

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 23 July 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	27 - 31 Charing Cross Road, London, WC2H 0AU		
Proposal	Erection of a side extension (10 storeys) for the creation of 30 additional hotel guest rooms; with roof terrace in connection with existing rooftop bar/ restaurant.		
Agent	Centro Planning Consultancy		
On behalf of	West End Property Company Limited		
Registered Number	24/01407/FULL	Date amended/ completed	3 April 2024
Date Application Received	4 March 2024		
Historic Building Grade	Unlisted		
Conservation Area	Leicester Square		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

27 - 31 Charing Cross Road (formerly known as Alhambra House) is an unlisted building located in the Leicester Square Conservation Area and the Central Activities Zone (CAZ). The building has recently been refurbished and is in use as a hotel, Assembly Hotel, with restaurant and bar facilities following implementation of a permission in 2017 (RN:17/03318/FULL).

The existing hotel building stands at 11 storeys and forms the majority of the site. To the south of the hotel there is an unattractive vacant plot. At ground floor it is partially screened by a metal gate. Above, a solid board (previously used for cinema advertising) extends between approximately first and fifth floors.

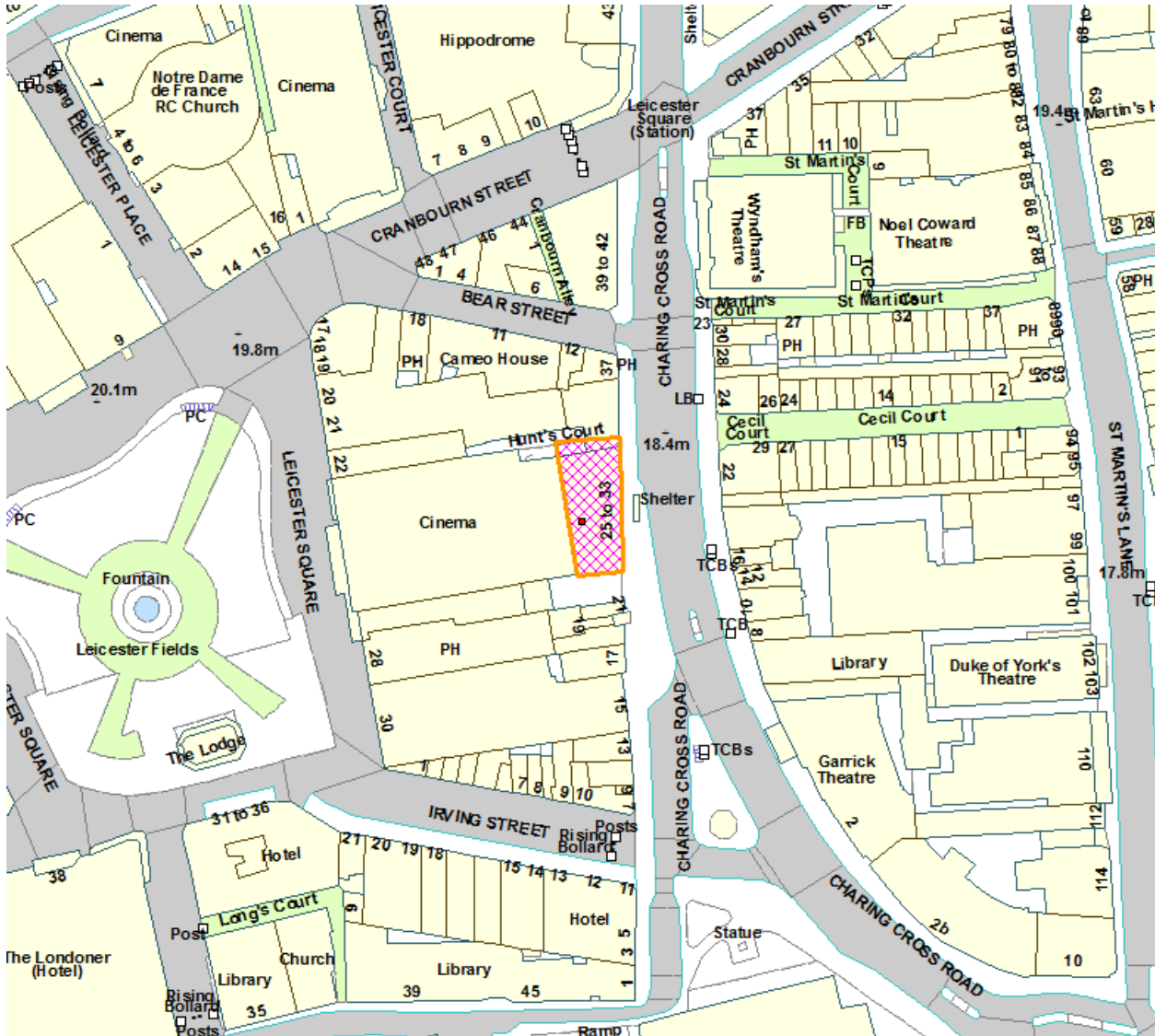
The application proposes to erect a side extension (10 storeys) within the vacant plot, to provide 30 additional hotel guest rooms, with a roof terrace to be used in connection with the existing rooftop bar/ restaurant. The side extension will be suspended above ground level to ensure that the fire escape and servicing is maintained for the Odeon Cinema. A new ground floor decorative gate will front Charing Cross Road at street level.

The key issues for consideration are:

- The acceptability of the additional hotel accommodation in land use terms;
- The impact of the external alterations on the character and appearance of the Leicester Square Conservation Area; and
- The impact on the amenity of neighbouring residential properties;

Overall, the proposal would improve the appearance of the vacant plot at the south of the site through its activation, the provision of additional hotel accommodation in this area of the CAZ is acceptable, and the extension with roof terrace would not have a significant impact on neighbouring residential amenity in terms of noise and overlooking. The application is recommended for approval subject to conditions set out in the draft decision notice.

3. LOCATION PLAN

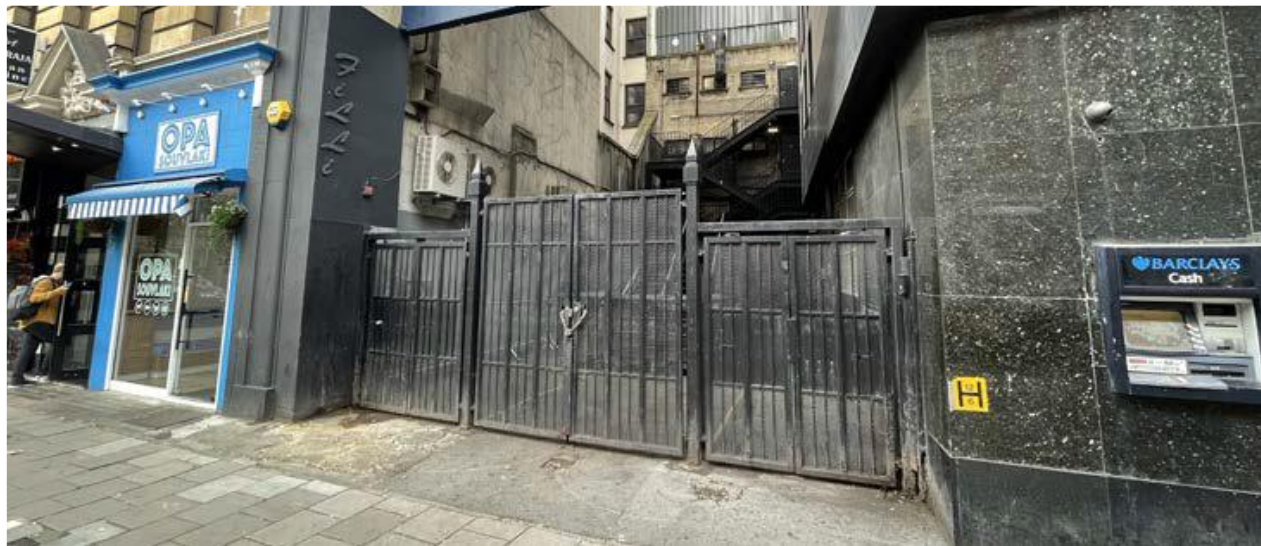


This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Assembly Hotel, 27 – 31 Charing Cross Road



Existing gates/ street frontage



Existing view behind gates of waste & escape staircase to rear of Odeon cinema

5. CONSULTATIONS

5.1 Application Consultations

WESTMINSTER SOCIETY:

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES:

No objection on environmental noise or nuisance grounds subject to conditions.

Lead

LEAD LOCAL FLOOD AUTHORITY:

The Flood Risk Assessment and Drainage Strategy provided is not in accordance with the NPPF, PPG or Policy 35 of the City Plan. Further detail should be provided on the drainage strategy.

UK POWER NETWORKS:

Offer advice to the applicant relating works near substations (Informative 8).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 123

No. of replies: 6

No. of objections: 6

Objections on some or all of the following grounds:

Amenity

- The enlargement of the roof terrace will exacerbate noise issues currently experienced when large groups gather on the terrace, particularly during summer months;
- Noise from guests using roof terrace;
- Loss of privacy/ overlooking from roof terrace;
- Loss of light from extension

-

Other

- Noise and disturbance from building works;
- The previous development of the hotel did not manage construction effectively, working outside of permitted hours, causing noise, disturbance, and dust;
- Extension is no benefit to local community;
- The hotel does not address social problems in the area.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted

Statement of Community Involvement (SCI) are summarised below:

- The applicant identified a hybrid approach to engagement was required to allow stakeholders and the local community an opportunity to view the proposals. This entailed both a dedicated website and a letter to nearby properties.
- A letter was delivered to 497 businesses and residents providing an overview of the plans for a side extension to Assembly Hotel.
- The letter was issued on 29 February 2023. A dedicated project email address and phone number were set up, so that recipients could provide comments on the plans directly to the project team members. These details were provided in the letter and on the website.
- The letter also detailed a link to an online consultation website which provided further details about the proposals and contact details to get in touch with the project team.
- Copies of the letter and website were also sent to key local stakeholders listed in the SCI.
- The community were asked to provide any comments through a dedicated email address and phone number.
- Additionally, a press release was created and shared with the local media to advertise the proposals and the dedicated website to ensure the proposals were shared as wide as possible.

The SCI confirms at the stage of the planning application submission, no feedback or comments had been received, and that the project team will continue to accept and receive feedback and respond as appropriate throughout the application's determination period.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (December 2023) and should be afforded full weight in accordance with paragraph 225 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 City Plan Partial Review

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

6.3 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.4 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

27 - 31 Charing Cross Road (formerly known as Alhambra House) is an unlisted building located in the Leicester Square Conservation Area, the Central Activities Zone (CAZ), and the West End Retail and Leisure Special Policy Area (WERLSPA).

The building has recently been refurbished and is in use as a hotel, known as Assembly Hotel, with restaurant and bar facilities following implementation of a permission in 2017 (RN:17/03318/FULL).

The existing hotel building stands at 11 storeys and forms the majority of the site. To the south of the hotel there is an unattractive vacant plot. At ground floor it is partially

screened by a metal gate. Above, a solid board (previously used for cinema advertising) extends between approximately first and fifth floors. The plot is used for occasional servicing and as an escape route for the Odeon Cinema, which is to the rear of the site. Hunts Court, a narrow passageway lies to the north of the building.

7.2 Recent Relevant History

01 July 2021:

Permission granted for 'Installation of plant equipment and associated screening at roof level'. (RN: 21/02303/FULL)

15 July 2019:

Permission granted for 'Variation of condition 1 of planning permission dated 02 October 2018 (17/10340/FULL) which itself varied condition 15 of planning permission dated 25 September 2017 (RN: 17/03318/FULL) for use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors. Namely, to allow the installation of a UKPN electricity substation and associated external alterations at ground floor level'. (RN: 18/03924/FULL).

02 October 2018:

Permission granted for 'Variation of condition 15 of planning permission dated 25 September 2017 (RN: 17/03318/FULL) for use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors. Namely, to vary wording of the condition to reference correct plan and specify customers (other than hotel guests staying overnight) shall not be permitted within the hotel's food and beverage area before 07.00 hours or after 01.00 hours each day'. (RN: 17/10340/FULL)

25 September 2017:

Permission was granted for 'Use of part basement, ground and upper floors (first to new tenth floor) as a 121 bedroom hotel (Class C1), alterations to ground floor retail unit (Class A1), and associated alterations including the erection of ninth floor extension, and an additional storey (new tenth floor), re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors'. (RN: 17/03318/FULL).

27 March 2017:

Permission was granted for 'Use of part basement, ground and upper floors (first to new tenth floor) as a 123 bedroom hotel (Class C1), enlargement of ground floor retail unit (Class A1), and associated alterations including the erection of an additional storey, re-cladding of the building, replacement windows, alterations to ground floor elevation, installation of mechanical plant, and creation of terraces on seventh, eighth and tenth floors' (RN: 15/09858/FULL).

21 May 2014:

Permission was refused for 'Erection of side and roof extensions, re-clad elevations and conversion of offices at first floor level and above to residential use comprising 56 self-contained flats, with alterations to ground floor entrance and lobby and ancillary accommodation at basement level' (RN: 13/04922/FULL).

This was refused for the following reasons:

1. Height, detailed design, and materials of extensions;
2. Inappropriate housing unit mix,
3. Lack of off-street parking; and
4. Quality of residential accommodation (internal light levels and noise transfer).

8. THE PROPOSAL

The application proposes a side extension (10 storeys) within the vacant plot to the south elevation.

The proposed extension would increase the internal floor area by circa 444 sqm, which will allow for the creation of an additional 30 guest rooms, therefore increasing the hotel capacity by 25 percent.

The existing visitor and staff entrance on Charing Cross Road shall continue to be used to accommodate the additional number of hotel guests.

Part of the roof of the extension would be used as a terrace, which shall increase the outdoor space available for the existing rooftop bar and restaurant. A green roof is proposed on the other part of the roof.

The side extension will be suspended above ground level to ensure that the fire escape is maintained to the rear of the adjacent Odeon Cinema, with a new ground floor decorative escape fence/ gate fronting Charing Cross Road.

Mechanical plant/ three condenser units are also proposed at ground floor level within the open yard.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	2569	3010	441

9. DETAILED CONSIDERATIONS

9.1 Land Use

Existing site

The existing site is a vacant plot of land to the south of the existing hotel. The applicant

(West End Property Company Ltd) freehold owns the Assembly Hotel and the adjacent Odeon Cinema under a single title. Odeon has a lease over the cinema building and the access onto Charing Cross Road.

The site is currently used by the Odeon for refuse storage, maintenance contractor parking (fortnightly), movie premier film crew and celebrity vehicle use (once a month), and as a fire escape from the rear of the Odeon to Charing Cross Road. The proposed side extension will be suspended above ground level to enable continued servicing of the Odeon and ensure that the fire escape is maintained.

Proposed hotel accommodation

Policy 15H (Visitor Economy) of the City Plan states that: *'Applications for extensions and upgrades to existing hotels will have regard to impacts on the wider area. Development proposals should improve accessibility and enable the extended lifetime of buildings by incorporating principles and measures of sustainable design wherever possible. Development proposals should, where appropriate, reveal the historic significance of hotels located within heritage assets.'*

Policy 14C pt.2 (Town centres, high streets and the CAZ) states that: *'The West End Retail and Leisure Special Policy Area (WERL) will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub and as a centre for the visitor, evening and night-time economy'*.

The existing hotel, 'Assembly Hotel', comprises of 121 rooms and circa 2,569 sqm. floorspace. The proposed side extension would provide an additional 30 guest rooms and 441 sqm. floorspace, resulting in an enlarged hotel with 151 rooms and circa 3,031 sqm. floorspace.

A further three accessible rooms shall be provided within the existing hotel footprint, this satisfy London Plan Policy E10H which requires a minimum of 10% of hotel bedrooms to be wheelchair accessible.

The site lies within the Central Activities Zone and the West End Retail and Leisure Special Policy Area (WERLSPA). The site is a busy part of the West End, which is largely commercial, although there are residential properties on the upper floors of neighbouring properties with residential mansion blocks on the opposite side of the road.

The enlarged hotel is considered appropriate in this central area of Westminster, close to many of London's top tourist attractions and with good access to public transport. The principle of an enlarged hotel in this location is considered acceptable subject to the recommended conditions. The previous permission in 2017 (RN:17/03318/FULL) also included a number of conditions controlling the operation and management of the hotel. The applicant is reminded by informative that these conditions are also still relevant.

Overall, extending the existing hotel to fill the void at the site's southern boundary and increasing the number of hotel bedrooms from 121 to 151 would benefit London's economy by increasing the amount of visitor accommodation available, as well as create the opportunity for job growth in Westminster.

9.2 Environment & Sustainability

The proposed development is considered compliant with City Plan Policies 36 'Energy' and 38 (D) Sustainable Design.

An Energy and Sustainability Statement has been submitted in support of this application. The report establishes that the energy strategy and the sustainability strategy of the scheme can accord with the required local and regional planning policy.

The scheme aims to reduce energy demand through a strategy that utilises the extant plant in the hotel (VRF for heating and cooling) but takes advantage of hot water preheating by the cooling system, wastewater heat recovery, and wider energy efficiency measures. There is no real potential for solar PV due to competing demands for the space from the existing HVAC plant at main roof, and the new roof area being used as both a part green roof and a terrace for the rooftop bar. The exact specification and performance of the energy systems will evolve as the detailed servicing specification is determined at the building control stage.

Flood Risk & Sustainable Drainage

The site lies within a Surface Water Flood Risk Hotspot. In accordance with City Plan Policy 35 'Flood Risk', the applicant has provided a Flood Risk Assessment (FRA) and Drainage Strategy. This sets out that the site will use a green roof to reduce the flood risk to the area. This has been reviewed by the Local Flood Authority who advise that further detail should be provided of the drainage strategy. A condition is attached requiring an updated Drainage Strategy as well as an informative providing the applicant with guidance.

9.3 Biodiversity & Greening

City Plan policy 34 encourages the inclusion of greening measures within new developments to encourage biodiversity. A green roof is proposed and is secured by condition. This is welcomed given it will increase greening on a site where there is presently none and add to biodiversity.

9.4 Townscape, Design & Heritage Impact

Policy and legislation context

The site is within the Leicester Square Conservation Area and is opposite the Covent Garden and Trafalgar Square Conservation Areas. The closest listed building is the Garrick Theatre (Grade II*) which is on the east side of Charing Cross Road. There is also grade II listed street furniture on the traffic island by the Irving Street junction.

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the

Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Policies 38, 39 and 40 of the City Plan encourage high quality, sustainable and contextual design which celebrates the City’s heritage.

The site and context

The application site dates from the late twentieth century and does not make a positive contribution to the significance of the Leicester Square Conservation Area or nearby heritage assets. Adjacent to the south of the site are two elaborate nineteenth century buildings of brick and stone which are considered to contribute positively to the character and appearance of the Leicester Square Conservation Area and the setting of the opposite conservation areas and are considered non-designated heritage assets.

At present, the vacant plot at the south of the application site is unattractive and forms an incongruous gap in the streetscape. At ground floor it is partially screened by a metal gate. Above, a solid board (previously used for cinema advertising) extends between approximately first and fifth floors. Both the gate and screen are set back from the adjacent front elevations of the hotel to the north and the building to the south. The current appearance of the vacant plot and screening do not positively contribute to the character and appearance of the conservation area or the setting or significance of the other nearby heritage assets.

Proposals and assessment

The proposed extension would infill the vacant plot at the south of the site above ground floor, replacing the existing blank elevation of the former cinema advert board with a more active building elevation. It would extend from first to sixth floor, being approximately one storey higher than the existing advert board. It would also be set slightly further forward than the existing advert board, albeit still recessed from the

principal elevations of the host building and the neighbouring building to the south. Above sixth floor there would be an additional three storeys, each set progressively further back from the street elevation and the neighbouring building to the south. The set back provides a gap between the modern building and the more elaborate roof form of the nineteenth century building to the south.

Visualisations from some surrounding viewpoints have been provided to indicate where the proposed extension is likely to be visible from and support an assessment of the impact. The extension will be most visible from the south but is considered to result in a relatively small change compared to the existing massing of the host building.

The proposal to use materials and details, including fenestration, to match those on the host building is considered an appropriate design response which will tie the extension visually to the host building and avoid excessive visual clutter.

The principle of replacing the gates beneath the proposed extension is acceptable, however, insufficient detail has been provided at this stage and a condition is recommended to agree the detail of the materials and design of the new gates.

Overall, the proposed extension is considered in keeping with the host building in terms of massing and materials. It will maintain the contribution the building makes to the surrounding heritage assets and improve the appearance of the vacant plot at the south of the site through its activation, subject to agreement of the gate detail which is conditioned.

The proposals are therefore in accordance with the requirements of City Plan policies 38, 39 and 40.

9.5 Residential Amenity

City Plan Policies 7 'Managing development for Westminster's people' and 33 'Local environmental impacts' seek to ensure developments are neighbourly and avoid detrimental impacts on neighbours including in terms of loss of light, increased sense of enclosure and loss of privacy. They also seek to protect local environmental quality and ensure residents are not harmed in terms of noise and vibrations.

Daylight & Sunlight/ Sense of Enclosure

The proposal is supported by way of a Daylight and Sunlight Assessment that assesses the impact of the proposed extension on the neighbouring residential properties on the opposite side of Charing Cross Road: Burleigh Mansions, Faraday House, Garrick Mansions.

The applicant's daylight and sunlight assessment results show that the surrounding residential windows will continue to receive levels of daylight in accordance with the BRE Guidelines criteria. Given the location of the extension and its distance from neighbouring occupiers on the opposite side of Charing Cross Road, it will not give rise to any significant amenity impact in terms of loss of light or increased sense of enclosure.

Privacy/ Noise

The flat roof of the new side extension would be used partly as a green roof and partly as a roof terrace, which shall increase the outdoor space available for the existing rooftop bar and restaurant. Concern has been raised in respect of potential overlooking and noise disturbance from the enlarged roof terrace.

The original hotel permission (RN:17/03318/FULL) allowed a roof terrace at this level, subject to no openable windows to be installed on the long frontage/ Charing Cross Road elevation. The new terrace area would be accessed via an opening on the south side flank elevation.

A condition is recommended to control the hours of use of the terrace so that it may only be accessible to between the hours of 0800 to 2300 hours. Given its size and subject to control of its hours of use, it is considered that the additional terrace space will not result in any material loss of privacy or noise to neighbouring occupiers given its location and distance (approx. 25 metres) from neighbouring residential properties.

Mechanical plant/ three condenser units are proposed at ground floor level within an acoustic enclosure within the open yard/ behind the street level decorative gates. An environmental noise survey has been undertaken and has been assessed by the council's Environmental Sciences department. The calculations show that noise emissions from the proposed plant will meet the Council's noise requirements and will not, therefore, have any adverse impact on neighbouring properties.

9.6 Transportation, Accessibility & Servicing

Servicing and Waste & Recycling Storage

The existing hotel has 121 bedrooms and is supported by its current servicing and deliveries management plans. The servicing and delivery plans were approved in 2018 through the discharge of condition of the original hotel permission (RN:17/03318/FULL)

A Transportation and Servicing Note was written in support of this application. The proposal would not increase the size or capacity of the restaurant, thus only the additional 30 rooms need to be considered when assessing future delivery and servicing needs.

It is proposed that deliveries and servicing to the site will take place largely as per existing arrangements with delivery vehicles/personnel undertaking unloading/loading using the nearby loading bay, located approximately 30 metres, to the north of the site on Charing Cross Road.

The enlargement of the existing hotel is unlikely to have an adverse impact in terms of additional servicing however a condition is attached requiring an updated Servicing Management Plan.

The proposed waste storage area would be located in the basement of the hotel extension, as per the original hotel permission. There would be additional waste bins provided to support the proposed 30 hotel rooms. These bins would be labelled in accordance with the council's WCC Recycling and Waste Storage Requirements Document (2023). The waste and recycling storage is secured by condition.

Cycling & Cycle Storage

The existing site has 12 cycle parking spaces available within the basement of the hotel. The arrangement accords with the London Plan (2021).

A total of 3 additional cycle parking spaces (2x long-stay, 1x short-stay) would be provided on the ground floor of the hotel extension to support the scheme's increase in guest rooms and ensure continued compliance with London Plan (2021). The enlarged hotel would provide a total of 15 cycle parking spaces, which is secured by condition.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure the following:

- Evidence to demonstrate the development will be bound by the Code of Construction Practice; and
- Details of a Drainage Strategy.

10. Conclusion

Overall, the proposal would improve the appearance of the vacant plot at the south of the site through its activation, the provision of additional hotel accommodation in this area of the CAZ is acceptable, and the extension with roof terrace would not have a significant impact on neighbouring residential amenity in terms of noise and overlooking. The application is recommended for approval subject to conditions set out in the draft decision notice.

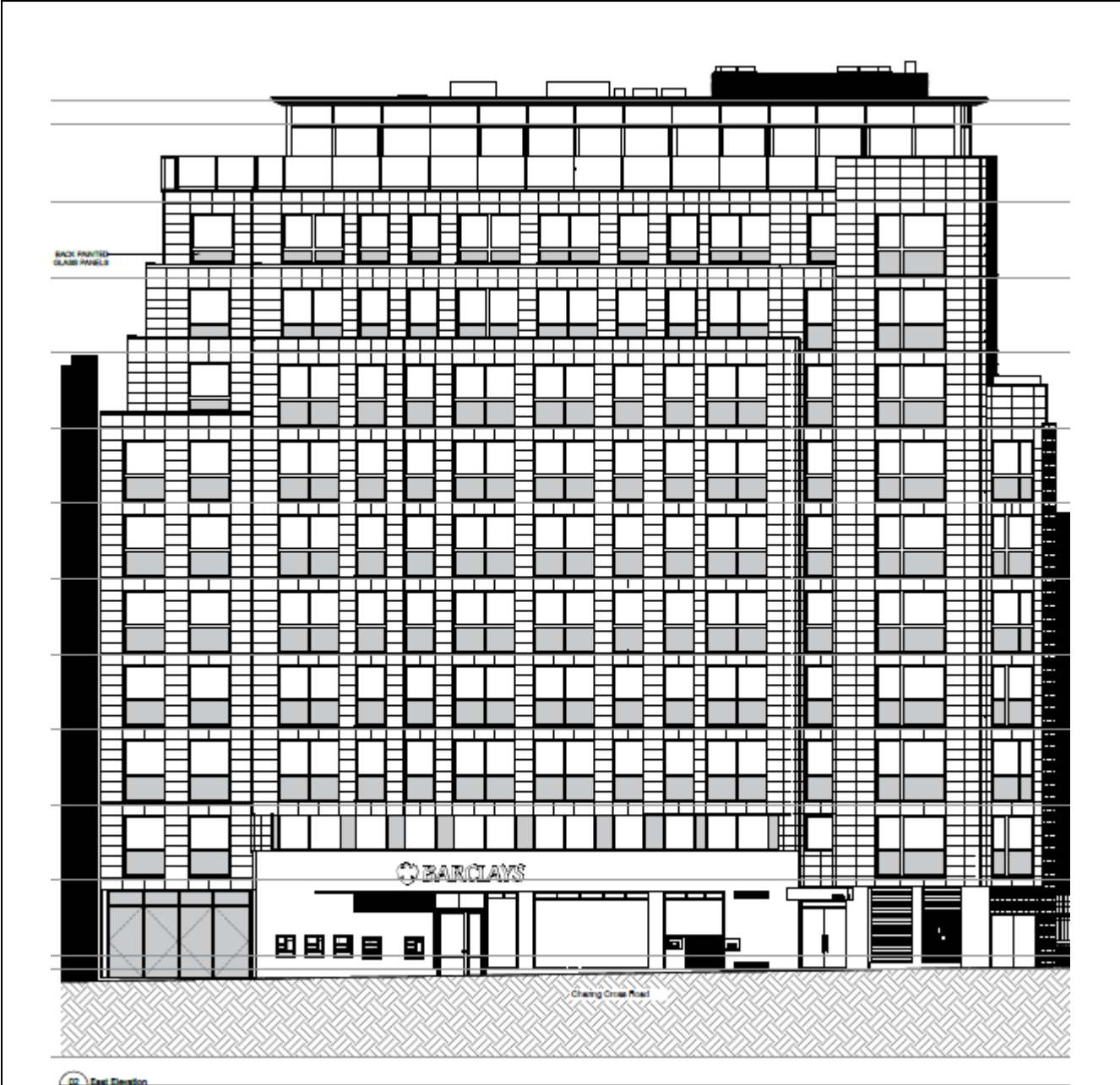
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

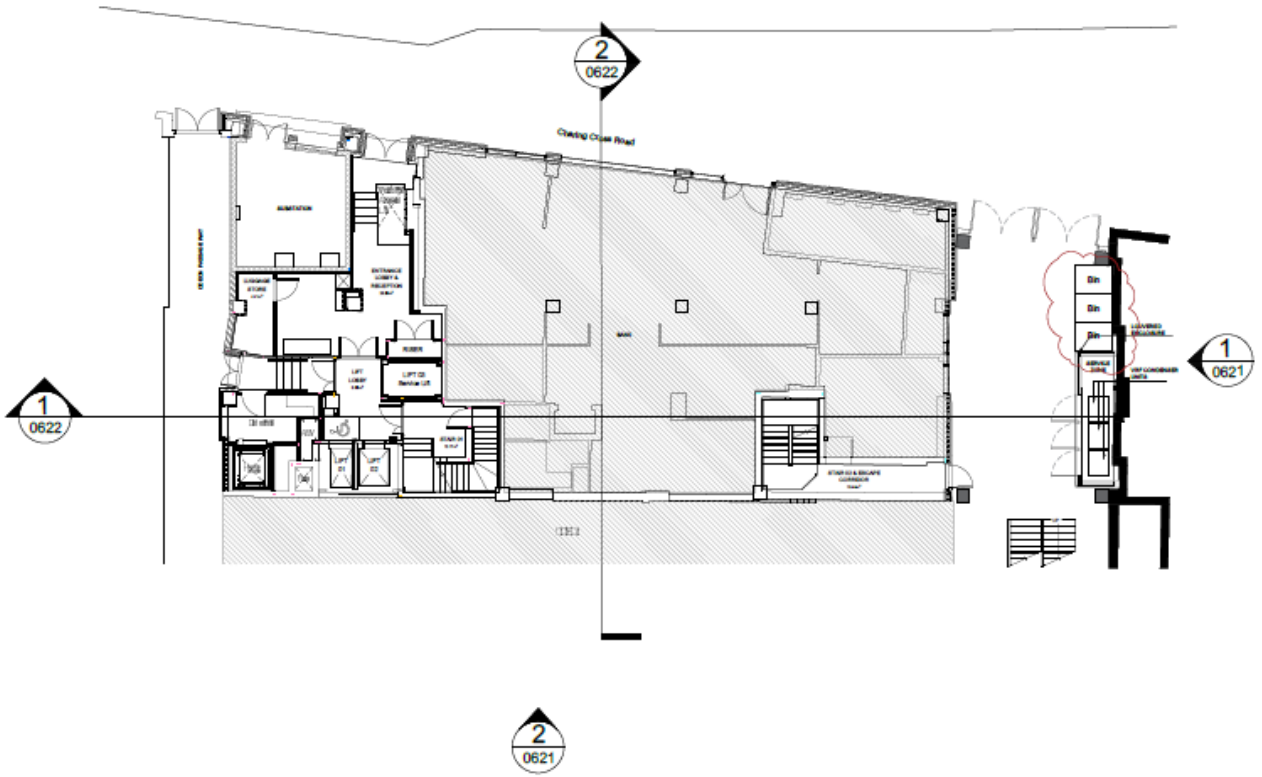
11. KEY DRAWINGS



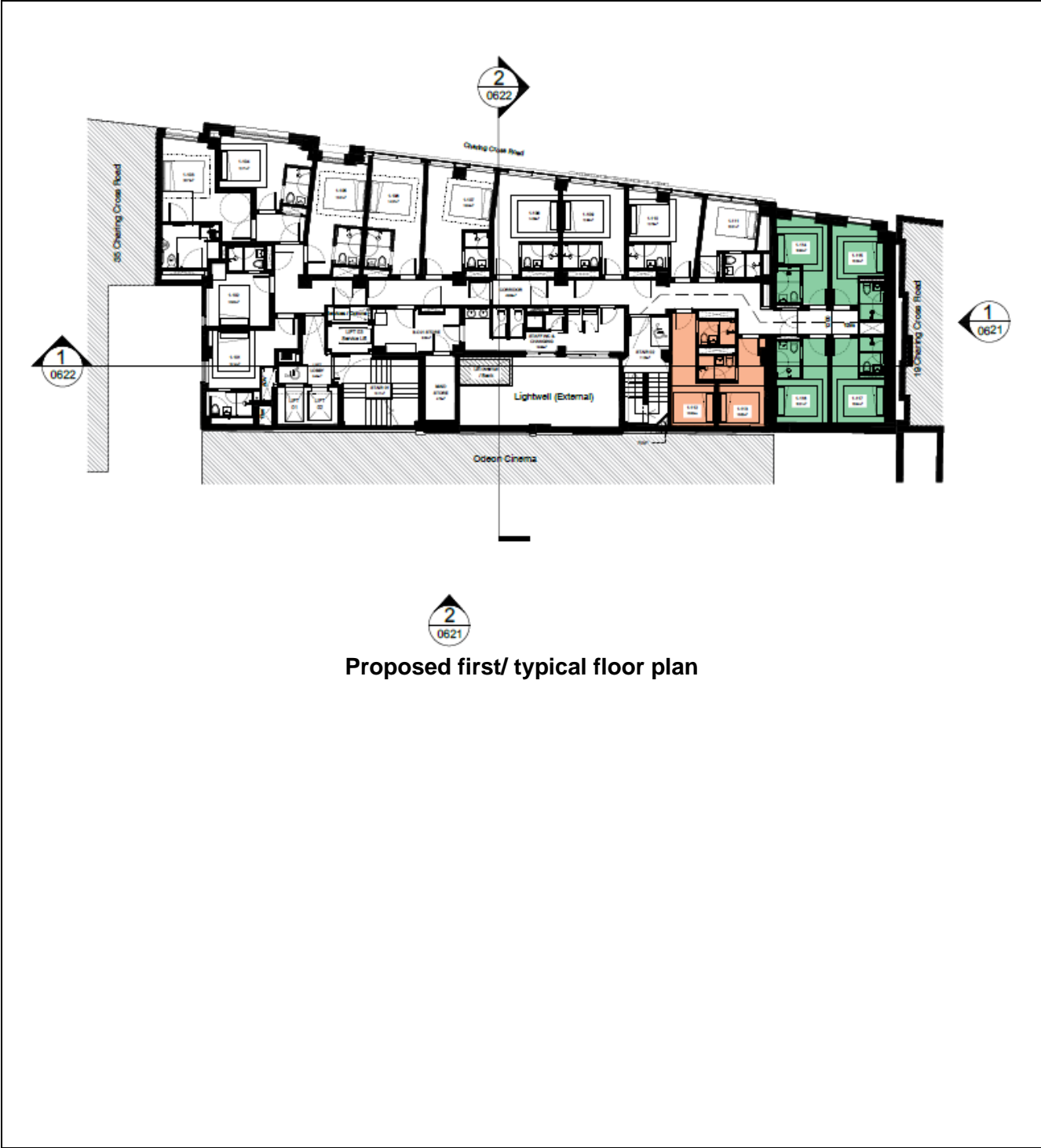
Existing east/ Charing Cross Road elevation



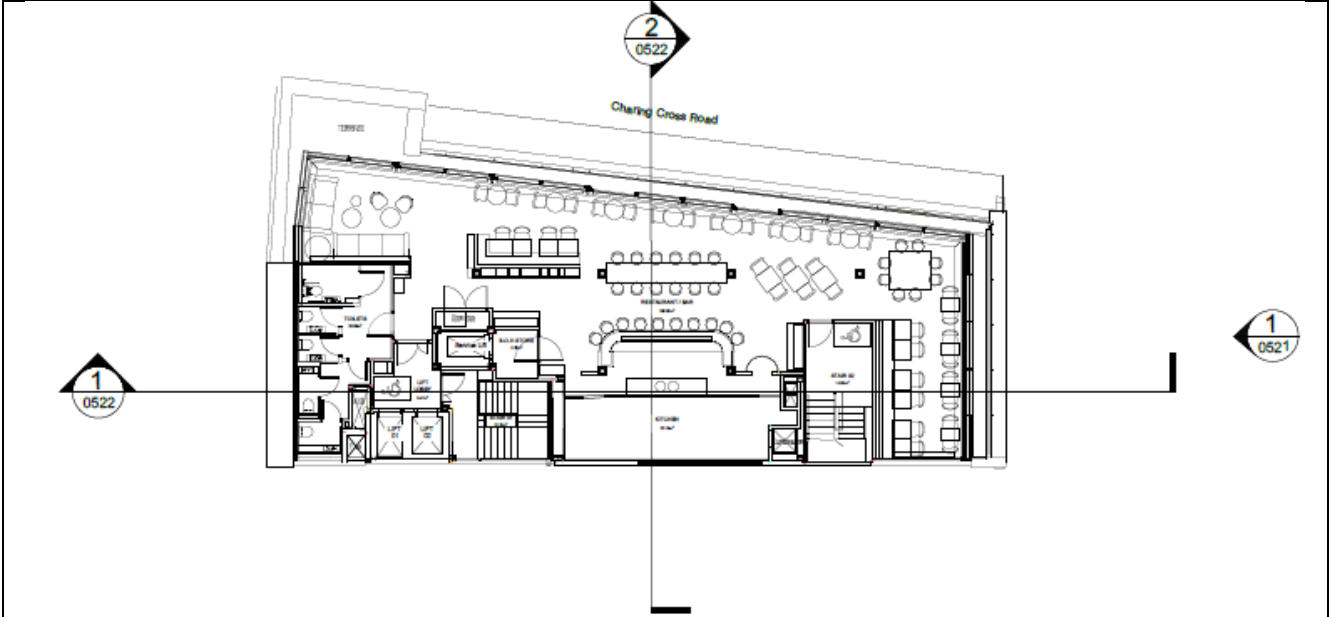
Proposed east/ Charing Cross Road elevation



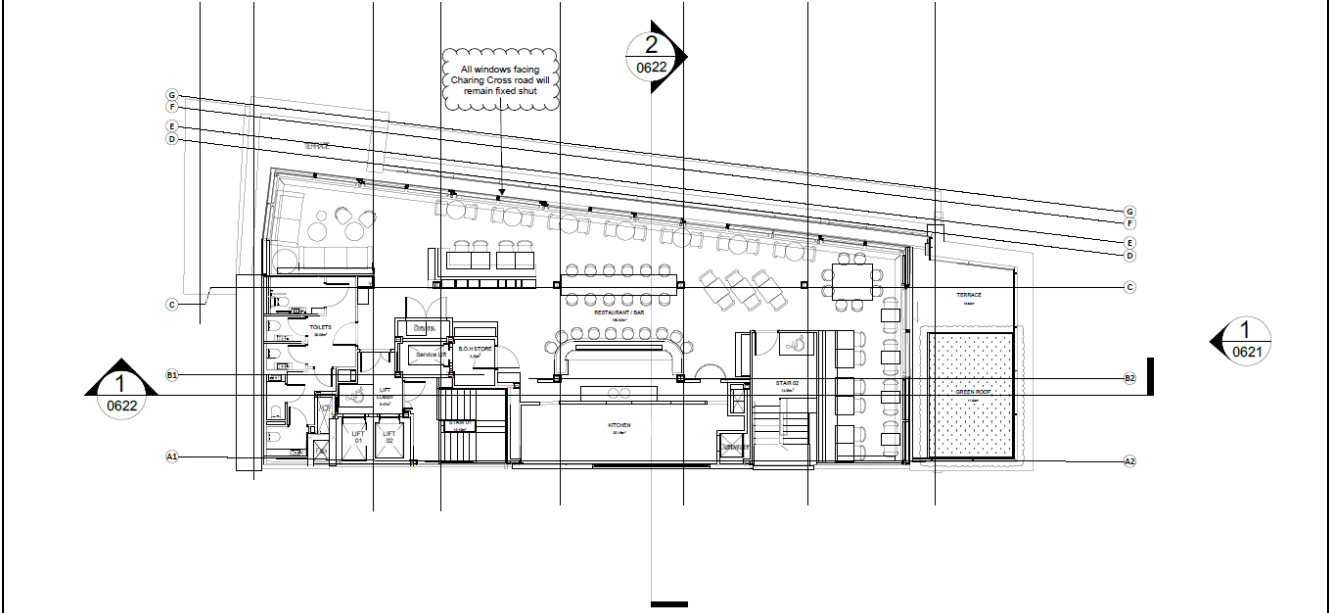
Proposed ground floor plan



Proposed first/ typical floor plan



Existing tenth floor plan



Proposed tenth floor plan



Image of proposed extension

Item No.
1

DRAFT DECISION LETTER

Address: 27 - 31 Charing Cross Road, London, WC2H 0AU

Proposal: Erection of a side extension (10 storeys) for the creation of 30 additional hotel guest rooms; with roof terrace in connection with existing rooftop bar/ restaurant.

Reference: 24/01407/FULL

Plan Nos: Site Plans: 0055-CCL-XX-XX-DR-A-0100 P1, 0055-CCL-XX-XX-DR-A-0101 P1
Existing: 0055-CCL-01-B1-DR-A-0500 P1, 0055-CCL-01-00-DR-A-0501 P1, 0055-CCL-01-01-DR-A-0502 P1, 0055-CCL-01-02-DR-A-0503 P1, 0055-CCL-01-03-DR-A-0504 P1, 0055-CCL-01-04-DR-A-0505 P1, 0055-CCL-01-05-DR-A-0506 P1, 0055-CCL-01-06-DR-A-0507 P1, 0055-CCL-01-07-DR-A-0508 P1, 0055-CCL-01-08-DR-A-0509 P1, 0055-CCL-01-09-DR-A-0510 P1, 0055-CCL-01-10-DR-A-0511 P1, 0055-CCL-01-10-DR-A-0512 P1, 0055-CCL-01-XX-DR-A-0510 P1, 0055-CCL-01-XX-DR-A-0511 P1, 0055-CCL-01-XX-DR-A-0530 P1, DR-A-0632 P1, DR-A-0651 P1
Proposed: 0055-CCL-01-B1-DR-A-0500 P1, 0055-CCL-01-00-DR-A-0601 P2, 0055-CCL-01-01-DR-A-0602 P1, 0055-CCL-01-02-DR-A-0603 P1, 0055-CCL-01-02-DR-A-0604 P1, 0055-CCL-01-02-DR-A-0605 P1, 0055-CCL-01-05-DR-A-0606 P1, 0055-CCL-01-06-DR-A-0607 P1, 0055-CCL-01-07-DR-A-0608 P1, 0055-CCL-01-08-DR-A-0609 P1, 0055-CCL-01-09-DR-A-0610 P1, 0055-CCL-01-10-DR-A-0612 P3, 0055-CCL-01-10-DR-A-0612 P2, 0055-CCL-01-XX-DR-A-0650 P0, 0055-CCL-01-XX-DR-A-0621 P1, 0055-CCL-01-XX-DR-A-0630 P1, DR-A-0630 P1, DR-A-0631 P1
For info:
Construction Method Statement (Criterion Capital); Daylight and Sunlight: Impact on Neighbouring Properties Report (GIA); Design and Access Statement (Criterion Capital); Energy and Sustainability Statement (JS Lewis); Heritage Statement (Stantec UK Limited); Noise Impact Assessment (KP Acoustics); Planning Statement (Centro Planning Consultancy); Statement of Community Involvement (Cartwright Communications); Transportation and Servicing Note (Centro Planning Consultancy).

Case Officer: David Dorward

Direct Tel. No. 07866038730

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of materials and detailed design, including drawings at 1:10 scale, of the following parts of the development:

- the new gates to the undercroft beneath the extension at the south of the site.

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.

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 Leicester Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level

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

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

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

- (a) 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February

2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 (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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.,
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the

most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;

(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

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

- 9 You must not use the tenth floor terrace outside the following times: between 0700hrs and 2300hrs on Monday to Saturday (not including bank holidays and public holidays) and between 0800hrs or after 2230hrs on Sundays, bank holidays and public holidays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 10 No amplified music shall be played on the external terrace areas.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

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

Reason:

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

- 12 You are required to include specific provisions for maintaining at all times a means of escape to Charing Cross Road from the rear of the adjacent Odeon Cinema, 22 - 26 Leicester Square, as part of the site environmental management plan or construction management plan required to comply with the Council's Code of Construction Practice referred to in condition 11.

Reason:

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

- 13 You must provide, maintain and retain the following energy efficiency measure before you start to use any part of the development, as set out in your application:

- green roof

You must not remove any of this feature.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 14 **Pre Commencement Condition.** Development shall not commence until a drainage strategy has been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan.

- 15 You must provide the waste and recycling storage shown on drawing 0055-CCL-01-B1-DR-A-0500 P1 prior to occupation of the development and thereafter you must permanently retain the stores. You must clearly mark the stores and make them 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 and recycling stores for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 16 Prior to occupation, you must submit for our approval a Servicing Management Plan, to be followed and maintained for the life of development, unless a revised strategy is approved in writing by the Local Planning Authority. The plan must identify the process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing arrivals and departures as well as taxis and crowd arrival and departure processes. The management plan/s must thereafter be maintained and adhered to for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

Informatives

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 **HIGHWAYS LICENSING:**, 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 visit our website at www.westminster.gov.uk/guide-temporary-structures.
CONSIDERATE CONSTRUCTORS:, 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.
BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 With reference to condition 11 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.
Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.
Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a)

demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.,
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

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

- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 6 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 7 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.
- 8 UK Power Networks (UKPN) offer advice as follows:
1. If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall Act 1996. The applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The applicant would need to be responsible for any costs associated with any appropriate measures required. Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.

2. The distance between buildings and substations should be greater than seven metres or as far as is practically possible.
3. Care should be taken to ensure that footings of new buildings are kept separated from substation structures.
4. Buildings should be designed so that rooms of high occupancy, i.e. bedrooms and living rooms, do not overlook or have windows opening out over the substation. Minimum distance for this should be at least 10m.
5. If noise attenuation methods are found to be necessary, we would expect to recover our costs from the developer.
6. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.
7. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Operational Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.
8. No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.
9. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.
10. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.
11. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan House, Darkes Lane, Potters Bar, Herts, EN6 1AG.

9 For condition 14:

- Further detail should be provided on the drainage layout to demonstrate how the green roof is connected to the attenuation tank, and where the hydro-brake located, as the attenuation tank is not mentioned earlier in the Drainage Strategy. The Drainage Strategy should also include the attenuation volume to be provided by the attenuation tank and green roof, to ensure the proposed discharge rate is feasible.
- The drainage calculations should use FEH22 rainfall data, with a CV value of 1.
- A cross section of the SuDS features should be provided.

In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Any new planning applications should use the most up to date FEH22 data.

Item No.
1

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.