

2020/1438/P dated 01/06/2020). This application was necessary as a procedural pre-step to the current s.73 application.

- 2.2 The application seeks to vary condition 2 (approved plans and documents) of the previous scheme, to exchange the plans showing 166 hotel bedrooms, to be changed by internal alterations to become 208 rooms. It also seeks to vary condition 14, which currently stipulates 166 hotel bedrooms, so that it is amended to a maximum of 208 rooms.
- 2.3 In accompaniment to the proposed increase in rooms, the application also seeks to address five further conditions: 3 (air quality); 6 (cycle storage); 9 (noise) and 10 (drainage). These originally required further details to be provided, but through the supporting information included in the application these are now sought to be varied and either fully or part discharged.
- 2.4 The works to increase the number of hotel rooms (from 166 to 208 bedrooms) are almost entirely internal given the subterranean nature of the site. However, some external alterations are proposed, arising as a consequence of the electrical substation needing to be installed within the -4 ramp, and the -5 ramp becoming the service access. The main internal and external alterations are listed below:

Internal:

- Increase from 166 to 208 hotel bedrooms.
- Reorganisation of the front-of-house and back-of-house spaces.
- Reorganisation of the ground floor lobby, served from Great Russell Street.
- Rationalisation of guest lift provision.
- Relocation of refuse store on Adeline Place frontage, from the top of the -5 ramp, to the top of the -4 ramp.
- Relocation of electricity substation on the Adeline Place frontage, from the top of the -5 ramp, to the top of the -4 ramp.
- Relocation of staff cycle storage from the -4 and -5 ramps, to solely the -5 ramp.

External:

- Changes to the positions of door-openings as a consequence of the internal changes (described above).
- Changes to the external materials proposed on Adeline Place. Greater use of louvres.
- Relocation of AHU inlet and outlet plant from Adeline Place to Great Russell Street elevation.

- 2.5 The ground floor plan also shows an indicative location for the proposed cycle hire docking station based on TfL's preferred position. This has been funded by the developer, and the payment made in February 2019 pursuant to the relevant s.106 obligation attached to the original consent.
- 2.6 The external/ elevational changes arise as a consequence of internal changes at the top of the two ramps at ground floor level. Due to UKPN's technical requirements, the electricity substation (one of the elements of the scheme allowed at appeal in November 2016) needs to be installed at a location further north within the building.

The delivery of the substation in the new location is a technical requirement of UKPN which the applicant is seeking to accommodate as part of this application.

- 2.7 The bin store and servicing access would be accessible to relevant waste and delivery vehicles, utilising the identified area on the highway, immediately south of the indicative location for the cycle hire docking station. On-street servicing was approved as part of the original consent.
- 2.8 The UKPN substation would restrict the width of the opening at the top, effectively closing vehicle access to the -5 ramp. However, the -4 ramp would remain usable for servicing the development. The ramps only serve the former pay and display car park at -4 and -5. As a result, the proposal would have no impact on the access to any other uses in the building.

Revisions

- 2.9 Revised plans were submitted during the course of the application in respect of the following:
- to separate the long stay and short stay cycle parking to enable the necessary security arrangements;
 - to omit the AHU exhaust louvre penthouse from the 2nd floor roof (Great Russell Street elevation) and relocate behind parapet;
 - to update level 5 basement floorplan confirming dimensions of drainage tanks chamber;
 - to amend all external doors so that none of them open onto the public highway;
 - To update the annotations on the Adeline Place elevation drawing to align with the plans.
- 2.10 The application originally sought to include details to discharge conditions 5 (detailed drawings and samples of materials) and 12 (electrical plant in basement) but the applicant has since confirmed the withdrawal of these aspects to be submitted at a later stage once the full details are clearer. These are the only revisions to the application.

3. RELEVANT HISTORY

- 3.1 The site has a long planning history leading up to the conversion of the underground car park into a hotel. For clarity, only the most recent and applicable applications have been listed:

September 1975 - Permission granted (Ref. 20545) for the existing building “comprising 2 floors of car parking and club facilities below ground level which includes a chapel, hairdressing salon, language school reading room facilities for conferences, theatre cinema, music hall, dance hall exhibition and concert hall use, sauna, solarium, swimming bath, gymnasias and sports hall for social, recreational cultural and sports activities, a 2 storey podium which includes shops, 12,000 square feet of offices, restaurant and exhibition area with part 7 part 12 part 9 and part 6 storey blocks over for hostel accommodation with staff flats together with laundrette for guests, ancillary and servicing accommodation.

February 2016 Application refused for change of use of part ground floor and basement levels -4 and -5 from Car Park (sui generis) to 166 bedroom hotel (Class C1), including alterations to openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place – Ref. 2015/3605/P. This was refused at committee (dated 14/01/2016). The substantive reasons (reasons one and two) were on the grounds of the standard of accommodation and impact on residential amenity.

November 2016 appeal against refusal allowed, ref: APP/X5210/W/16/3147078.

June 2019 Details of drainage strategy (Condition 10) of planning permission 2015/3605/P allowed at appeal ref: APP/X5210/W/16/3147078 dated 04/10/2016 for 'Change of use of part ground floor and basement levels -4 and -5 from Car Park (sui generis) to 166 bedroom hotel (Class C1), including alterations to openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place' – granted, ref. 2019/1118/P.

June 2019 Details of cycle storage (Condition 6) and piling (Condition 7) of planning permission 2015/3605/P allowed at appeal ref: APP/X5210/W/16/3147078 dated 04/10/2016 for 'Change of use of part ground floor and basement levels -4 and -5 from Car Park (sui generis) to 166 bedroom hotel (Class C1), including alterations to openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place' – granted, ref. 2019/0226/P.

June 2020 - Non-material amendment to planning permission ref: 2015/3605/P dated 04/11/2016 for: 'Change of use of part ground floor and basement levels -4 and -5 from Car Park (sui generis) to 166 bedroom hotel (Class C1), including alterations to openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place'; namely to: alter the development description to omit the number of hotel rooms and to insert a planning condition to secure 166 rooms granted, ref. 2020/1438/P.

4. CONSULTATION SUMMARY

Adjoining occupiers

<i>Total number of responses received</i>	
<i>Number in support</i>	0
<i>Number of objections</i>	28

- 5.1 The application was advertised by 5 site notices on surrounding streets dated 22/07/2020 (consultation expiry 15/08/2020).
- 5.2 Responses were received from 28 properties including nos. 45, 46, 53B, 58, 77, 78, 104, 106, 111, 112 and 118 Bedford Court Mansions, St Giles Hotel, 5 Little Russell Street, 40 Bloomsbury Way, 12A Adeline Place and 16-22 Great Russell Street (with the remaining responses having anonymous address points) raising objections on the following grounds (summarised below).

5.3 A number of the objections endorse the views expressed by the Bloomsbury Association (see relevant subsection below).

5.4 Objections are summarised as follows, with officer responses:

Principle of a minor material amendment application:

5.5 We believe the forthcoming s73 retrospective application by the developer does not constitute 'minor' amendments, is an attempt to circumvent the proper planning process and much closer scrutiny is essential.

5.6 It is not an appropriate mechanism to deal with an increase of the magnitude of 25% more rooms and 36% more occupancy. This is not a small change; it is an increase in intensity of use bringing greater planning impacts that need to be assessed along with appropriate measures in place to mitigate against them.

5.7 We think it is very important that a new full planning application is required so that proper Council Member and public scrutiny is carried out.

5.8 Residents will be looking to Judicially Review Camden's decision if this is allowed to go through as a Section 73 minor amendment.

5.9 It is therefore essential that a *full* application be presented to *elected* members who can give it the scrutiny it deserves, and who can compare it to the original and see that it needs to be rejected.

Officer Response: This application has been reviewed by Camden's legal department who confirm that the application could be determined under a S73 minor material amendment application. It is worth distinguishing between a S96A (non-material amendment) and this S73 minor material amendment: As a minor material amendment this application is subject to public consultation and is assessed in a similar way to a full planning application. The application is largely the same as that previously approved on this site (change of use from an underground car-park to a hotel), although the details (i.e. number of rooms and associated works) have materially altered since the previous approval. The change does constitute a material change from the previously approved scheme and it does constitute development. A S73 application is an appropriate mechanism for assessing these material alterations to the originally approved scheme. See 'Procedure' section of report below.

Retrospective nature of the application

5.10 I note this application is retrospective. They are clearly at risk. This should make no difference to your decision making at all. This should be clear.

5.11 They appear to have decided that it is easier to ask forgiveness for breaking many aspects of what they agreed rather than asking permission. This is, of course, unacceptable.

5.12 We understand that the conditions attached to the original consent have been flagrantly breached in ways that make a mockery of the planning process.

- 5.13 It is important that YOU the authority here don't let the developer brush you and other stakeholders aside.
- 5.14 We further object that the retrospective application is looking to remove conditions and obligations the Planning Inspector placed on the original permission to safeguard the public and adjoining occupiers from harmful impacts.
- 5.15 The retrospective nature of the application should make no difference to the decision making and procedure.
- 5.16 We understand that conditions attached to the original consent have been breached and the applicant is now looking to remove conditions and obligations the Planning Inspector placed on the original permission to safeguard the public and adjoining occupiers from harmful impacts.

Officer Response: This retrospective application is determined in the same way as an application for prospective development. A determination shall be made on the merits of the scheme, with enforcement action taken (if necessary) thereafter. The conditions looking to be amended (regarding materials, plant details etc) are ones which previously required further details to be discharged following approval granted by the Planning Inspector. Each of these matters is assessed in the relevant sections of this report.

Intensification of use:

- 5.1 This substantial increase in rooms will amount to an intensification of hotel use on this site - and well beyond that of the original application which was decided upon appeal.
- 5.2 It is the cumulative effect that needs to be considered in an area of intense commercialisation. The increase in size creates a total of nearly 1,000 hotel bedrooms on one small site, with a cumulative impact on the Bloomsbury Conservation Area that is far greater than the Planning Inspector envisaged when granting planning permission at appeal.

Officer Response: It is acknowledged that the increase in hotel rooms materially alters the scheme, as is the requirement for a minor material amendment application (see 'Procedure' section of this report). Whilst the intensification and subsequent impacts is a material consideration, in strictly land use terms, this location, being within the Central London Area, is acceptable in principle for large scale hotel provision. This is of course subject to compliance with other relevant policies as assessed throughout this report.

Quality of hotel accommodation:

- 5.3 Some of the rooms are only 9 metres square - HMOs in Camden have stricter room size policies.

- 5.4 The increase in number of rooms poses a major health hazard (thrown into stark relief by the recent pandemic). There is absolutely no way that an increase in occupancy of 36% through the addition of 25% more rooms can be regarded as safe.

Officer Response: Whilst Camden does have policies regarding quality of developments and the subsequent impact on the surrounding area, it does not have policies specifically referencing minimum room sizes or maximum densities for hotel accommodation. The hotel space would however be required to comply with current Building Regulations and Health and Safety Standards. With specific regards to Covid-19, any future hotel would be required to comply with current government guidance and restrictions as appropriate.

Transport matters:

- 5.5 There will be proportionally more laundry arriving and more waste leaving and the current proposed arrangement at street level means there will be insufficient space for it to be set-down or stored. Waste will have to be moved several times before collection and more goods will have to be transported on and off the service vehicle operating on the ramp. All that will result in more service activity and more disturbance, especially when the cumulative effect of servicing to VQ, the unit next to VQ, Hudson's House and the bus stand on Great Russell Street are also taken into account. The Servicing Management Plan does not consider these.
- 5.6 This will lead to an increase in the amount of service activity and movement of people and motor vehicles in and out of the building at all hours in the narrow streets surrounding the site. This will be to the detriment of local residents who will have to bear an unacceptable amount of noise nuisance from the operation of the hotel.
- 5.7 The proposed increase in bedrooms could result in increased vehicle movements to and from the site including servicing and waste management vehicles which has the potential to affect the operation of our own hotel.
- 5.8 Ecole Jeannine Manuel school on Bedford Square and the proposal represents specific concerns for children attending the school in terms of highways safety (protected characteristic)

Officer Response:

The number of vehicle trips is not anticipated to increase (see the Transport section of report below). Nevertheless, servicing shall be required to be completed in accordance with the agreed Deliveries and Servicing Management Plan which has been secured via a legal agreement. This document shall be updated as the scheme develops in order to comply with relevant policies. Such document would be required to consider the impact on the surrounding area, including current arrangements and concurrent working with other occupiers (for example with the St Giles Hotel).

Specific transport concerns have been raised regarding the safety of children accessing the nearby Ecole Jeannine Manuel School on Bedford Square. Age is a protected characteristic in compliance with the Council's duty under the Equality Act 2010, and so this is fully considered in the Equality section of this report.

Plant location/noise concerns:

- 5.9 Plant will be bigger and noisier. It must be because there are more people occupying a greater usable hotel area. Some plant has been relocated to Great Russell Street and elevated in position but it is still opposite a residential building. At street level on Adeline Place, there is new, additional plant not shown before that, again, is bigger and noisier to cope with the increase in the number of hotel guests. Noise and air quality needs mitigation but no details are given, only a target performance with no indication of how it will be achieved. That does not take into account noise and air leakage through door openings or noise emissions from the substation.
- 5.10 The electrical substation which was to be below ground is now at ground level, the impact on residents opposite has not had a full impact study.

Officer Response:

The noise impacts of plant have been fully detailed within the Noise Impact Assessment submitted with the application; this has been reviewed by the Council's Environmental Health (Noise) Officer and have been found to be acceptable subject to the attached conditions.

The substation was previously approved within the -5 access ramp area at ground floor level, and is now proposed within the -4 access ramp area at ground level. Therefore there will be no material change in conditions affecting neighbours.

Changing character of the area:

- 5.11 The streetscape will change. The proposed elevation to Adeline Place is particularly unpleasant and threatening. More service activity on Adeline Place will change its character from a 'city street' on the edge of the Bloomsbury Conservation Area to a vehicle intensive 'service road'. That reflects in its architectural expression, which is the very antithesis of an 'active facade', turning a hostile, semi-industrial back to the street in a way that will encourage more drug-related crime and anti-social behaviour than we already experience. This is already evident nearby on Morwell Street and Bainbridge Street, for the same reasons, and must be avoided by designing out rather than encouraging opportunities for crime.

Officer Response: The increase in number of hotel rooms on this site (and subsequent servicing activities) does not bring about any significant façade changes to the approved scheme nor will it alter the character of Adeline Place given the previous function of the service access as a ramp for an underground car-park.

S106 concerns

- 5.12 A number of s106 Unilateral Undertaking obligations have been amended too, and the proposals appear to suggest that parts of the Undertaking are subsumed into the conditions. This, alone, is contrary to the terms of the original undertaking. If they are of such importance that they were deemed unsuitable for conditions in the original proposal, it is inconceivable that they could work as conditions now.

Officer Response: Any approval of this application is subject to a Deed of Variation to transfer the previously consented S106 legal agreement to this application. The heads of terms of the Agreement will remain unchanged.

Other matters:

- 5.13 Further details needed of the supply of utilities, and fire and safety procedures.

Officer Response: The utility supply is not a material consideration to this application. With reference to fire safety, this is covered by separate (non-planning) legislation under Building Regulations. The provision of a statement to address fire safety matters at the planning stage has been submitted in accompaniment to the application and officers consider this satisfies the requirements of the London Plan 2021 policies D12 and D5 subject to a final management strategy to be submitted covering disabled building users.

Local Groups

Bloomsbury Association (BA)

- 5.14 The Bloomsbury Association submitted three objections which were uploaded to the Council's website on 24/07/2020, 11/08/2020 and 19/01/2021. The first response largely concerned the validation process and details of the application submission, with the objections on 11/08/2020 and 19/01/2021 concerning more of the substance of the application. Due to the length and complexity of the objections, only summaries have been provided here, with an Officer Response provided in italics below each area of concern. However the full detailed objections and can be viewed on the Council's website.

Letter uploaded 24/07/2020:

- 5.15 The proposed ground floor plan is annotated to indicate a refuse holding area on the footway of Adeline Place. The same plan is annotated that existing crossovers are to be removed but other documents submitted for approval contain plans showing the crossovers or existing external levels to be retained. Which is correct?

Officer Response: In the interests of consistency the drawings have been updated to omit the crossover. However these works are beyond the red line boundary of the site and subject to S106 as they are not directly within the control of the applicant.

- 5.16 Centro state that obligation 10.2b of the Unilateral Undertaking has been discharged. This has been without Member or public scrutiny. Can the information that has been submitted and approved by officers be made publicly available or does this have to be through a formal FOI request?

Officer Response: All documents approved for the purposes of discharging planning obligations are publicly available. Some but not all carry a requirement for public consultation. This does not appear to be a relevant objection to the current planning application.

- 5.17 How and when are works by others in the public realm at street level going to be integrated with the hotel contractors' overall programme?

Officer Response: Improvement works to be conducted on street (outside of the site boundary) do not form a part of this application.

- 5.18 Who is responsible for works on the facades outside the developer's demise, particularly those necessary for public safety like maintenance of planters?

Officer Response: This façade is owned by and maintained by St Giles Hotel (it is outside of the applicant's leased demise), and it is therefore for the St Giles Hotel to remove any unsafe planters. This is not a material consideration in the determination of this application.

- 5.19 The proposed ground floor plan indicates refuse holding areas within -4 ramp on Adeline Place. The Servicing Management Plan states that refuse will be held within the building at the top of the -5 service ramp, which is our preference. Which is correct?

Officer Response: The Servicing Management Plan explains that refuse would be stored in the designated bin storeroom at level -5. Prior to timed collections refuse would be transferred from the bin storeroom at level -5 to a designated refuse storage area off Adeline Place (at the top of -4 ramp).

- 5.20 Can the applicant be asked to look at flipping cycle parking to -4 (substation) ramp in order to accommodate refuse containers awaiting collection at the top of the -5 (service) ramp? Reason: to reduce disturbance of containers being moved between ramps.

Officer Response: This has been explored with the applicant but is not possible due to the health and safety implications of 1,100l bins on the ramp. The times for movement of bins can be addressed in the Service Management Plan.

- 5.21 How will the proposed electric vehicle turn around at the top of the ramp?

Officer Response: The vehicle would be turned at the top and bottom of the ramp via a three-point turn (see page 6 of the Servicing Management Plan).

- 5.22 The Fire Strategy Report shows access at ground level but omits the TfL docking station. Is fire tender access to the dry riser inlet still possible with the docking station in place?

Officer Response: The information submitted with the application demonstrates that the proposed hose distance is 9.6m, much less than the maximum allowed length of 18m.

- 5.23 The proposed ground floor plan shows a different entrance arrangement for the -4 ramp to that shown on the electrical drawings submitted for approval. Which is correct?

Officer Response: The electrical drawings relate specially to the substation works only (undertaken by UKPN themselves), and cannot be updated. Please refer to the revised mechanical drawings.

- 5.24 The proposed ground floor plan shows the dry cooler plant located in a different position on the -5 ramp to where it appears to have been built. Which is correct?

Officer Response: Please refer to the Proposed Ground Floor Plan (Rev P5).

- 5.25 No podium roof plan is provided to show the location of plant on Great Russell Street.

Officer Response: Please see the Roof Level drawing W602-MYC-00-00-DR-ME-5924-Rev R3

- 5.26 Can names be provided of owners on whom notice of the application has been served? Section 8 of the application form only includes addresses.

Officer Response: Section 8 of the application form appears on the website in unredacted form. Officers have no further details of the parties on whom notice was served.

- 5.27 Section 7 of the application form states that pre-application advice has been sought from the local authority. By whom and can details be provided?

Officer Response: No formal pre-application has taken place prior to the submission of this application. However there is an enforcement case open on this site, and so Enforcement and Planning Officers have provided informal advice regarding the submission prior to receipt of this application.

- 5.28 Has notice of the application been served on all with an ownership interest of 7 years or more, including Rank, VQ and Hudson's House?

Officer Response: The council does not hold information on property ownerships and it has to be taken on good faith that applicants have served the notice on all relevant parties as certified.

Letter uploaded 11/08/2020:

- 5.29 S73 is an inappropriate means of determining a retrospective application for approval of 'development' that far exceeds the terms of the original planning permission. S73 is intended solely for the purpose of amending or omitting conditions imposed on a planning permission where the impact or effect of such amendments or omissions would be de-minimis. It is not the appropriate mechanism to deal with 'development'. An increase of the magnitude of 25% more rooms and 36% more occupancy would be a material increase in use and hence 'development' under the terms of s55 of the Act. Moreover, the introduction of a new use (food and beverage) within the site is also development for the same reason. The planning impacts in both instances would be substantial.

Officer Response: See response to equivalent point in 'Consultation Responses' above.

- 5.30 The submission is misleading and contains conflicting information. This continues in the vein of variant planning procedures adopted by the applicant, such as: A failure to abide by the approved CMP, deviance from the approved plans and a failure to

disclose the deviance between the previously approved plans and those now seeking consent.

Officer Response: The plans as submitted are considered to be sufficient for the determination of the application. The enforcement team continue to monitor the site, however at present it is not expedient to take enforcement action. Issues regarding compliance with the approved CMP have been referred to the Council's CMP Enforcement Officer to assess.

- 5.31 The alterations to the function of the building would have design impacts. Impacts would be felt as a result of: Movement and access (people and vehicles), servicing (goods delivered, waste storage and collection), public safety and architectural expression at street level.

Officer Response: See response to equivalent point in 'Consultation Responses' above.

- 5.32 Servicing for the building is inadequate meaning waste and deliveries will be moved several times, resulting in more servicing activity with the resulting impact on neighbours.

Officer Response: A revised Transport Assessment (TA) has been submitted with the application to address the increase in number of hotel bedrooms. This estimates 2-3 deliveries and collections per day which is the same as previously approved. Deliveries would be carefully managed, as described in the Transport Assessment (subject to S106 agreement).

- 5.33 There will be more guest activity Great Russell Street that will spill out onto the street because congestion will be greater with a smaller entrance lobby and only one passenger lift. There will be additional noise and disturbance arising from that traffic.

Officer Response: The Hotel Management Plan (secured by S106) proposes measures to overcome these issues including door staff at entry points, and a street management policy to direct patrons towards existing smoking areas. The proposal (subject to S106 agreement) is unlikely to result in significant impacts to amenity as a result of the smaller entrance lobby.

- 5.34 The plant will be bigger and noisier to facilitate the increase in patrons. It's been relocated to Great Russell Street in an elevated position but it is still opposite a residential building. Additional plant is detailed on Adeline Place. No noise or air quality details are given, only a performance specification which fails to consider noise and air leakage through door openings or noise emissions from the substation. Concern about further plant on Adeline Place frontage either shown on the drawings but not addressed in the noise report, or not shown on the drawings but already installed on site. The Bloomsbury Association commissioned its own noise consultant Sandy Brown Associates to represent them at the 2016 appeal. These provided a specification for sound baffling louvres of 300mm depth. The louvres shown on the applicant's elevation drawings do not meet this specification.

Officer Response: The acoustic report submitted with the application addresses the plant most likely to have a noise impact (air handling units on the roof adjacent Great

Russell Street, and the dry coolers and ASHPs on B5 and B4 ramps of Adeline Place). The plant on Adeline Place will all be located behind louvres. The acoustic report provides the noise specification for the louvres which has been approved by Camden Environmental Health officers; but it does not specify materials or thickness for the louvres. The detail shown on the elevation drawings of the louvres is largely indicative in this respect and should the final design contrast materially with that shown then the final details may still be submitted under condition 5 (detailed drawings of external finishes and materials) which remains to be discharged. The required noise thresholds are secured by condition 9 which can enforce the required specification of louvres should it prove necessary. Other plant not shown on the drawings but understood to have been installed on site at the mezzanine level above the Adeline Place basement ramp entrances (kitchen extract flues) appears to be unrelated to this application and is the subject of a separate enforcement investigation.

- 5.35 Fire safety and accessibility for the Fire Service would be unduly compromised.

Officer Response: See response to the equivalent point in 'Consultation Responses' above.

- 5.36 The additional servicing activity would change the character of Adeline Place from a 'city street' to a service road. The façade is hostile and semi-industrial, with the related crime issues and constituting harm to the nearby Bloomsbury Conservation Area.

Officer Response: See response to the equivalent point in 'Consultation Responses' above.

- 5.37 Imposing amended conditions or omitting some, as this proposal requests, would exacerbate a situation that is already the subject of abuse and flouting. In brief, the expectations of the Planning Inspector in granting planning permission would be subverted.

Officer Response: A number of matters with the appeal scheme were to be detailed by condition. The current scheme seeks to provide these details in the context of the uplifted number of hotel bedrooms. And so whilst the application does propose to amend these conditions, it is not to subvert the detail, but to provide the detail within the body of the amended application rather than leaving further details to be established at a later date.

- 5.38 The volume of traffic would increase as a result of the substantial increase in occupation of the hotel.

Officer Response: Given the high PTAL rating, it is anticipated that the majority of patrons would use public transport to access the site. The Transport Assessment states that 2-3 servicing vehicles would be required per day which is unchanged from the previous approval. See the transport section of this report for full details. Both the Servicing Management Plan and the Hotel Management Plan confirm that deliveries will have allocated time slots ensuring that sufficient time is given between deliveries. Internal movement of waste/deliveries is not a material planning consideration.

- 5.39 With the Covid-19 pandemic, the BA has been made aware of a local medical doctor's concerns that the ventilation systems will expel air directly from several hundred below ground windowless rooms onto the pathway at street level on Adeline Place potentially affecting public health.

Officer Response: No medical evidence or similar has been submitted to back these claims. The air quality impacts of the proposal have been assessed as acceptable and are of the same principle as previously approved by the Planning Inspector.

- 5.40 The subsuming of a range of issues covered by the original s106 Unilateral Undertaking into conditions is fundamentally unacceptable because the nature of conditions and s106 Undertakings are discrete and not transferable.

Officer Response: See response to equivalent point in 'Consultation Responses' above.

Letter uploaded 19/01/2021:

- 5.41 The BA reiterate their objections as set out in their previous letters. Additional points relate to the following:

- 5.42 The letter from Thames Water (4.9.2020) refers to 225 rooms which is at odds with the stated application to extend the hotel from 166 rooms to 208.

Officer Response: The letter from Thames Water represents supporting information, and whilst it may state 225 rooms (rather than the 208 as proposed), for clarity, 208 hotel bedrooms are proposed under this application, a number which would be secured by planning condition subject to approval.

- 5.43 The refuse holding area clearly shows only three 1100 litre bins when this is insufficient provision.

Officer Response: See section of this report on waste management below. Subject to the attached conditions and clauses contained within the S106, the proposal is considered to be acceptable in this regard.

Bloomsbury Conservation Area Advisory Committee (CAAC):

- 5.44 BCAAC objects firstly to increase in rooms and (in a sense even more importantly) to the chosen application route, using S73 'minor amendment' application. To allow this application as valid sets an appalling precedent.

- 5.45 Our contention that this should be a full application is supported as follows:
- The application is materially different both underground and at street level;
 - The large amount of documentation is itself indicative of the scale of change;
 - The increased intensification of use needs to be properly assessed in a number of aspects – amenity, pollution, noise, use of public facilities etc;
 - The application seeks to remove conditions and obligations; and
 - A number of the 106 undertakings have been amended which weakens them.

Officer Response: See responses to equivalent points above

Bloomsbury Residents Action Group (BRAG):

- 5.46 Permanent residents who are concerned with the wellbeing of their neighbours and the preservation and enhancement of their local neighbourhood are able to keep their eyes open and monitor developments as misdemeanours occur. This is more difficult, in fact impossible, when planning permission has been granted for a building that has been constructed underground.
- 5.47 Acceptance of the principle of s73 'minor amendment' application for the change in room numbers and alterations at street level shows an unacceptable level of bias in favour of the applicant and denies proper public scrutiny of the proposals.
- 5.48 Endorse the following points that have been drawn up with thoroughness of detail by the Bloomsbury Association:
- What has been built is materially different to what was granted planning permission at street level and below.
 - The application has a large amount of accompanying information which indicates the substantial scale and nature of the amendments made.
 - The increase in size brings a corresponding increase in impacts arising from the further intensification of use –in relation to noise, pollution, use of public facilities and residential amenity.
 - The increase in size creates a total of nearly 1,000 hotel bedrooms on one small site with a cumulative impact that is far greater than the Inspector envisaged.
 - The application is looking to remove conditions and obligations the Planning Inspector placed on the original permission to safeguard the public and adjoining occupiers from harmful impacts.
 - A number of the 106 undertakings have been amended and are now part of the conditions.
 - These changes need to be considered through a new full planning application determined with proper Member and public scrutiny.

Officer Response: See responses to equivalent points above

Soho Society:

- 5.49 Although not in our area the Soho Society objects strongly to this application because principles at stake. The application is a misuse of S 73 and if approved would set a very adverse precedent for the future consideration of alterations either in the course of or post construction. What has been built is clearly very materially different to what was originally granted planning permission at street level and below ground and the changes will have impacts in the surrounding area and cannot be considered a minor matter.

Officer Response: See responses to equivalent points above

West End Community Network:

- 5.50 The West End Community Network objects to this application in principle.
- What is built is materially different to what was originally granted.

- The form of this retrospective application is an inappropriate means of dealing with the magnitude of 25% more rooms and 36% more occupancy.
- These changes need to be considered through a new full planning application that is determined with proper Member, public and authoritative scrutiny.
- The increase in size creates a total of nearly 1,000 hotel bedrooms on one small site, with a cumulative impact on the Bloomsbury and Hanway Street Conservation Areas that is far greater than the Planning Inspector envisaged.
- The proposed use has 36% more people in it and plant will have to be of greater capacity with greater air flows to deal with the increased occupancy. That, along with increased capacity for all other support systems and services for a transient life underground and their public interface at street level, has a considerable knock on effect. Getting a design proposal to work that was so fundamentally flawed that it was unbuildable at the time it went before the Inspector for consideration, also has effects.
- The quantum of technical information in itself is a telling indication of the substantial scale and nature of the amendments made, and far from the 'minor' description applied.
- The changes proposed are in themselves unacceptable because they introduce a wide range of design issues that are unresolved or environmentally unacceptable relating to location, adjacencies, the intensity of activity, noise, vibration, air flow, disturbance or architectural expression. These are elaborated upon in the Bloomsbury Association's objection, which we endorse.

Officer Response: See responses to equivalent points above

Covent Garden Community Association (CGCA):

5.51 Covent Garden Community Association objects strongly to this application. Our objections are principally on three grounds.

- The application should not be allowed retrospectively given the extensive nature of the works; the pre-meditated breach of planning, which would set a precedent opening up the system in Camden to more such abuses. This is why we are an interested party and must express our clear objection to such a thing happening nearby to us in the borough.
- Secondly, the site has a difficult history in relation to its redevelopment as a hotel. It was objectionable as a site for 166 small bedrooms. It is even more objectionable with 208 bedrooms squeezed into the same space, and with the attendant need for additional plant. The Planning Inspector agreed that levels of plant noise, guest vehicle movements and servicing could be problematic. Conditions were therefore imposed within the 2016 consent to attempt to mitigate these issues. An increase in guest occupancy of almost 40% would increase the intensity of the same problems, but we have seen no data from the applicant to show how the proposed planning conditions would be sufficient to mitigate this intensification. We are particularly concerned at the proposal to remove Condition 9, which protects the neighbouring environment by requiring noise from any plant and equipment to be 15 dB(A) or more below ambient in perpetuity, and ongoing maintenance. The room sizes are now scarcely larger than the beds they accommodate, which would be bad enough if the rooms had windows.

However, with no windows, and such intensely cramped space, we believe that this accommodation falls below acceptable standards in Camden and must be seen as an overdevelopment of the site.

- Thirdly, the change in the nature of the development merits a full planning application, rather than simply a variation of conditions attached to existing consent. The considerable increase in commercial capacity, as we outline above, will have impact on the surrounding area that is likely to be material. In particular, the changes to the Great Russell Street elevation, with the addition of a storey-high air handling 'penthouse' to the first floor roof, seem unsympathetic to the surrounding area. This addition is quite extensive (although it is hard to gauge its full extent because the new plans are not directly comparable with those provided with the initial planning application). We would normally expect to see a fresh planning application for new, highly visible plant and enclosure on a roof like this, even if it were the only development proposed.

Officer Response: See responses to equivalent points above

Elected representatives

London Assembly Member for Barnet and Camden, Andrew Dismore:

- 5.52 A s73 application is inappropriate to deal with the wholesale changes that have been made. What has been built at the underground hotel is materially different to what was granted planning permission at street level and below ground by the planning inspector, who overruled the Council's refusal. The substantial amount of information in itself is a strong indication of the scale and nature of the amendments made, and far from the 'minor' description that has been applied. The procedure followed may be unlawful and it is an abuse of the planning system to use a route intended only for minor material amendments in this way. It sets an unwelcome precedent.
- 5.53 The increase in size brings a corresponding increase in impact arising from the further intensification of use that needs to be assessed, along with appropriate measures in place to mitigate against them. I am sceptical of unproven statements made in supporting documents that nothing has changed. The increase in size creates a total of nearly 1,000 hotel bedrooms on one small site with a cumulative impact on the Bloomsbury Conservation Area that is far greater than the Inspector envisaged.
- 5.54 An increase of this magnitude should be regarded as a 'material change of use' through intensification. These changes need to be considered through a new full planning application and determined with proper Member and public scrutiny.
- 5.55 The application is looking to remove conditions and obligations the Planning Inspector placed on the original permission. A number of s106 Unilateral Undertaking obligations have been amended too, and it appears that large tracts of the Undertaking are subsumed into the conditions. This, alone, is contrary to the terms of the original undertaking. If they are of such importance that they were deemed unsuitable for conditions in the original proposal, it is inconceivable that they could work as conditions now.

Officer Response: See responses to equivalent points above

Bloomsbury Ward Councillor, Councillor Rishi Madlani:

5.56 Please could I express my strongest possible opposition to the application.

5.57 I would like to oppose on the following grounds:

- S73 is an inappropriate means of determining a retrospective application for approval of 'development' which far exceeds the terms of the original planning permission. An increase of the magnitude of 25% more rooms and 36% more occupancy would be a material increase in use and hence 'development' under the terms of s55 of the Act. Also the introduction of a new use (food and beverage) within the site is also development for the same reason. The planning impacts in both instances would be substantial.
- The proposal has so many associated factors, environmental and others, that it cannot be dealt with under a s73. That is clearly evident from the quantum of technical information that has been submitted with the application, supposedly just to vary a few conditions.
- The changes proposed are in themselves unacceptable because they introduce a wide range of design issues that are unresolved or environmentally unacceptable. Because of the s73 process, there has been inadequate public or authoritative scrutiny of the proposals.
- The increase in size brings a corresponding increase in impacts arising from the further intensification of use that need to be assessed along with appropriate measures in place to mitigate against them.
- The increase in size creates a total of nearly 1,000 hotel bedrooms on one small site with a cumulative impact on the Bloomsbury Conservation Area that is far greater than the Inspector envisaged. An increase of this magnitude should be regarded as a 'material change of use' through intensification.
- These changes need to be considered through a new full planning application and determined with proper Member and public scrutiny, not decided by officers behind closed doors through the process currently envisaged.

Officer Response: See responses to equivalent points above

Member of Parliament for Holborn & St Pancras, Kier Starmer:

5.58 Kier is aware of the convoluted planning history for this site and was also contacted earlier in the year when the earlier s96a application was made. We were grateful to the council's planning team for a detailed response at the time.

5.59 We now come to an application in which a developer has built something that does not match the original planning permission granted and is, effectively, seeking retrospective permission for it.

5.60 The developer has, without consent, decided to create something different from the 166 rooms approved and, with a further 42 bedrooms, an increase of just over 25% in room numbers. This is not a minor increase and we believe that any decision made must therefore be determined by councillors at a full planning meeting.

- 5.61 This office's recollection of the council's response to the s96a proposal was that local people would be given a proper chance to object as and when any other application or variation of application was made.
- 5.62 Kier was concerned about the original proposal to allow a 166 room hotel and so he is even more concerned to learn that 208 rooms have apparently been or are close to being fully developed. For all of the above reasons, Kier believes that the application should be determined by committee with councillors given a proper opportunity to consider all of the arguments raised both by the developer and local residents.

Officer Response: See responses to equivalent points above.

In compliance with Camden Council's Scheme of Delegation, as this is not a major application it would not automatically be heard at planning committee.

6 POLICIES

- 6.1 The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. It must be taken into account in preparing the Development Plan, and is a material consideration in planning decisions. The revised NPPF was published in 2021.
- 6.2 The Camden Local Plan was adopted by the Council on 3 July 2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions. Other local documents which are of relevance include the Fitzrovia Area Action Plan and Camden Planning Guidance (CPG).
- 6.3 The London Plan 2021, along with the Mayor's Supplementary Planning Guidance (SPG), are also important considerations as are sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.4 In making any decisions as part of the planning process, account must be taken of all relevant statutory duties including section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 149 of the Equality Act 2010 is also relevant to the determination of the applications. It sets out the Public Sector Equality Duty, which states that a public authority must have due regard to eliminate discrimination, harassment and victimisation; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.5 The relevant Camden Local Plan 2017 policies are listed below:
- G1 (Delivery and location of growth)
 - C1 (Health and wellbeing)
 - C5 (Safety and security)
 - C6 (Access for all)
 - E1 (Economic development)
 - E3 (Tourism)
 - A1 (Managing the impact of development)
 - A4 (Noise and vibration)

- A5 (Basements)
- D1 (Design)
- D3 (Shopfronts)
- D4 (Advertisements)
- CC1 (Climate change mitigation)
- CC2 (Adapting to climate change)
- CC3 (Water and flooding)
- CC4 (Air quality)
- CC5 (Waste)
- TC2 (Camden's centres and other shopping areas)
- TC4 (Town centre uses)
- T1 (Prioritising walking, cycling and public transport)
- T2 (Parking and car-free development)
- T3 (Transport infrastructure)
- T4 (Sustainable movement of goods and materials)
- DM1 (Delivery and monitoring)

6.6 Relevant supplementary planning guidance is listed below:

6.7 Camden Planning Guidance (CPG):

- CPG Access for all
- CPG Adverts
- CPG Amenity
- CPG Air Quality
- CPG Basements
- CPG Design
- CPG Developer contributions
- CPG Energy efficiency and adaptation
- CPG Planning for health and wellbeing
- CPG Town centres and retail
- CPG Transport
- CPG Water and flooding

6.8 Fitzrovia Area Action Plan 2014

7 ASSESSMENT

7.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

8	Procedural (Principle of s73 Minor Material Amendment application)
9	Land Use
10	Design
11	Standard of accommodation
12	Basement
13	Neighbouring Amenity
14	Transport and Highways
15	Sustainability

16	Accessibility
17	Community Safety
18	Waste Management
19	Equality <ul style="list-style-type: none"> • Legislation • Consideration
20	Fire Safety
21	CIL and Section 106 (S106) Obligations
22	Conclusion
23	Recommendations
23	Legal Comments <ul style="list-style-type: none"> • Conditions • Informatives

8 PROCEDURE

- 8.1 When considering a Section 73 Application, it should be noted that the original development has already been judged acceptable in principle.
- 8.2 In the past, minor amendments to schemes required the resubmission of a full planning application. For major developments this necessitated the payment of a significant fee and the submission of a suite of supporting documentation from sustainability statements to design and heritage reports when the change intended was sometimes limited to one or two minor issues, albeit of material consequence in themselves.
- 8.3 The Killian Pretty Review was commissioned by the Government to investigate inefficiencies in the planning system and published its report in 2008. It recommended steps to enable a more proportionate approach to handling applications, to streamline the planning process and to remove unnecessary complexity. The 2009 document “Great Flexibility for Planning Permissions” sets out the legislative background for using the S73 process as a solution to enable amendments to permissions. This approach was further embedded by the Government’s PPG on “Flexible Options for Planning Permission” (March 2014).
- 8.4 On the definition of S.73 “minor material amendment” the PPG advises: *“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”*
- 8.5 Following public consultation, a number of concerns were raised as to the appropriateness of the S73 application submitted in this case. The S73 seeks to facilitate an increase in the approved number of hotel bedrooms from 166 to 208, along with works associated with the increase, and to vary conditions on the previous consent (ref: 2015/3605/P, allowed at appeal ref: APP/X5210/W/16/3147078 dated 04/10/2016). The internal works have largely been completed. This part of the application is therefore retrospective in nature, however the works to the Adeline Place and Great Russell Street entrances have not taken place (other than some demolition to Adeline Place) and the use of the hotel has not yet commenced.

- 8.6 A number of the consultation responses claim that this S73 application process is incorrect, and given the scale of the proposed increase in occupancy and associated physical alterations, the amendment is of significant material impact and cannot be considered minor in nature; as such, a full planning application should instead be submitted for the works. Objections were also raised to the S73 process given the retrospective nature of the application.
- 8.7 Whilst the application is retrospective, this has no bearing upon the assessment of the scheme which is assessed in terms its compliance with the relevant policies; officers are satisfied that a S73 application is an acceptable application type for a retrospective application.
- 8.8 Turning to the appropriateness of a S73 application for an alteration of this scale, this is purely a matter of planning judgment, and the test as to whether a full application should be required or a S73 is acceptable, is a matter of fact and degree; as established in *Finney v Welsh Ministers* [2019], whether the change to the condition would result in a '*fundamental alteration*' to the scheme as proposed in the original application.
- 8.9 While a hotel is a hotel (whether it has 166 rooms, 208 rooms or even more) so that, without conditions limiting the number of rooms, a hotel permission could be used for a hotel of any size - and varying a condition that limits the number of rooms in the hotel could not normally be said to '*amount to a fundamental alteration of the proposal put forward in the original application*'- it will always be a matter of fact and degree (and essentially a matter of planning judgment, subject to 'Wednesbury unreasonableness' limits) as to whether amending a condition does fundamentally alter the nature of the original development (in a similar way to which intensification of use may constitute a material change of use).
- 8.10 Proposed here is an increase from 166 hotel bedrooms as approved, to 208 as proposed (21% increase in number of bedrooms), with associated alterations. The 42 additional rooms are provided by conversion of space previously approved as common areas and back of house facilities, which will be reduced in size and relocated to the edge of the floorplans. There would be no increase in the overall floorspace of the development which would continue to comprise levels -4 and -5 of the existing building. Officers consider that it would be unreasonable to conclude that such an alteration constitutes a '*fundamental alteration*' to the previous consent which was given for a change of use of an underground car park to a subterranean hotel with associated physical alterations. In this respect, it is considered that a S73 application is an appropriate application for the proposed increase in hotel bedrooms and associated works.
- 8.11 Objections further noted that given the number of supporting documents received with the application, and number of conditions to be varied, that the changes cannot be considered minor in their nature.
- 8.12 It is acknowledged that a number of conditions would be varied as a result of this application, however the application seeks to discharge these details which would otherwise be considered at a later date. In essence, the application proposes to frontload these matters in this more detailed application rather than requiring further

details at a later date. Any subsequent approval would continue to have appropriate safeguarding conditions, and the alteration of these conditions does not seek to circumvent due process (as is claimed by objectors), rather it seeks to provide further details of these aspects previously left to planning condition by the Planning Inspector.

- 8.13 For the reasons outlined above, and in compliance with the aforementioned guidance, it would be unreasonable for Officers to consider that the proposed increase from 166 hotel bedrooms as approved, to 208 as proposed (21% increase in number of bedrooms), with associated alterations, would constitute a 'fundamental alteration' to the previous permission. It is therefore considered that a S73 application is an appropriate application for the proposed increase in hotel bedrooms and associated works.

9 LAND USE

- 9.1 The change of use from an underground car park (sui-generis) to a hotel (C1), approved by the Inspector in November 2016, gave permission to form 6,623sqm (GIA) of hotel accommodation on this site.
- 9.2 Whilst an increase in number of bedrooms is proposed, 166 to 208 (with associated works), this would be achieved by increasing the density of the scheme, utilising the space available within the existing envelope. No additional floorspace would be included over and above the original permission. As such, the proposal would continue to form 6,623sqm of hotel floorspace and the land use would remain the same as previously approved.
- 9.3 In Section 6 of the NPPF entitled Building a Strong, Competitive Economy, Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Location of growth

- 9.4 London Plan Chapter 1 entitled Planning for London's Future – Good Growth sets out the broad aim of facilitating continued economic growth for London that is socially and economically inclusive as well as being environmentally sustainable.
- 9.5 Achieving high levels of density in areas that are well connected is a priority of Policy GG2B which states "development must prioritise sites which are well-connected by existing or planned public transport".
- 9.6 Policy GG5F states that "to conserve and enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must: promote and support London's rich heritage and cultural assets, and its role as a 24-hour city".

- 9.7 Policy SD1B Opportunity Areas states that “Boroughs, through Development Plans and decisions, should: 1) clearly set out how they will encourage and deliver the growth potential of Opportunity Areas 2) support development which creates employment opportunities and housing choice for Londoners”.
- 9.8 In relation to the Central Activities Zone, Policy SD4E states that “the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced”.
- 9.9 At Local Plan level, policy G1 Delivery and Location of Growth states that the Council will create the conditions for growth to deliver the homes, jobs, infrastructure and facilities to meet Camden’s identified needs and harness the benefits for those who live and work in the borough, and will promote the efficient use of land by:
- a. supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site; and
 - b. resisting development that makes inefficient use of Camden’s limited land.
- 9.10 As noted above, the site is located in the Central Activities Zone. It is also located next to the Tottenham Court Road Growth Area which extends to the opposite side of Great Russell Street, facing the site. This Growth Area has an indicative jobs target of 6,000 from 2016-2041 (table 2.1 of the London Plan).

Employment and Tourism uses

- 9.11 The London Plan states that, as the second most visited city in the world, tourism is a critical element of London’s economy. As a result, London needs to ensure that it is able to meet the accommodation demands of tourists who want to visit. It is estimated that London will need to build an additional 58,000 bedrooms of serviced accommodation by 2041, which is an average of 2,230 bedrooms per annum. Policy E10 states:
- A. London’s visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure...
- And
- C. A sufficient supply and range of serviced accommodation should be maintained.
- 9.12 The importance of hotel accommodation is recognised in the London Borough of Camden Policy E3 Tourism which states that “the Council recognises the importance of the visitor economy in Camden and will support tourism development and visitor accommodation

We will:

- a. expect new, large-scale tourism development and visitor accommodation to be located in Central London, particularly the growth areas of King's Cross, Euston, Tottenham Court Road and Holborn;...

All tourism development and visitor accommodation must:

- f. be easily reached by public transport;
- g. provide any necessary pickup and set down points for private hire cars and coaches and provide taxi ranks and coach parking where necessary;
- h. not harm the balance and mix of uses in the area, local character, residential amenity, services for the local community, the environment or transport systems; and
- i. not lead to the loss of permanent residential accommodation."

9.13 In addition to the above, Policy E1 Economic Development states that the Council will ... create the conditions for economic growth and harnessing the benefits for local residents and businesses, we will:

- a.) support businesses of all sizes, in particular start-ups, small and medium-sized enterprises; and
- i.) recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism.

Assessment of proposal

- 9.14 In the case of this proposal to increase the number of hotel rooms, the principle of the use has been established by the Inspector's decision, so the original development has already been judged acceptable and has been implemented. In land use policy terms there is also clear support for the principle of the intensification of the use. The CAZ is identified by London Plan and Camden Local Plan as an appropriate area for such uses, and the application to increase the number of rooms responds to important policy priorities that seek to reinforce the Borough's continued role as a business and leisure hub.
- 9.15 The site is located in immediate proximity to the Tottenham Court Road Growth Area indicating that it is a suitable location for intensification of use, and is also well served by a dense network of public transport tube lines, being located close to Tottenham Court Road, Goodge Street, Holborn and Russell Square Stations offering links to the Central, Piccadilly and Northern lines respectively, and is also within a short distance of a number of bus routes.
- 9.16 As a result of the extra visitors to the site the development would be likely to lead to additional management, reception, porter, security and other roles on site and deliver additional custom to local businesses and cultural institutions, adding to their critical mass and economic viability in an uncertain period. Camden residents would benefit from additional opportunities for employment.
- 9.17 The original permission aimed to harness these positive impacts to the benefit of local residents. The S106 legal agreement secured the following requirements:

- A Construction Apprentice Support Contribution of £4,853.47: *this was paid on 17/04/2019.*
- A Local Employment and Training Contribution of £8,617.61: *this was paid on 17/04/2019.*
- An Employment Training Plan: *this was discharged on 18/06/2019.*
- Local Procurement Code: *this was discharged 18/06/2019.*
- Local employment measures: *not triggered (trigger is occupation of development).*

9.18 These requirements will be carried over in a new Deed of Variation.

9.12 By providing additional accommodation, associated jobs and footfall, the proposal would build on the established strengths of this highly connected central London location. It would provide a benefit in the economic sustainability strand which the NPPF clearly states needs to be given “significant weight” in planning decisions. By supporting tourism development, the proposal would respond to important policy objectives at regional and local plan level. This is, of course, subject to other relevant policies and guidance surrounding impacts on neighbours, transportation and other matters assessed within this report.

10 DESIGN

- 10.1 The Council’s design policies aim to achieve the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area.
- 10.2 The existing building is not listed, and the site is not located within a conservation area although the Bloomsbury Conservation Area borders to the north, south and east across Bedford Avenue, Great Russell Street and Adeline Place respectively.
- 10.3 The Fitzrovia Area Action Plan states that, “*any redevelopment of the St Giles Hotel should improve the street frontage, with the ground floor addressing the street and including active frontages along Tottenham Court Road and Great Russell Street. Blank frontages and large servicing areas should be avoided*”.
- 10.4 On the Great Russell Street elevation, the proposed double entrance doors would be modified to a single glass pane to each leaf, rather than with a horizontal glazing bar at half way. This change would be matched in a pair of doors immediately west of the entrance. These minor changes would integrate with the building and respect its design and proportions. At the first floor roof level relocated AHU plant originally intended for the Adeline Place elevation would be concealed behind the existing screening parapet so as not to be visible from street level.
- 10.5 At Adeline Place the reconfiguration of the ground floor frontage would result in one steel double door rather than two as approved, with a more significant expanse of louvres in enlarged horizontal openings to serve the plant areas, the relocated refuse store and the relocated electricity substation.

- 10.6 These relatively minor changes in the context of the approved scheme would be in keeping with the design and character of the building which is characterised by large horizontal openings. In the appeal decision, the Inspector welcomed the infilling of the ground floor voids as an improvement in the way the building addresses the street as it would provide more of a sense of enclosure for a frontage already 'service-based' in character. The approach endorsed by the Inspector is continued in the layout as proposed, with larger openings fitted with louvre panels. Details of the design and materials are secured by condition. Initially it was proposed to discharge the detailed design condition (condition 5) as part of this section 73 application, however this will now be subject to a separate approval of details submission.
- 10.7 The proposals would be low key with minimal prominence and would not have a detrimental impact on the character or appearance of the nearby conservation area nor on the setting of the nearest listed buildings. The full specification of materials and detailed finishes has still to be provided and is subject to condition 5 from the 2016 permission which would be carried over into any new Section 73 permission.
- 10.8 The proposed minor changes are considered acceptable in design terms and are considered to respect the appearance, character, setting, context, form and scale of the neighbouring properties, conservation area and listed buildings in accordance with the requirements of D1 and D2.

11 STANDARD OF ACCOMMODATION

- 11.1 An important objective of the NPPF (Paragraph 130), the London Plan, and the Camden Plan (Policy A1) is to seek to secure a good standard of amenity for all future occupants of buildings.
- 11.2 There is no specific planning policy or guidance that set out standards of amenity for hotel accommodation. Camden Policy A1 only refers to development being of the comfort of the short stay occupants. Camden Planning Guidance on 'Amenity' refers to the BRE 'Site Layout Planning for Daylight and Sunlight' (Oct 2011) is generally applied to residential (Class C3) situations only.
- 11.3 The additional rooms proposed would be provided principally by conversion from common areas, back of house facilities and a service area, all of which will be rationalised and relocated to the edge of the floorplan, freeing up space for additional rooms. The size of the rooms would remain similar to the appeal layout considered by the Inspector. In his assessment, he noted the compact nature of the accommodation, ultimately concluding that it would be up to prospective visitors to decide whether such rooms provide sufficient amenity for short stays and that there was no land use planning reason why such accommodation should not be provided. In order to ensure that guests do not stay for long periods of time a restriction to 3 nights per guest stay would be secured through the Hotel Management Plan.

12 BASEMENT

- 12.1 No excavation is proposed. The basement accommodation subject to the application exists already. There is a requirement contained in condition 12 for details of

electrical plant to be submitted and approved in consultation with TfL to ensure that this does not affect underground transport services, which was originally to be considered under this application, however this aspect has been withdrawn by the applicant and will comprise a subsequent approval of details submission.

13 NEIGHBOUR AMENITY

- 13.1 The Development Plan (Policy A1) requires decision makers to have due regard to impacts on neighbouring uses and occupiers, particularly residential, on matters including daylight and sunlight, outlook, overlooking and noise.
- 13.2 The proposed increase in rooms from 166 to 208 rooms will generate a certain amount of extra footfall to the area. The pedestrian entrance is located on Great Russell Street away from the closest residential dwellings on Adeline Place and therefore should not result in any noticeable increased impact from comings and goings affecting these residents.
- 13.3 The original development was assessed by the Inspector on these matters and found to be acceptable subject to controls such as The Hotel Management Plan submitted and approved pursuant to the relevant planning obligation on 02/04/2019. The Plan includes various provisions such as 24 hour staffed reception, group bookings to be no more than 8 and a street management policy including designated smoking area located towards Tottenham Court Road; and has been resubmitted with minor updates to reflect the changes proposed in the current application. The requirement to adhere to the Hotel Management Plan would be secured by the Deed of Variation attached to any approval of this Section 73 application.
- 13.4 Although the service access, using the former car-park ramp is on Adeline Place opposite Bedford Court Mansions, the number of service vehicle trips to the site is not anticipated to increase as a result of the proposals and servicing would be in accordance with a Service Management Plan an updated version of which has been submitted for the purpose of this application. Therefore it is not considered that any material impacts will arise compared with the scheme as has already been approved.
- 13.5 In terms of noise from plant associated with the development, it has been possible for most of the plant to be located at basement level where it will not be externally audible, however it has been necessary for some items of plant to be located externally namely the dry coolers and eight air source heat pump (ASHP) units at the ground floor level of the B5 and B4 ramps respectively which are to face onto Adeline Place behind louvres; and the inlet and outlet to the air handling units at 2nd floor level on the Great Russell Street façade.
- 13.6 An acoustic impact assessment prepared by Hawkins Environmental, dated 12th May 2020, has been submitted in respect of this audible plant in order to discharge the requirements of condition 9 (noise from fixed plant). This notes that the scheme revisions in the current application sees some of the plant that was to be located on Adeline Place (namely the AHU inlet and outlet) is now to be relocated to Great Russell Street rather than all of this being on Adeline Place as approved. The noise monitoring survey data has thus been updated accordingly.

- 13.7 Calculations in the submitted acoustic assessment have shown that noise from the fixed plant and machinery will be approximately 15 dB(A) or more below the existing measured background noise level and will be considerably more than 15 dB(A) below background during the daytime periods, therefore accords with local plan policy A4 and A1 and the requirements of condition 9.
- 13.8 Condition 9 requires a validation test to be carried out following the completion of the development and a report of such to be submitted to Camden for its approval prior to the use commencing, therefore this aspect of condition 9 cannot be discharged and shall remain outstanding.

14 TRANSPORT AND HIGHWAYS

- 14.1 The original permission secured S106 legal agreement secured the following requirements:
- Pedestrian Cycling and Environmental Contribution of 143,986.40 *paid on 17/04/2019*
 - Highways Contribution of 37,921.81 *paid on 17/04/2019*
 - Cycle Hire Docking Station Contribution Total of 215,709.97 *paid on 17/04/2019*
 - Crossrail Contribution (Payable to TFL) of 78,575.59 *paid on 17/04/2019*
 - Travel Plan Monitoring Contribution of 6,492.87 *paid on 17/04/2019*
 - Travel Plan *discharged on 6/03/2019*
 - Servicing Plan *discharged on 19/08/2019*
- 14.2 A revised Transport Assessment (TA) and a revised Travel Plan were submitted with the application to address the increase in the number of hotel bedrooms. The Transport Assessment states that 2-3 servicing vehicles would be required per day which is unchanged from the previous approval. All deliveries will be offloaded from the designated point on Adeline Place, brought to the servicing ramp and loaded onto a small electric vehicle (EV), which will remain in the service ramp area. The EV will then transport goods from the ground floor service entrance before depositing the goods in a designated service area at Level -5. Any deliveries attempted by vehicles in any other area will be rejected. Transport officers have commented on the updated documents which do not differ significantly from those agreed in 2019 and agree for them to be secured by legal agreement.
- 14.3 Cycle parking is provided in the form of 20 'Sheffield stand' spaces at the bottom of the B5 ramp. This exceeds by four spaces the London Plan bicycle parking standards, which require 1 space per 20 bedrooms long stay and 1 space per 50 bedrooms short stay. Long-stay cycle parking is separated from short-stay to facilitate the different security requirements of each. The revised number of cycle parking spaces is the subject of a proposed revision to condition 6 to accord with the revised plans.

15 SUSTAINABILITY AND AIR QUALITY

- 15.1 The Sustainability clause of the Unilateral S106 agreement required the submission of a Sustainability Plan to achieve a range of policy targets including achieving BREEAM Very good at design stage and in the post-construction review and targets in the Be Lean, Be Green and Be Seen categories. The submitted Sustainability Plan was assessed and discharged on 03/04/2019. In addition to this, a Post Completion Review is required by the Agreement, including for the BREEAM element. This is required prior to occupation.
- 15.2 As part of this S73 application, an updated Energy Strategy and BREEAM pre-assessment Report, has been prepared by Syntegra Consulting. This takes account of the increase in the number of rooms by 42 and demonstrates that the amount of carbon savings secured under the original permission (25% against Part L Building Regulations) would be maintained under this amendment. By energy efficiency measures and use of air source heat pumps a reduction in regulated emissions of 32.93% would be achieved against Part L, in accordance with the Policy CC1 and the Energy Efficiency and Adaptation Supplementary Planning Guidance (2021). The proposal is in accordance with targets in relation to energy conservation, distributed energy networks and renewable energy.
- 15.3 Camden Sustainability officers have accepted that the scheme's BREEAM assessors will consider it as a 'Refurbishment and Fit Out' under part L2B requirements; however the energy strategy's calculations have been undertaken with reference to Part L2A for new build commercial space given the nature of the scheme which essentially involved complete reconstruction within the basement shell. As such it is predicted that total savings at Be Lean stage (if compared as new build Part L2A assessment) are 59% whilst the emissions improvements at Be Green Stage (when compared to be lean) are 17%. This represents increases from the equivalent values of 25% and 3% respectively as set out in the May 2015 Energy Strategy and BREEAM pre-assessment for the original application. These levels will be subject to both design stage (pre-implementation) and Post Construction certification which will be secured by the Section 106 Deed of Variation.
- 15.4 Condition 3 (air quality) requires a report to be submitted to and approved by the Council in respect of an appropriate NO2 scrubbing system on the mechanical ventilation intake that has been installed and a strategy for its ongoing maintenance. This has been partly addressed in the Air Quality assessment prepared by Hawkins Environmental, dated 1 May 2020. It is stated at page 41 of this document that it is proposed to install a Nitrosorb system to the central air handling units for the whole building ventilation systems. The NO2 filter media requires changing every 2 years and this will need to be taken into account in the future management of the building. The measures proposed in this regard are considered acceptable, however the applicant has since confirmed that the intake itself has yet to be installed. Therefore condition 3 cannot be completely discharged but can be amended to require evidence prior to occupation that the proposed filtration system has been installed on the mechanical ventilation air intake and details of an appropriate maintenance plan submitted.
- 15.5 In relation to Air Quality monitoring, it is noted in section 38 of the CMP that regular monitoring will be carried out by the site manager and records will be retained within

the site office. As such the Council's Sustainability Officers have confirmed that this is sufficient for the purposes of Air Quality during construction.

16. ACCESSIBILITY

- 16.1 Local Plan policy C6 (Access for all) promotes fair access and for barriers that prevent everyone from accessing facilities and opportunities to be removed. The need for all new development in London to achieve the highest standards of accessible and inclusive design is emphasised in policy D5 (Inclusive Design) of the London Plan.
- 16.2 The proposal would be accessed by the same pair of double door at the Great Russell entrance as the original approved layout and access to level -4 and -5 would be provided by stairs and a lift. There is no material change to the change to the accessibility of the accommodation compared to the original application.
- 15.1 On this basis, the proposal is considered to be in compliance with policy C6 of the Camden Local Plan.

16 COMMUNITY SAFETY

- 16.1 Policy C5 of the Local Plan requires developments to incorporated design principles that contribute to community safety and security. The proposal does not involve any material changes to the entrances, either pedestrian on Great Russell Street or servicing on Adeline Place, compared to the original approved scheme.
- 16.2 In general it is considered that the development would be positive from a community safety perspective. The introduction of additional rooms will lead to a higher number of arrivals and departures on foot, which would be likely to be outside of offices hours, with a positive impact on the passive surveillance of the area.
- 16.3 Officers are of the view that the proposals are in accordance with the requirements of policy C5.

17 WASTE MANAGEMENT

- 17.1 Policy CC5 of the Local Plan seeks to make Camden a low waste borough. The policy aims to reduce the amount of waste produced in the borough and increase recycling. It also aims to ensure that developments include facilities for the storage and collection of waste and recycling.
- 17.2 The application includes a Servicing Plan which identifies that refuse and recyclable waste will be stored in the designed bin storeroom located at -5 level until it is due to be collected. Prior to timed collections from Adeline Place, which will be once daily, refuse will be transferred from the bin storeroom at -5 level to a designated refuse storage area. As soon as bins have been emptied, the bins will be brought back inside the refuse storage.

- 17.3 The waste and recycling provision has been designed in accordance with CPG Design guidelines for refuse and recycling storage, this includes the technical waste guidance 2019.
- 17.4 Overall, the proposals for waste and recycling storage are considered to be acceptable.

18 WATER

- 18.1 In terms of surface and foul water discharge from the site, officers have considered the following documents:
- Thames Water letter dated 20-08-18
 - Drainage Strategy by MY Construction 20/04/2020
 - Technical Note by MY Construction dated 14/08/2020 and
 - CMP pro forma v2.2 (from 2015/3605/P)
 - Drainage drawings (x5 dated 21-July-2020)
- 18.2 Thames Water confirmed that there is foul water capacity for a discharge rate of up to a maximum 11l/s and for 225 additional rooms.
- 18.3 Therefore the current proposal for 208 rooms with a discharge not exceeding 11 l/s would be within the Thames Water confirmed capacity. However as this is an uplift from the 8 l/s in the approved Condition 10 drainage strategy, further information has been provided on the storage capacity and location as well as information on maintenance and management of associated Health and Safety risks. The applicant has demonstrated that sufficient capacity is available and measures are in place to ensure the discharge does not exceed the agreed maximum capacity. The revised drainage strategy is therefore considered to meet the requirements of condition 10 and therefore this can be amended to a compliance condition to be carried forward in any approval of this Section 73 application.

19 EQUALITY

- 19.1 Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED). A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 19.2 Under the Equalities Act 2010 the nine protected characteristics covered by the general equality duty are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. People with common protected characteristics are often described as belonging to a protected group.

- 19.3 As part of this application officers have considered equalities impacts, particularly on groups with protected characteristics.
- 19.4 Overall, there is no existing lawful function or activity on the application site that would be significantly prejudiced or permanently lost by the proposed development. Concerns were raised by a third party (see consultation section of this report) that the additional deliveries and servicing vehicles associated with the development, would pose a road safety concern, particularly to children of the nearby Ecole Jeannine Manuel school on Bedford Square. As age is a protected characteristic, this warrants additional consideration under the Equality Act 2010.
- 19.5 The transport section of this report demonstrates that the overall number of servicing vehicles is unlikely to increase as a result of this development. Whilst larger delivery/servicing vehicles may result in additional safety concerns and could affect children who may not have as acute traffic safety awareness as adults, in the context of the wider scheme and area, this is considered not to significantly disadvantage children and young people, nor would it discriminate against them.
- 19.6 The development itself would not introduce any specific function or feature that favours or disadvantages a specific grouping within the nine protected characteristics nor that discriminates against age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation and therefore a formal Equalities Impact Assessment has not been undertaken by the Council.
- 19.7 As discussed throughout other sections of this report, it is considered that none of the neighbouring occupiers would be unduly harmed or would be threatened by the development, either by the temporary construction works or ongoing use.

20 FIRE SAFETY

- 20.1 London Plan policy D12 Fire Safety requires all development proposals to achieve the highest standards of fire safety and incorporate the necessary measures to ensure the safety of occupants. All major development proposals should be accompanied by a Fire Statement produced by a suitably qualified assessor detailing how the development proposal will function in terms of 1) construction methods, products and materials; 2) means of escape; 3) features reducing risk to life; 4) access for fire services and equipment; 5) provision within the site curtilage for fire appliances to access the building; 6) ensuring any potential future modifications to the building will not compromise the base build fire safety/protection. Policy D5 (Inclusive Design) is also relevant in this respect which provides for safe and dignified emergency evacuation for all building users.
- 20.2 The Mayor introduced the London Plan policy to ensure fire safety is addressed at the outset when planning permission is applied for, instead of the issue being first considered at the Building Control stage. The London Plan policy is accompanied by the Fire Safety London Plan Guidance which was issued in draft form for consultation

purposes on 11 February 2022. This informs how the mayor will expect developers to address the policy in terms of providing supporting information and also clarifies the planning authority's role in its determination of applications. The guidance states that the onus is on the applicant to demonstrate compliance with D12 and D5 through its use of fire safety professionals and that it is for the planning officer to ensure the information has been provided. The review of the fire safety measures and their compliance against building regulations and standards will still take place at the Building Control stage and shall not be undertaken by planning officers.

- 20.3 The application is not a new proposal but a minor material amendment of an extant permission. The original scheme, which was a major development proposal approved by the appeal Inspector in 2016 pre-dated policies D12 and D5 of the 2021 London Plan, but nevertheless was accompanied by a "Fire Safety Overview" document outlining the key fire safety features incorporated within the development. The current submission is now accompanied by a "Concept Fire Strategy Report" to bring the amended scheme up to date on fire safety matters. The submitted document has been prepared by FDS Consult Limited who are a firm of qualified fire engineering consultants. It provides information on means of escape (including disabled refuge spaces), fire resistance to building structure elements, smoke clearance vents, fire-fighting staircase core provision, alarm systems and fire suppression measures.
- 20.4 The use of refuge spaces rather than provision of at least one suitably dimensioned lift for disabled occupiers to reach level access is not in accordance with the aims of the London Plan policy D5. However the applicant is relying on this strategy due to the physical constraints of its lease demise which relies upon the lifts already existing on levels -1, -2 and -3 outside of the applicant's ownership. The draft guidance anticipates situations where full compliance may not be practicable and suitable alternative strategies will need to be explored. In this case the applicant's fire strategy report states that a management strategy will need to be developed by the developer to detail how the building complies with the Disability Discrimination Act and include how disabled occupants will be evacuated and key roles identified for providing the necessary assistance in a fire situation.
- 20.5 In view of the above it is therefore recommended that a condition is attached requiring the submission of a final Fire Strategy prior to occupation which covers the evacuation of disabled occupants being managed by the operator in order to comply with London Plan policies D12 and D5.

21 CIL AND SECTION 106 (S106) OBLIGATIONS

- 21.1 The proposal would be not be liable for Camden or the Mayor of London's CIL as no additional floorspace will be generated as a result of the development.
- 21.2 The application would be subject to a Deed of Variation transferring the previously approved S106 legal agreement to this application. Whilst the information contained within the documents submitted for the S106 may be updated to reflect the increase in number of hotel bedrooms, the clauses remain unchanged from the previously issued consent.

21.3 For clarification, the S106 clauses previously attached to planning permission ref: 2015/3605/P, allowed at appeal ref: APP/X5210/W/16/3147078 dated 04/10/2016, are as follows (these will be transferred to the current application by a Deed of Variation):

- Car free development; not yet triggered
- Construction management plan; **discharged 08/04/2019**
- Hotel Management plan (include provisions to limiting stay to 3 nights; groups to be no more than 8; no coach drop-off); **discharged 02/04/2019**
- Pedestrian Cycling and Environmental Contribution Total of 143,986.40 **paid on 17/04/2019**
- Local Employment and Training Contribution of 8,617.61 **paid on 17/04/2019**
- Highways Contribution of 37,921.81 **paid on 17/04/2019**
- Public Open Space Contribution of 112,973.78 **paid on 17/04/2019**
- Cycle Hire Docking Station Contribution of 215,709.97 **paid on 17/04/2019**
- Construction Apprentice Support Contribution of 4,853.47 **paid on 17/04/2019**
- Crossrail Contribution (paid to TFL) of 78,575.59 **paid on 17/04/2019**
- Travel Plan Monitoring Contribution 6,492.87 **paid on 17/04/2019**
- Employment training plan; **Discharged 18/06/2019**
- Local Procurement Code **discharged 18/06/2019**
- Local employment: not yet triggered.
- Energy efficiency and renewable energy plan; **discharged 3/04/2019**
- Servicing Plan **discharged 19/08/2019**
- Sustainability plan **discharged 03/04/2019**
- Sustainability Plan – post-completion review not yet triggered
- Travel Plan; **discharged 06/03/2019**

22 CONCLUSION

- 22.1 When considering a Section 73 application, it should be noted that the original development has already been judged to be acceptable in principle.
- 22.2 The government encourages the use of the s.73 procedure to enable modification of planning permissions and the Council's Legal team have advised that this is an appropriate route in this case, subject to the judgement of planning officers.
- 22.3 Under the proposal, there would be no increase in the overall floorspace of the development as what is under consideration is a series of internal layout changes at levels -4 and -5 within the existing building. The change in the number of bedroom is from 166 to 208, an increase of 42. These are provided by conversion of space previously laid out as common areas and back of house facilities, which will be reduced in size and relocated to the edge of the floorplan.
- 22.4 No change of use is proposed and a change in the number of rooms would rarely need planning permission. Many hotels, due to their age, do not have a condition specifying the number of rooms so could change this without the need for planning permission. Such a change would usually not result in a '*fundamental alteration*' provided they continue to operate as hotels.

- 22.5 As a matter of fact and degree the proposed intensification can reasonably be considered as a modification of the original permission under the terms of a Section 73 application and officers are of the view that this is an appropriate mechanism.
- 22.6 As a result of the increase in rooms the development would be likely to provide a certain amount of additional employment in the form of management, reception, porter, security and other roles. Additional footfall would be delivered to local businesses and cultural institutions, adding to their critical mass and economic viability in an uncertain period. Camden residents would benefit from additional opportunities for employment building on the established strengths of this highly connected location. The proposal would provide a benefit in the economic sustainability strand which the NPPF clearly states needs to be given “significant weight” in planning decisions. By providing additional visitor accommodation that will support tourism development, the proposal responds to key policy objectives at regional and local level.
- 22.4 At the same time the impacts from this modest level of intensification would not be harmful in terms of design, amenity, air quality, sustainability or any other relevant criteria, and the proposal is recommended for approval subject to a Deed of Variation and planning conditions.

23 RECOMMENDATIONS

- 23.1 Planning permission is recommended subject to a S106 Deed of Variation and planning conditions.

24 LEGAL COMMENTS

- 24.1 Members are referred to the note from the Legal Division at the start of the Agenda.

25 CONDITIONS AND REASONS

- 1 Commencement of works condition superseded due to scheme now already being implemented.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; GRS-0101 P6; GRS-0102 P2; GRS-0104 P4; GRS-0105 P2; GRS-0152 P2; GRS-0153 P2; GRS-0154 P2; GRS-0170 P1; GRS-0171P2; GRS-0103 P5; Drainage Drawings (x5 dated 21-July-2020); W602-MYC-00-00-DR-ME-5921; W602-MYC-00-00-DR-ME-5924-Rev R3.
Air Quality Assessment by Hawkins Environmental dated 1 May 2020; Concept Fire Strategy Report by FDS consult dated 1 July 2020; Covering Letter by Centro Planning Consultancy dated 13 July 2020; Drainage Strategy by MY Construction dated 20 April 2020; Energy Strategy Report by Syntegra dated 17 April 2020; Hotel Management Plan by Criterion Capital, dated June 2020; Mechanical Drawings, by MY Construction dated 26 June 2020; Noise Assessment by Hawkins Environmental dated 12 May 2020; Planning and Design Statement by Centro Planning Consultancy dated 13 July 2020; Pre Completion Sustainability Proforma by Syntegra dated 17 April 2020; Service

Management Plan by Criterion Capital dated June 2020; Transport Assessment by TPP dated May 2020; Travel Plan by TPP dated May 2020; Drainage Update by MY Construction dated 14 August 2020.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Prior to first occupation of the development, an Air Quality Report shall be submitted to and approved in writing by the local planning authority. The report shall provide evidence that an appropriate NO₂ scrubbing system on the mechanical ventilation intake has been installed. The system shall be generally in accordance with the recommendations of the submitted Air Quality Assessment by Hawkins Environmental, dated 1 May 2020. The report shall include a detailed maintenance plan for the system. The scrubbing system shall thereafter be operated and maintained in accordance with the approved report for the lifetime of the development.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1, D1 and CC4 of the London Borough of Camden Local Plan 2017.

- 4 Deliveries and collections (including waste collections) shall be taken at or despatched from the site only between 0900hrs and 2100hrs on any day.

Reason: To safeguard amenities of adjacent premises in accordance with the requirements of policies A1 and T4 of the London Borough of Camden Local Plan 2017.

- 5 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - a) manufacturer's specification and details of all facing materials including colour and samples of those materials.
 - b) plan, elevation and section drawings, including fascia, cornice, pilasters and glazing panels of the new hotel entrance at a scale of 1:10
 - c) details including sections at 1:10 of all windows (including jambs, head and cill details), ventilation grills and external doors
 - d) details of service ducts

The relevant parts of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policies D1 and D2 of the Camden Local Plan 2017.

- 6 The approved cycle parking facility comprising 20 Sheffield stand spaces shall be provided as shown on plan GRS-0101 P6 prior to occupation of the development and shall thereafter be permanently retained as such.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 7 The following details were approved on 27/06/2019 under application ref. 2019/0226/P:

No impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority. The method statement should be prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken, the methodology by which such piling would be carried out, measures to minimise the potential for damage to subsurface water infrastructure and the programme for the works. Any piling must be undertaken in accordance with the approved piling method statement.

- 8 Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers shall be provided as shown on the drawings hereby approved. Thereafter the refuse and recycling storage facilities shall be permanently retained as such.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 The plant and equipment as detailed in the Noise Assessment dated 01 May 2020 by Hawkins Environmental shall be installed and constructed in accordance with the approved scheme and shall be permanently maintained as such thereafter. The noise level from any plant and equipment, together with any associated ducting or vents, shall be 15 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises. Prior to the plant being used a validation test shall be carried out following completion of the development. The use hereby permitted shall not commence until a report of the validation test has been submitted to and approved in writing by the local planning authority.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 10 The development shall proceed in strict accordance with the drainage drawings and strategy accompanying this application. The strategy shall be fully implemented as approved before the first occupation of the development.

Reason: To reduce the rate of surface and foul water discharge from the buildings and limit the risk to the occupiers of the development and the surrounding area from flooding in accordance with Policies A5, CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 11 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall not be used other than as a hotel within a single planning unit.

Reason: Reason: In order to ensure that the amenities of the surrounding area are protected in accordance with policies A1, A4 and D1 of the London Borough of Camden Local Plan (2017).

- 12 Prior to the installation of any electrical plant or equipment in basement levels -4 or -5, details of the installation shall be submitted to and approved in writing by the local planning authority. The details should be prepared in consultation with Transport for London to ensure that the plant or equipment does not harm the operation of the transport system. Any plant equipment installed shall thereafter be operated and maintained in accordance with the approved details.

Reason: To ensure that the development does not impact on existing strategic transport infrastructure in accordance with the requirements of Policies A1 and T1 of the London Borough of Camden Local Plan 2017.

- 13 The hotel hereby permitted shall not accept group bookings for parties of more than 8 people.

Reason: In order to ensure that the amenities of the surrounding area are protected in accordance with policies A1, A4 and D1 of the London Borough of Camden Local Plan (2017).

- 14 The development hereby permitted shall not comprise more than 208 hotel bedrooms upon completion and shall be delivered in accordance with the approved plans set out in Condition 2 of this planning permission.

Reason: In order to ensure that the amenities of the surrounding area are protected in accordance with policies A1, A4 and D1 of the London Borough of Camden Local Plan (2017).

- 15 Prior to first occupation of the development, a final Fire Strategy shall be submitted to and approved by the local planning authority in writing which shall be based upon the Concept Fire Strategy Report prepared by FDS Consult dated July 2020 and shall include additional information on a management plan for the safe and dignified evacuation of disabled occupants from the building. The development must operate in complete accordance with the approved strategy at all times.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with policies D5 and D12 of the London Plan.

26 **INFORMATIVES**

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between

dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 3 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>.
- 6 This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers, and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended). In particular your attention is drawn to the need to obtain permission for any part of the structure which overhangs the public highway (including footway). Permission should be sought from the Council's Engineering Service Network Management Team, Town Hall, Argyle Street WC1H 8EQ, (tel: 020 7974 2410) or email highwayengineering@camden.gov.uk.
- 7 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.



Application No: 2020/3107/P

**112A Great Russell Street
London
WC1B 3NP**

**Scale:
1:1527**

**Date:
7-Mar-22**



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Planning Committee

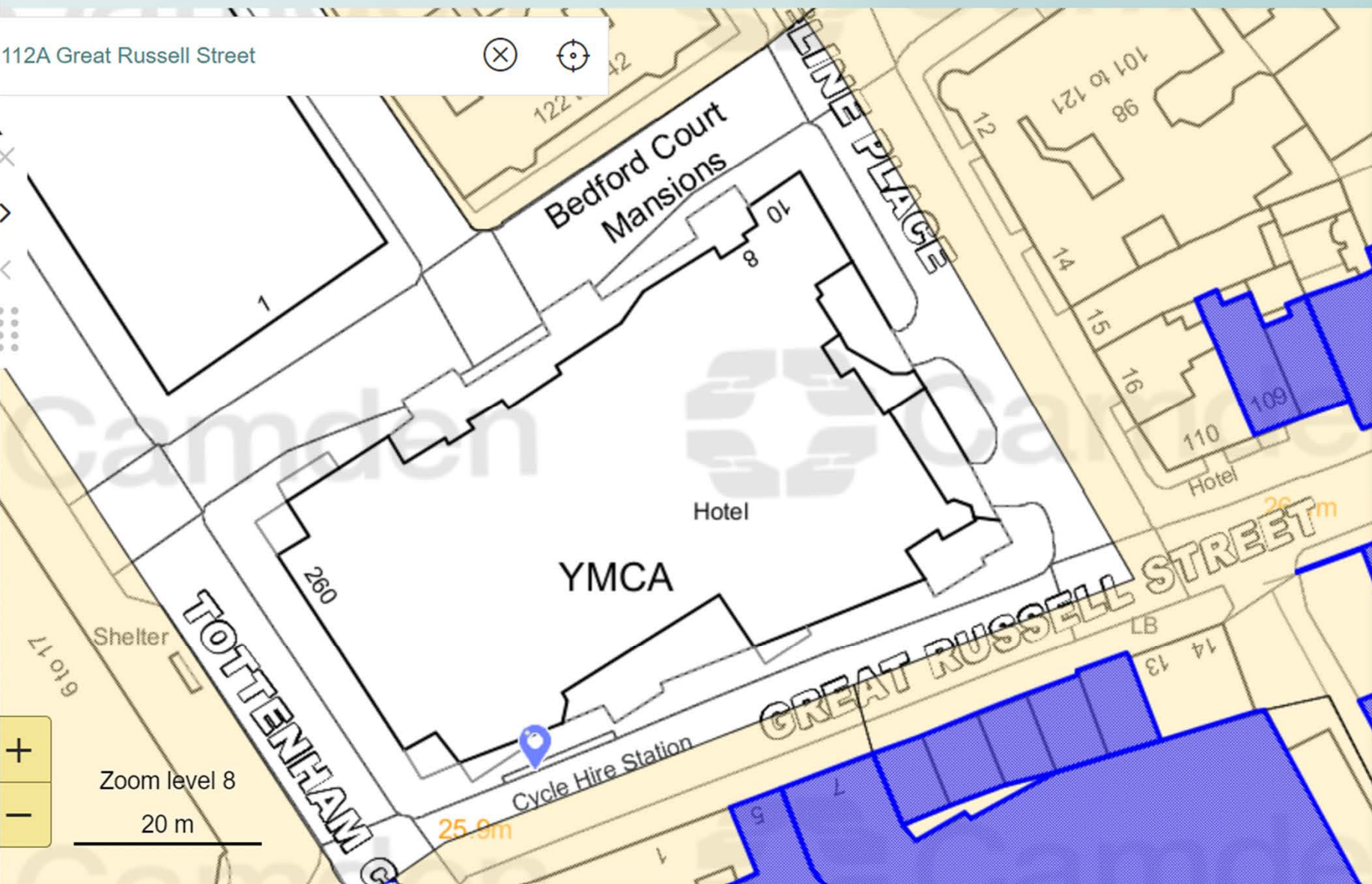
17th December 2020

2020/3107/P

112A Great Russell
Street
WC1B 3NP



112A Great Russell Street



Map project

Base maps

Map layers

Registered Historic

Registered Historic

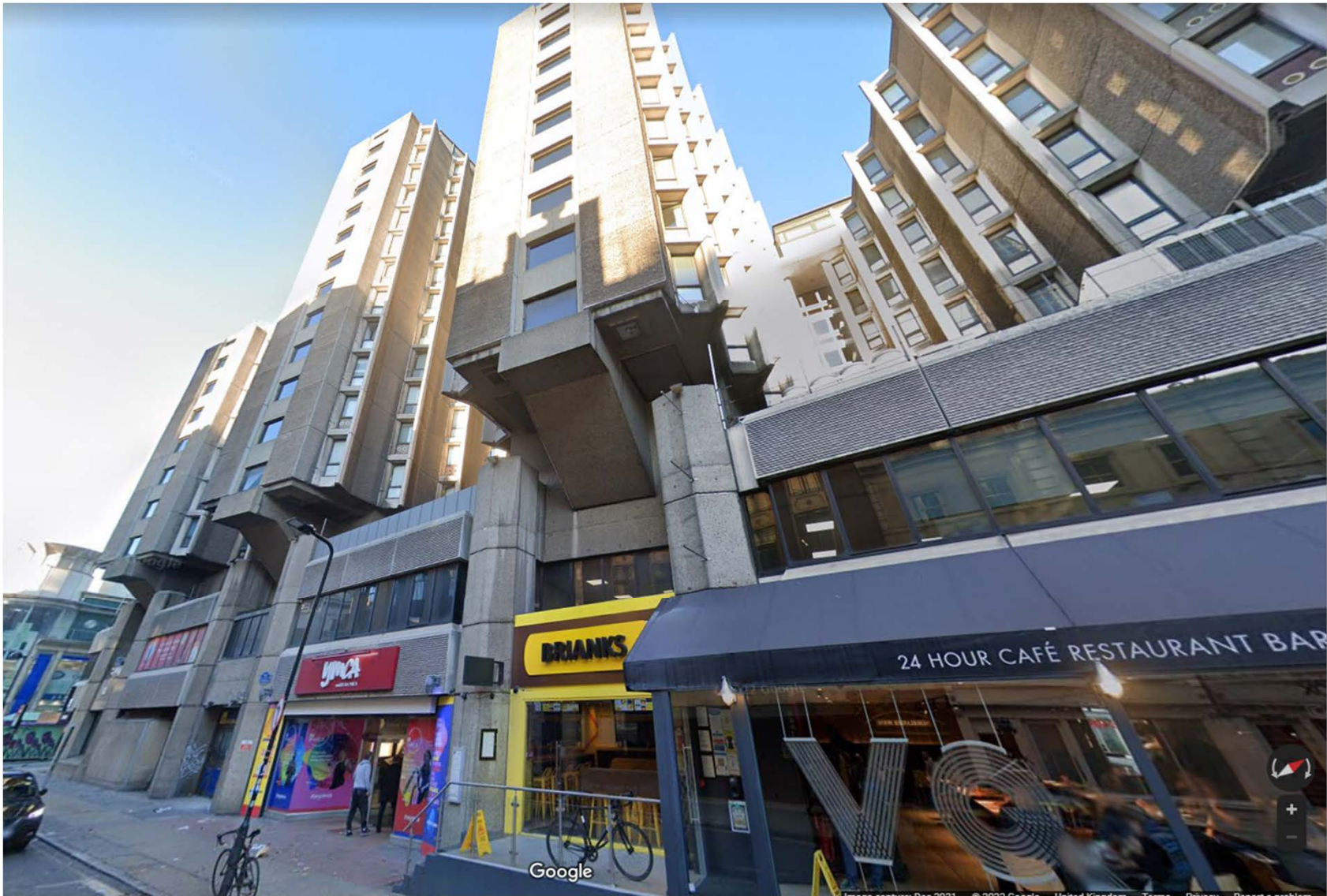
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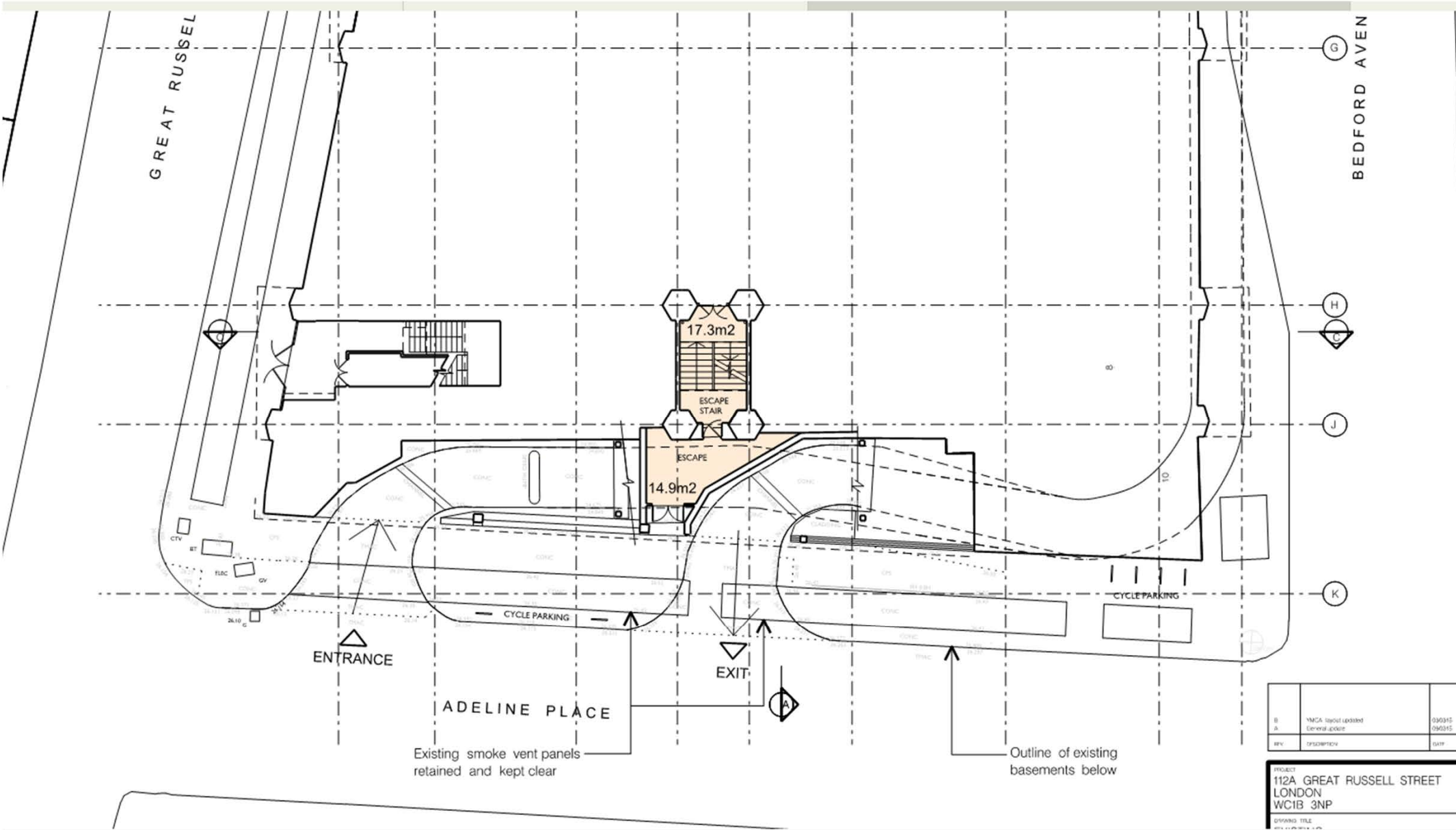
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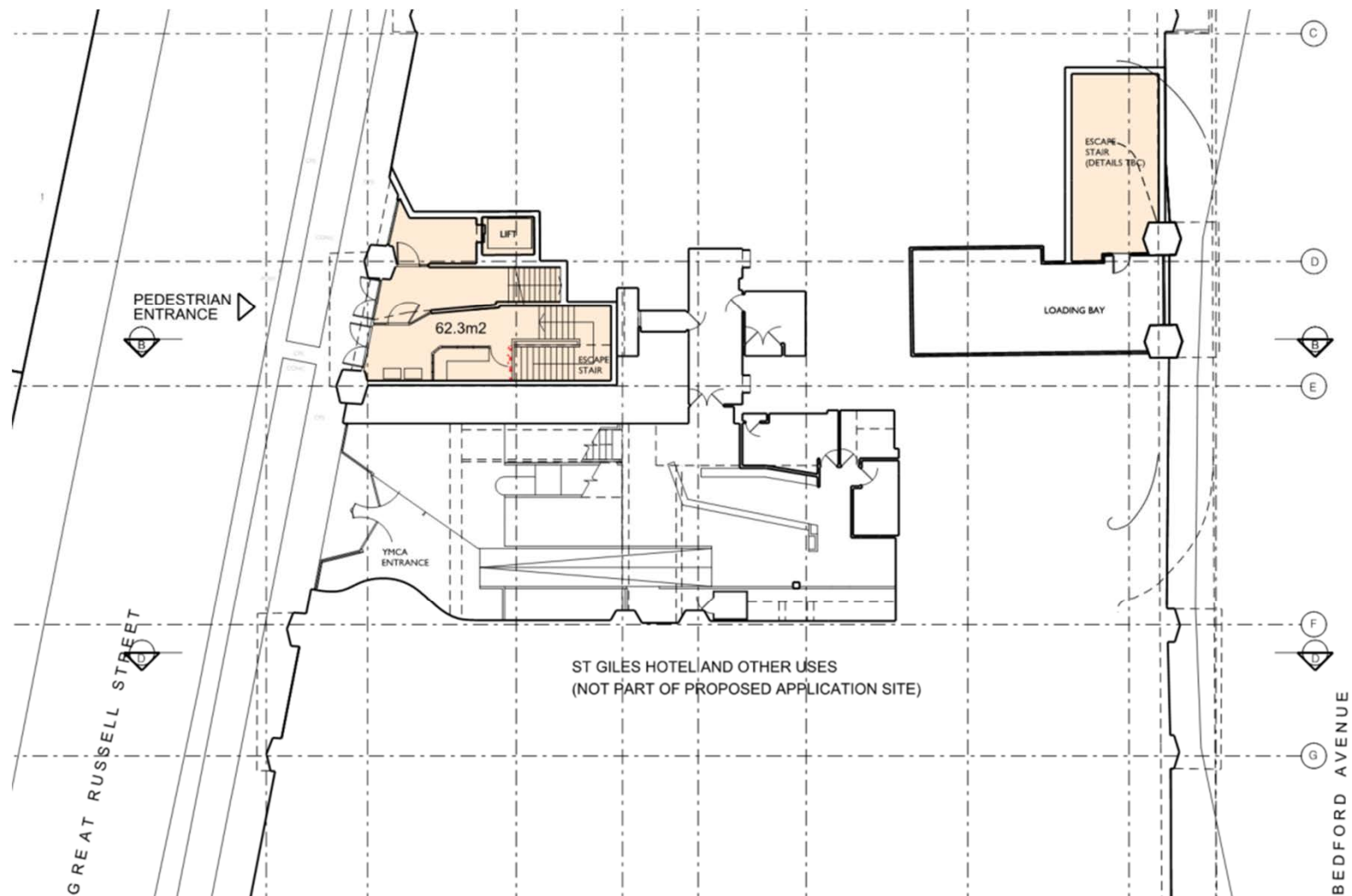
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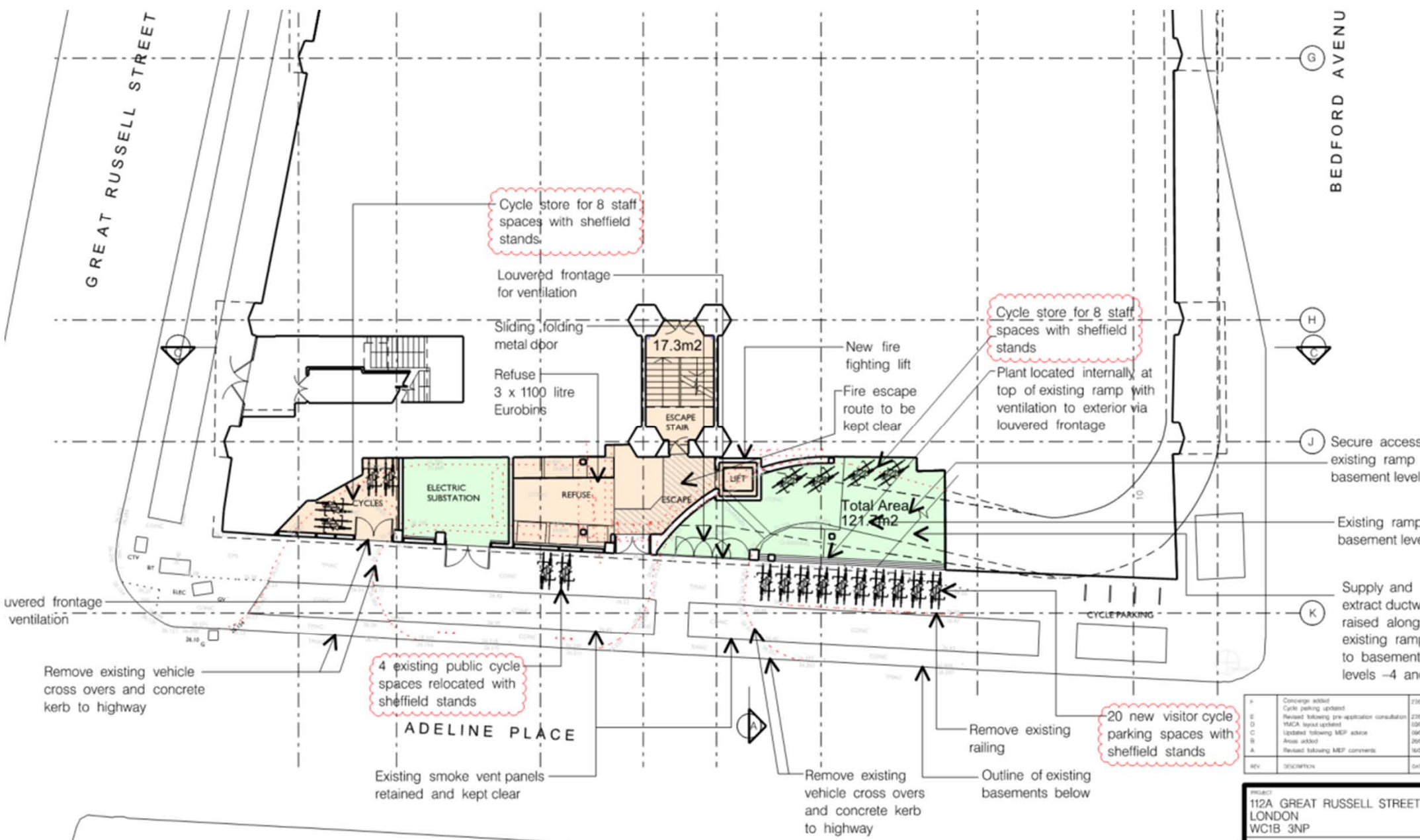
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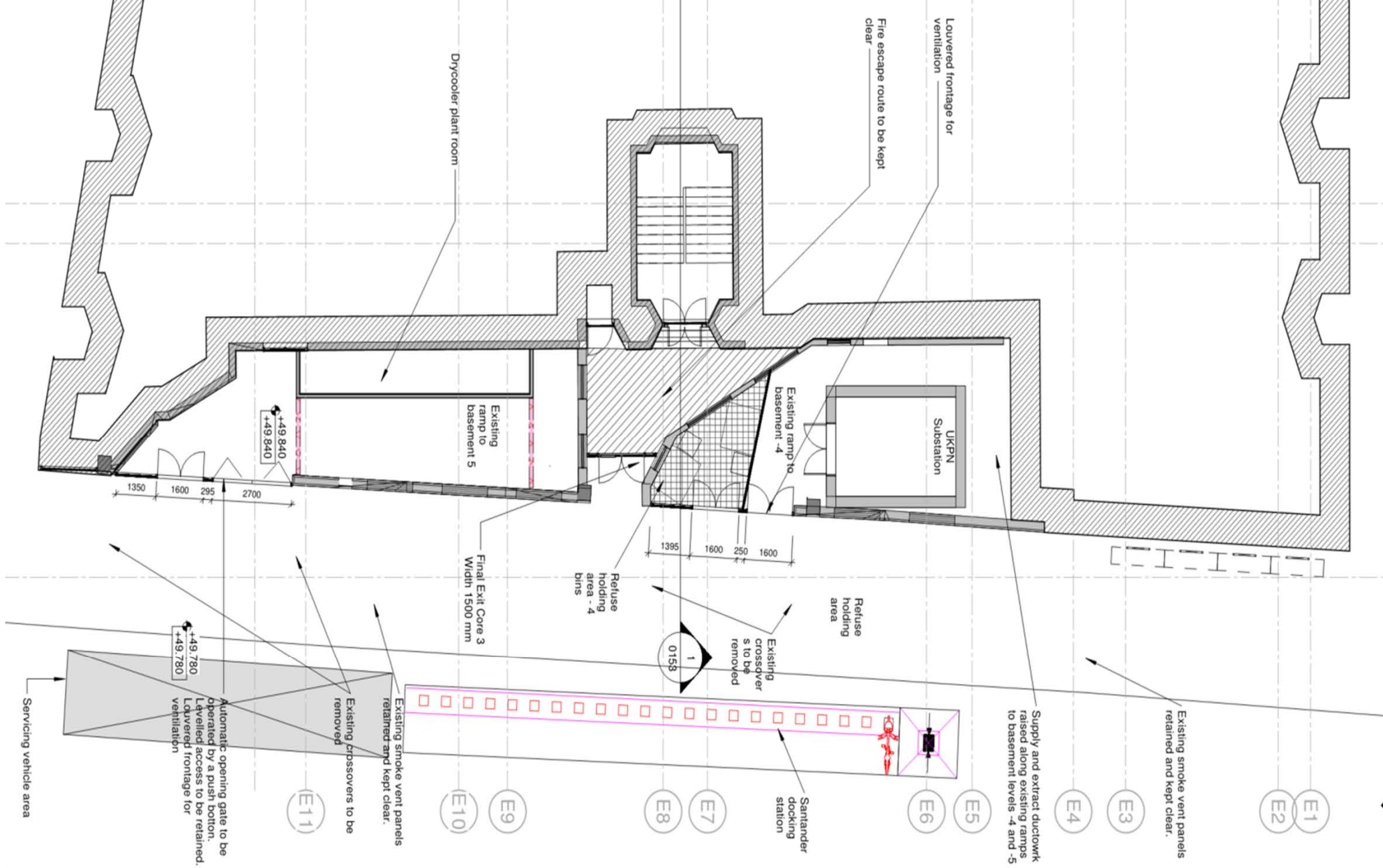


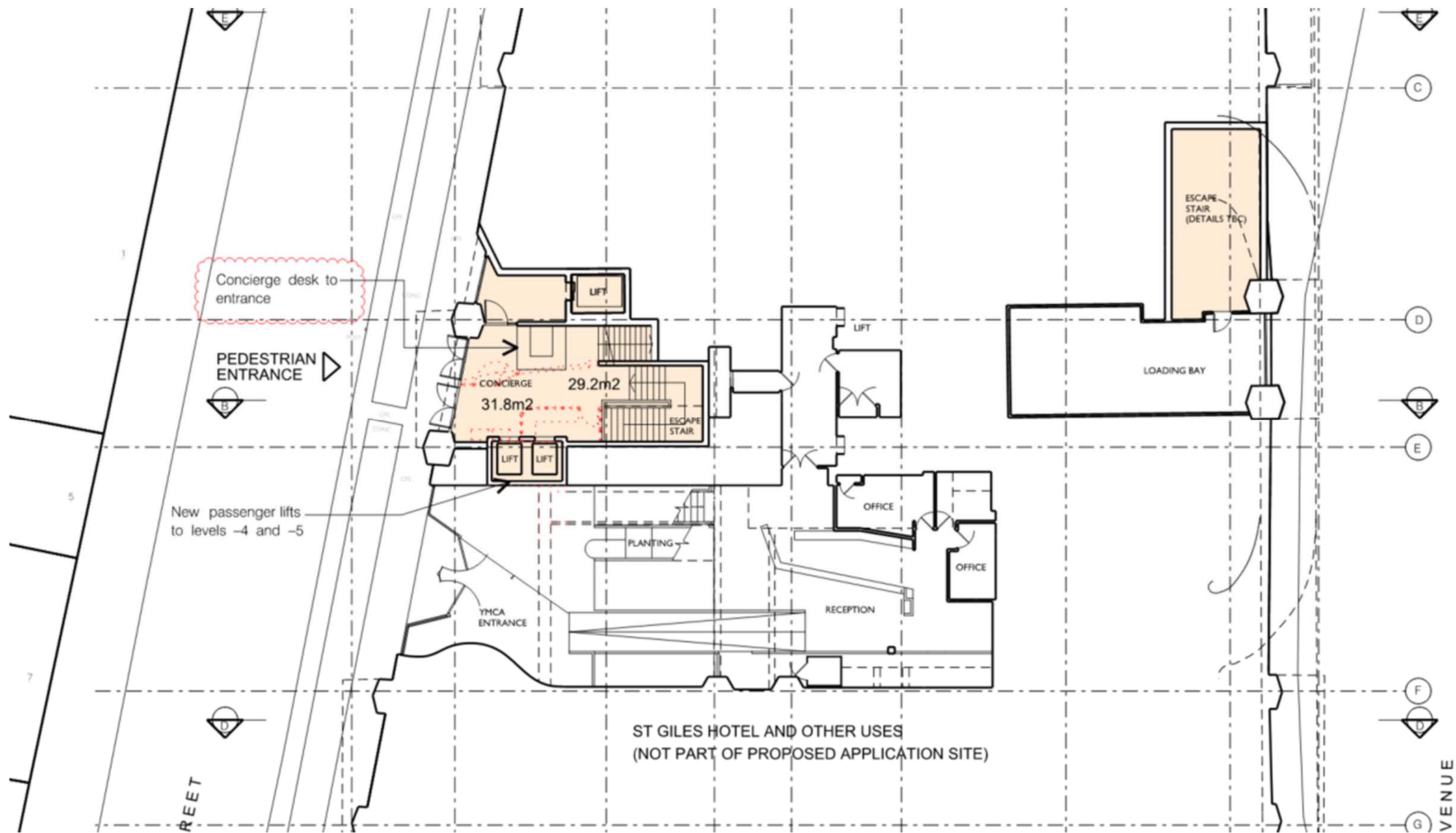


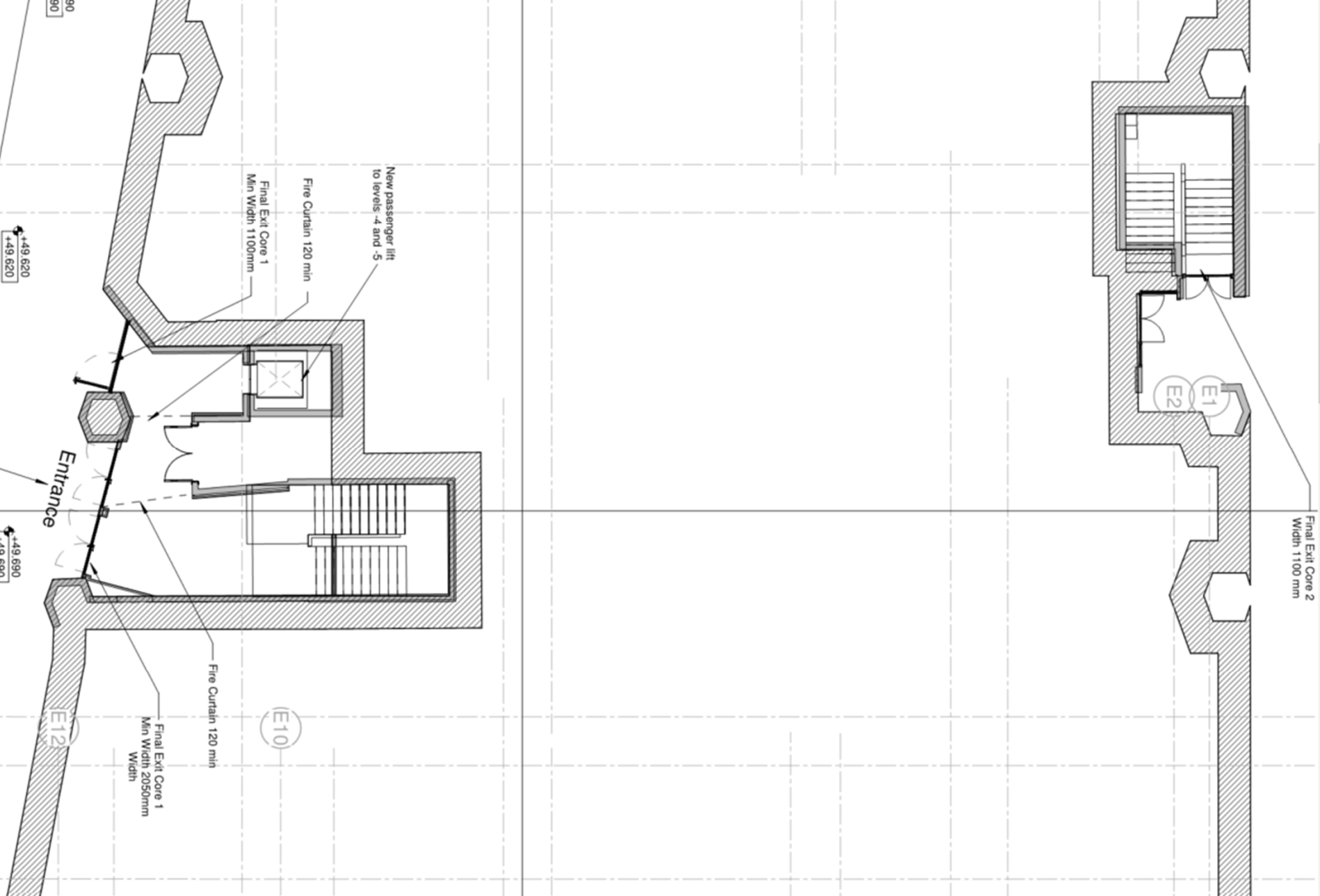













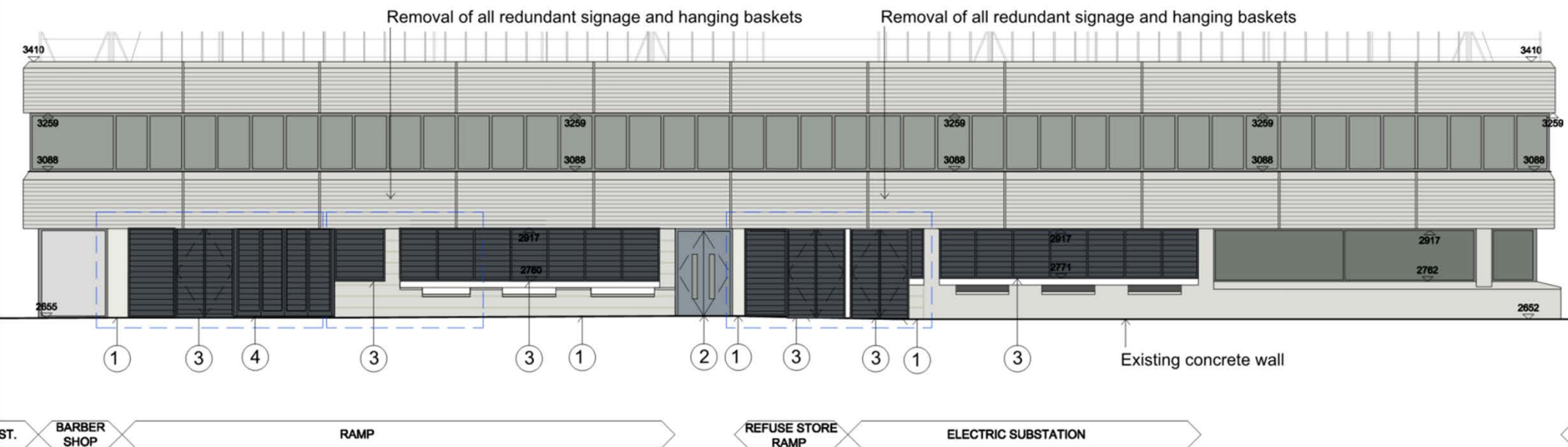


 Hotel signage zone
to future details and
application

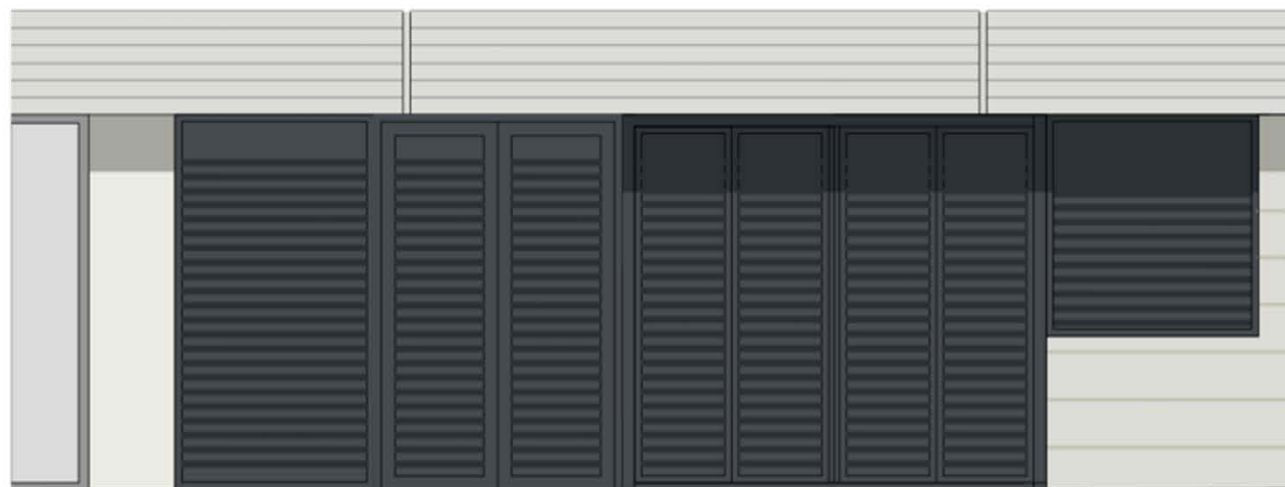


- New metal framed doors and framed panels to existing openings incorporating ventilation louvres

Elevation: Adeline Place scale 1:200



Elevation scale 1:50



MATERIAL KEY

- 1 Equitone (tectiva) fibre cement cladding panels or similar - colour T10 Linen.
- 2 Steel doorset with vision panel.
2a: Colour cream RAL 7001
- 3 Ventilation louvre panel and door.
Frame dark grey RAL 7016
- 4 Louvre bifolding metal security gates to ramp.
Colour light grey RAL 7016



2 Ventilation louvre panels above entrance doors

3 Louvered Penthouse Vent for AHU Exhaust

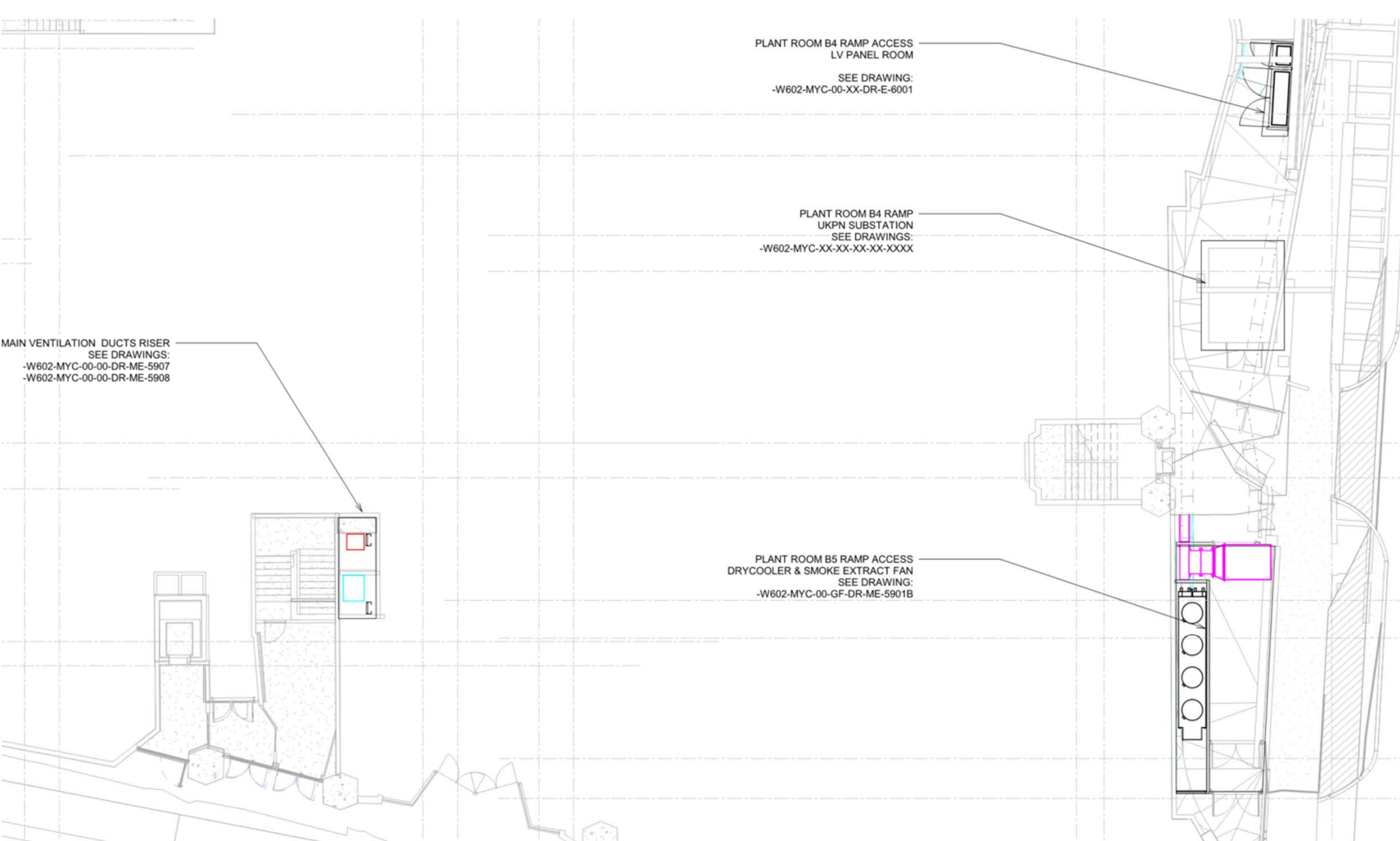


MATERIAL KEY

- 1 Portal illumination and entry doors framework in black metal: Graphite Black RAL 9011
- 2 Ventilation louvre panel and door. Colour Graphite Black RAL 9011
- 3 Louvre Penthouse for AHU Exhaust. Colour to match existing roof
- 4 Smoke Exhaust louvre located behind roof parapet. Not visible from elevation.
- 5 Existing Screen and net to existing plat roof







MAIN VENTILATION DUCTS RISER
SMOKE EXTRACT FAN
COMMS ROOM CONDENSERS
SEE DRAWINGS:
-W602-MYC-00-00-DR-ME-5907
-W602-MYC-00-00-DR-ME-5908

5
W602-MYC-XX-XX-DR-ME-5912

SUPPLY AIR INLET LOUVRE-
(UNDERNEATH LEAD ROOF AREA)

ROOF AREA
ABOVE YMCA ENTRANCE

SMOKE EXHAUST LOUVRE

D

EXHAUST AIR-
(UNDERNEATH LEAD ROOF AREA)

Appendix 10 – Extract of London Plan Policy GG2