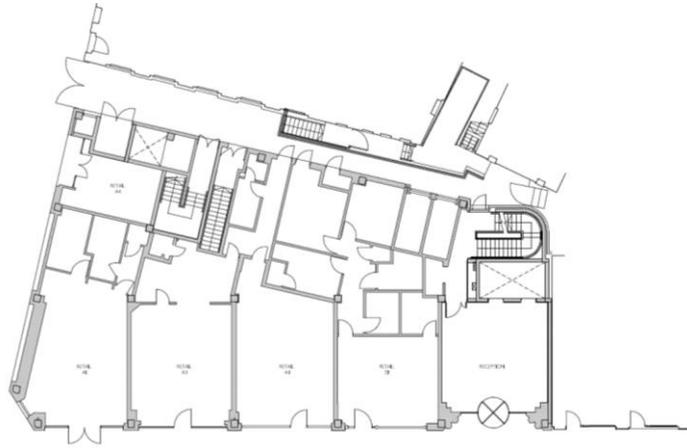
An objection has been received from a resident of Artillery Mansion on the grounds that the construction work could disrupt the completion of the external refurbishment of Artillery Mansions, which is currently being undertaken. However, construction matters are not a material planning consideration on which planning permission can be reasonably refused.

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

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| IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT ajackson@westminster.gov.uk . |
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9. KEY DRAWINGS

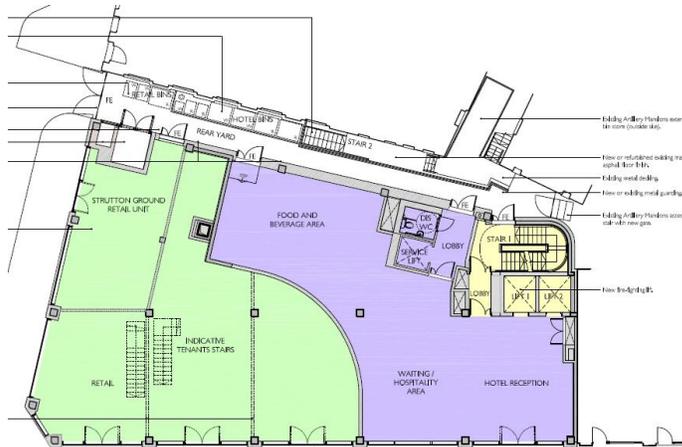
Existing Ground Floor Plan



Approved Ground Floor Plan (December 2017)



Proposed Ground Floor Plan



Existing Victoria Street Elevation



FRONT ELEVATION

Existing Strutton Ground Elevation



Existing Rear Elevation



Approved Victoria Street Elevation (December 2017)



Proposed Victoria Street Elevation



Proposed Strutton Ground Elevation



Proposed Rear Elevation



Visual as proposed



DRAFT DECISION LETTER

Address: 61 - 71 Victoria Street, London, ,

Proposal: Facade replacement with retention of existing structural frame and erection of two additional storeys, to provide a building of basement, ground and eight upper floors with covered and screened plant area at rear eighth floor level, lift overrun at main roof level and associated works in connection with use of the building as retail (Class A1) at part basement and part ground floor level and hotel (Class C1) on the upper floors.

Plan Nos: P(OS)01; P(OS)02; E(-)01; E(-)02; E(-)03 ;E(-)04; E(-)05; E(-)06; E(-)07; E(-)08; E(-)09; E(-)11; E(-)12; E(-)13; P(100)01 Rev. A; P(100)02 Rev. B; P(100)03; P(100)04; P(100)05; P(100)06; P(100)07; P(100)08; P(100)09; P(100)10; P(100)11; P(100)12; P(100)13; P(100)14; P(100)15; Air Quality Assessment Revision 2 dated 2 November 2018, prepared by Hoare Lea; Daylight & Sunlight and Report dated 20 July 2018, prepared by Eb7; Acoustics Report for Planning dated 26 July 2018, prepared by Hoare Lea; Flood Risk Statement Rev. C dated July 2018, prepared by Peter Brett Associates; Transport Statement dated July 2018, prepared by Caneparo Associates Limited; Ventilation Statement Revision 2 dated 26 July 2018, prepared by Hoare Lea; 71VS-TA-ZZ-XX-DR-A-521-0123 Rev. A.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of samples (to be viewed on site) of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens 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 detailed drawings of the following parts of the development -

- (a) Typical bay design at 1:25 scale;
- (b) Shopfront details at 1:20 scale with detailed cross-sections at 1:10;
- (c) Typical window and external door details at 1:10 scale.

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 Broadway and Christchurch Gardens 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 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of

Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 6 (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 LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

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)

- 7 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)

- 8 You must apply to us for approval of details of the following:

- i) a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 6 and 7 of this permission.
- ii) height and location of the CHP
- iii) design and location of the hotel kitchen extract flue

You must not start 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.

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. (R51AB)

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

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity

within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

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 (UDP), 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. (R47AB)

- 10 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 11 No live or recorded music shall be played in the hotel use 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)

- 12 You must provide the waste store shown on drawing P(100)02 Rev. B before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 13 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 2016 (R22FA)

- 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 Prior to occupation you must apply to us for approval of a Servicing Management Plan for the approved hotel use. You must not commence the hotel use until we have approved what you have sent us. Thereafter the hotel must be managed in accordance with the approved Servicing Management Plan (See informative 19 for what should be included in the plan).

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)

- 16 Prior to occupation you must apply to us for approval of an Operational Management Plan for the approved hotel use. You must not commence the hotel use until we have approved what you have sent us. Thereafter the hotel must be managed in accordance with the approved Operational Management Plan. (See informative 20 for what should be included in the plan).

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 Prior to commencement of the hotel use you must apply to us for approval of an Employment and Training Opportunities Strategy, demonstrating how the hotel use will provide employment opportunities for Westminster residents. You must not commence the hotel use until we have approved what you have sent us. Thereafter the hotel use must be undertaken in accordance with the approved strategy.

Reason:

To make sure that local people and communities benefit from opportunities which are generated from development, as set out in S19 of Westminster's City Plan (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, neighbourhood plan (where relevant), 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 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)

- 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 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.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 6 Conditions 6 and 7 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)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 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)
- 9 With reference to condition 5 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

- 10 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.

- 11 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 12 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)
- 13 Any structure or awning over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge.
- 14 No development should occur between the footway and a depth of 900mm. This is to ensure sufficient space remains for utilities and in accordance with TRANS19.
- 15 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 16 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 17 The development will result in changes to road access points. Any new threshold levels in the

building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 18 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 19 You must include the following information in the Servicing Management Plan:
 - hours of servicing
 - the full delivery process
 - internal storage locations
 - scheduling of deliveries
 - staffing arrangements for deliveries.
- 20 You must include the following information in the Operational Management Plan:
 - arrangements for managing the potential of noise and disturbance from any food and beverage area affecting neighbouring properties;
 - arrangements for managing the potential of noise and disturbance from hotel guests congregating, arriving and leaving the building;
 - arrangements for smoking for staff and guests;
 - arrangements for dealing with waste bottles;
 - taxi management and private vehicle hire process for arrivals and departures;
 - clear process for managing coach party arrivals and departures including how the transfer of guests from the identified coach drop-off/collection locations will be managed;
 - clear process on providing information to guests on how to reach the site via public transport and how this will be prioritised on line and with booking information and confirmation details.
- 21 You are advised to make an application for chimney height approval in connection with the CHP, under the Clean Air Act 1993. Please contact environmentalsciences2@westminster.gov.uk for further advice about this.