



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 24th October, 2017**

Time: **6.30 pm**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Richard Beddoe (Chairman)
David Boothroyd
Susie Burbridge
Tim Mitchell

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. 1A SHELDON SQUARE, LONDON, W2 6NA | (Pages 5 - 76) |
| 2. WESTCOURT HOUSE, 191 OLD MARYLEBONE ROAD, LONDON, NW1 5DZ | (Pages 77 - 128) |
| 3. 7 OLD PARK LANE, LONDON, W1K 1QR | (Pages 129 - 152) |
| 4. 25 - 26 ALBEMARLE STREET, LONDON, W1S 4HX | (Pages 153 - 178) |
| 5. 6 GRAFTON STREET, LONDON, W1S 4EQ | (Pages 179 - 208) |
| 6. 53 EATON MEWS WEST, LONDON, SW1W 9ET | (Pages 209 - 228) |
| 7. 32 GROOM PLACE, LONDON, SW1X 7BA | (Pages 229 - 244) |

8. 24-27 LEICESTER SQUARE, LONDON, WC2H 7LE

**(Pages 245 -
260)**

**Charlie Parker
Chief Executive
16 October 2017**

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th October 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<p>RN(s) : 17/05609/FULL</p> <p>Hyde Park</p>	1A Sheldon Square London W2 6NA	Demolition of existing management office building and lift building, and erection of a new building comprising basement, three lower levels (canal level -1, amphitheatre level -2 and railway level -3), ground and 19 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including conference facilities/ meeting rooms/ private dining/ bars/ restaurants including publicly accessible restaurant/ bar at Level 19 (Class C1), flexible hotel/ retail (Class C1/ A1) at part ground level, flexible hotel/ retail/ restaurant/ bar use (Class C1/ A1/ A3/ A4) at part - 1, and part - 2 level, and hotel (Class C1) at part -2 level as well as Level 17 roof terrace, replacement lift, plant, cycle parking, landscaping and other associated works.	
<p>Recommendation</p> <p>1. Subject to referral to the Mayor of London, grant conditional permission, subject to S106 Legal Agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> a) Employment and training strategy for the construction phase and the operational phase of the development; b) Crossrail payment of £809,735; c) Costs of all highway works surrounding the site required for the development to occur; d) A contribution of £4,445 towards the upgrade of wayfinding signage at an in the vicinity of the site; e) A contribution of £12,000 towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road; f) Provision, monitoring and review of a travel plan; g) Costs of monitoring the S106 agreement. <p>2. If the unilateral undertaking has not been completed by 5 December 2017 then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not: b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Resolution
2.	<p>RN(s) : 17/04194/FULL</p> <p>Bryanston And Dorset Square</p>	Westcourt House 191 Old Marylebone Road London NW1 5DZ	Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.	
<p>Recommendation</p> <p>1. Subject to referral to the Mayor Of London, grant conditional permission, subject to a section 106 agreement to secure:</p> <ul style="list-style-type: none"> a) A financial contribution of £45,000 (index linked) for the expansion of a nearby cycle hire docking station; b) A financial contribution of £27,239 (index linked) toward the funding of Crossrail; 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th October 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>c) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;</p> <p>d) Dedication of public highway on Old Marylebone Road and Harcourt Street;</p> <p>e) Offering local employment opportunities during construction; and</p> <p>f) Payment of cost of monitoring the agreement (£500 per head of term).</p> <p>2. If the S106 legal agreement has not been completed by 5 December 2017 then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>			
Item No	References	Site Address	Proposal	Resolution
3.	<p>RN(s) : 17/04221/FULL</p> <p>West End</p>	<p>7 Old Park Lane London W1K 1QR</p>	<p>Alterations including the removal of a double height mansard at 5th and 6th floor levels, a sheer 7th floor and rooftop plant and replacement with sheer extensions at 5th and 6th floors, new double height mansard at 7th and 8th floors with rooftop plant to provide additional offices (Class B1); alterations to the existing windows, refurbishment of existing entrance.</p>	
<p>Recommendation Grant conditional permission</p>				
Item No	References	Site Address	Proposal	Resolution
4.	<p>RN(s) : 17/06539/FULL</p> <p>West End</p>	<p>25 - 26 Albemarle Street London W1S 4HX</p>	<p>Dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor and roof levels with associated screening and installation of a high level extract duct and gas flues on the rear elevation.</p>	
<p>Recommendation Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Resolution
5.	<p>RN(s) : 17/07355/FULL 17/07356/LBC</p> <p>West End</p>	<p>6 Grafton Street London W1S 4EQ</p>	<p>Internal and external alterations including the provision of plant and the creation of a terrace at roof level in connection with the use as private members' Club (Sui Generis).</p>	
<p>Recommendation Grant conditional planning consent and listed building consent</p>				
Item No	References	Site Address	Proposal	Resolution
6.	<p>RN(s) : 17/05136/FULL</p>	<p>53 Eaton Mews West London</p>	<p>Demolition of the existing mews house and construction of new house of ground floor with integrated first floor and mansard floor level,</p>	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th October 2017
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Knightsbridge And Belgravia	SW1W 9ET	lowering of rear garden level to match adjoining properties and installation of plant machinery.	
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
7.	RN(s) : 17/03290/FULL Knightsbridge And Belgravia	32 Groom Place London SW1X 7BA	Alterations to existing front facade, excavation of a new basement beneath the footprint of the original dwelling and erection of new mansard roof extension.	
Recommendation Grant conditional permission subject to no new representations being received by 26 th October 2017.				
Item No	References	Site Address	Proposal	Resolution
8.	RN(s) : 17/07604/FULL St James's	24-27 Leicester Square London WC2H 7LE	Installation of new cinema canopy, refurbishment of the ground floor entrances and erection of first floor glazed extension.	
Recommendation Grant conditional permission.				

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Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	1A Sheldon Square, London, W2 6NA,		
Proposal	Demolition of existing management office building and lift building, and erection of a new building comprising basement, three lower levels (canal level -1, amphitheatre level -2 and railway level -3), ground and 19 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including conference facilities/ meeting rooms/ private dining/ bars/ restaurants including publicly accessible restaurant/ bar at Level 19 (Class C1), flexible hotel/ retail (Class C1/ A1) at part ground level, flexible hotel/ retail/ restaurant/ bar use (Class C1/ A1/ A3/ A4) at part - 1, and part - 2 level, and hotel (Class C1) at part -2 level as well as Level 17 roof terrace, replacement lift, plant, cycle parking, landscaping and other associated works.		
Agent	Mr Graham Timms		
On behalf of	British Land		
Registered Number	17/05609/FULL	Date amended/ completed	7 July 2017
Date Application Received	23 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

1. Subject to referral to the Mayor of London, resolve to grant conditional permission, subject to the completion of a S106 Legal Agreement to secure the following planning obligations:

- a) Employment and training strategy for the construction phase and the operational phase of the development;
- b) Crossrail payment of £809,735 (index linked);
- c) Costs of all highway works surrounding the site required for the development to occur;
- d) A contribution of £4,445 (index linked) towards the upgrade of wayfinding signage at an in the vicinity of the site;
- e) A contribution of £12,000 (index linked) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
- f) Provision, monitoring and review of a travel plan;
- g) The provision of public access to the 19th floor of the building;

h) Costs of monitoring the S106 agreement.

2. If the legal agreement has not been completed by 5 December 2017 then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not:
- b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site currently comprises the Paddington Central Estate Management Office and three storey high service yard beneath with associated parking spaces. The site also includes a portion of a private road (Sheldon Square) that lies adjacent to the Management Office and which forms a junction with Bishop's Bridge Road to the east. The Management Office is a two storey, glass fronted building with a pitched roof, facing onto the private road.

The site is bound to the east by Bishop's Bridge Road, to the south by railway lines to the west and north by development associated with the Paddington Central development. The wider area around the site primarily comprises a mix of commercial and office uses with two residential buildings located to the north and north east of the site (7-11 and 21-27 Sheldon Square).

There are no listed buildings within the application site and is outside of a conservation area and the Central Activities Zone (CAZ), but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area.

The proposed development includes the following elements:

- The demolition of the existing Management Office together with much of the below ground structure; and significant modification and/or replacement of the access road, 'knuckle building' and associated landscaping;
- The construction of a new hotel building offering a range of between 185-200 bedrooms, comprising Levels -03 (Railway level), -02 (Amphitheatre level), -01 (Canal level), 00 (ground level/ Bishops Bridge Road level), then upper 19 storeys, with a storey of plant at the top. The overall height of the new building will be 112.55m A.O.D., which would mean that it rises approximately 82.45m above canal towpath level.
- Flexible/alternative uses are proposed at ground and basement levels, namely hotel/ retail/ restaurant and bar.

Considerable objection has been raised, particularly from occupiers within the two adjacent residential buildings on the grounds of design and loss of amenity to both the flats and public open space. The Sheldon Square Residents Association have also had objection submitted on their behalf including an independent analysis of the daylight and sunlight report submitted with the application. These objections are summarised in section 5 of this report.

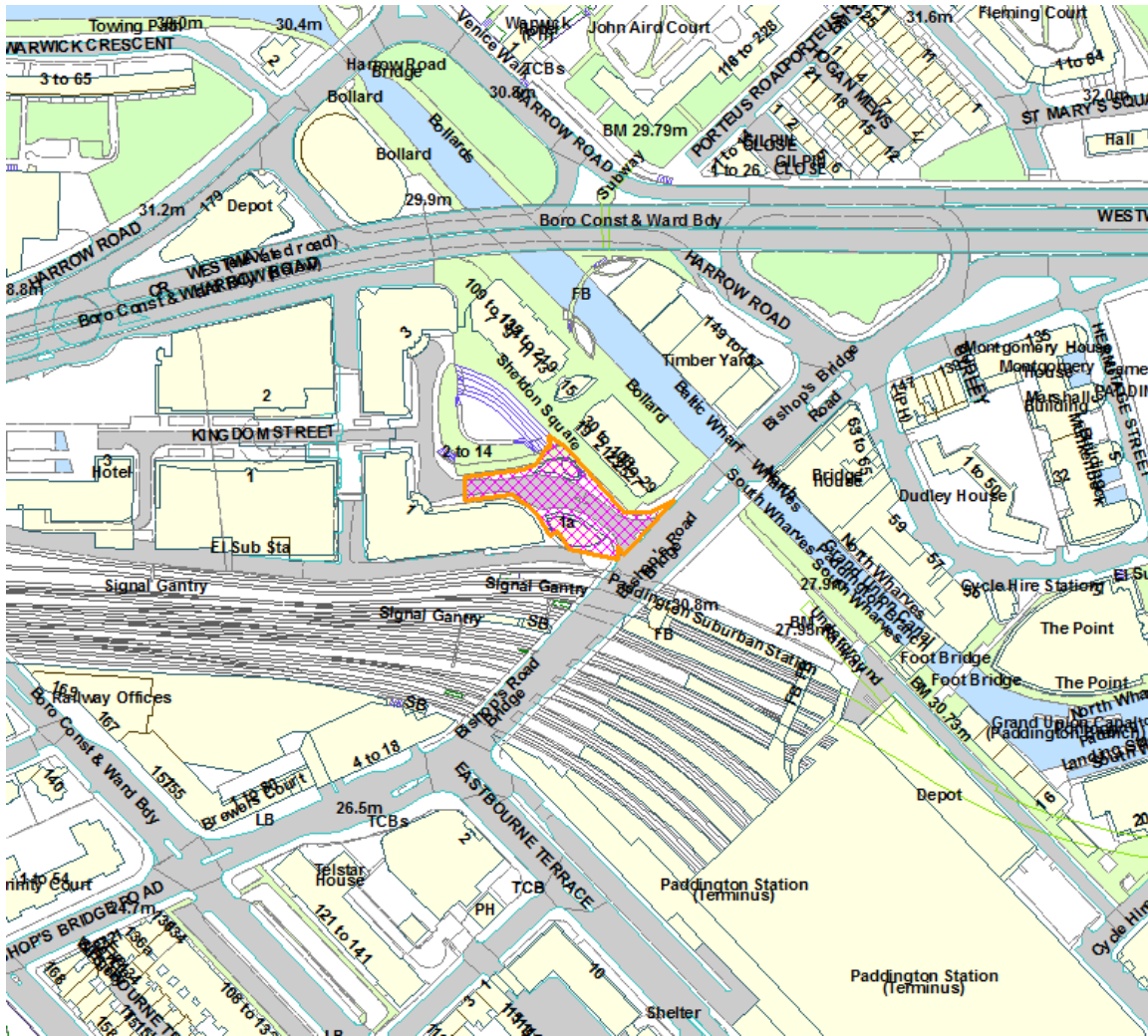
The Greater London Authority (GLA) support the proposals in strategic terms, but raise a number of concerns in relation to transport (in consultation with TfL) and sustainability terms.

The key issues in the case are:

- The acceptability of the proposed tower in design and townscape terms, particularly in relation to its height and detailed design;
- The impact on the amenity of neighbouring residents;
- The acceptability of the proposals in land use terms;
- The highways implications of the scheme.

On balance, it is considered that the proposals are acceptable and in accordance with policies in Westminster City Plan (City Plan) and the Unitary Development Plan (UDP) and therefore the application is recommended for approval subject to conditions as set out on the draft decision letter and a S106 legal agreement to secure a number of benefits. If Committee agree to grant conditional permission, this application will need to be referred back to the Mayor of London for his concurrence that permission may be granted in accordance with the Committee's resolution.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from
Bishops Bridge
Road

(management
office highlighted
on the left and
'knuckle building'
on right)



View from within
Paddington
Central

View from flat within Sheldon Square towards the management office





View of Paddington Central campus from above, with site outlined in foreground (image from design and access statement)

Item No.
1

5. CONSULTATIONS

WARD COUNCILLORS:

Any response to be reported verbally.

GREATER LONDON AUTHORITY (GLA):

Do not consider the proposals to comply with the London Plan, but could be considered acceptable subject to revisions. Comments as follows:

- No objection to new hotel use in this location.
- No objection in design or amenity terms.
- Further information and clarifications in relation to sustainability/energy required.
- Provision of a dedicated coach and taxi rank closer to the site should be investigated.
- See TfL section below in relation to Transport issues.

TRANSPORT FOR LONDON (TfL):

Initial comments to application (dated 19 July 2017):

- Details in relation to trip generation mode should be revised;
- Concerns in relation to the impact of a pit lane on Bishops Bridge Road during construction and its impact on traffic and bus services. An alternative solution is requested;
- Request for the blue badge parking spaces for staff and guests be provided;
- 18 additional long stay and 40 short stay cycle parking spaces are proposed. This provision is welcomed however details of how these would be accessed is requested;
- Alternative options to accommodate 4 coach bays are requested;
- Further investigation in relation to coach and taxi lay-by;
- Request for funding (£220K) to be secured to provide a new cycle docking station as local stations are among the most used in London;
- Request for £12k for bus stop upgrade;
- Request for £4,445 is secured towards legible London signage;
- Note London Undergrounds request for further details in relation to adjacent tunnels;
- Suggest that the Travel Plan is amended to include policy context, mode share targets. Final version should be secured by legal agreement;
- Provision of loading bays within the existing service yard is welcomed;
- Delivery booking system should be used to undertake deliveries outside of peak hours;
- Construction details provided are welcomed, with final details to be secured by condition;

Comments to additional information (dated 22 September 2017):

- Unlikely that development will have a significant impact on public transport capacity.
- Concerns in relation cycle figures being low and car and coach figures being high, therefore request more recent and relevant survey data.
- Development likely to impact on demand on two closest docking stations, which are already in London's top 5% used.
- Request for £220k towards providing new docking station.
- Willing to provide usage figures in relation to docking stations.
- Willing to accept non London compliant scheme in relation to coach parking, but request a no group booking condition and consideration for a minimum of 2 coach parking spaces within reasonable proximity to the site.
- In accordance with the Mayor's Taxi Action Plan a designated rank is identified. The rank should be within site of the main entrance/exit to hotel for the sole use by taxis.
- If coaches are to be restricted by condition (to no coaches), then a lay-by/ pick-up and drop off management plan is requested.

Item No.
1

- Travel Plan to be secured by S106.

Comments to additional information (dated 10 October 2017)

- Cycle hire docking station data provided.
- Cycle parking meets London Plan requirements and is intended for staff not guests, who are more likely to use a docking station or their own bike.
- Accept that there would be no coach parking at hotel, however as applicant is not willing to condition no group booking / coach free agreement, suitable arrangements for coaches should be provided. This should be secured by condition.
- Reiterates requirement for a 2 bay taxi rank is required.

Any further comments will be reported verbally.

LONDON UNDERGROUND LIMITED:

Response updated on 22 September. No objection subject to conditions to ensure that the development will not have a negative impact on London Underground structures at each stage of development.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS:

Any response to be reported verbally.

PADDINGTON BID:

Any response to be reported verbally.

LONDON FIRE SERVICES:

Any response to be reported verbally.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY:

Any response to be reported verbally.

CANAL & RIVER TRUST:

Further overshadowing of the Grand Union Canal, which is not noted in the applicant's Daylight and Sunlight Report. This should be mitigated by introducing nearby habitat enhancements.

THE INLAND WATERWAYS ASSOCIATION:

Any response to be reported verbally.

HISTORIC ENGLAND:

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

HISTORIC ENGLAND (ARCHAEOLOGY):

No objection subject to condition for the submission of a written scheme of investigation submitted prior to commencement of works in the form of Geotechnical Monitoring and a Watching Brief.

LONDON HISTORIC PARKS AND GARDENS:

No response to date.

THAMES WATER UTILITIES LTD:

No objection subject to conditions and informatives in relation to sewage and water supply.

Item No.
1

CROSSAIL:

Request for more time to respond. Any response to be reported verbally.

NETWORK RAIL:

No objection however comment that the site is in close proximity to the main line and further discussion should be had with Network Rail's Maintenance Protection Co-Ordinator. Applicant will need to enter into a Basic Asset Protection Agreement prior to works taking place. Comments are given for the safe operation of the railway and adjacent land namely in relation to: fencing; drainage; safety; demolition; access to railway; site layout; piling; excavation/earthworks (in consultation with the local council); signalling; environmental issues; landscaping; plant/scaffolding/cranes; lighting and safety barrier.

THE ROYAL PARKS:

Objection on the grounds of excessive height of the new building and its impact on views from many Inner Parks, namely Kensington Gardens, Hyde Park, The Regent's Park and Primrose Hill. 75m AOD is total height considered possible at this site. Note that an objection was also raised to the proposed building at 31 London Street.

PADDINGTON RESIDENTS ACTIVE CONCERN ON TRANSPORT (PRACT)

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Support proposals as they will generate employment and increase footfall. Height of building is acceptable. Officers should satisfy themselves that level of light injury on adjacent buildings is consistent with other recent approvals in the area. Proposed top floors bar/restaurant is welcomed and should be detailed in the S106. Request for neighbours views to be taken into consideration.

HYDE PARK ESTATE ASSOCIATION:

No objection, the building will add new facilities for both residents and workers. Impressed by design thinking behind internal and external spaces.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Raise an objection and comment on the following grounds:

- No objection to hotel use (subject to impacts on amenity and transport).
- Objection on grounds of loss of light. Careful consideration of daylight and sunlight required. Suggest reduction in height of building.
- No comment in relation to views, notes the assumption that other buildings which have consent will be built.
- Request for condition to limit late night noise and disturbance.
- Request for condition for monitoring of drop-off/pick-up area.
- Note and support the requirements of LUL and Crossrail to safeguard structures.
- Request for condition regarding continued access for maintenance to underside of Bishops Bridge Road.

DESIGNING OUT CRIME OFFICER:

No objection.

CLEANSING MANAGER:

Item No.
1

Request for a revised plan to show the waste storage location including for cooking oil and cardboard bailer.

GO GREEN PROGRAMME OFFICER:
Any response to be reported verbally.

ARBORICULTURAL OFFICER:
Comments in relation to landscaping and green roofs provided. Further information is required, however this can largely be secured by condition.

BUILDING CONTROL:
No adverse comments.

HIGHWAYS PLANNING MANAGER:
Raise no objection in relation to servicing, coaches, car parking, travel plan or construction impacts. Concerns raised in relation to lack of details in relation to capacity and the resultant impact on the highway network particularly when large events end. Other issues such as cycle parking and alterations to the ramp and vehicle barrier can be secured by condition.

ENVIRONMENTAL HEALTH:
No objection subject to conditions in relation to contaminated land, noise from plant, construction and entertainment uses.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1575
Total No. of replies: 100
No. of objections: 98
No. in support: 2

Objections raise some or all of the following points:

Amenity:

- Loss of light and overshadowing to both residential flats and public realm within Paddington Central, contrary to BRE guidelines and Council Policy;
- Inaccurate uses of rooms within the applicant's daylight/sunlight report, with main habitable rooms affected;
- Unclear calculations and inaccurate assessment within the daylight/sunlight report therefore insufficient information;
- Incorrect interpretation/ use of the BRE guidelines;
- Loss of privacy due to overlooking;
- Noise disturbance from increased activity and late night activity from hotel and entertainment uses;
- Loss of light to garden/central shared space, which will make the space less usable by residents and office staff;
- Dudley House is a poor example for comparison in relation to how a building would perform for daylight in an urban environment.

Design:

- The proposed tower is out of character with the scale of the area;

Item No.
1

- Proposals will have a negative impact on the character and appearance of the adjacent Bayswater Conservation Area;
- Proposal does not accord with Paddington Central masterplan;
- Tower will have a negative impact on adjacent heritage assets.

Other:

- Reduced property price;
- Loss of outlook;
- Loss of landscaping and public realm.

The Sheldon Square Residents Association have had representations submitted on their behalf from 'eca, architecture and planning' and 'Ansley Horne, rights of light and party wall consultants'. In addition to the comments outlined above, they raise comment in relation the way the daylight and sunlight data can be manipulated, its interpretation and to the justification of the proposals in relation to the BRE guidance.

2 Letters of Support who welcome the proposals and any resultant benefits to the area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is within the Paddington Central campus on the north side of Bishops Bridge Road. The existing building on the site is the Management Office which is a small structure on the south side of Sheldon Square at its junction with Bishop's Bridge Road. The existing building is unlisted and not regarded as a heritage asset, the site lies outside a conservation area and the Central Activities Zone (CAZ) but is within the North Westminster Economic Development Area (NWEDA) and the Paddington Opportunity Area (POA).

The Paddington Central campus is an area of modern redevelopment, which occupies the site of the former Great Western Railway Goods Depot. The campus is surrounded by substantial elements of transport infrastructure: with the railway lines into and out of Paddington Station on its south side; the Paddington Branch of the Grand Junction Canal on its east side; the elevated A40 (Westway) to the north; and Westbourne Bridge on the west.

Paddington Central is a predominantly commercial estate comprising offices and a hotel, with a retail presence at street level. The exceptions to this are 7-11 and 21-27 Sheldon Square at the eastern end of the campus and adjacent to the canal, which are two residential blocks again with retail activity at ground level. All of the buildings on the site are no more than twenty years old and their design and layout derived from a masterplan devised in the late 1990s and an outline planning permission granted in 2000. The campus has been built out in phases with the buildings surrounding Sheldon Square forming the first phase; and then the buildings along Kingdom Street (2, 3 & 4 Kingdom Street and Novotel) following as a second phase. The site at the western end of Kingdom Street, which would be where no.5 Kingdom Street would stand, has yet to be built. In terms of building height, the buildings which have been built are of a broadly consistent height, in the order of 42-45m above the height of the canal towpath. The architecture of the first phase

Item No.
1

includes relatively plain and unrelieved floor to ceiling high-iron glazing for the office blocks; while the residential blocks also feature large areas of glazing, albeit a greater degree of relief and refinement is provided by stone cladding, recessed balconies and set-backs to the higher levels. Overall this first phase has a somewhat monotone and sombre appearance, largely caused by the architecture and choice of materials. The second phase of buildings, along Kingdom Street, has introduced buildings of greater architectural interest and quality.

In terms of designated heritage assets there are a large number of listed buildings and conservation areas which are located in the surrounding area. These include the Bayswater Conservation Area, whose boundary is on the south side of Bishop's Bridge Road and which extends for some distance to the south; the Maida Vale Conservation Area and the Paddington Green Conservation Area bound the north side of the A40 (Westway) and extend northwards. Conservation areas at a slightly greater distance away include the Hallfield Estate Conservation Area, the Queensway Conservation Area and the Westbourne Conservation Area, which lie to the south-west and west of the application site; and further to the south lies the Royal Parks Conservation Area which includes both Hyde Park and Kensington Gardens. In terms of listed buildings, the grade I Paddington Station lies just to the south of the site, with parts of MacMillan House only about 100m to the south. The grade II* former British Rail Maintenance Depot Blocks lie to the north on the north side of the Westway. Within the conservation areas there are also a large number of listed buildings, for the most these are grade II listed and in the case of Bayswater, Maida Vale and Westbourne are predominantly nineteenth century residential buildings (either terraces or villas).

6.2 Recent Relevant History

Outline planning permission was granted on 23rd May 2000 (Ref 97/06935/OUT) for:

'Redevelopment to provide a mix of uses; namely offices, 210 residential units, local shopping and studio/ light industrial units in buildings between 7 and 13 storeys in height. Creation of new access off Bishops Bridge Road and new egress ramp, provision of basement car parking and ancillary office accommodation. New footpaths and pedestrian links including a new footbridge across the canal'

Subsequent to this permission there have been numerous applications for reserved matters and variations to this original permission, however the most relevant was granted 28 September 2000 (00/04383/RESMAT) which included details of the management offices for:

Approval of details of layout, siting, design, access, parking and landscaping Phase 1 buildings pursuant to condition A1 (a), (b), (c), condition J.1 and J.2 (canal footbridge) and condition M (disabled access) of outline permission.

7. THE PROPOSAL

Planning permission is sought for the erection of a new building in place of the existing management offices at Paddington Central. The building is to comprise of 20 floors above ground floor level (where Bishops Bridge Road is ground floor level) and 3 levels below ground floor levels. The main use of the building is to be a hotel, with ancillary facilities such as bar/restaurant and conference facilities towards the top of the tower and alternative flexible uses at ground and lower levels. The flexible uses include hotel (C1), retail (A1), restaurant/cafe (A3), drinking

establishment (A4). During the course of the application the applicant has altered the proposed uses at lower level, removing the previously proposed D1 and D2 uses. The intention is that 185 hotel bedrooms will be available between level 2 and 15 with the potential for an additional 15 rooms at levels 16-18.

The new works also include re-landscaping the whole of the existing vehicular entrance area to Paddington Central from Bishops Bridge Road, including the removal of the existing glazed 'knuckle building' which provides lift access between the main pedestrian levels and basement levels. A new lift is proposed in a revised location between the canal and Bishops Bridge Road levels and a new entrance proposed to the existing lift, which provides disabled access down to the lower levels. These lifts are to be secured by condition, to be provided prior to occupation.

Table 1: Land use figures (GIA sqm)

Use	Existing	Proposed
Office (Class B1)	581	0
Hotel (Class C1)	0	13,485
Level 00 Flexible hotel (C1) Retail (A1)		35
Levels -01 & -02 Flexible hotel (C1), retail (A1), restaurant (A3) bar (A4)	0	726
Other (knuckle building)	246	430
Total	827	14,676

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S3 within the City Plan relates to the Paddington Opportunity Area, which this site is located within. It states that the 'provision of a range and mix of uses across the Opportunity Area including'...'other uses to support the economic and social regeneration of the area, including retail, social and community facilities, entertainment and arts/cultural uses. Where appropriate, other town centre uses should provide active frontages at ground floor level.'

Policy S12 of the City Plan states that development should contribute to increasing economic activity within the area, or provide local services or improving the quality and tenure mix of housing.

As the proposals will result in a range and mix of uses, the proposals are considered to be in accordance with these policies.

While the main use of the tower will be as a hotel, it is proposed for parts of the tower and the majority of the ground and lower levels to have a flexible/ alternative uses, namely Hotel (C1), retail (A1), restaurant (A3) and bar (A4). Due to the range of uses proposed the following sections of this report will assess the impact of each the proposed uses in turn as well as the loss of the existing offices.

8.1.1 Loss of Management Suite B1 office use

Item No.
1

Policy S20 of the City Plan states that 'losses of office to other commercial or social and community uses are acceptable as they likewise contribute to the commercial activity in the area.' There are currently no adopted or saved policies which protect against a change of use from office to uses other than residential, the principle of the loss of B1 floorspace is therefore considered acceptable.

8.1.2 Hotel C1 Use:

Policies TACE 2 (A) within the UDP and S23 within the City Plan relate to new hotels. The policies state that new hotels will be directed to Special Policy Areas, such as Paddington, to streets which do not have a predominantly residential character and where the hotels will have no adverse environmental and traffic effects and adequate on-site facilities incorporated for picking up and setting down of visitors, be that by coach or taxi.

While there are two residential blocks within close proximity to the site, the impact upon which in terms of light and enclosure is discussed within the amenity section of this report, it is not considered that the 'predominant' character of the area is residential, given the location of the site within the mixed, but mainly commercial, Paddington Central development. Likewise the impacts of the development in terms of coaches and parking are also discussed elsewhere within this report.

The principle of a hotel use is however generally supported by policies TACE 2 and S23, which specifically direct such developments to the Paddington Special Policy Area. Whilst there is an existing hotel (Novotel) within Paddington Central, there are no objections in land use terms to another hotel use at this end of the campus. Further to this the GLA have strongly supported the use in strategic terms

8.1.3 Retail A1 shop use

Land Use:

Policy S21 of the City Plan states that new retail floorspace will be directed to the designated Shopping Centres.

Policy SS10 of the UDP states that proposals for retail development outside District or Local centres will not be permitted if they would cause demonstrable harm to the vitality or viability of existing centres.

The nearest centres are the Praed Street District Centre and the Church Street / Edgware Road District Centres. There are also other shops and services located within the development itself, however these are generally located around the adjacent sunken amphitheatre and along the canal. These are mostly food and beverage providers, as well as a Sainsbury's supermarket.

Given the relatively closed nature of the Paddington Central development, the majority of users of any new shops are likely to come from within the development itself or from passers-by on the canal. Given this, it is considered that should a retail use occupy either part of or the whole proposed site, it would not result in demonstrable harm to the viability of adjacent District Centres.

Amenity:

Item No.
1

It is not considered that the use of the premises as a Class A1 Use would give rise to significant adverse impacts on the amenity of adjoining occupiers. The main impact of a large shop would be from servicing vehicles, should the unit be used as something such as a supermarket or a furniture shop. A condition is therefore recommended to ensure all servicing takes place below Kingdom Street level so that it does not cause any disturbance to adjacent residential and commercial occupiers.

8.1.4 Ancillary Hotel (including restaurant/bar/conference at levels 16-19), Restaurants, Cafés and Drinking Establishments C1/A3/A4 uses

Land Use:

The proposals have the potential to provide 726sqm of either C1/A3/A4 (or A1 see above) floorspace across the lower floors and 1674sqm of ancillary hotel accommodation on levels 16-18. Any new entertainment uses over 500m² must be assessed against Policy TACE 10 which states that such uses are only permissible in 'exceptional circumstances'. Policy S24 within Westminster's City Plan is also relevant and states that new large scale, late night entertainment uses of over 500m² will not generally be appropriate within Westminster. The UDP includes a schedule of what exceptional circumstances may constitute:

- a) a general reduction in adverse effects on residential amenity and local environmental quality when compared with the existing activity on the site;
- b) the retention of a use which has a long-standing association with the area, or makes a major contribution to its character or function;
- c) the retention of a valued Central London activity which is of national or international importance;
- d) proposals which are shown to be necessary to improve health and safety standards, or access for disabled people;
- e) the provision of restaurants and cafés on the second floor and above in Oxford Street, Regent Street and Piccadilly;
- f) in the Paddington and the North West Westminster Special Policy Area, the achievement of regeneration benefits.

Part (f) is relevant given the location of the site within the Paddington Opportunity Area. The question is therefore do the proposals achieve 'regeneration benefits'? The proposals will provide a new hotel and entertainment facilities which can be accessed by the general public and will therefore provide some regeneration benefits over the existing office use.

It must be noted, however, that Policy TACE 10 was adopted prior to the publication of the National Planning Policy Framework (NPPF). Although the policy still holds weight as a saved policy, the NPPF has impacted on the assessment of larger entertainment uses because it is no longer sufficient for the City Council to argue that a use would not satisfy any of the policy criteria.

Permission was refused on 10 July 2012 for an extension to a new restaurant at 34 Grosvenor Square as it was contrary to Policies TACE 10 and the then draft Policy CS23 of the Core Strategy (now adopted policy S24 of the City Plan). The decision was appealed (Ref APP/A/12/2183693). The Inspector determined to grant permission as it was not considered that the proposed use would result in material harm to the living conditions of adjacent occupiers. He concluded that the absence of proven harm qualified as an exceptional circumstance.

Item No.
1

Such decisions are material considerations and the Council must therefore identify the specific harm that would be caused if it were to refuse an application and explain why it would be contrary to sustainable development objectives.

In economic terms the proposed use would result in the loss of B1 office floorspace but new jobs would be created to compensate this impact.

In environmental terms the new building has ventilation ducting to serve any restaurant use, venting at roof level (discussed below). Dedicated servicing and waste facilities are provided (discussed in Section 8.4) and there is no reason to presume that, with suitable management procedures in place, the new use would result in littering or pollution of the public realm.

It is accepted that there would be a degree of impact on the social realm. C1/ A3/ A4 uses are likely to result in some increased vehicle movements from deliveries and increased pedestrian movements in the evening, which contrasts with typical patterns of the existing office use. Unless the additional movements would result in 'significant adverse impacts on health and quality of life' as set out in paragraph 123 of the NPPF, it is not considered that the proposed uses would result in significant social harm that would be contrary to the overarching principle of the NPPF to promote sustainable development.

Given the location within the Paddington Opportunity Area and subject to conditions to help to protect the amenities of neighbouring residents, it is considered that an exception circumstance could be argued in this instance. Conditions are recommended for the submission of an Operational Management Plan, prior to commencement of development to implement a particular use in that part of the development, to show the size and layout of the proposed unit.

19th Floor:

In order to ensure that public access is maintained to the nineteenth floor of the building, a clause in the S106 is recommended. This will ensure that this public benefit is secured as part of the development. Details of this use will (such as layout and management), will be submitted as part of the Operational Management Plan, to ensure that the use is acceptable in both land use and amenity terms.

Amenity:

Policies S29 and S32 within the City Plan relate to residential amenity and noise and are therefore applicable. UDP Policy ENV 6 also relates to noise pollution and requires design features and operational measures to minimise and contain noise from developments, to protect noise sensitive properties. Policy ENV7 specifically relates to noise and vibration from mechanical plant, setting out noise standards for different parts of Westminster. In relation to the proposed entertainment uses, TACE 8, 9 and 10 are also applicable, within which paragraph 8.83 states that when assessing the potential adverse impacts of a proposal, matters to be taken into account will include the gross floorspace, capacity, type of use proposed, the opening hours, the provision of effective measures to prevent smells, noise and vibration disturbance, proximity to residential uses, the existing level of night time activity and the number of existing and proposed entertainment uses in the vicinity and their opening hours.

External noise and general disturbance:

The proposed uses are likely to result in increased noise from vehicles, staff, and general disturbance from visitors arriving and departing from the site throughout the day and into the evening.

Item No.
1

In order to mitigate against potential noise disturbance in relation to the proposed uses, an Operational Management Strategy has been submitted. This sets out how the restaurant/bar would operate including details of staff management, security and servicing. No details such as capacity or opening hours have been provided.

As the final operators or use of the development is currently unknown, a condition is recommended for the submission of a new Operational Management Plan with details of how the selected operator will manage each unit. This could be in the form of a separate restaurant operator, or in relation to an ancillary hotel function, so as a hotel bar or event space. The information contained within the plan will vary depending on the proposed use, however is likely to include details such as servicing, opening hours, capacity, staff and visitor management, security etc. It will also need to include details of how people who leave the site, particularly at closing time will be managed so that disturbance to adjacent residents is kept to a minimum. For instance it is noted within the Planning Statement that there is the potential for a late night exit point under Bishops Bridge Road, which could be used should people be leaving later in the evenings.

Visitors arriving at the site by foot would arrive to either the Bishops Bridge road or canal level entrances. Officers have raised concerns in relation to the large expanse of openable frontage at the canal level, which was originally going to be bi-fold doors, and its impact on the residential occupiers directly above. The flats at first and second floor levels do not have mechanical ventilation and are therefore reliant on openable windows to provide ventilation. While there is existing background noise, the frontage located below these windows is not currently active, so there is limited noise from commercial sources.

Following officers comments the applicant has suggested various levels of solidity and door options for this frontage. They have also offered that a condition could be imposed for any openable glazing to be fixed shut past a certain time (such as 9pm). Officers remain of the view that given the close proximity of residential occupiers that this frontage should be of fixed glazing (except for entrance doors) in order to limit the impact of the new use/s.

The proposed ground floor of the hotel is more solid, with fixed panes of glass with inset entrance doors. This frontage is further removed from the residential accommodation and is to provide an entrance to the hotel rather than an entertainment use and is therefore considered acceptable.

Given the proximity of the residential flats and to tie in with the permitted terminal opening hour of other adjacent commercial units, a condition is recommended to limit the opening hours (to anyone not staying overnight at the hotel) for any of the proposed A1/A3/A4/C1 uses to 11pm to protect residential amenity from patrons coming and going to the site.

Vehicles:

While there may be an increase in servicing vehicles associated with the proposed uses, this would be undertaken from the dedicated servicing areas which are accessed on the lower levels. In relation to taxis, while these can use Kingdom Street, it is not considered that these will give rise to a significant loss of amenity given the existing commercial nature of the development. A condition is recommended to ensure that servicing is not undertaken at Kingdom Street level as is undertaken from the dedicated servicing areas at sub-podium level to ensure it does not cause harm to the local environment.

Cooking ventilation:

Item No.
1

The proposals include the provision of ventilation ducting which the application documents confirm terminate at roof level. As full details of the ventilation system have not been provided with the application, a condition is recommended for these details to be submitted prior to any primary cooking being undertaken on the site to ensure that ventilation is at roof level and there is no negative impact on the local environment.

8.2 Townscape and Design

8.2.1 Legislation and Policy

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and a detailed description has been provided within the applicant's Planning Statement, but it is considered worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance, which relate to design, townscape impacts and heritage protection:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

In terms of the NPPF the key considerations are addressed in Chapters 7 and 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets.

Policy S3 of our City Plan relates to the Paddington Opportunity Area and paragraph 3.14 of this policy states:

"Evidence indicates that there is very limited potential for the location of tall buildings within the Opportunity Areaⁱⁱ. The Opportunity Area has scope for the development of medium height large floorplate buildings in keeping with the larger buildings in the surrounding townscape. Permission has been granted for one significantly higher tall building of exceptional quality on Harrow Road between North Wharf Road and Harbet Road to act as a landmark for the Opportunity Area."

(ii – The High Building Study 2000)

The Reasoned Justification to the policy states:

"The redevelopment of sites in the Paddington Opportunity Area has established a general height and scale for new buildings reflecting that of the higher buildings in the surrounding area. The location identified for the tall building set out in the policy allows for the creation of a landmark building but without harm to the character of the surrounding townscape."

This policy also seeks to provide: a range of office floor space; other uses to support the economic and social regeneration of the area; public transport and interchange improvements; public realm improvements; and new public open space.

Policies S25, S26 and S28 of our City Plan are strategic policies which recognise the importance of Westminster's historic townscape and the need to conserve it, protecting strategic,

Item No.
1

metropolitan and local views and requiring exemplary standards of sustainable and inclusive urban design and architecture.

Policy DES1 of our UDP sets out principles of urban design and conservation to ensure the highest quality in the form and quality of new developments in order to preserve or enhance the townscape of Westminster.

DES 3 of the UDP relates to High Buildings and seeks to protect and enhance Westminster's townscape, historic character and skyline.

DES 4 of the UDP sets out criteria to ensure the highest quality of new development in order to preserve or enhance Westminster's townscape. The policy sets out considerations whereby new infill developments must have due regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas and conforms to or reflects urban design characteristics such as building lines, storey heights, massing, roof profiles and silhouettes of adjoining buildings, distinctive forms or architectural detailing prevalent in the local area, existence of set piece or significant building groups.

Policy DES 7 of the UDP seeks to ensure the highest standards of design in all townscape details, including encouraging the provision of public artwork for suitable schemes of redevelopment.

Policy DES 9 of the UDP aims to preserve or enhance the character or appearance of conservation areas and their settings.

Policy DES 10 of the UDP seeks to ensure that planning permission is not granted for proposals which have an adverse impact on the setting of listed buildings.

Policy DES 12 of our UDP seeks to protect the integrity and appearance of Parks, Gardens and Squares. This includes protecting existing views out from parks.

Finally policy DES 15 seeks to protect Metropolitan and Local Views, and indicates that permission will not be granted for developments which would have an adverse impact upon important views of listed buildings, landmark buildings, important groups of buildings, monuments and statues, parks, squares and gardens, the Grand Union and Regent's Canal and the River Thames.

8.2.2 The Proposed Development

The new development will provide a new hotel, with associated retail, restaurant, bar, conferencing and leisure uses. The proposed scheme will also include changes to the surrounding public realm. The main building will appear as a ground plus 20 upper storeys which is sited in approximately the position of the current Management Office, however, the lower levels of the new building (i.e. Levels -01, -02, -03 and B1) will exploit the under-used space beneath Bishop's Bridge Road and the entrance road into Sheldon Square to provide a larger hotel footprint at these lower levels. These lower level works will include replacing the retaining wall and entrance road between the Management Office and 21 Sheldon Square, as well as removing the structure referred to as the 'knuckle building', which is the lift access structure at the northern end of the retaining wall. In their place will be a new floor of hotel and restaurant/bar space. This new floor will be accessible from canal level and will replace the current retaining wall, with a new wall of glazed openings. Below this level at -02 (amphitheatre level) the retaining wall to the amphitheatre will be modified and its footprint moved further northward, with a new lift access

Item No.
1

point created. At this lower level and largely hidden from view the void beneath Bishop's Bridge will also be exploited, with new structure to provide ancillary hotel floorspace. The lowest levels of the development at Level -03 and B1 will be very much back-of-house spaces largely supporting servicing and plant functions.

The new building as it rises out of the ground will occupy a relatively small footprint between 1 Sheldon Square and the newly formed entrance road. The main ground floor level will be at the level of Bishop's Bridge Road and will form the main entry point into the hotel and will be expressed as a double-height area, with additional lobby/communal hotel space at first floor. Thus combined with the new canal level entrance, the new hotel will effectively have three levels of animated lobby space, which will be connected by a central circulation void.

Above these lobby areas the main body of the hotel rises with hotel rooms on floors 2-15, then floors 16-18 are proposed to have a more flexible hotel use and could be either conference, meeting rooms, private dining, hotel bar/restaurant, or they could be used for more hotel rooms. The 19th floor is proposed to be a bar/restaurant which would be open to the general public. Finally there would a storey of plant above this, which would effectively be level 20.

In terms of height and massing the new building would rise to a height of 112.55m A.O.D. or in other words would be 82.45m above the canal towpath and 78.3m above Bishop's Bridge Road. It will occupy a relatively small footprint at ground level, but this will reduce further as it rises with a series of set backs at levels 11, 14 and 17 which creates a tapering to the massing. These shoulders in addition to breaking down the massing also relate to height datums on adjacent buildings.

This tapering effect in the massing is also a strong component of the architecture, with a clear hierarchy expressed and lightening of the massing as the building rises. The base of the building is in the form of robust stone piers which form a 2 storey colonnade as visible from Bishop's Bridge Road and Sheldon Square. The main body of the building sits on this base and the facades are expressed as vertical piers with a regular rhythm and distribution of windows. The principal cladding material will be a glazed terracotta tile, intended to have variation to its finish through the hand-coloured glazing and in the form and size of the tiles. Further animation and visual interest to the facades is provided in the moulded terracotta spandrel panels, the castellated parapets to the various shoulders and by the gradual reduction in size of the piers as they rise, with a consequent increase in the size of windows. The effect of this is intended to reduce the massing and produce an elegant and well articulated building. At the various shoulders created it is intended that living roofs are provided at levels 11 and 14, while at level 17 an external amenity terrace, with views southwards would be provided. The piers extend to a castellated parapet which encloses the plant storey as well, thus providing a coherent termination to the building.

Impact of the Development on Townscape and Heritage Assets

The proposed height and design of the new building will mean that it will be a significant intervention into the townscape, which will be appreciable both in the immediate vicinity and from further afield. In many cases it will be visible from within conservation areas and within the context of listed buildings. A 'Townscape and Visual Impact Assessment' has been undertaken as part of the application, which has considered the visual impact of the building from 53 views.

An important consideration is that the site lies within the Paddington Opportunity Area and in the immediate vicinity of other development sites, many of which have permission for relatively tall buildings and in some cases these approved buildings are currently under construction. These

Item No.
1

consented schemes are also included in the views assessment. The development schemes of particular relevance are:

- Over-Station Development above the Hammersmith and City Line on the south side of Bishop's Bridge Road, lies only 60m to the south-east of the application site and includes a building which rises 75.5m above the canal towpath. At present there is no indication that this scheme is to commence;
- 55-65 North Wharf Road is on the east side of the canal and lies approximately 100m to the east of the application site. The new office building on this site is currently under construction and when completed will rise to 71.13m above the canal towpath;
- Dudley House lies just to the east of 55-65 North Wharf Road (approximately 150m to east of application site) and is currently under construction. When complete the tower element of this development will be 61.5m above canal towpath level.

Slightly further away, but still within the Paddington Opportunity Area are:

- 1 Merchant Square (approximately 475m to east of application site), this is the 'one significantly higher tall building' that has been approved and is referred to in City Plan Policy S3. Construction has not commenced on this but the approved building rises to approximately 149.5m above the canal towpath level;
- 31 London Street, perhaps better known as the 'Paddington Cube' lies approximately 365m to the south east of the application site. Permission has been granted for a building which rises to 74.2m above street level (excluding feature pole). This decision is the subject of a Judicial Review.

Further still and lying outside the Paddington Opportunity Area is West End Green, which lies approximately 550m to the east of the application site and includes a tower element which is approximately 104m above street level. Work to implement this development has commenced.

Therefore in the context of the Paddington Opportunity Area and the consented schemes referred to above, the current proposal would complement a group of 'medium height' buildings. Indeed sitting close to the group of Dudley House, 55-65 North Wharf Road and the Over-Station Development site, it would form a cluster of buildings which would range in height between 61.5m and 82.5m above canal towpath. Considering this in the light of policy S3 it is considered that at 82.5m it sits amidst the medium height buildings, but is still significantly below the height of 1 Merchant Square, which if built, would remain the noticeably taller building within the Opportunity Area. Thus in terms of its height, the proposal is considered to accord with policy S3 of the City Plan.

Within the context of the Paddington Central campus, the proposed building would clearly represent a departure from the prevailing heights and have a singular character and appearance, both in terms of its height, but also its architecture. The consideration in this context is whether this difference has an adverse impact. The broadly consistent height of the existing campus does create uniformity to massing, but equally the large floor plate office buildings also create a very heavy, solid group, with minimal estate-wide articulation and interest. The introduction of a taller, but slender building of differing architecture and facing materials, would provide some articulation and visual stimulation to the wider estate, without harming the estate's coherence, or overwhelming the established layout and massing.

The application has also included an assessment of the impact on the microclimate caused by the new building considering its impacts on the public realm, and in regard to overshadowing and

Item No.
1

wind the proposal would maintain good levels of sunlight to the public realm, particularly the amphitheatre; and would not introduce any adverse wind conditions.

In terms of the wider townscape, the height of the proposed hotel will mean that it will be visible from a wide range of vantage points including from within nearby conservation areas and will be visible in the setting of a large number of listed buildings. In terms of Strategic Views the new building would be visible at the extreme right of the London Panorama from Primrose Hill (LVMF View 4A.2), well away from the focus of the view towards the Palace of Westminster and in summer time is obscured by trees. In winter it will not markedly change the skyline and does not have an adverse impact on this strategic view.

In terms of the impact upon the Royal Parks, an assessment has been made of views from within Hyde Park, Kensington Gardens and Regent's Park, which are all grade I parks on Historic England's Register of Parks and Gardens and are also conservation areas. The views assessed indicate that for the most part the development will not project above the tree-line or where it does it will not be to a greater extent than existing and consented buildings in the same view. Perhaps the most prominent view of the new building will be from the Serpentine Bridge (Views 4 and 4.1), where it will be visible within a gap in the trees. However, even in this view the building sits amidst the trees rather than above them and there are other existing buildings in the same view which have the same visual impact. The darker tone of the proposed cladding does also mitigate the visual impact, appearing more subdued, when compared with buildings with lighter-coloured cladding materials. Given this level of impact, it is difficult to understand the objection from The Royal Parks, who suggest that the excessive height would have a major impact on views from these parks and from Primrose Hill. These comments have not been substantiated with reference to the views assessment and as such the merits of their objection are not shared by officers. In conclusion the proposed new building is not considered to have an adverse impact upon the setting of the Royal Parks.

In addition to these conservation areas, views from within four other conservation areas have also been assessed, namely Fisherton Street Estate, Paddington Green, Bayswater and Maida Vale. Of these the impact from the Fisherton Street Estate Conservation Area and the Paddington Green Conservation Area (Views 7, 7.1, 8 and 8.1) is negligible. In the case of the impact on the Fisherton Street Estate Conservation Area, the new development would be over 800m away and does not introduce a discordant scale at this distance. With regard to the Paddington Green Conservation Area, the density of trees provides a considerable screen, but even in winter the townscape relationship between the conservation area and the Paddington Opportunity Area is already one where large scale buildings feature in the backdrop to the conservation area in views looking south and west and in this context the proposed new building would complement this townscape juxtaposition.

It is from viewpoints within the Bayswater Conservation Area and the Maida Vale Conservation Area where the new building will most prominently appear. Examples of this are Views 10, 11, 19, 19.1, 21, 21.1, 22.1, 23.1, 24, 24.1, 27 and 30, where the new building will appear as a taller element in the background of the lower-scale, predominantly nineteenth century residential townscape. For the most part, when considered alongside the consented schemes, the new building would have a comparable impact, appearing as one of a group of larger-scale buildings. Good examples of this scenario would be Views 10 (within the Bayswater Conservation Area) and 19.1 (within the Maida Vale Conservation Area), in both these examples because of the grid layout of the streets, the new development will be axially aligned and appear as a prominent building terminating these views, however, when the consented schemes are also taken into

Item No.
1

account, the new building would not appear out of place with the consented arrangement and as such it is considered that the setting of these conservation areas would be preserved.

Because the Maida Vale and Bayswater Conservation Areas are laid out in grid patterns and sweeping crescents, there are many situations where despite reasonable proximity to the application site, the street alignment means that the development does not impact upon the townscape from street level views. Examples of this would be Views 13 (Bayswater Conservation Area and 340m from the application site) and 20.1 (Maida Vale Conservation Area and 670m from application site) where in both cases because the new development is not axially aligned with the street pattern, it is obscured by the foreground buildings.

Other conservation areas, at a further distance from the site, namely the Hallfield Estate Conservation Area, the Westbourne Conservation Area and the Queensway Conservation Area have also been considered within the applicant's Townscape and Visual Impact Assessment. Because of their distance from the site and the orientation of the street patterns, it is considered that there would be negligible impact on the setting of these more distant conservation areas.

Within both the Maida Vale and the Bayswater Conservation Areas there are also a large number of listed buildings. The majority of these will be residential buildings of nineteenth century date, either in the form of terraces or villas. There are other listed buildings of a non-residential character and notable amongst these, in terms of proximity to the application site, are the grade I listed Paddington Station; the grade II* listed former British Rail Maintenance Depot Blocks at 179 Harrow Road and St Mary's Church; the grade II listed Hilton London Paddington (formerly the Great Western Hotel), the Mint Wing and Clarence Wing of St Mary's Hospital.

With respect to the listed terraces and villas, the impact of the new development is much the same as that to the setting of the Maida Vale and Bayswater Conservation Areas. Where the alignment of streets or proximity of buildings allows a view of the proposed new building in the backdrop of these listed buildings such as in Views 22.1 or View 30, it will be seen amongst the other consented taller buildings within the Opportunity Area. In such circumstances the impact is not considered to be harmful. Furthermore at their closest the listed terraces and villas lie in excess of 200m from the application site and thus the juxtaposition of height is not a sharp contrast and any impact is softened and mitigated by the distance.

The new building will impact upon the setting of Paddington Station and the Mint Wing as demonstrated in Views 10 and 11. In terms of the grade I listed station the new building would appear in views from the south and would rise behind the train shed roof of Span 4. The roof profile and external appearance of this part of the station is not considered to be one which is sensitive to change and indeed it is considered that the station is a somewhat introspective building and much of its significance derives from its internal engineering and architecture. Also the new building would be seen alongside the Over-Station Development (if built), which in these views would have a comparable impact. The Mint Wing building already sits amidst a range of buildings of varying age, architecture and height and in this context the proposed building would not result in an adverse impact to its setting.

Finally, in terms of the grade II* buildings referred to, the impact of the new building would have a negligible impact upon their setting due to the screening effect of other buildings and trees.

Another heritage receptor of note is the canal network including Little Venice and the Paddington Basin arm of the Grand Junction Canal and the new development will be seen in canalside

Item No.
1

vantage points such as Views 23, 23.1, 24, 24.1, 25, 25.1, 26, 26.1 and 27. The impact of the proposal on the canal is not considered to be harmful given the prevailing townscape character of the canalside at this point, namely an area of recent regeneration in the form of Paddington Basin and Paddington Central, where a number of large scale modern buildings have been built, or for which permission has been granted.

Thus the overall impact of the proposed new building on the wider townscape and upon the setting of heritage assets (including designated heritage assets) is for the most part considered to be a neutral one. Where the building can be seen as a prominently taller building in the backdrop to lower scale nineteenth century townscape, this does replicate similar impacts caused by other consented taller buildings within the Opportunity Area. Nevertheless, the simple change in scale, where a consistency of scale is a characteristic of a conservation area, or a listed terrace, could be considered as having some degree of harm on this character and this is a point made by many of the objections to the scheme, however, under the terms of the NPPF, this harm is considered to be in the category of less than substantial, and to be of a very slight harm in any spectrum of this category.

8.2.3 Design Conclusions

The proposed development is considered to be acceptable in design terms and to broadly accord with the design policies referred to above. The proposed new building will be a prominent introduction into the townscape, but its height and slender form would complement its immediate context (the Paddington Opportunity Area) and would on the whole have a neutral impact on the wider historic townscape.

The materials, modelling and relief of the design will introduce a crafted and visually stimulating new building of high quality. The design will also utilise large areas of currently underused space beneath the current Management Office, thus offering the potential to further animate the public realm and contribute to a thriving mixed-use sustainable neighbourhood and destination, as envisaged by City Plan policy S3. These benefits combined with opportunities to support the local economy, including employment opportunities are considered to acceptably outweigh any harm caused to designated heritage assets. They are also benefits identified by some of the consultation responses, notably the Greater London Authority, the Paddington Waterways and Maida Vale Society and the Hyde Park Estate Association.

8.3 Amenity

Considerable objection has been received from residents within the two adjacent residential blocks 7-11 and 21-27 Sheldon Square on the grounds of loss of light, and loss of privacy due to overlooking. 21-27 Sheldon Square is in close proximity to the new tower and is therefore the most affected, however the impact on both buildings is discussed here. The Sheldon Square Residents Association has also commissioned their own independent review of the applicants daylight, sunlight and overshadowing reports (see background papers), which raises objection and questions some of the methodology used, the interpretation of the BRE, the negative impact on the adjacent residents, the lack of daylight distribution contours (subsequently provided), overshadowing and that they consider the use of Dudley House (a recent permission granted) as a poor example for comparison in relation to how a building should perform for daylighting in an urban environment.

8.3.1 Daylight

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would normally resist developments which result in a material loss of daylight or sunlight.

Policy DES 3 (c) (4) of the UDP also specifies, amongst other things, that high buildings should minimise the effects of overshadowing, especially within predominantly residential areas.

The applicant has submitted a Daylight and Sunlight Report by Gordon Ingram Associates (GIA) which tests the following adjacent buildings:

- 7-11 Sheldon Square (residential element)
- 21-27 Sheldon square (residential element)
- 1 Sheldon Square (commercial)

Table 1: The residential windows which have been tested and the results. The number of windows which have failed the test are shown in brackets.

Site	VSC	VSC no balconies	NSL of failed VSC rooms	NSL no balconies	ADF	ADF no balconies
7-11 Sheldon Square	66/90 (24) 73.3% pass	83/90 (7) 92% pass	19/24 (5) 79.2% pass	7/7 (0) 100% pass	0/5 (5) 0% pass	0/5 (5) 0% pass
21-27 Sheldon Square	120/286 (166) 42% pass	120/286 (166) 42% pass	50/132 (82) 38% pass	55/132 (77) 42% pass	22/82 (60) 27% pass	38/77 (39) 49% pass

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss, and the above sites are considered to be the worst affected. Results have been provided both solely in relation to this development and also in relation to the cumulative effect, should the consented 'Triangle' development be implemented, located on the other side of Bishops Bridge Road.

Vertical Sky Component (VSC)

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways. In this case, the most affected rooms are single aspect living kitchens (noted as kitchens in the tables below) and bedrooms.

7-11 Sheldon Square:

This building comprises commercial on the ground floor with the upper first to twelfth storeys in residential use. The building is located to the north of the development site adjacent to the amphitheatre. Windows facing in a south eastern direction on the first to eight floor levels will experience actual VSC reductions of more than 20%. All of the windows which fail have existing low levels of light (largely below 10%), which is likely to be due to the windows being set back behind existing overhanging balconies. While these windows will see large losses, given the existing low levels of light, these figures are skewed. Table 1 indicates that should the testing point be moved to remove the balconies, a larger proportion of the windows pass (92%). It is also worth noting that these flats are dual aspect with windows facing both south east and south west.

Table 2: Shows the rooms at first floor level with W4 showing the greatest loss as a result of the development (with balconies) (see background papers for window map)

Room	Existing VSC	Proposed VSC	% loss
Bedroom W4	6.6	2.7	59.1
Kitchen W5	7.6	4.4	42.1
Kitchen W6	8.4	6.3	25

21-27 Sheldon Square:

This building is also in use as commercial on the ground floor with the upper first to twelfth storeys in residential use. The building is in much closer proximity to the development site, located to the north east. There are windows on each of the residential floors facing in a south western direction (onto the development site), which fail the test. Unlike 7-11, the majority of these windows currently experience very good levels of light of in excess of 27%, with many windows with levels of up to 39%. As noted above, windows of in excess of 27% are considered to provide good levels of daylight by the BRE guide. This existing high levels of daylighting is as a result of the open nature of the outlook from this elevation, both over the existing low level management suite and over Bishops Bridge Road and railway beyond. There are however some windows which have existing low levels of light, which is likely to be due to their location set back and under existing balconies.

Due to this existing open aspect, VSC losses are very high with losses ranging from 0-80% of their current levels. While a number of bedrooms will have low levels of light, all of the living kitchens, will retain levels of light in excess of 13%.

Table 3: Shows the rooms at second floor level with W11 showing the greatest loss as a result of the development (with balconies) (see background papers for window map)

Room	Existing VSC	Proposed VSC	% loss
Kitchen W1	27	18.3	32.2
Bedroom W2	27.3	17.7	35.2
Kitchen W3	27.7	16.9	39
Bedroom W4	10.7	3.6	66.4
Bedroom W5	10	4.4	56

Item No.
1

Bedroom W6	28.8	15.2	47.2
Unknown W7	29.1	14.7	49.5
Kitchen W8	29.6	14.3	51.7
Kitchen W9	30.2	14.2	53
Bedroom W10	30.9	14.3	53.7
Bedroom W11	13	2.5	80.8
Kitchen W12	32.2	15.3	52.5
Kitchen W13	32.8	16.3	50.3
Kitchen W14	33.9	18.3	46
Kitchen W15	35.5	22.4	36.9
Kitchen W16	36.9	27.3	26

The kitchen with the lowest VSC as a result of the development is located at first floor level, which has an existing VSC of 28.9, which will be reduced to a figure of 13.7 as a result of the development (52.6% loss).

In the GIA results, if with no balconies, all but 7 of the windows will retain a VSC of in excess of 15%. The remaining 7 windows (1 bedroom and 6 living/kitchens) will have retained VSC's of between 13.7% and 14.9%.

1 Sheldon Square:

This property is located directly to the west of the development site set over ground and nine upper levels, currently in use as offices. Due to its proximity, it will also see significant losses of light up to 94% of their former values.

These offices have a generous open plan layout, with floor to ceiling glazing. While some windows facing the development site will see considerable losses in terms of light, given the open plan nature of the floorplans, with views north over Paddington Central and south over the railway will remain clear. Given this, and as offices are afforded less protection than residential dwellings, the development is considered acceptable in relation 1 Sheldon Square.

No Sky Line (NSL)

The NSL method measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky. BRE guidance states that if the no-sky line is reduced by 20% this will be noticeable to its occupants. Accurate assessment of the NSL method is dependent upon knowing the actual room layouts or a reasonable understanding of the likely layouts. The applicants daylight assessment has had regard to the layouts of the building, having access to the likely layouts of the flats from records of the floor layouts of the buildings.

7-11 Sheldon Square:

Of the 24 windows which failed the VSC test, 79.2% pass the NSL tests. This is further improved to 100% of the windows passing if the testing point is moved to remove the balconies.

The worst affected room is a kitchen located at first floor level which currently has a daylight distribution of 210.46sqft which will be reduced to 138.56sqft as a result of the development, which equates to a loss of 71.89sqft (33% loss).

21-27 Sheldon Square:

The 166 windows which failed the VSC test serve 132 rooms, of which 38% pass against this methodology, with a further 4% passing without the balconies.

Item No.
1

Table 4: Shows the rooms at second floor level with R9 showing the greatest loss as a result of the development (with balconies) (see background papers for window map)

Room	Room size sqft	Previous sqft	Proposed sqft	Loss sqft	% loss
Kitchen R3	268.63	154.06	108.43	45.63	30
Bedroom R4	119.05	105.46	49.16	56.29	53
Bedroom R5	119.86	84.18	50.29	33.88	40
Bedroom R6	254.34	146.36	70.24	76.12	52
Unknown R7	184.47	165.93	76.5	89.43	54
Kitchen R8	405.66	357.12	105.96	251.16	70
Kitchen R9	409.09	328.98	87.52	241.45	73
Bedroom R10	133.04	126.11	42.88	83.23	66
Bedroom R11	198.79	198.36	66.8	131.56	66

1 Sheldon Square:

Of the windows tested, all show compliance with this method.

Average Daylight Factor (ADF)

The ADF is a measure of the adequacy of diffuse daylight within a room, and accounts for factors such as the size of a window in relation to the size of the room; the reflectance of the walls; and, the nature of the glazing and number of windows. Clearly a small room with a large window will be better illuminated by daylight than a large room with a small window, and the ADF measure accounts for this.

BRE guidelines confirm that the acceptable minimum ADF target value depends on the room use. That is 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. Notwithstanding this, the independent daylight and sunlight review states that, in practice, the principal use of rooms designed as a 'living room/kitchen/dining room' is as a living room. Accordingly, it would be reasonable to apply a target of 1.5% to such rooms.

The applicant has undertaken this third test for the development given the losses for the first two test (VSC and NSL). As pointed out by the objectors daylight and sunlight specialist, this method is generally used within new developments to test the amount of light to new rooms, however, as noted by the applicant, as the use of the rooms within the affected buildings is generally known, this test is also useful.

7-11 Sheldon Square:

All five of the windows tested have an existing low ADF. The worst affected room is a bedroom located at third floor level (W4 on the window map) which has an existing ADF of 0.6, which reduces to 0.3 as a result of the development (50% loss). Five kitchens at first to sixth floor levels (W5 on the window map) will see a reduced ADF from 0.4 to 0.3 (25% loss).

21-27 Sheldon Square:

When all three methods are taken into account 60 rooms still fall short of the BRE guidance (or 39 if balconies are removed).

The worst affected room is a bedroom at second floor level (W11 on the window map) which has an existing ADF of 1.5 which reduces to 0.5 as a result of the development (66.7% loss). The

worst affected kitchen/living room is located at third floor level (W8 on the window map) which will see a reduced ADF from 1.9 to 1.1 (42.1% loss).

8.3.2 Sunlight

The applicant has provided a sunlight assessment, which measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Table 5: Sunlight measured in Annual Probable Sunlight Hours (APSH). The number of windows which fail is shown in brackets.

Site	balconies	No balconies
7-11 Sheldon Square	66/75 (9) 88% pass	75/75 (0) 100% pass
21-27 Sheldon Square	155/190 (35) 82.1% pass	180/190 (10) 94.7% pass

The results show that the majority of the windows pass the APSH test, particularly with the balconies removed.

7-11 Sheldon Square:

9 of the 75 windows fail this test, with all windows passing when balconies are removed.

21-27 Sheldon Square:

The most affected windows are located within 21-27 Sheldon Square, with some windows which will experience a total loss of winter sunlight. When the calculation points are moved to remove the balconies, the 10 rooms which fail would have annual APSH ranging between 22 to 24 (against a target of 25), and a winter APSH of 9 (against a target of 5).

The worst affected bedrooms are located at first, third and fourth floor levels which see annual APSH reduced by 33-34 hours from an APSH of 56-58 to 23-24 (W10 on the window map) or a 59% loss. The worst affected kitchens are located at seventh and ninth floor levels which see annual APSH reduced by 34-35 hours from an APSH of 63-65 to 29-30 (W9 on the window map) or a 54% loss.

8.3.3 Cumulative impact with ‘Triangle’ development

The applicant has also undertaken studies to assess the cumulative impact should the development on the other side of Bishops Bridge Road, known as the Triangle site be built. This development is located to the east of the application site and 21-27 Sheldon Square, and therefore the most affected windows are those located in the end south east facing elevation, which face onto Bishops Bridge Road. The submitted daylight and sunlight report confirms that a further 20 rooms would be affected (when tested against the three methodologies above), which are all located in this end elevation. Due to its location, the triangle development will have little impact on the most affected windows facing the application site.

Item No.
1

Given that it is unknown if this development will be built out, and as these windows would already be affected should it be built, it is not considered that the additional impact would warrant refusal alone.

8.3.4 Daylight & Sunlight Conclusions

Overall, it is clear that there are a significant number of windows which would be noticeably and negatively affected in terms of loss of both daylight and sunlight, which would normally fail to accord with Policy S28 in the City Plan and ENV 13 within the UDP. These losses must then be considered in relation to the particular nature of this site and the merits of the proposed development.

The applicant has undertaken three methodologies in relation to daylight and one method in relation to sunlight. It is clear that the most affected property is 21-27 Sheldon Square due to its proximity. In relation to daylight, the results show that even when all three methods are taken into account 60 windows will still fail. Using the main VSC method 166 of the 286 windows fail. In relation to sunlight, while there are transgressions from the BRE guidelines, the majority of the windows pass.

Strong objection has been received from both adjacent residents and the Residents Association for the adjacent residential blocks at 7-11 and 21-27 Sheldon Square. They do not agree with the conclusions of the submitted daylight and sunlight report or the methodologies used.

As noted above, the BRE guidelines are intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations. Many sites throughout central London have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. In this instance, VSC levels to kitchen/livings spaces are all at or above 13.7% with the development in place. While it is noted that some bedrooms will have a VSC of less than this, they have existing low levels of light, due to the design of the building with recesses/ overhanging balconies. This is demonstrated by the applicant as all of the windows would have a VSC of 13.7% or more, should the recesses/balconies be removed.

GIA have noted another development in the vicinity (Dudley House) within their report and its daylight results. The objector does not consider this to be a good reference in relation to what should be considered acceptable. It is agreed that there are differences in relation to the sites, and each application should be assessed on its merits. However, it is accepted that a VSC of around 15% in an urban context is not uncommon and is considered to provide an acceptable level of light.

The development is located within the Paddington Opportunity Area. While it is noted that the site was not originally earmarked as a location for a tall building in the original masterplan for Paddington Central, this should not preclude against the development of the site. Any future building in this location, such as one which matches the existing scale of Paddington Central, will result in significant losses of light to the adjacent occupiers, due to their existing high levels of light (except where located in a recess) and open outlook.

The scheme will provide economic benefits in the form of employment and will also help to provide an additional function to this part of Paddington, with the additional uses at ground floor

Item No.
1

level as well as the hotel and new bar at the top of the tower, which are also to be open to the general public. The site is also located within the Paddington Opportunity Area, which is an area of Westminster which aims to promote economic growth. In this context, the level of daylight and sunlight losses, while significant, are not considered to outweigh the economic and employment benefits of the development, particularly given the location of the site within the Paddington Opportunity Area, where a denser form of development is envisaged and the proposals are considered to be acceptable in accordance with policies ENV13 of the UDP and S29 of the UDP.

8.3.5 Overshadowing of public open space (amphitheatre)

The applicant has submitted an assessment of the existing and proposed overshadowing of the existing amphitheatre located to the north of the application site. The assessment notes *'that the amenity space is already overshadowed by the existing surrounding buildings. It is key to note that with the proposed scheme in place, the only additional change in sunlight is between the hours of 10am and 11am in winter (Dec-Feb), 10am-12pm in spring (Mar-May), 10am-12pm (June- Aug) in summer and 10am-12pm in autumn (Sep-Nov). The shadow path of the Gateway building has completely passed the amenity space after approximately 12:30 in every month of the year.'*

Objectors consider the loss of light to the public outdoor space is an unacceptable loss of public amenity as a result of overshadowing particularly when assessed at the Spring Equinox on the 21st March. On this date the amphitheatre does currently enjoy sunlight in the morning. Due to the location of the new building, the majority of the amphitheatre will be in the shade, however after 11am the existing buildings shade the amphitheatre. As the summer progresses the impact of the building lessens as the shadow shortens.

While it is noted that the proposed development will cause overshadowing of the open space in the mornings particularly in the winter months, as there is very limited or no impact past noon, with only a limited impact in the summer months when the space is most likely to be in regular use, the impact on the amenity of this space is considered acceptable.

Concern has also been raised by the Canal and Rivers Trust in relation to overshadowing of the canal. The overshadowing report indicates that due to existing buildings, the impact on the canal will be minimal, and is therefore considered acceptable.

8.3.6 Sense of Enclosure

The proposals will have a significant impact in terms of sense of enclosure, given the height of the new tower and its distance away from adjacent windows. Alike with daylight and sunlight, 21-27 Sheldon Square will be most affected, which has both single aspect bedroom and living room/kitchens which face directly towards the application site (facing south west). The main facades of the tower and the residential block are approximately 18.1m apart. While residents within No. 7-11 will also experience an increased sense of enclosure, namely to the windows which look south over towards Bishops Bridge Road, it is not so severe as those within 21-27 and therefore the impact on these more affected windows is discussed here.

The windows at first and second floor level currently experience some enclosure from the existing trees opposite, particularly in the summer when they are in leaf and to an extent from the existing management suite building behind. Given that the proposals are for the removal of these trees,

Item No.
1

these floors may well experience some increased sense of space with views over the Bishops Bridge Road level towards the new hotel behind. It is understood that there was opposition to a recent request for these trees being removed as they provide shading to these flats, which can suffer from overheating in hot weather, particularly as the affordable accommodation at first and second floor levels do not benefit from mechanical ventilation. The flats on the upper levels currently have an exceptionally open aspect over the development site and beyond, with no other tall buildings in close proximity (with exception to the other buildings within the Paddington Central development).

The living room / kitchen areas have internal winter gardens, which separates the main living spaces from the external elevation. These winter gardens result in partial encapsulation of views, due to the views upwards being restricted by the floorplate of the winter garden above. Further up the building the flats have unimpeded views both over the application site, and also further to the south and east, over Bishops Bridge Road and Paddington Station.

The proposed building is approximately twice as tall as the other existing buildings around Paddington Central which are all a unified height of 10 stories (from Bishops Bridge Road level). The site is located at the end of the Paddington Central development, which by nature is enclosed, with a central atrium surrounded by buildings. While the proposed building is taller than the others in the development, this enclosed nature will be continued out to the Bishops Bridge boundary. The flats at the southern end of the building will maintain a relatively open aspect to the south over Bishops Bridge Road and the flats at the northern end of the building will retain their view over the amphitheatre / external space within Paddington Central.

Even if the oversailing development above the Hammersmith and City Line (which is of a comparable height to the building proposed) is built out, it is not considered that the cumulative impact would be so severe given the location of this site on the other side of Bishops Bridge Road, which has more of an impact on the windows which do not face this development site (ie those facing south west).

In summary, it is accepted that residents will experience a considerable increase in sense of enclosure, however given the location of the site within the Paddington Opportunity Area, where a denser form of development is anticipated and in light of the economic benefits of the development, the proposals are considered on balance to be acceptable in these terms.

8.3.7 Privacy, overlooking and light spill

The south west facing residents within 21-27 Sheldon Square are currently only overlooked from occupiers of the commercial buildings on the other side of Paddington Central, with the nearest being located at 1 Sheldon Square.

The development has been designed so that the window profiles are smaller on the lower levels and then open out as you reach the top of the building. This will help to reduce overlooking from the lower levels. While it is accepted that there will be additional overlooking from occupiers of the rooms, and some light spill from windows, particularly in the evening, this is not considered to be so severe as to warrant a reason for refusal. This is due to the separation of the buildings (approximately 18.1m), and the existing mutual overlooking from the commercial occupiers.

Item No.
1

The new building includes 'shelves' at levels 11 and 14. In order to ensure that these are not used as terraces for the hotel a condition is recommended to ensure that they are used for maintenance / emergencies only and not used for sitting out.

8.3.8 Plant equipment

It is proposed to install building services plant on the roof of the development. Plant equipment is also located at several positions throughout the development including within the basement. Conditions are recommended to ensure that noise from these sources does not cause harm to residents surrounding the site. Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.4 Transportation/Parking

8.4.1 Servicing

S42 and TRANS20 require off-street servicing. The proposal alter the layout of the existing servicing bay, accessed from the lower levels of the site, which are considered acceptable. A condition is recommended to ensure all servicing occurs from within the development and not from the highway.

Waste storage is also provided for and collected from within the development site. The Cleansing Manager has requested a condition for revised plans to be submitted with additional details of waste storage for the uses and for details of a cardboard bailer and waste cooking oil storage, which is considered reasonable and secured as part of the Operational Management Plan.

8.4.2 Car Parking

No car parking is required to be provided for the proposed use within the development site. The site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposed development on parking levels will be minimal and consistent with policies TRANS21 and TRANS22.

8.4.3 Cycle Parking

The London Plan Policy 6.9 requires 1 space per 20 hotel bedrooms, 1 space per 175m² for A class type uses and 1 space per 8 staff for D class type uses. All uses have a minimum of 2 spaces required. Long term cycle parking for staff use will encourage sustainable transport. Cycle parking must be secure, weather proof, accessible and within the development site.

A maximum of 200 hotel rooms would generate a need for 10 cycle parking spaces. The ancillary hotel spaces would generate a need for 8 cycle parking spaces.

There is an existing 35 cycle parking spaces for the existing development within the wider estate. The application has indicated these will be re-provided. The applicant has indicated that an additional 18 cycle parking spaces will be provided within the basement service yard for the proposed use.

The Highways Planning Manager has raised concern that while the cycle parking is welcomed and consistent with London Plan policy, there are discrepancies with the floorspace figures,

Item No.
1

therefore concern is raised that the proposed long term cycle parking (for staff use) is not sufficient for the proposed development, despite this a condition has been recommended to secure the cycle parking provided. TfL have not raised objection, but query how the cycle stands will be accessed. The stands are accessible using the existing service roads at basement level. It is assumed that the floorspace discrepancies are as a result of the alternative uses proposed and therefore there is no fixed floorspace figure for each use, nevertheless as the requirements of the London Plan have been met, with no objection on these grounds from TfL, the proposed level of parking is considered acceptable and secured by condition.

Cycle Hire Docking Station

At the point of drafting the report, the applicant has not offered to provide funding for a docking station as requested by TfL. Any further comments will be presented to members at Planning Committee.

8.4.4 Taxis and Coaches

TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. Coach parties could either be associated with the hotel accommodation or more likely for events within the ancillary facilities.

During the course of the application Transport for London has raised concerns in relation to the lack of coach parking, stating that two bays would be required. The applicant considers this to be excessive as the proposed hotel operator would not encourage coaches, and in the unlikely event that one is needed to be accommodated, the Transport Assessment submitted with the applicant indicated a process for managing this. They note that the Novatel at the other end of the site already successfully deals with coaches at the other end of this privately managed estate. TfL wishes to ensure that coaches do not stop in bus stops or in other unsuitable places, but have accepted that this could be addressed through the use of a suitable condition.

TfL also considered that a designated taxi-rank is required for a minimum of 2 taxis.

The Westminster Highways Planning Manager has not raised objection and considers that the applicant has demonstrated that both coaches and taxis associated with the proposed hotel and ancillary uses can be adequately managed and accommodated within the wider estate, which is considered to be consistent with TRANS6 and TRANS22 of the UDP. The applicant has however accepted a condition for details to be submitted and agreed in consultation with TfL.

8.4.5 Changes to Ramp, Vehicle Barrier Wall and Access Road

The proposal involves realigning the main vehicle and pedestrian ramp into the site as well as alterations to the existing vehicle barrier on the edge of the site. The vehicle barrier wall alterations are broadly acceptable in principle but detail design will be required to ensure the wall can be constructed to the minimum level for it to act as a safety barrier, as it does now. This is to ensure highway users, people within the site and the environs are all adequately protected in the event of an accident or collision. A condition is therefore recommended for further details to be submitted for approval.

The proposed revised ramp indicated is of a suitable gradient and includes appropriate transition zones and is considered acceptable.

8.4.6 Trip Generation

The applicant indicates that the hotel and ancillary hotel facilities will generate an increase in trip generation associated with the development. The applicant highlights that the site has a good level of public transport accessibility. Following a request from TfL additional detail has been provided in relation to the data used and resultant outcomes. No further comments have been provided from TfL following receipt of this additional information.

The Highways Planning Manager notes that given the location of the site, proposed access locations, road network and proposed uses, it is broadly accepted that the trip generation from the site will not have a significantly detrimental impact on the highway or transport networks. However as capacity details for the ancillary uses and their use by non-guests have not been provided there are concerns in both the assessment of the proposals submitted by the applicant and potential impact on the immediate highway network, particularly in instances such as when a large events end. This may result in localised congestion on the highway network, pedestrian routes in the area and at local transport hubs.

The applicant has applied for dual/alternative uses of the lower areas, and therefore final capacity figures are not known. While the concerns of the Highways Planning Manager are noted, it is considered that the issues such as capacity and the management of people entering and leaving the site can be secured by the submission of an Operational Management Plan condition, which can be applied for once the use, layout and capacities have been set. This can then be considered as part of a formal application to discharge the condition.

8.4.7 Travel Plan

TfL has requested that a Travel Plan be submitted and secured by a S106 agreement, to follow TfL guidelines. The applicant has accepted this.

8.4.8 Tables and Chairs on the Highway

A condition is proposed to restrict the future placing of tables and chairs on the forecourt of the canal level unit given the proximity of the residential flats above. Any future proposals to place furniture in this location would therefore be subject to a formal planning application and consultation.

8.5 Economic Considerations

The application is supported by a socio-economic impact assessment. While a small amount of office floorspace will be lost, the proposed development will provide a number of benefits, namely attracting people to the area and employment opportunities. It is estimated within the Employment and training strategy that 320 fulltime construction jobs will be generated and 500 (330 full time) jobs in operation. Such economic benefits are welcomed and is in accordance with the aims of the Paddington Special Policy Area. In order to ensure that these benefits aid locals, the S106 will include an employment and training benefits clause. The GLA has also supported the proposals and the resultant economic benefits.

8.6 Access

Item No.
1

The site has access points from Bishops Bridge Road level (namely to the hotel), canal level (namely for the mixed use area), and below street levels (namely to the amphitheatre level and back of house / service areas). The development will be serviced from the existing dedicated service roads at basement level.

In relation to inclusive design, 10% of the hotel bedrooms will be wheelchair accessible or easily adaptable in compliance with the London Plan.

The proposals include a new lift within the public realm between the Bishops Bridge Road Level and the canal level, which is to be publically accessible 24-hours a day, which is welcomed and will also be secured by condition.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Biodiversity

The proposals include alterations to the hard and soft landscaping at Bishops Bridge Road (Level 00), removal of the majority of the green wall at canal level (-01) and the provision of living/green roofs at 11, 14 and main roof levels. At level 00 it is proposed to remove 5 lime trees, which currently run between 21-27 Sheldon Square and adjacent to the amphitheatre. Objections have been received on the grounds of loss of greening and open space.

The Arboricultural Officer has commented that the loss of the Lime trees is regrettable, however if the proposal was to provide significantly improved tree planting and soft landscaping then their loss could be justified. Additional information and detail has subsequently been provided including confirmation that the proposals will result in an additional 23sqm of soft landscaping above existing.

While concerns are still raised in relation to some of the proposed species (particularly multi-stem trees), tree protection and soil depth, the arboricultural officer has recommended conditions and informatives should permission be granted, which are considered acceptable.

It should also be noted that British Land have recently completed an extensive landscaping scheme along Kingdom Street. This has provided a much welcome improvement to the public realm within Paddington Central in biodiversity terms.

While the loss of the lime trees is regrettable, given that these are to be replaced with a 'green balustrade' which effectively provides a line of planting along this boundary, and subject to conditions to ensure that suitable landscaping and green roofs are provided the proposals are considered acceptable in these terms.

8.7.2 Sustainability

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Item No.
1

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

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

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so.

Policy S40 requires all major development to maximise on-site renewable energy generation to achieve at least a 20% reduction in carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considered it not appropriate or practical due to site-specific considerations.

The applicants have submitted an energy assessment as part of the application documents. This confirms an on-site reduction of 326 tonnes of CO₂ per year, compared to a 2013 Building Regulations compliant development, which is equivalent to an overall saving of 36%. This exceeds the London Plan requirement. However, the GLA have requested further details in relation to TER, BRUKL worksheets and CHP modelling, and for the provision of a communal heat network.

The applicant has provided the GLA with the TER and BRUKL worksheets. Any response on this matter will be provided verbally.

In relation to the request for the provision of a communal heat network in the form of a single energy centre, it is not considered that such a provision could be justified against this single development proposal. The applicant has confirmed that the development will include connectors so that it can easily connect to a district heating network should one be implemented in the vicinity, which is to be secured by condition. A condition is also recommended to ensure that the Combined Heat and Power system is provided.

The GLA has also queried if photovoltaic panels can be provided on the roof. The applicant has stated that the roof areas are small and would therefore provide little benefit. They would also result in the loss of green roof and resultant biodiversity.

8.7.3 Air Quality

An air quality assessment has been submitted with the application, which concludes that the construction and operational effects of the development are 'not significant'. While raising no objection on these grounds, the GLA has requested conditions to ensure compliance with the Sustainable Design and Construction (relating to CHP and boilers) and the Control of Dust and Emissions during Construction and Demolition SPG's (in relation to improving air quality London Plan policy 7.14 B), which is considered acceptable.

8.8 London Plan

Item No.
1

The application is referable to the Mayor given it is a development over 30 metres in height. The Mayor has advised in his 'Stage 1' response (see background papers) that as initially submitted (i.e. prior to amendments referred to elsewhere in this report), the application does not comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report. He has the following concerns with the development:

- Further information and or clarifications relating to TER and BRUKL worksheets and CHP modelling, and the provision of a communal heat network are required
- The provision of coach parking that is located close to the development. A taxi rank should also be investigated.
- A S106 contribution of £220,000 should be secured towards providing a new or extended docking station nearby.

Any formal views of the Mayor on the additional information provided which seeks to address the above issues will be reported verbally to Committee. If Committee resolve to grant permission for the redevelopment, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development;
- (c) Fairly and reasonably related in scale and kind to the development.

If members are minded to grant permission, a S106 will be required to secure the following:

- a. Employment and training strategy for the construction phase and the operational phase of the development;
- b. Crossrail payment of £809,735 (index linked);
- c. Costs of all highway works surrounding the site required for the development to occur;
- d. A contribution of £4,445 (index linked) towards the upgrade of wayfinding signage at an in the vicinity of the site;
- e. A contribution of £12,000 (index linked) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
- f. Provision, monitoring and review of a travel plan;
- g. The provision of public access to the 19th floor of the building;
- h. Costs of monitoring the S106 agreement.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City

Item No.
1

Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations 2010 (as amended).

The estimated CIL payment (as calculated by the applicant) is £2,059,001 for Westminster and £692,450 for the London Mayor.

8.11 Environmental Impact Assessment

The City Council issued a screening opinion on 07 April 2017 where it was considered that the proposed development was not of a type listed within the descriptions contained in Schedule 1 and does not constitute a Schedule 2 development in that the site does not exceed 1 ha of urban development which is not dwelling house development, the development does not include more than 150 dwellings or exceed 5 ha overall. Furthermore, in accordance with the Schedule 3 selection criteria, the proposed development was not considered to have significant environmental effects. Accordingly it therefore falls outside the EIA Regulations and is not 'EIA development' and the submission of an Environmental Statement under the Regulations was not required.

Nevertheless, the proposal does include the construction of a tall building and therefore the environmental impacts need to be considered. The applicant has submitted a wind assessment, which states that the relative slenderness of the tower minimising the impact at ground floor level and has a relatively small impact besides a small increase in windiness at the base of the tower on Bishops Bridge Road. It notes that windiness is increased in the cumulative scenario (including other approved developments), particularly near the Triangle site on the other side of Bishops Bridge Road, but this is more as a result of the Triangle building rather than the proposed building on this site. The proposals are therefore considered to be acceptable in these terms.

In this case the key environmental issues are the impact on the amenities of the adjacent residential flats which is discussed elsewhere within this report.

8.12 Other Issues

8.12.1 Basement

No additional basement levels are proposed as part of the development, however the existing basement is to be extended laterally to provide plant rooms, sprinkler attenuation and enlarged attenuation tanks. There will also be structural works given the size of the development, as such Historic England Archaeology have been consulted, who have requested a condition for an archaeological watching brief to be submitted, which is considered acceptable.

8.12.2 Construction impact

Network Rail, TfL and the GLA have raised concerns in relation to the construction impact of the development. The applicant has provided details of construction with the application. These have been reviewed by Westminster Building Control Department and are considered acceptable. Despite this, a condition for the submission of construction to include details of excavation/earthworks and a construction logistics plan (CLP) are recommended to be secured by condition. Network Rail has also requested that the applicant contact them in relation to the works to ensure that the adjacent railway is sufficiently protected, an informative is recommended to advise the applicant of this

Item No.
1

The applicant has also accepted to comply with the Council Code of Construction Practice, which is also to be secured by condition.

8.12.3 Crime and security

A condition is recommended in relation to the submission of an Operational Management Plan for each of the proposed uses, once the final layout and details have been decided. This will include details of how they will be managed, capacity and opening hours. No objection has been raised in relation to the development from the Metropolitan Police. Subject to the aforementioned condition, the proposals are considered acceptable.

8.12.4 Flood Risk

The GLA have confirmed that the site is within Flood Zone 1, with a low probability of flooding. A drainage strategy has been provided which indicates the use of an existing attenuation tank, rainwater harvesting and a green roof. Subject to a condition to secure these mitigation measures, no objection is raised.

8.12.5 Emergency Exit from Hammersmith and City Line

The proposals include alterations to the emergency exit from the Hammersmith and City Line Platform, which runs to the south of the site below Bishops Bridge Road. In order to ensure that the development does not result in the loss of this functionality, a condition is recommended for the submission of a timing/phasing plan to show how this exit will be maintained during construction and following completion.

8.12.6 Other

Objection on the grounds of loss of reduced house prices have been submitted. The impact of the development on house prices is not a valid consideration in the determination of planning applications.

9. BACKGROUND PAPERS

1. Application form
2. Response from Greater London Authority, dated 11 September 2017
3. Responses from Transport For London, 19 July, 22 September and 10 October 2017
4. Responses from London Underground, dated 13 July and 22 September 2017
5. Response from Canal & River Trust, dated 13 July 2017
6. Response from Historic England (Listed Builds/Con Areas), dated 13 July 2017
7. Response from Historic England (Archaeology), dated 17 July 2017
8. Response from Thames Water Utilities Ltd, dated 26 July 2017
9. Response from Cross London Rail Links, dated 18 July 2017
10. Response from Network Rail, dated 20 July 2017
11. Response from Royal Parks, dated 28 July 2017
12. Response from Paddington Waterways & Maida Vale Society, dated 1 August 2017

Item No.
1

13. Response from Hyde Park Estate Association, dated 14 July 2017
14. Response from South East Bayswater Residents Association, dated 29 August 2017
15. Response from Designing Out Crime, dated 13 July 2017
16. Response from Cleansing Manager, dated 14 July 2017
17. Response from Environmental Health, dated 28 July 2017
18. Response from Arboricultural Officer, dated 4 October 2017
19. Response from Highways Planning, dated 6 October 2017
20. Response from Building Control, dated 11 October 2017
21. Letters on behalf of the Sheldon Square Residents Association from eca architecture and planning dated 9 August 2017 and Anstey Horne dated 25 August 2017.
22. Letter from occupier of Flat 7, 105 Westbourne Terrace, dated 2 July 2017
23. Letter from occupier of Flat 70 St Mary's Mansions, London, dated 4 July 2017
24. Letter from occupier of 27 Sheldon Square, London, dated 4 July 2017
25. Letter from occupier of Apartment 29, 27 Sheldon Square, Paddington, dated 5 July 2017
26. Letter from occupier of 21 Sheldon Square, Apartment 65, dated 7 July 2017
27. Letter from occupier of Apartment 78, 11 Sheldon Square, dated 11 July 2017
28. Letter from occupier of Flat 55, 11 Sheldon Square, dated 11 July 2017
29. Letter from occupier of 33, 21 Sheldon Square, dated 11 July 2017
30. Letter from occupier of 21 Sheldon square Apartment 40, London, dated 11 July 2017
31. Letter from occupier of 36 flat, 11 Sheldon Square, dated 11 July 2017
32. Letter from occupier of Grange View, Broomfield Avenue, dated 11 July 2017
33. Letter from occupier of 11 Sheldon square, flat 26, dated 11 July 2017
34. Letter from occupier of Apartment 10, 27 Sheldon Square, dated 11 July 2017
35. Letter from occupier of 12, 21 Sheldon Square, dated 11 July 2017
36. Letter from occupier of Apartment 6, 27 Sheldon square, dated 11 July 2017
37. Letters from occupier of Apartment 73, 11 Sheldon Square, dated 11 July and 10 August 2017
38. Letter from occupier of 27 Sheldon Square, London, dated 11 July 2017
39. Letter from occupier of Apt 62, 21 Sheldon Square, dated 11 July 2017
40. Letter from occupier of APARTMENT 76, 11 Sheldon Square, dated 12 July 2017
41. Letter from occupier of Apartment 12, 11 Sheldon Square, dated 12 July 2017
42. Letter from occupier of Emaar Square Bldg. 2, Downtown, dated 12 July 2017
43. Letters from occupier of 2b Grove Lane, Kingston, dated 12 July 2017
44. Letter from occupier of Cranham Lodge, Buckholt Road, dated 13 July 2017
45. Letter from occupier of apt 68, 21 Sheldon Square, Paddington, dated 13 July 2017
46. Letter from occupier of Apt. 74, 21 Sheldon Square, Paddington, dated 13 July 2017
47. Letter from occupier of 11 Sheldon Square, dated 13 July 2017
48. Letter from occupier of 27 Sheldon Square, dated 13 July 2017
49. Letter from occupier of Flat 17, 11 Sheldon Square, Paddington, dated 14 July 2017
50. Letter from occupier of 'Resident, London', dated 14 July 2017
51. Letter from occupier of Medlar House, Manor Road, dated 15 July 2017
52. Letter from occupier of 27 Sheldon Square, London, dated 15 July 2017
53. Letter from occupier of Grange View, Broomfield Avenue, dated 16 July 2017
54. Two letters from occupier of Apartment 44, 11 Sheldon Square, dated 14&16 July 2017
55. Letter from occupier of Apt 58 Sheldon Square, Paddington, dated 16 July 2017
56. Letter from occupier of Flat 3, 70 Goldhurst Terrace, LONDON, dated 16 July 2017
57. Letter from occupier of 5, Southern Way, dated 16 July 2017
58. Letter from occupier of Apartment 62, 21 Sheldon Square, dated 16 July 2017
59. Letter from occupier of Elouera, 22 Rawson Ave, dated 16 July 2017
60. Letter from occupier of Elouera, Halifax, dated 16 July 2017
61. Letter from occupier of Flat 47, 11 Sheldon Square, dated 16 July 2017

Item No.
1

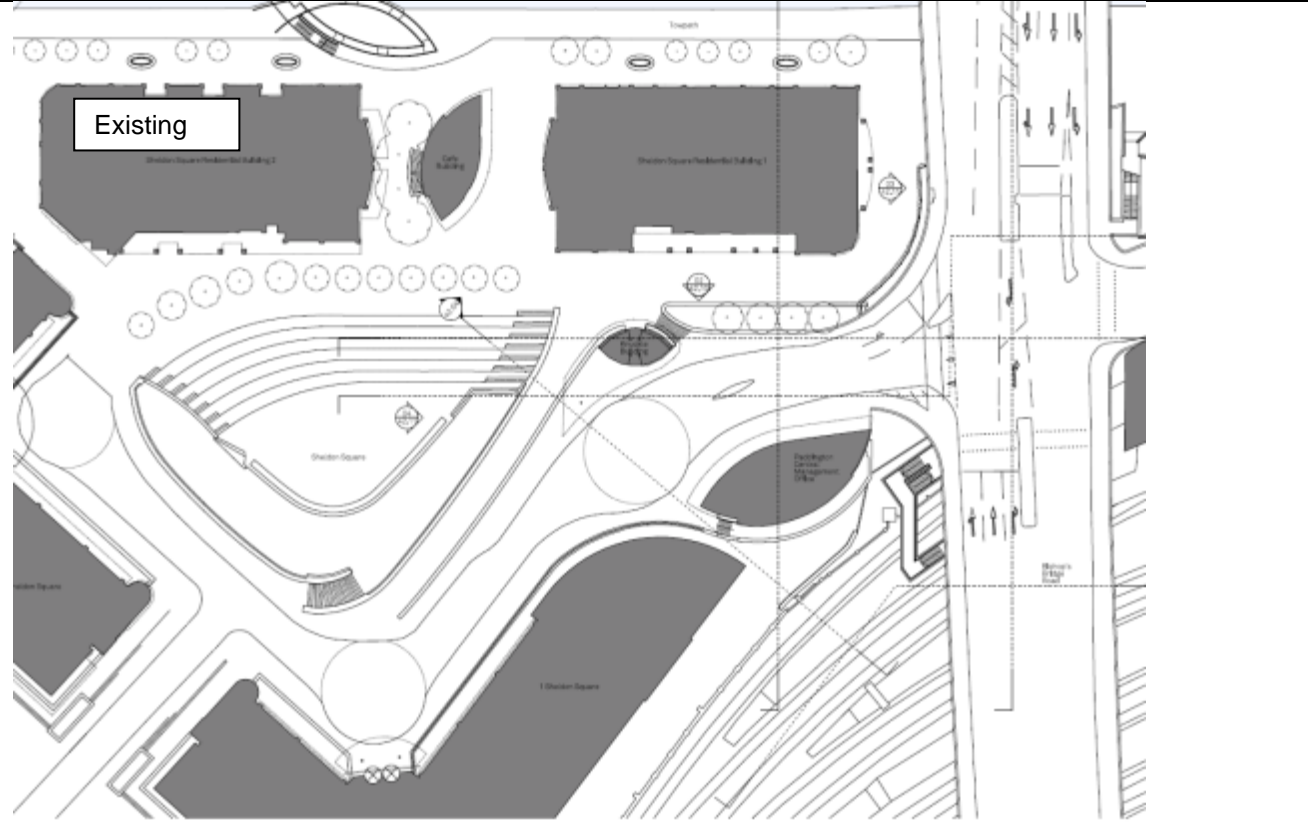
62. Letter from occupier of Wilson Barca LLP Solicitors, 18 Carlisle Street, dated 17 July 2017
63. Letter from occupier of Flat 10, 11 Sheldon Square, London, dated 17 July 2017
64. Letter from occupier of flat 4, 21 Sheldon Square, London, dated 17 July 2017
65. Letter from occupier of Flat 26, 27 Sheldon Square, dated 17 July 2017
66. Letter from occupier of 37, 11 Sheldon Square, dated 17 July 2017
67. Letter from occupier of Flat 53, 21 Sheldon Square, dated 18 July 2017
68. Letter from occupier of 31 maitland house, Pimlico, dated 18 July 2017
69. Letter from occupier of 32 Melville court, Goldhawk Rd, dated 18 July 2017
70. Letter from occupier of 19 Canons Close, Radlett, dated 19 July 2017
71. Letter from occupier of c/o 217 Upper Bukit Timah Road, Woh Hup Building, dated 18 July 2017
72. Letter from occupier of 19 Parkstone Road, Singapore, dated 18 July 2017
73. Three Letters from occupier of 45, Dene Road, dated 18 July 2017
74. Letter from occupier of Apt. 51 21 Sheldon Square, London, dated 18 July 2017
75. Letter from occupier of 2 Hathaway Close, Stanmore, dated 18 July 2017
76. Letter from occupier of Flat 79, 21 Sheldon Square, London, dated 18 July 2017
77. Letter from occupier of 62 Culverdon Road, London, dated 18 July 2017
78. Two Letters from occupier of Apartment 7, 7 Sheldon Square, dated 18 July and 10 August 2017
79. Letter from occupier of Flat F, Hightrees House, Nightingale Lane, dated 18 July 2017
80. Letter from occupier of Flat 52, 11 Sheldon Square, dated 18 July 2017
81. Letter from occupier of 66 Mayfield Close, hillingdon, dated 18 July 2017
82. Letter from occupier of Apartment 78, 21 Sheldon Square, dated 19 July 2017
83. Letter from occupier of Apartment 78, 21 Sheldon Square, dated 19 July 2017
84. Letter from occupier of 11 Sheldon Square Flat 29, dated 19 July 2017
85. Letter from occupier of Apt 66, 11 Sheldon Square, dated 19 July 2017
86. Letter from occupier of Flat 12, 21 Sheldon Square, dated 19 July 2017
87. Letter from occupier of Apartment 7, 27 Sheldon square, dated 19 July 2017
88. Letter from occupier of 11 Daltrey Court, Gunnersbury lane, dated 19 July 2017
89. Letter from occupier of 23, Oakridge Ave, dated 19 July 2017
90. Letter from occupier of 19 Canons Close, Radlett, dated 19 July 2017
91. Letter from occupier of Flat 57, 11 Sheldon Square, dated 19 July 2017
92. Letter from occupier of 169a Lexden Road, Colchester, dated 19 July 2017
93. Letter from occupier of 84, 11 Sheldon Square, dated 19 July 2017
94. Letter from occupier of Apartment 6, 27 Sheldon square, dated 19 July 2017
95. Letter from occupier of 68, 11 Sheldon square, London, dated 19 July 2017
96. Letter from occupier of 27 Sheldon Square, London, dated 19 July 2017
97. Letter from occupier of 35 Peterborough Road, Parsons Green, dated 19 July 2017
98. Letter from occupier of Apartment 52, 21 Sheldon Square, dated 19 July 2017
99. Letter from occupier of 14 Lynette Avenue, London, dated 21 July 2017
100. Letter from occupier of 16 Provost Road, London, dated 21 July 2017
101. Letter from occupier of 25 Nutford Place, London, dated 21 July 2017
102. Two Letters from occupier of Apartment 56, 21 Sheldon Square, dated 23 July 2017
103. Letter from occupier of Flat 16, 21 Sheldon Square, dated 6 August 2017
104. Letter from occupier of Flat 7, 105 Westbourne Terrace, London, dated 8 August 2017
105. Two Letters from occupier of Flat 32, 11, Sheldon Square, dated 10 August 2017
106. Letter from occupier of 3rd Floor, Capital House, 25 Chapel Street, dated 17 August 2017
107. Letter from occupier of Flat 49, 21 Sheldon Square, London, dated 11 August 2017
108. Letter from occupier of Flat 22, 21 Sheldon Square, dated 19 August 2017
109. Letter from occupier of Flat 40, 11 Sheldon Square, dated 13 September 2017

Item No.
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

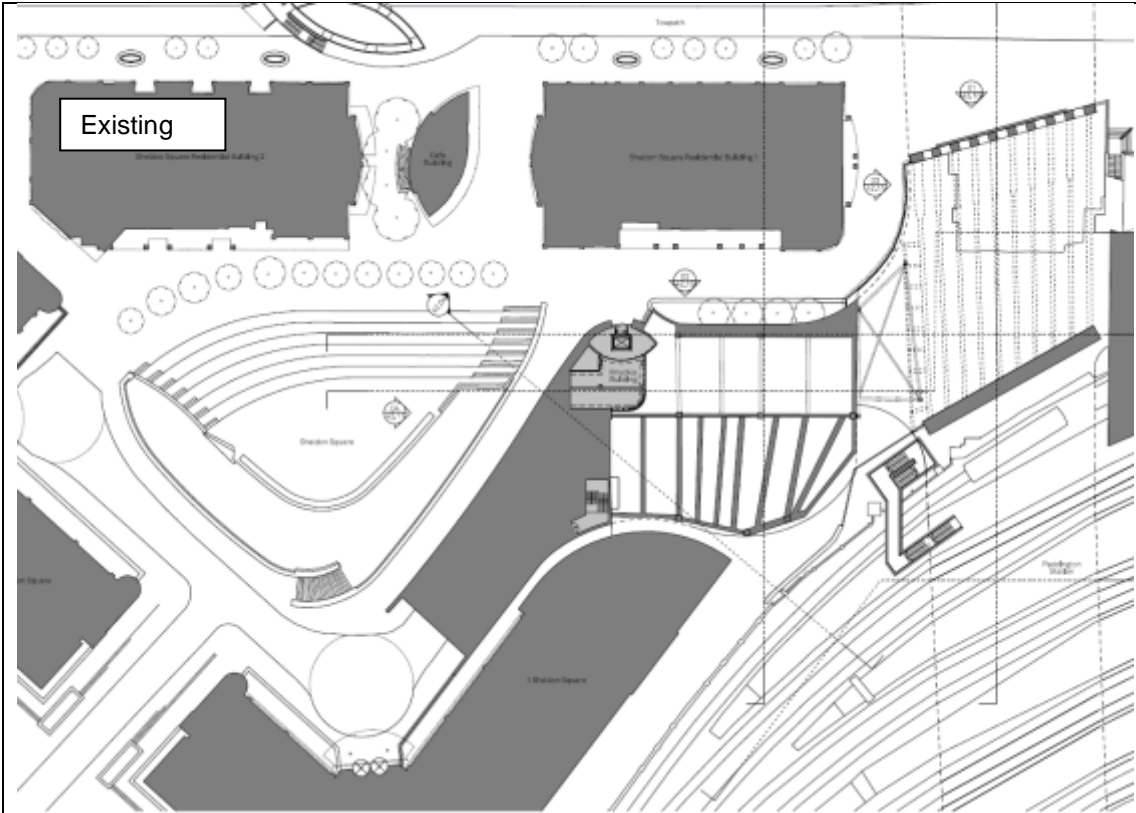
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

10. KEY DRAWINGS

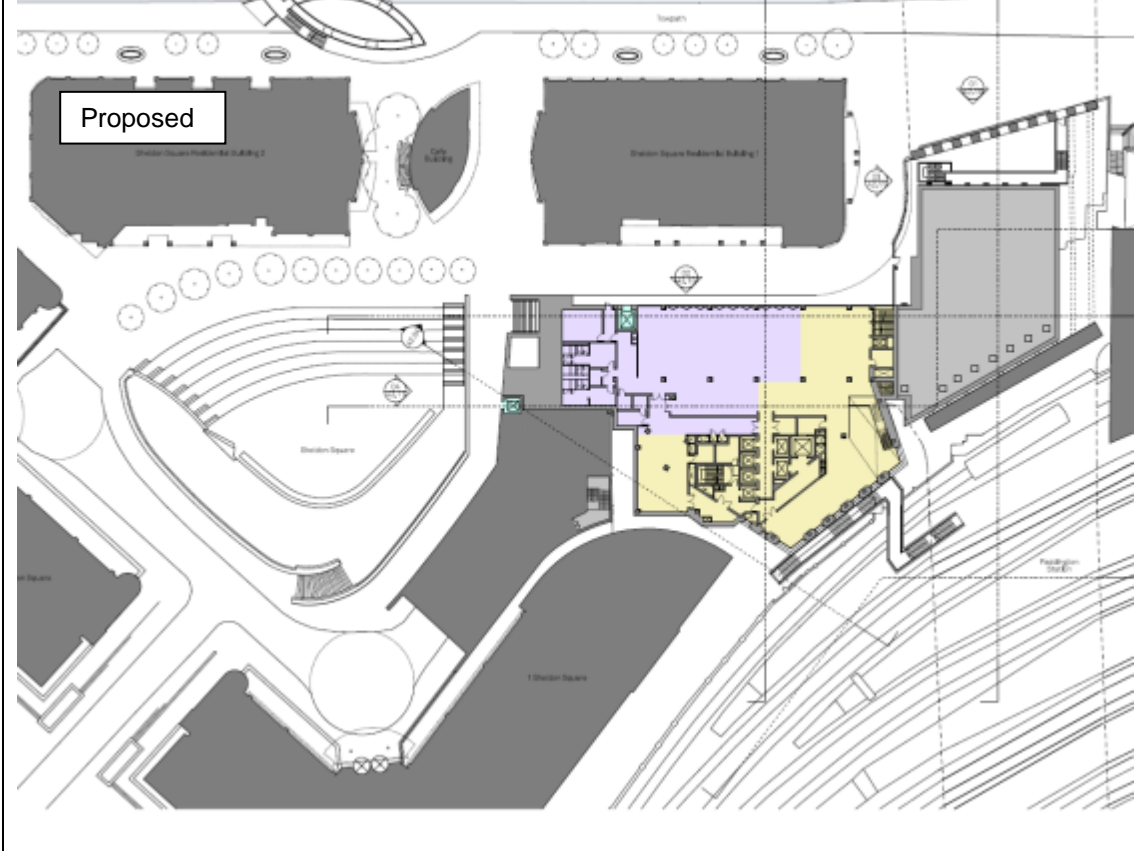


Level 00 (Bishops Bridge Road)





Level -01 (Canal Level)



Hotel level 02

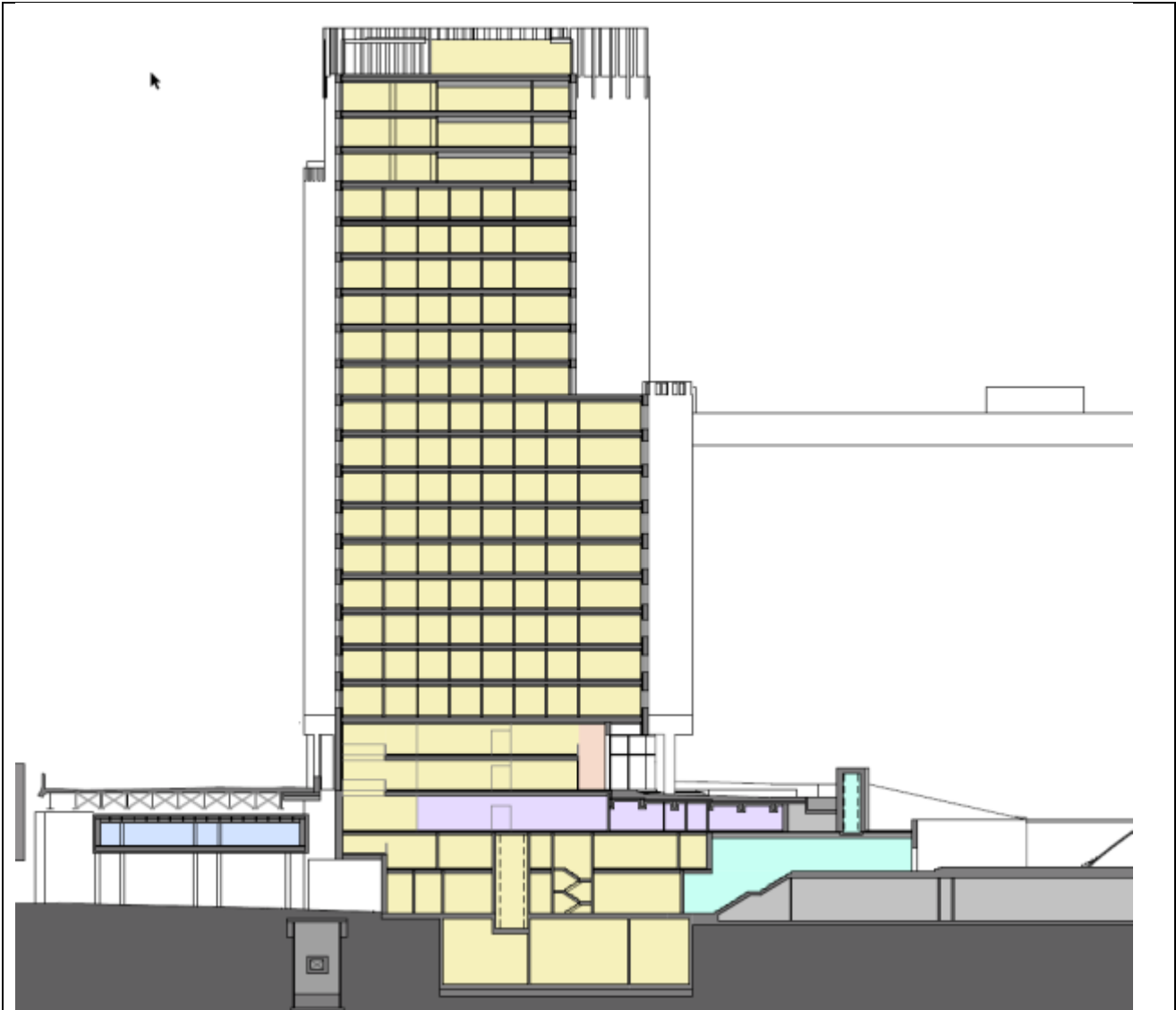


Hotel Level 14

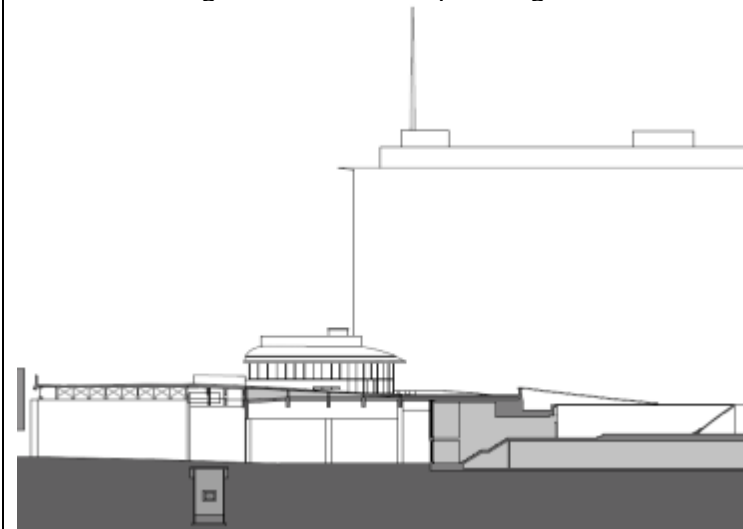


Hotel Level 17 (showing terrace hatched bottom right)

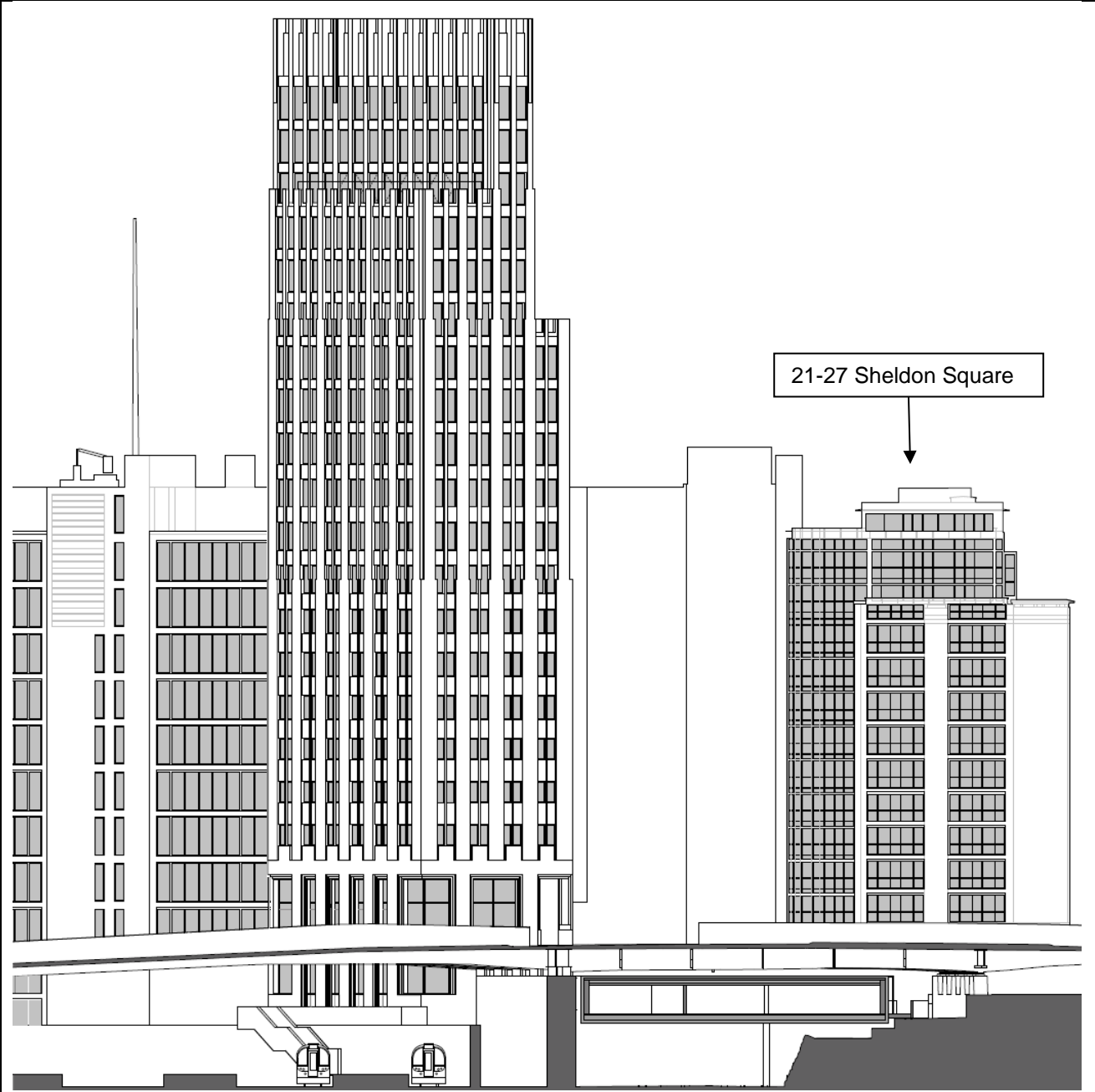




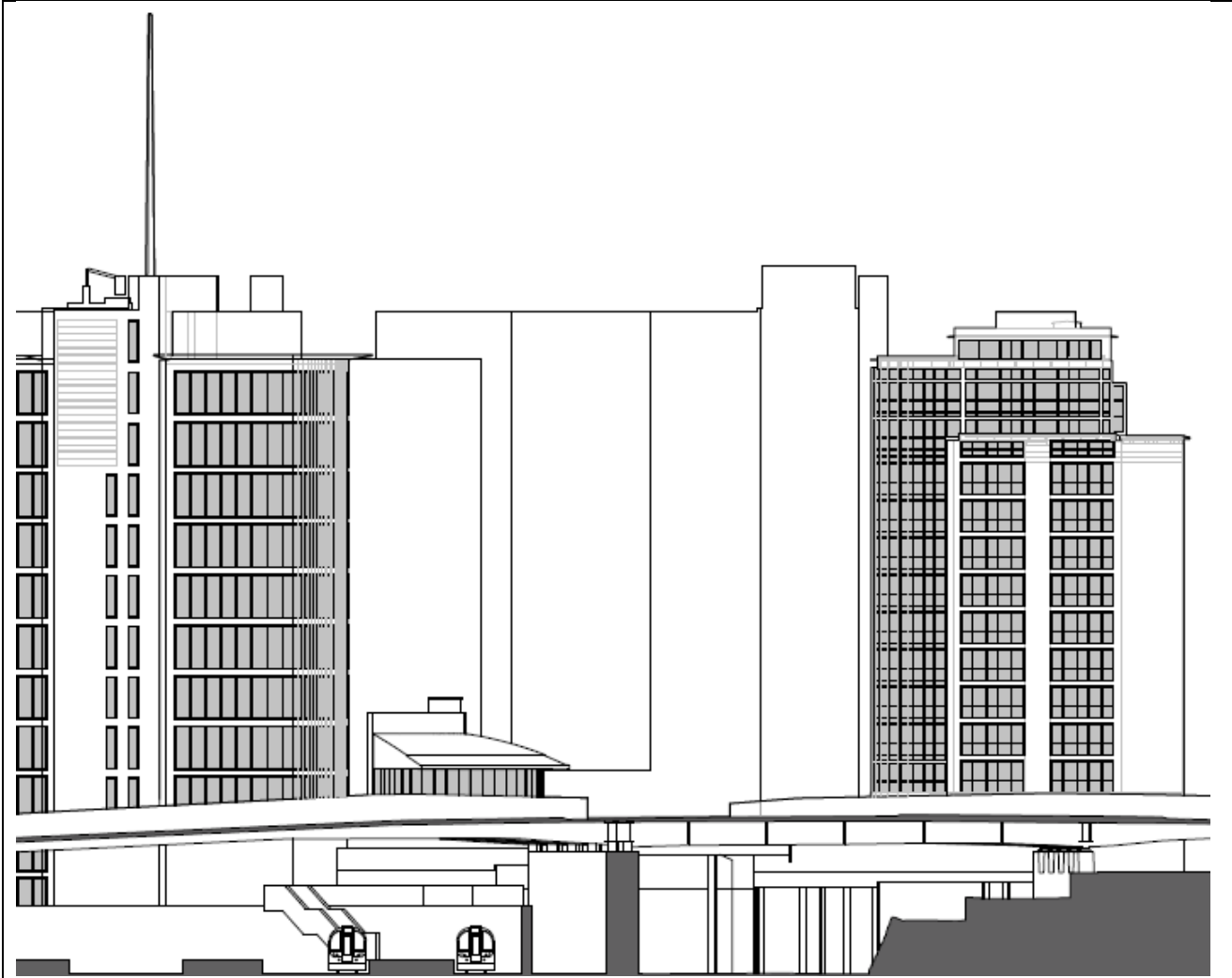
Section looking south with Bishops Bridge Road on left and amphitheatre on right



comparative existing



Elevation looking west with 21-27 Sheldon Square (residential block) on right



comparative existing



Artists Impression from Bishops Bridge Road



View from within Paddington Central East

Item No.
1

DRAFT DECISION LETTER

Address: 1A Sheldon Square, London, W2 6NA,

Proposal: Demolition of existing management office building and lift building, and erection of a new building comprising basement, three lower levels (canal level -1, amphitheatre level -2 and railway level -3), ground and 19 upper levels plus rooftop plant to provide a hotel with up to 200 bedrooms/suites and associated ancillary facilities including conference facilities/ meeting rooms/ private dining/ bars/ restaurants including publicly accessible restaurant/ bar at Level 19 (Class C1), flexible hotel/ retail (Class C1/ A1) at part ground level, flexible hotel/ retail/ restaurant/ bar use (Class C1/ A1/ A3/ A4) at part - 1, and part - 2 level, and hotel (Class C1) at part -2 level as well as Level 17 roof terrace, replacement lift, plant, cycle parking, landscaping and other associated works.

Plan Nos: X_11_00 P1; X_21_B1 P1; X_21_-03 P1; X_21_-02 P1; X_21_-01 P1; X_21_00 P1; X_31_01 P1; X_31_02 P1; X_42_01 P1; X_42_02 P1; X_42_03 P1; X_42_04 P1; X_42_10 P1; X_42_11 P1; P_12_-03 P1; P_12_-02 P1; P_12_-01 P1; P_12_00 P1; P_21_B1 P1; P_21_-03 P1; P_21_-02 P1; P_21_-01 P1; P_21_00 P1; P_21_01 P1; P_21_02 P1; P_21_03 P1; P_21_04 P1; P_21_04 P1; P_21_05 P1; P_21_06 P1; P_21_07 P1; P_21_08 P1; P_21_09 P1; P_21_10 P1; P_21_11 P1; P_21_12 P1; P_21_13 P1; P_21_14 P1; P_21_15 P1; P_21_16 P1; P_21_17 P1; P_21_18 P1; P_21_19 P1; P_21_20 P1; P_21_21 P1; P_31_01 P1; P_31_02 P1; P_42_01 P1; P_42_02 P1; P_42_03 P1; P_42_04 P1; P_42_10 P1; P_42_11 P1; P_50_01 P1; P_50_02 P1; P_50_03 P1; SK170608_01; Design, Access and Landscape Statement (including Sustainable Urban Drainage Assessment) by Carmody Grooke dated June 2017.

For information only:
 Arboricultural Assessment & Method Statement by barrel tree consultancy dated 23 June 2017; TOWN595.04(08)3001; TOWN595.04(08)SK290917; SK170927 P1; Planning Statement by CBRE dated June 2017; Noise and Vibration Impact Assessment by Scotch Partners dated June 2017; Ventilation Statement by Caldwell dated 20 June 2017; Transport Assessment rev 3 by Sweco dated June 2017; Travel plan revision 3 by Sweco dated June 2017; Daylight and Sunlight Report by gia dated 22 June 2017; Overshadowing Assessment by gia dated 13 June 2017; Daylight, Sunlight and overshadowing by gia dated 15 August 2017; Townscape and Visual Impact Assessment by millerhare dated June 2017; 3001_0614 version 170830; 3001_0624 version 170830; Wind Assessment by Arup dated 23 June 2017; Historic Environment Assessment by MOLA dated June 2017; Basement Impact Assessment by Davies Maguire dated June 2017; Flood Risk Assessment by UNDA dated June 2017; Energy Statement V2 by Caldwell bpp dated June 2017; Framework Site Environmental Management Plan red D by M3 Consulting dated June 2017; Preliminary Geo-Environmental Risk Assessment by LMB Geosolutions Ltd dated June 2017; Operational Management Framework by British Land dated June 2017; Outline Employment and Training Strategy by British Land dated June 2017; Socio Economic Impact Report by Quod planning dated June 2017; Statement of Community Involvement by Four Communications dated June 2017; Sustainability Statement by TFT dated 22 June 2017; Air Quality Assessment by Air Quality consultants dated June 2017.

Item No.
1

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 Other than patrons staying overnight at the hotel (Class C1), customers shall not be permitted within the development before 07:00 or after 23:00 hours daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8/9/10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 4 Before any C1, A1, A3 or A4 use is commenced at levels 19 and -01 to -03, you must provide an Operational Management Plan for the relevant proposed use to us for our written approval. The plan must include the following:

- a) A floorplan to show the location and layout of the use;
- b) Customer opening hours (no greater than those stated in condition 3);
- c) Capacity;

Item No.
1

- d) How the use will be serviced;
- e) How the use will be operated;
- f) Visitor management, such as: queuing, crowd control etc.;
- g) Security arrangements;
- h) Access and egress arrangements;
- i) Waste Storage and recyclable storage including cooling oil where appropriate.

The use must then operate in accordance with the approved management plan. Thereafter, any subsequent material change of use (to any other use hereby approved) will require the submission of a revised operational management plan prior to the new use commencing. The use must then operate in accordance with the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S24, S29, S32, S44, S42 of Westminster's City Plan (November 2016) and TACE8/9/10, ENV 6, ENV12, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not play live or recorded music that can be heard outside of the site.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE 8/9/10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 6 You must not use the flat roofs at Levels 11, 14 and main roof level as a terrace or for any other purpose. You can however use these roofs for maintenance or to escape in an emergency. The terrace at Level 17 shall not be used outside of the following hours 07:00 and 23:00.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: Except for any entrance/exit doors, the glazing at Level -01 facing onto 21-27 Sheldon Square to be fixed shut. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 All servicing shall take place from sub-podium level (below Kingdom Street).

Item No.
1

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29, S42 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of detailed drawings of the Bishops Bridge Road parapet design. You must not start work until we have approved what you have sent us. You must then carry out the work according to these details. (C26CB)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: An unimpeded permanent access/clearance in the vicinity of the Bishops Bridge Road structure and supporting tower, with a minimum horizontal clearance of 1.4m wide and a minimum vertical clearance of 0.75m from all bridge and supporting structures. You must not start on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To allow for inspection and/ or structural repairs and/ or long term maintenance of the bridge structure. In the interests of public safety as set out in S29 of Westminster's City Plan (November 2016) and TRANS 2 and S2 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 11 All vehicles must enter and exit the site in a forward gear.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 12 You must provide a minimum of 53 cycle parking spaces (35 replacement and 18 new cycle spaces) prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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

Item No.
1

Reason:

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

- 14 You must not put the tables and chairs (or any other associated furniture) on the highway.

Reason:

To avoid blocking the highway and to protect the environment of people in neighbouring properties as set out in S24, S29, S32, S41 of Westminster's City Plan (November 2016) and TACE8/9/10, ENV 6, ENV13 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 15 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction method statement, for the proposed development has been submitted to and approved in writing by the City Council as local planning authority in consultation with Thames Water and Network Rail. The plan shall include details of excavation/earthworks and the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

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

- 16 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- o provide details on all structures
- o provide details on the use of tall plant/scaffolding
- o accommodate the location of the existing London Underground structures
- o there should be no opening windows or balconies facing the LU elevation
- o demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
- o demonstrate that there will at no time be any potential security risk to our railway, property or structures
- o accommodate ground movement arising from the construction thereof
- o mitigate the effects of noise and vibration arising from the adjoining operations within the structures

Item No.
1

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

17 Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

18 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

Item No.
1

- 19 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records in accordance with Land Contamination Assessment dated 8 June 2017 from LMB Geo-solutions.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 20 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not commence works to build out the sub-structure of the relevant parts of the development until we have approved these details. You must then carry out the works in accordance with these details and maintain them thereafter.

Reason:

To protect the environment of people in neighbouring properties as set out in S31 of Westminster's City Plan adopted November 2016 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

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

Item No.
1

should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

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

Reason:

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

- 22 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater

Item No.
1

than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

23 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

24 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

25 The design and structure of the development shall be of such a standard that it will protect occupiers within it from ground borne noise from nearby train lines so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

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

Item No.
1

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

Reason:

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

- 27 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 28 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 1 seasons of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 29 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

green roof

You must not remove any of these features. (C43FA)

Reason:

Item No.
1

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 30 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 31 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated June 2017 before you occupy the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 32 You must apply to us for approval of samples of the facing materials (for new building and landscaping) you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 33 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development: Typical facade bays. The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the external cladding of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason:

Item No.
1

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

34 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) windows and blind windows;
- ii) external doors;
- iii) retail frontages/hotel entrances;
- iv) location and size of movement joints;
- v) glass balustrades to terraces;
- vi) interfaces with windows;
- vii) any ventilation and other services terminations at façade and roof;
- viii) CCTV cameras - showing details of cameras and precise location;
- ix) external lighting - including details of extent, type, colour and location;
- x) signage strategy - showing extent and intended location.

You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

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

35 You must not paint or apply vinyl films or obscure the window glass to the public realm-facing facades of Levels -02, -01 or 00 of the hotel reception and retail areas or block the glazing in any other way. The windows must be clear glazed and maintained as such.

Reason:

To maintain active frontages and enhance the character and appearance of this part of the City. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007.

36 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

37 You must not paint any outside walls of the building without our permission. This is despite the

Item No.
1

fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 38 The building maintenance unit(s) shall be positioned in the parked and hidden position at all times when not in use.

Reason:

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

- 39 You must apply to us for approval of details of the following parts of the development - a phasing plan to show how you will retain the emergency exit from the Hammersmith and City Line platform. You must not start any work on these parts of the development until we have approved what you have sent us in consultation with London Underground.

You must then carry out the work according to these details. (C26DB)

Reason:

In the interests of public safety as set out in S29 of Westminster's City Plan (November 2016) and TRANS 5 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 41 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- a) Combined Heat and Power Unit;
- b) A connection point to any future district heating undertaking;
- c) Attenuation water tank;
- d) Rainwater harvesting.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S30, S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 42 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency

Item No.
1

and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (adopted November 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 43 The development hereby approved shall not be occupied until a Coach and Taxi Management Plan has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Item No.
1

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 5 In relation to condition 9, you are advised that the parapets must have a containment value appropriate to the recommendations and standard in the Design Manual for Roads and Bridges (DMRB) and be agreed by the local Highway Authority.
- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

It is your responsibility under the law to provide good access to your buildings. An appropriate and

Item No.
1

complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 8 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 9 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 10 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 11 You will need technical approval for the works to the highway (supporting structure and parapets) prior to commencement of development, including TA1 approvals. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway. Without the technical approval, including sufficient clearances from the existing bridge and supporting structures, elements of the proposed development will not be able to be constructed.
- 12 In relation to condition 15, the Construction Logistics Plan (CLP) should follow new TfL best practice guidance also available from <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/guidance-by-transport-type/freight>
Data must be supplied on land use, floorspace and construction programme to help TfL assess the impact of construction vehicles on the strategic transport network. The new guidance also contains measures which can be used to reduce the negative impact of construction on London and Londoners.

Item No.
1

- 13 You are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods; tall plant: scaffolding.
- 14 The written scheme of investigation required by condition 17 will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning(Development Management Procedure) (England) Order 2015.
- 15 You are advised to contact Network Rail's Maintenance Protection Co-ordinator Harriet Sergent email Harriet.Sergent@networkrail.co.uk to arrange a meeting to discuss this proposal.

Network Rail also require 24/7 access to carry out inspections and maintenance during and after the works. Any ground works such as piling will require monitoring of the nearby bridge to ensure no damage is caused. Therefore, the applicant will need to enter into a Basic Asset Protection Agreement (BAPA) prior to any works taking place, the developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

- 16 **Waste Comments**
Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Item No.
1

Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 17 You are advised that four trees in G1 and one tree from G2 adjacent the amphitheatre are allowed to be removed in order to implement the development

- 18 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the -01 and -02 and floor levels can change between the A1/ A3/ A4/ C1 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

- 19 You are advised that any indicative signage locations should be confined to the ground floor fascia zone (Levels 00 and -01). Any high-level signage is unlikely to be considered acceptable. Proposals for signage may be subject to advertisement consent.

- 20 Condition 19 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 21 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:

Item No.
1

www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 22 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Employment and training strategy for the construction phase and the operational phase of the development;
 - b) Crossrail payment of £809,735 (index linked);
 - c) Costs of all highway works surrounding the site required for the development to occur;
 - d) A contribution of £4,445 (index linked) towards the upgrade of wayfinding signage at an in the vicinity of the site;
 - e) A contribution of £12,000 (index linked) towards the upgrade of 'Bus Stop S' on Bishop's Bridge Road;
 - f) Provision, monitoring and review of a travel plan;
 - g) The provision of public access to the 19th floor of the building;
 - h) Costs of monitoring the S106 agreement.

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Westcourt House, 191 Old Marylebone Road, London, NW1 5DZ		
Proposal	Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.		
Agent	Miss Suzanne Crawford		
On behalf of	Whitbread Group PLC		
Registered Number	17/04194/FULL	Date amended/ completed	17 May 2017
Date Application Received	12 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

1. Subject to referral to the Mayor Of London, grant conditional permission, subject to a section 106 agreement to secure:

- a) A financial contribution of £45,000 (index linked) for the expansion of a nearby cycle hire docking station;
- b) A financial contribution of £25,000 (index linked) toward wayfinding (Legible London);
- c) A financial contribution of £27,239 (index linked) toward the funding of Crossrail;
- d) A financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road;
- e) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
- f) Offering local employment opportunities during construction and operation of the hotel;
- g) The provision, monitoring and review of a travel plan; and
- h) Payment of cost of monitoring the agreement (£500 per head of term).

2. If the S106 legal agreement has not been completed by 5 December 2017 then:

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the

grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed. The applicant will be required to cover all costs of the Council in progressing the stopping up orders

2. SUMMARY

The application site contains an eight storey plus basement office building at the junction of Old Marylebone Road and Harcourt Street. This building is unlisted and lies outside a conservation area, although the Portman Estate Conservation Area lies close to the east and the Lisson Grove Conservation Area lies to the north on the opposite side of Marylebone Road. There are also a number of nearby grade II listed buildings which lie to the south west and face onto Harcourt Street. The application site is also located within the Central Activities Zone (CAZ) and a CAZ frontage.

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a hotel (Use Class C1). The proposed hotel would contain 294 bedrooms within a building comprised of three interlocking blocks 9, 10 and 13 storeys high. The ground floor would include a ground floor café/restaurant.

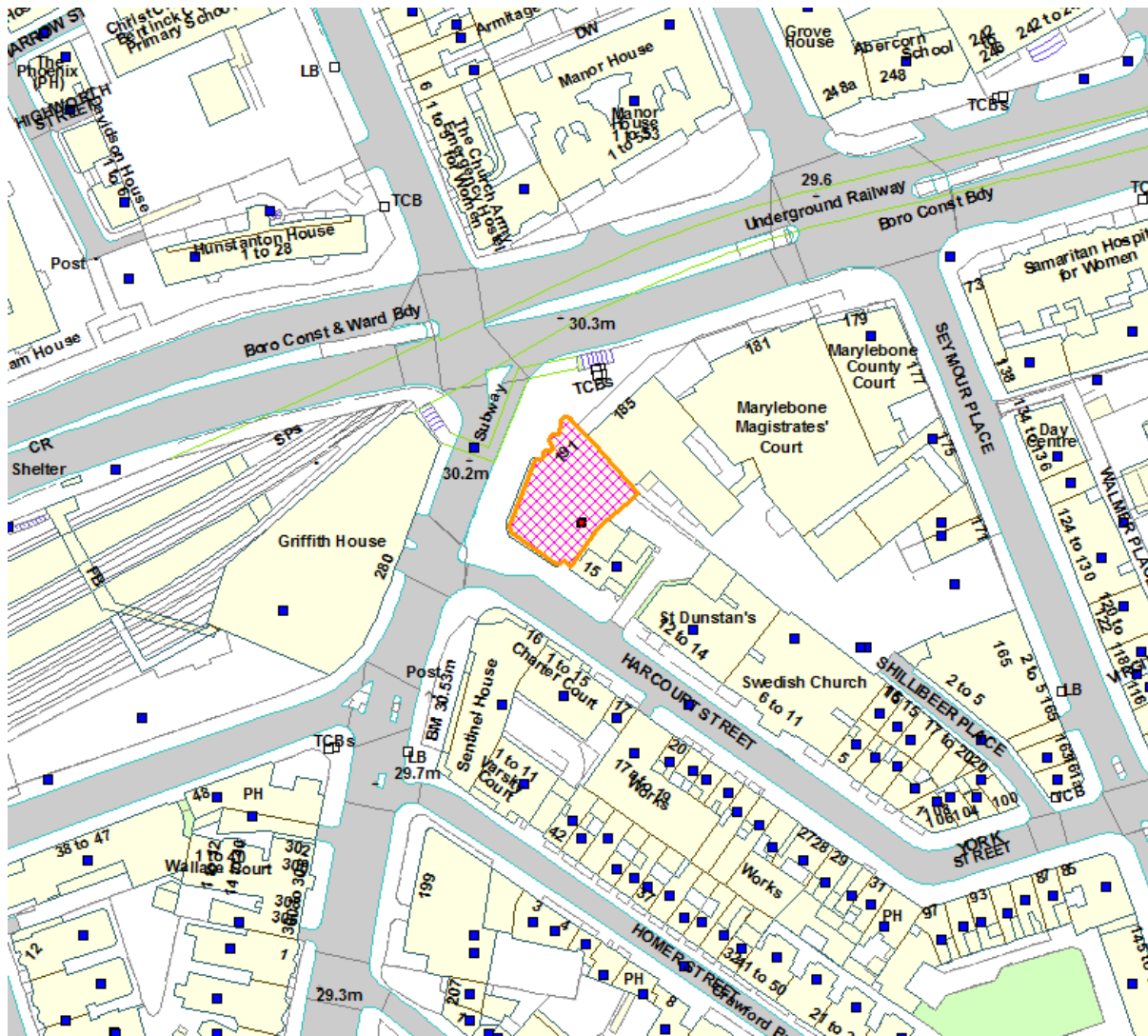
The key considerations are:

- Loss of office use and provision of hotel use;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Impact on the highway, including loss and dedication of public highway; and
- Loss of street trees.

Officers have some concern with the height of the proposed building and the absence of off-street servicing and Transport for London object to the loss of three street trees on Old Marylebone Road. However, these objections are not considered sustainable.

On balance, the proposed development is considered to comply with the Unitary Development Plan (UDP) and City Plan (City Plan) and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Application site as seen from Marylebone Road



Application site as seen from Harcourt Street and Marylebone Road intersection.

5. CONSULTATIONS

GREATER LONDON AUTHORITY (GLA)

The proposed hotel in this accessible location in the CAZ is supported and the loss of office space is acceptable. The height, massing and high quality architecture is supported, although there is a concern over the loss of street trees, which requires further justification. There would be no harm to heritage assets. A contribution of £45,000 should be secured towards the expansion of the nearby cycle hire docking station.

WARD COUNCILLORS FOR BRYANSTON AND DORSET SQUARE

Any response to be reported verbally.

WARD COUNCILLORS FOR CHURCH STREET

Any response to be reported verbally.

ARBORICULTURAL MANAGER

Subject to TFL's comments, the removal of three Ginkgos on Marylebone Road would be regrettable. However any major redevelopment of this building would require their removal so if there are overriding planning reasons for supporting redevelopment of this site, then I think that the removal of the trees could be justified if large replacements could be provided and they can be planted without conflict with the building or road.

HIGHWAYS PLANNING MANAGER

Object to the absence of off-street servicing and coach and taxi parking for the proposed hotel; unsatisfactory cycle parking provision and changes to the building line.

ENVIRONMENTAL HEALTH OFFICER

Subject to recommended conditions, the proposed building should be able to provide satisfactory noise and vibration levels for occupiers.

A phase one contamination report has been provided. A condition is recommended requiring further site investigation and, if required, submission of a remediation strategy should contamination be encountered.

The proposed development is situated within an area of poor air quality, mitigation measures are considered necessary to protect future occupiers. During construction, the Site Environmental Management Plan (SEMP) should explain how impacts on air quality will be mitigated. During the operational phase, conditions should be imposed requiring mitigation measures such as sealed external windows, mechanical ventilation and no gardens, balconies, seating or external amenity areas to be provided at basement, ground or first floor levels.

The Ventilation Strategy Report dating May 2017, notes that the CHP will be run to the main roof (level 14) and terminates above the roof. It is unclear from the plans on the precise proposed location of the flue for the proposed energy centre. This must be clearly cited to ensure suitable dispersion of emissions. The details of the discharge flues should be required by condition.

A construction Site Environmental Management Plan should be sought in the Code of Construction Practice Agreement (COCP) to control the environmental impacts of the construction phase including noise, vibration and dust. The hours of construction should also be controlled by way of condition.

WASTE PROJECT OFFICER

Object. The applicant has proposed a waste store within the ground floor level with on-street waste servicing on Harcourt Street. There was no waste management strategy detailing waste generation estimate and storage capacity that will be required for residual waste and recyclable materials. Therefore, the applicant has not demonstrated that waste and recyclable materials will be managed in line with the Westminster City Council Recycling and Waste Storage Requirements.

LONDON UNDERGROUND LIMITED

No objection, subject to condition to secure protection of the existing underground network adjacent to the site.

TRANSPORT FOR LONDON

Removal of three trees to the northern frontage is unacceptable. There are no suitable planting locations on this part of Old Marylebone Road given the high number of services within the pavement and a payment for their replacement is unacceptable. Recommend that building line is pulled back to allow for trees to be retained. Further discussion is needed for an amendment to the scheme to prevent their removal and tree protection conditions imposed for the demolition, site clearance and construction phases.

Object to use of Old Marylebone Road for coach and taxi pick-up and drop-off.

Should permission be granted, contributions toward wayfinding (Legible London - £25,000) and cycle hire docking station (£45,000) should be sought. Conditions requiring Construction Logistics Plan, Delivery & Servicing Management Plan and Travel Plan requested.

HISTORIC ENGLAND (ARCHAEOLOGY)

Although the site is not located in an Archaeological Priority Area (APA), it is approximately 200m east of the Watling Street APA. Old Marylebone Road was also the location of Lisson Manor House and medieval and post-medieval deposits and features have been recorded in the vicinity previously. Recommend a condition requiring a programme of archaeological work to fully investigate this potential and record any remains present.

MARYLEBONE ASSOCIATION

Object. The principle of a hotel use on this site is welcome. However, there are concerns about the height of the proposals when viewed in context. Whilst this is a prominent corner site that can accommodate a statement scheme, the massing when viewed within the context appears overbearing and the central section of the proposals appears disproportionately tall. They would like to see further consideration on the heights.

Consideration should be given to the area at ground floor where there is a bike store, and which may attract anti-social behaviour given it is slightly tucked out of view and that the restaurant may not always be able to provide natural surveillance.

Should permission be granted, an exemplary Construction Traffic Management Plan should be required to ensure that already congested roads are not exacerbated.

THE ST MARYLEBONE SOCIETY

Strongly regret the proposed demolition of the interesting existing 1983 “High Tech” red clad building by GMW, which responds very well to site and context, has an varied profile and good massing, and turns the corner beautifully on this prominent site. Any building on this site will be visible from afar from many directions and should be a fine piece of architecture from all directions.

While the main facades have developed somewhat during the consultation period, the other facades are treated purely as extrusions from plan which protrude uncomfortably from the surrounding lower buildings – including the magistrates court, which should have more “weight” as an important local public building. The rigidity of the hotel room module contributes significantly to the ugliness of the extruded forms.

Rather than using the existing general roof level as the “height” of the new building, the developer takes the highest point of the stair tower as a baseline and then adds 3 extra floors. Any replacement building should be no higher on average than the existing general roof level. They reject the viability argument for several extra floors: the developers knew what the site could bear when they purchased it. The proposal is too high and too bulky.

No objection to the use of the building as a hotel. However, we note that there are issues with deliveries in Harcourt Street. Residents of smaller streets should not have their quality of life degraded by oversized delivery trucks. The idea of a public coffee bar at ground floor level is appealing, but it actually seems to be very small, and we wonder whether there will ever be room for the public as well as for guests.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1439

Total No. of replies: 22

No. of objections: 21

No. in support: 1

In summary, the objectors raise the following issues:

Character and Appearance

- The proposed building is too tall and out of keeping with the height of adjacent buildings and/or the area;
- The height of the proposed building would set a new precedent for building heights in the area;
- The proposed building would affect the setting of nearby listed buildings and/or conservation areas;

Amenity

- The proposed building will block light
- The height of the proposed building will allow for additional overlooking of neighbouring or nearby properties;
- Proposal would overshadowing the garden terrace to the rear of the Swedish Church;
- The proposal would result in loss of light to Sentinel House;

Highways

- The proposed hotel will generate additional traffic at the intersection of Harcourt Street and Old Marylebone Road;
- The proposed development would result in loss of parking spaces for residential accommodation servicing the Embassy of the People's Republic of China;
- Access and servicing during construction and operation of the proposed hotel would take place directly in front of and cause congestion and noise outside residential accommodation servicing the Embassy of the People's Republic of China;
- Delivery and servicing for the proposal would conflict with similar arrangements for Sentinel House;

Other

- The granting of a late license in conjunction with other premises would turn the area into a largely commercial zone;
- Party wall issues;
- The proposed development may put at risk the personal safety and security of residents in neighbouring residential accommodation for the Embassy of the People's Republic of China;
- The applicant needs to confirm that the bollards to the front of the building will be retained;
- The applicant will need to liaise with the adjacent magistrates courts on-site manager in relation to additional security at ground floor level and during construction;
- Obscure windows should be introduced where they overlook the Magistrates' Court; and
- There are already too many hotels in the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site contains an eight storey plus basement office building at the junction of Old Marylebone Road and Harcourt Street. This building is unlisted and lies outside a conservation area, although the Portman Estate Conservation Area lies close to the east and the Lisson Grove Conservation Area lies to the north on the opposite side of Marylebone Road. There are also a number of nearby grade II listed buildings which lie to the south west and face onto Harcourt Street. The application site is also located within the Central Activities Zone (CAZ) and a CAZ frontage.

6.2 Recent Relevant History

17/01235/EIASCR

Request for screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 as amended for the demolition of the existing building and erection of a ground plus 13 storey building comprising 310 hotel bedrooms (Use Class C1), approximately 7,718.7 sqm GIA.
EIA not required – 7 March 2017

84/02087/FULL

Demolition of existing buildings & erection of nine storey office & residential building with 13 s/c flats.
Permission granted – 24 April 1985

7. THE PROPOSAL

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a hotel (Use Class C1). The proposed hotel would contain 294 bedrooms within a building comprised of three interlocking blocks 9, 10 and 13 storeys high. The ground floor would include an ancillary café/restaurant.

The building's façade would comprise brick clad piers with polished pre-cast concrete curtain walls and lintels framing floor-to-ceiling windows above first floor level. The ground floor would include glazed elevations facing Marylebone Road and Harcourt Street to serve the ground floor café/restaurant. No on-site parking or loading facilities are proposed.

The following changes to floorspace on-site are proposed:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change
Office	4986	-	-4986
Hotel	-	7462	+7462

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Existing Office

Whilst the London Plan (March 2016) (“the London Plan”) does not specifically protect office uses, policy 4.2 does support rejuvenation of the office stock within the CAZ in order to improve the quality and flexibility of office stock so that it can meet the distinct needs of the Central London market. Strategic policy also acknowledges the diverse range of uses that exist within the CAZ and that having a range of residential and visitor infrastructure uses within the CAZ helps to support its strategic function. Paragraph 2.3.5 of the CAZ SPG seeks to ensure that additional hotel provision does not constrain the availability of local employment and commercial floorspace, having regard to demand and viability.

Prior to the applicant acquiring the site, the building had been marketed for over a year with no interest from office operators, in part due to the office floorplates not being suitable for the current market. Furthermore, the site is not located in a core office location and transport and public realm improvements (including Crossrail) along Oxford Street and around Paddington is likely to further marginalise the office market in Marylebone, making the redevelopment of existing stock less attractive. It is also noted that commercial space will be re-provided in the form of the hotel and retail use, which would help to support the strategic function of the CAZ. The loss of office space on this site would not undermine the primary business function of the CAZ or any locally defined office market, nor would it adversely impact on the wider strategic function of the CAZ. As such, the loss of office space on this site would be consistent with the London Plan.

The reasoned justification to policy S20 of Westminster's City Plan (November 2016) ("the City Plan") notes concern with office losses throughout the City, although does note that losses of office to other commercial uses are acceptable as they contribute to commercial activity. Accordingly, the principle of losing this office space to another commercial use on this site would be consistent with policy S20 of the City Plan.

Proposed Uses

Policy 4.5 of the London Plan directs hotel provision to Opportunity Areas and CAZ fringe locations with good public transport. The proposal would be consistent with this strategic policy objective.

This site is not located within an Opportunity Area, the Core CAZ, Named Streets or NWEDA/NWSPA where new hotels are directed (see policy S23 of the City Plan and TACE 2 of the Unitary Development Plan (adopted 2007) ("the UDP"). However, it is located within a CAZ Frontage which is deemed a Designated Shopping Centre within the City Plan. Policy S18 of the City Plan specifies that commercial development will be encouraged and directed toward, inter alia, Designated Shopping Centres. Accordingly, the proposed hotel use would be supported in principle.

The proposed café/restaurant use would be ancillary to the hotel and is therefore supported. A condition is recommended to ensure that it remains ancillary to the proposed hotel.

8.2 Townscape and Design

The application site contains an unlisted office building that is outside a conservation area, although the Portman Estate Conservation Area lies close to the east; the Lisson Grove Conservation Area lies to the north on the opposite side of Marylebone Road; while the Dorset Square Conservation Area lies approximately 110m to the east, again on the north side of Marylebone Road. There are also a number of nearby listed buildings which include several grade II listed buildings to the south east, facing onto Harcourt Street and amongst which is the grade II Swedish Church, identified as a landmark building within the Portman Estate Conservation Area Audit. On the north side of Marylebone Road, there are the grade II listed Manor House and the Abercorn School

(former St Marylebone Grammar School), as well as the grade II* former Christ Church on Cosway Street.

The existing building dates from the mid-1980s and was designed by GMW Architects. It is a nine storey building clad in red metal panels and bands of smoked and mirrored glass. It presents a prominent 10-storey curved turret stair to Marylebone Road. With its unlisted status and lying outside a conservation area, the building enjoys limited protection from demolition, however, it is not without architectural merit, noted by both Pevsner and by the Royal Fine Arts Commission. The latter commenting, that the completed building “came out unexpectedly well...dextrous handling of the masses and their articulation and consequent legibility” (RFAC, *What Makes A Good Building*, 1994). The architectural merits of the existing building are also noted by the St Marylebone Society in their consultation response.

The proposed replacement building would be articulated in three connected blocks, with an 11-storey block abutting the Westminster Magistrates’ Court and facing onto Marylebone Road; a 14-storey block facing onto Old Marylebone Road; and a 10-storey block facing onto Harcourt Street and abutting the neighbouring no.15 Harcourt Street (Mina Palace). The ground floor would include the hotel reception area and a café/restaurant space, with entrances onto Marylebone Road and Old Marylebone Road respectively. A service entrance is located on Harcourt Street, as is a new substation for the site.

All three component blocks present the same façade treatment with a regular grid and fenestration pattern revealing the modular nature of the hotel layout. Pre-cast concrete lintels express the floor plates, although wider vertical panels of brickwork provide the prevailing facing material. The windows are well recessed behind the brick and concrete grid, providing relief and depth; and the introduction of a folded, polished pre-cast concrete panel of varying widths provides further relief and visual interest. The brick type proposed would be of a light grey colour which would complement the stone colour of the neighbouring magistrates’ court. The window frames and side panels would be metal and in a darker grey/black tone. The flank walls to each block would echo the primary facades but in a less robust form, reflecting their secondary nature.

A consistent ground floor base containing a high degree of glazing to the facades onto Marylebone Road and Old Marylebone Road and also faced in the same charcoal grey anodised aluminium found elsewhere in the facades, will ground the building. The height of the base aligns with the colonnade to the adjacent magistrates’ court, which complements the street-level relationship between the two buildings. In addition to this continuous base, each of the blocks is also given a defining top, by the introduction of a double-height treatment to the top two storeys, created by the omission of the concrete lintel between these floors.

The principal design objection to the proposal is on the grounds that the proposed replacement building is too tall and too bulky; and thus does not adequately address its context. This is the view of both the relevant amenity societies (Marylebone Association and St Marylebone Society) and is included in the comments of almost all objections to the scheme.

It is certainly considered that the height of the proposed development is the most challenging element of the proposal. The current building at its highest point (i.e. the top of the stair turret) measures 62.74m AOD, which is an overall height of 32.3m and this compares with the tallest block of the replacement building which reaches a height of 74.735m AOD (parapet height), which is an overall height of 44.335m.

In terms of policy considerations, both S28 of the City Plan and DES 1 of the UDP demand high quality design solutions; and UDP policies DES 3 and DES 4 further clarify these requirements in terms of tall buildings and infill development. The applicants have sought to focus on policy DES 3, which relates to high buildings (defined as a building being significantly higher than its surroundings) and highlight that this policy indicates that tall buildings will not be permitted where they have adverse impact upon strategic views; on conservation areas and the settings of listed buildings; and in views from London Squares. The policy also indicates that tall buildings will not be permitted where they would be incongruous with respect to the prevailing character of the surrounding area. The policy does acknowledge that tall buildings may be exceptionally acceptable and sets out design criteria that ought to apply, including high quality design, employment opportunities and housing capacity and a favourable mix of land uses which would facilitate shorter journeys to work, energy conservation and support other sustainability objectives. In terms of more detailed criteria the policy suggest that such buildings should define landmark points of significant urban activity and accord with the scale, and character of urban grain and street frontage lengths; provide active frontages at street level, enhance local public realm and have no adverse microclimate impacts. It is a moot point whether policy DES 3 is applicable to this application, in circumstances where the proposed building is less than 12m higher than the current building on site; is between 3 and 6 storeys taller than its immediate neighbours; and is in an area where a disparity in building heights already exists. Nevertheless the suggestion from some of the objections is that the proposed building is significantly taller than its surroundings and thus it is appropriate to be mindful of this policy.

Policy DES 4 relates to infill development, which is defined as the insertion of one or more new buildings within a continuous street façade or frontage. This policy indicates that such development will be permitted as long as its design has regard to the prevailing character and quality of the surrounding townscape, particularly in conservation areas. The policy also promotes certain urban design characteristics such as preservation or consolidation of prevailing overall heights, storey heights and massing of adjacent buildings. The policy application indicates that in areas of high-quality varied townscape, new developments should be integrated into their surroundings, through appropriate choices of scale, form and materials that reflect the type and quality of the existing townscape. In areas of low-quality varied townscape the policy identifies the opportunity to generate new compositions and points of interest.

It is considered that the application of policy DES 4 is appropriate. In the particular context of this site it is arguable that the area is of mixed quality and varied townscape. While there are high quality buildings and townscape in the immediate vicinity, the site itself lies outside a conservation area; and there are buildings in the vicinity both on Marylebone Road and Old Marylebone Road of indifferent quality.

It is considered to be the case that the proposed replacement building and notably the tallest central block does introduce a height to the new building which discordantly

contrasts with the height of the existing building and with the immediate context. However, a discrepancy in height would not in principle be incongruous, as there are existing contrasts in scale between buildings on Marylebone Road and Old Marylebone Road; and between these principal streets and the lower-scale Georgian townscape of the Portman Estate Conservation Area to the south and east. Furthermore there is considered to be some merit to the applicant's contention that a prominent building would be appropriate at this corner site on the junction of these two principal roads.

It is therefore considered important to assess whether the overall merits of the scheme, successfully mitigate the discordant height and what the overall townscape impacts are. In the first instance it is considered that the design approach of three interconnected blocks of differing height, does allow a softening of the transition in scale with immediate neighbours. Secondly, the detailed design and choice of materials does introduce an element of townscape cohesion which the existing building lacks. While the current building has its plaudits, it is considered to be a building which in its own right has architectural interest and merit but is less successful at integrating into its townscape context. The red metal facing panels with smoked and mirrored glass, visually jar with the more traditional masonry materials found in surrounding buildings; also the projecting stair turret introduces a very assertive design component, deliberately designed as an eye-catching feature rather than contributing to a harmonious street facade; finally the plant room and building maintenance unit at roof level, produce an unresolved and messy termination. Thus it is the case that the proposed building, like the existing building, contrasts with its surroundings but for differing reasons. It is taller than the existing building but this additional height is mitigated and softened by the handling of massing and also by having a more cohesive appearance within its townscape context.

The application has included several townscape views to enable assessment of the impact in terms of the adjacent conservation areas, listed buildings and wider townscape. In all of these views, while the increase in height is readily apparent, the impact is for the most part not detrimental and in some respects responds more successfully to the townscape. The height of the buildings in Marylebone Road and Old Marylebone Road, already have a disparate scale and this is maintained and arguably the taller block at the knuckle of the road junctions performs a legible townscape function and landmark.

The views from within the Portman Estate Conservation Area are considered to be the most sensitive, particularly from Harcourt Street, with listed Georgian buildings in the foreground and where the landmark qualities of the Swedish Church can be appreciated. From this perspective (Views 4 & 5), the proposed new building is not considered to be harmful and while the additional height is appreciable, the massing acceptable breaks down and the masonry facades and tone of brick sit comfortably as a backdrop.

In addition to the impact of its height, the architecture of the proposed new building and the suggested facing materials successfully complement the townscape. This is well demonstrated in some of the views along Marylebone Road, such as View 6, where the orthogonal design, well-proportioned facades with punched openings and tonally complementary materials, when viewed alongside the magistrates' court, acceptably integrate.

Finally, the introduction of a hotel reception lobby and café at ground floor level, will introduce a far more animated and visually interesting street level experience, engaging with the footway, as opposed to the current situation, where the ground floor of the existing building has a deadening and poor relationship with the street. Further animation to the ground floor may also take the form of public art, which is proposed without specific details, although the ground floor is identified as a potential location for an integrated piece of public art.

In conclusion, while the concerns expressed about the height of the proposed new building are recognised and understood, it is considered that the scheme would not have a harmful impact upon the townscape or upon adjacent designated heritage assets (listed buildings & conservation areas) and that the proposal offers the opportunity to introduce a high quality new building to this prominent location, which in terms of detailed design and choice of materials has a more complementary relationship with the surrounding context and will introduce a more animated ground floor.

As such, the proposal accords with policies S25 and S28 of the City Plan and policies DES 1, DES 3, DES 4, DES 7, DES 9 and DES 10 of the UDP.

8.3 Residential Amenity

Several objections have been received in relation to potential loss of light and privacy.

8.3.1 Loss of Light

Policy ENV13 of the UDP seeks to protect existing premises, particularly residential from a loss of daylight and sunlight as a result of new development. Permission would not normally be granted where developments result in a material loss of daylight or sunlight. Policy DES 3 (c) (4) of the UDP also specifies, amongst other things, that high buildings should minimise the effects of overshadowing, especially within predominantly residential areas.

The supporting text to policy ENV 13 specifies that regard should be had to the BRE publication “Site Layout Planning for Daylight and Sunlight: A guide to good practice” (2011) (“the BRE Guide”). The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by Point 2 Surveyors Limited (“the Light Study”) as part of the application to demonstrate compliance with the BRE Guide. The Light Study considers the following adjacent or nearby residential properties that are eligible for testing in the BRE Guide:

- Hunstanton House, Cosway Street
- The Church Army Hostel, 1-5 Cosway Street
- 1-15 Charter Court
- 17 Harcourt Street

Residential properties beyond these are considered too distant from the subject property to result in potentially unacceptable light loss.

Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The Light Study concludes that, of the 159 windows eligible for testing, two would have VSC losses exceeding 20%. No room would have NSL losses exceeding 20%. The two windows are located within 1-15 Charter Court and would have losses of approximately 22 and 25%. These losses are only marginally over what the BRE Guide deems noticeable and are therefore not necessarily harmful. The BRE Guide itself also states that it is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. In this context, the level of light loss is considered acceptable and does not warrant refusal of the development.

Sunlight

The BRE Guide states that only windows with an orientation within 90 degrees of south are eligible for testing. It also states that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Light Study concludes that all of the 88 windows eligible for sunlight testing would meet the BRE Guide. Accordingly, the proposed development would not result in unacceptable loss of sunlight to neighbouring residential properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.2 Sense of Enclosure

The proposed development would be separated from the residential properties noted above by the widths of Marylebone Road (approx. 40 m), Old Marylebone Road (approx. 20 m) and Harcourt Street (approx. 14 m). The additional bulk and height of the building would also take place above the height and bulk of the existing building, which is already higher than its immediate neighbours and the residential properties identified above. Combined with the separation distance noted above, the additional height and bulk identified would not result in a significantly increased sense of enclosure for the occupants of those properties.

The proposed development would also be seen only in oblique views from the rear of 171 Seymour Place. Accordingly, the proposed development would not result in a significant increase in sense of enclosure for the occupants of that property. All other residential properties would be located too far from the application site to be affected by sense of enclosure and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.3 Privacy

As noted above, the proposed development is separated from most surrounding properties by the widths of Marylebone Road, Old Marylebone Road and Harcourt Street. It would also have a similar level of outlook to the existing office building. Accordingly, it is anticipated that it would not result in a significantly increased overlooking for the occupants of most surrounding properties.

However, windows on the rear or south eastern elevation of the proposed building at ground to seventh floor level would have oblique views but in close proximity to their counterparts on the rear elevation of 15 Harcourt Street (Mina Palace). Accordingly, a condition is recommended requiring that these windows are obscure glazed and fixed shut. Subject to this condition, the proposed development would not result in significant loss of privacy for the occupants of 15 Harcourt Street.

An objector is concerned that the height of the proposed building may allow for overlooking of windows and the terraces at 165 Seymour Place. However, that property is largely screened from the application site by the building at 171 Seymour Place. In addition to screening the application site, 171 Seymour Place also overlooks 165 Seymour Place. Accordingly, the proposed development would not result in significant loss of privacy for the occupiers of 165 Seymour Place.

Given the above, the proposed development would not result in significant overlooking of neighbouring properties and would be consistent with policy ENV13 of the UDP and policy S29 of the City Plan.

8.3.4 Noise

It is proposed to install building services plant within the development. The Environmental Health Officer has reviewed the proposal and has recommended conditions to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site.

An objector is also concerned that the hotel, particularly its ancillary restaurant/café would result in unsatisfactory noise levels for nearby residents. However, hotels by their nature are not noisy and it is anticipated that it would result in no more noise than the office use it replaces. Conditions are also recommended to control the restaurant/cafes operating hours and its use to ensure that it does not result in harm to residential amenity. Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

8.4 Transportation/Parking

Several objectors are concerned with parking, on-street servicing and the impact of vehicle movements on the Harcourt Street/Old Marylebone Road intersection. The Highways Planning Manager has also objected to the absence of off-street servicing for the proposed hotel; unsatisfactory cycle parking provision and changes to the building line.

8.4.1 Trip Generation

The applicant has submitted a Transport Assessment providing information on the level of operation of the proposed development. The figures within the information submitted by the applicant appear broadly reasonable as a base to compare change that the proposed use may generate.

On balance, while the proposed land use will result in higher levels of activity, particularly with regards to taxis/private hire vehicles and coaches and at different times to the existing use, the overall activity of guests arriving and departing the site on foot will not result in significant detrimental highway safety or operation.

8.4.2 Car Parking

The proposed development results in the loss of 18 existing off-street car parking spaces. Policies TRANS 21 and TRANS 2 of the UDP support the loss/reduction in off-street car parking provision for non-residential use, where there is no operational need. It is accepted that in this location, the in non-residential car parking would be consistent with policies TRANS 21 and TRANS 22.

The site is also within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the proposed development on on-street parking levels will therefore be minimal.

An objector notes that they lease 10 spaces that are used for residential flats at 15 Harcourt Street. These spaces are located within the basement level of the existing building and would be lost if the site is redeveloped. However, this appears to be a private arrangement between this objector and the site owner and these spaces are not protected for residential use via condition. Accordingly, an objection to the development on this basis would not be sustainable.

8.4.3 Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require off-street servicing for new development. The proposed development includes no off-street servicing and the applicant proposes that all servicing take place on-street, on Harcourt Street.

The Highways Planning Manager considers that there would appear to be no physical constraint to achieving on-site servicing and therefore the proposal is not consistent with S42 or TRANS20. Providing off-street servicing would improve the highway environment for pedestrians and other highway users.

The proposed development is expected to generate two servicing trips per day. The extent of delivery activity indicates that the dwell time would be a maximum of 45 minutes. While it is accepted the current proposal does not have any ancillary areas, these figures are based on the particular existing operating style of the hotel and are considered optimistic for a hotel of this scale. An alternative Use Class C1 use of this scale may operate in a different fashion and have a higher level of servicing.

Deliveries and goods left on the highway can create an obstruction to pedestrians and can have an adverse impact on any improvements to the public realm. The scheme as designed, has very limited off-street holding areas for delivered goods. This means the goods are likely to remain on the highway for longer periods of time, creating an obstruction to pedestrians degrading any improvements to the highway/public realm.

The Highways Planning Manager also considers that the applicant has presented an inflexible servicing model and not adapted the approach to the site or surrounding highway network, including limiting vehicle size to match the site constraints. This includes reference to an existing covenant on the existing vehicle access to the site limiting vehicles to 5 tonne in weight (this would be a large white van type vehicle – commonly used to service food and beverage premises within Westminster). While the existence of the covenant is accepted, a flexible approach to the size of delivery vehicle may allow for smaller vehicles to be used for servicing (than those employed by the current operator).

The applicant has submitted a Servicing Management Plan (SMP). However, the Highways Planning Manager notes that the servicing arrangements within the submission documents relate to one particular operators current servicing approach. This approach limits how the applicant is proposing to minimise the impact of their servicing approach and development of a robust Servicing Management Plan. There is no specific approach outlined for the subject site for future employees to follow.

The SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e. set out how the occupant is

expected to service the unit). A supplier instructions sheet is also a helpful part of the SMP.

However, paragraph 32 of the NPPF states that “*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. In this instance, the existing office building currently has no off-street servicing and is also serviced from Harcourt Street. The applicant has not provided details of the servicing levels for the existing office but it is anticipated to be at least similar to the proposed hotel. Accordingly, the harm identified by the Highways Planning Manager could occur at present and in an unmanaged way.

The applicant has also demonstrated that servicing of the hotel would be limited to 14 times per week, for up 45 minutes at a time. Accordingly, the harm identified by the Highways Planning Manager would be for a relatively small period weekly. The applicant also proposes introducing a dedicated on-street loading area on Harcourt Street to minimise congestion caused through servicing. A condition requiring an updated and site specific SMP that addresses the Highways Planning Managers comments could also be imposed, should permission be granted.

Whilst the Highways Planning Managers concerns are understood, the harm identified would not be severe when the proposal is compared to the existing situation and when mitigation from the recommended condition and proposed loading bay on Harcourt Street are also considered. On balance, the servicing arrangements proposed are therefore acceptable in this particular instance.

8.4.4 Coaches and Taxis

The applicant has indicated that coach and taxi activity would be focused on Old Marylebone Road. This would need to be agreed with TFL, but is acceptable to the City Council. However, the movement of people (and their luggage) is likely to disrupt other pedestrians and the applicant has not provided details of how coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel will be managed. Accordingly, a condition is recommended to secure an appropriate coach and taxi management plan. Subject to this condition, the proposed development would be consistent with policies TRANS8 and TRANS22 of the UDP.

8.4.5 Cycle Parking and Waste Storage

Policy 6.9 of the London Plan requires one cycle space per 20 bedrooms (i.e. 15 spaces). The applicant proposes 22 cycle parking spaces which would meet this requirement. However, access to the cycle store is via the waste store which would be unacceptable as it makes the cycle store unlikely to be used and therefore discourages sustainable transport. A condition is recommended to address this.

The application was not accompanied by a waste management strategy to demonstrate that waste and recyclable materials will be managed in line with the City Council's Recycling and Waste Storage Requirements. A condition is recommended to address this.

8.4.6 Changes to Building Line – Stopping Up and Dedication of Highway

The proposed building alters the building line on Old Marylebone Road and Harcourt Street. This results in encroachment onto the public highway but also areas where highway would be widened. Accordingly, some areas of highway will need to be stopped up and other areas will need to be dedicated to allow the proposed development to be implemented.

The highway changes on Old Marylebone fall within TFL's jurisdiction and will require their approval as the relevant highway authority. Notwithstanding this, the losses of highway would be relatively minor and would not compromise pedestrian movement in Old Marylebone Road or Harcourt Street. Although the proposal will increase pedestrian movement in the area, it is not anticipated that this increase will be significant and that sufficient footway would remain on Old Marylebone Road following removal of three street trees. Accordingly, the proposal would be consistent with policy S41 of the City Plan and policy TRANS3 of the UDP.

Pursuant to s247 of the Town and Country Planning Act 1990 (amended), stopping up would be required for parts of the public highway to enable this development to take place on Harcourt Street. The recommendation therefore includes wording to enable the preparation of a draft order.

8.5 Economic Considerations

The proposed development would provide employment opportunities during construction and would create 60 FTE jobs once operational. The proposal can also accommodate a significant number of visitors annually whose spending during their stay will bolster the local economy and encourage further investment by shops and services in the area.

8.6 Access

The proposed development includes accessible passenger lifts, wide corridors and level thresholds into wheelchair accessible rooms. A total of 10% of the hotel rooms would also be Universally Accessible, in accordance with London Plan requirements. Induction loops would also be installed in the reception area for those that are hard of hearing and Universally Accessible toilets in proximity to the integral restaurant.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Sustainability and Climate Change

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

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

Policies 5.6 of the London Plan and S39 of the City Plan require major development to be designed to link to and extend existing heat and energy networks in the vicinity, except where it is not practical or viable to do so.

Policies 5.7 of the London Plan and S40 of the City Plan require all major development to maximise on-site renewable energy generation carbon dioxide emissions, where feasible.

Policy 5.9 of the London Plan states that development should reduce potential overheating and reliance on air conditioning systems.

The proposed development achieves a carbon dioxide reduction of 43% over 2013 Building Regulations and therefore meets policy 5.2 of the London Plan. The applicant has also addressed a number of technical queries raised by the Mayor.

There are no existing energy networks in the vicinity and none are planned. Accordingly, it would not be practical to require this of the applicant. The Mayor also asked the applicant to consider provision of solar PV. However, this is not deemed practical as it there is not sufficient space to provide it at roof level and the proposal already achieves satisfactory carbon reductions. The applicant does however propose a CHP system to heat the building and provide hot water.

The applicant has also provided a thermal comfort report that concludes that the proposal will be built to minimise potential overheating and the need for comfort cooling. A condition is recommended to secure this.

Overall, the proposed development satisfies policies 5.2, 5.6, 5.7 and 5.9 of the London Plan and policies S28, S39 and S40 of the City Plan.

8.7.2 Sustainable Urban Drainage Systems (SUDS)

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDS) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development would include brown roofs on the lower blocks. Whilst this would not achieve greenfield run-off rates, it would provide significant attenuation at source for run-off from the proposed development. The Lead Local Flood Authority has also been consulted and any comments received will be reported verbally. Accordingly, the drainage system proposed is considered acceptable.

8.8 London Plan

The application is referable to the Mayor as the proposed building is over 30 metres in height. The Mayor has advised in his 'Stage 1' response (see background papers) that he has the following concerns with the development:

- The loss of mature street trees is a concern. These should ideally be retained or if replacement is necessary further justification is required, in order to comply with policy 5.10 of the London Plan;
- The submitted energy strategy does not fully accord with policies 5.2, 5.6, 5.7 and 5.9 of the London Plan. Further information regarding overheating, CHP and renewable energy are required. The final agreed energy strategy should be appropriately secured by the City Council.
- To ensure that the scheme accords with policies 6.3, 6.9, 6.10 and 6.13 of the London Plan, the applicant should make a contribution towards wayfinding and cycle hire docking stations. Blue badge parking and drop off/pick up requires further consideration and cycle parking should be increased. A travel plan, construction logistics plan and delivery and servicing plan should also be secured by condition.

These concerns have been addressed in the relevant sections of this report.

If Committee resolve to grant permission, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- a) A financial contribution of £45,000 (index linked) for the expansion of a nearby cycle hire docking station;
- b) A financial contribution of £25,000 (index linked) toward wayfinding (Legible London);
- c) A financial contribution of £27,239 (index linked) toward the funding of Crossrail;
- d) A financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road;
- e) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
- f) Offering local employment opportunities during construction and operation of the hotel;
- g) The provision, monitoring and review of a travel plan; and
- h) Payment of cost of monitoring the agreement (£500 per head of term).

The subject building is vacant and appears to have been for some time. The proposed development may therefore not be subject to an exemption for the existing floorspace on-site. Accordingly, and subject to any other relief or exemption available to the applicant, the estimated Westminster CIL payment would be £1,119,300.00. An additional estimated CIL payment of £373,100.00 would be payable to the Mayor.

8.11 Environmental Impact Assessment

As set out above, the applicant requested a screening opinion from the City Council and were advised on 7 March 2017 that an EIA was not required.

8.12 Other Issues

8.12.1 Basement

The basement level of the proposed development would occupy the volume of the existing basement level on-site. It would also be located entirely beneath the footprint of the proposed development. Accordingly, it satisfies the size and location requirements of policy CM28.1 of the City Plan. The applicant has also provided a Structural Method Statement and signed pro-forma Appendix A to the City Council's Code of Construction Practice that satisfy part 2 of policy CM28.1 of the

8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require adherence to the City Council's Code of Construction Practice.

8.12.3 Trees

Policies 5.10 of the London Plan and S38 of the City Plan specify that green infrastructure should be protected and enhanced.

The proposed development would not necessitate removal of any trees on-site or on Westminster's public highway.

The proposal would require the removal of three Ginkgo trees on Old Marylebone Road that are owned by TFL. TFL have objected strongly to their removal, noting that replacement planting could not take place within the vicinity of the site given the high number of underground services within this part of Old Marylebone Road. Accordingly, TFL are unwilling to accept a payment for replacement planting. TFL also note that the information submitted misrepresents the canopies of the existing trees and their interaction with the proposed building. TFL also consider that the information submitted undervalues these trees and their potential lifespan.

TFL have requested that these trees are retained and that the building line is moved to accommodate them. They also note that insufficient information has been submitted to demonstrate the applicant's case that moving the building line would harm the viability of the proposed development.

Ultimately, the decision to remove these trees rests with TFL as Highway Authority for Old Marylebone Road. However, the three Ginkgo trees make only a modest contribution to urban greening and the character and appearance of the area given their relatively small stature and asymmetric canopy. The proposal also includes additional urban greening through the biodiverse roofs proposed. On balance, it is considered that an objection to the development on this basis would not be sustainable.

Five other Ginkgo trees would be retained on Harcourt Street and Old Marylebone Road. Conditions are recommended to secure their protection during construction.

8.12.4 Objectors Comments

The issues raised by the objectors have been largely addressed above. The following is also noted:

Overshadowing of Garden Terrace to rear of Swedish Church

An objector considers that the additional height of the proposed building would overshadow a terrace area to the rear of the Swedish Church on Harcourt Street.

Non-residential gardens and terraces are not protected by the development plan. Notwithstanding, this terrace area is located 40 metres to the southeast of the application site and separated from it by the bulk and height of large buildings at 12-15 Harcourt Street. It is anticipated that the proposed development would only be in a position to potentially overshadow this terrace area around mid-summer and at that point the sun would be low enough on the horizon to provide no further shadowing than the existing intervening buildings. Accordingly, an objection to the development on this basis would not be sustainable.

Number of Hotels in the Area

An objector considers there to already be too many hotels in the area. However, this is not a material planning consideration.

Security Concerns for 15 Harcourt Street (Mina Palace)

An objector is concerned that the proposed development would compromise the safety and security of Mina Palace, a neighbouring site that provides accommodation for staff at the Embassy of the People's Republic of China.

The applicant advises that access to the roof of the development would be strictly controlled. Windows have also been designed to limit their opening and therefore their ability to access the roof of Mina Palace. The proposed development has also been designed in accordance with 'Secured by Design' principles and reviewed by the Met Police during design development. A condition is recommended to secure this. Subject to this condition, the proposed development meets policy 7.3 of the London Plan and is unlikely to pose a security risk to occupants of Mina Palace.

Party Wall Issues

An objector is concerned that the proposal may cause unspecified party wall issues. This is not a material planning consideration.

Loss of Light to Sentinel House

Permission has been granted to convert Sentinel House into residential accommodation (RN: 14/08069/FULL). An objector is concerned that the proposal will result in loss of light to Sentinel House, on the opposite side of Harcourt Street.

However, this permission has not been implemented and may never be implemented. For the purposes of this assessment Sentinel House remains an office and light to office accommodation is afforded less protection than to residential uses.

Notwithstanding this, the applicant has undertaken an assessment of light loss to the approved residential units at Sentinel House. Of the 92 eligible windows tested, 20 would have breaches of VSC exceeding 20%. Nineteen of these breaches are marginal and do not exceed 30% with the remaining window has a loss of 31.65%. Thirteen of the windows affected serve bedrooms which the BRE Guide specifies as having lower expectations of daylight. Of the 32 eligible rooms for Daylight Distribution assessment, six have Daylight Distribution losses exceeding 20%, with the highest being a loss of 49.6%. However, all of these losses affect bedrooms only. As noted above, the BRE Guide itself states that it is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location like this, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites throughout the CAZ have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation. In this context, the level of light loss is considered acceptable and does not warrant refusal of the development. The level of light loss to office accommodation is also considered acceptable.

Delivery and Servicing Conflict with Sentinel House

An objector is concerned that on-street servicing and waste collection, particularly the proposed on-street loading bay will conflict with similar arrangements for the development approved at Sentinel House.

As set out above, this permission has not been implemented and may never be implemented. Notwithstanding this and as noted by this objector, the potential for this would be for very short periods during off-peak periods only. The potential for this could also be addressed through the Servicing Management Plan condition recommended.

Precedent

An objector is concerned that approval of this application would set a precedent for other tall buildings.

However, each application must be considered on its merits having regard to the policy context and development plan at the time, the specific development proposed and site

circumstances. Accordingly, approval of this development would not set a precedent for other tall buildings.

9 BACKGROUND PAPERS

1. Application form
2. Response from the Greater London Authority, dated 19 July 2017
3. Response from Environmental Health Officer, dated 24 July 2017
4. Response from Highways Planning Manager, dated 4 October 2017
5. Response from Waste Project Officer, dated 9 June 2017
6. Response from Arboricultural Manager, dated 3 August 2017
7. Responses from Transport for London, dated 26 June 2017 and 16 October 2017
8. Response from London Underground, dated 20 June 2017
9. Responses from Historic England, dated 6 June 2017 and 10 July 2017
10. Response from The St Marylebone Society, dated 14 June 2017
11. Response from the Marylebone Association, dated 13 July 2017
12. Letter from occupier of Flat 1, 37 Homer St, dated 8 June 2017
13. Letter from occupier of 44 Manor House, Marylebone Rd, dated 12 June 2017
14. Letter from occupier of 52 Manor House, 250 Marylebone Road, dated 21 June 2017
15. Letters on behalf of the People's Republic of China, dated 20 June 2017 and 8 September 2017
16. Letter from occupier of 1 Schillibeer Place, London, dated 14 June 2017
17. Letter from occupier of Flat 8, London Court House, dated 6 June 2017
18. Letter from occupier of 199-205 Old Marylebone Road, Flat 31, dated 16 June 2017
19. Letter from occupier of 165 Seymour Place, London, dated 5 June 2017
20. Letters on behalf of Westminster Magistrates Court, dated 7 July 2017 and 11 September 2017
21. Letters from occupier of 95a York Street, London, dated 10 September 2017 and 11 September 2017
22. Letter from occupier of The Swedish Church, 6-11 Harcourt Street, dated 8 September 2017
23. Letter from occupier of Flat 1, Freshwater Court, 59a Crawford St, dated 28 August 2017
24. Letter from occupier of 33 Great Portland Street, London, W1W 8QG, dated 1 September 2017
25. Letter from occupier of 1 Seymour Buildings, Seymour Place, dated 6 September 2017
26. Letter from occupier of 111 Seymour Buildings, Seymour Place, dated 23 August 2017
27. Letters from occupier of Flat 2, 31A Harcourt Street, dated 24 August 2017 and 25 August 2017
28. Letter from occupier of 87A York Street, London, dated 27 August 2017
29. Letter from occupier of Flat G, 4 Oxford & Cambridge Mansions, Old Marylebone Road, dated 5 October 2017

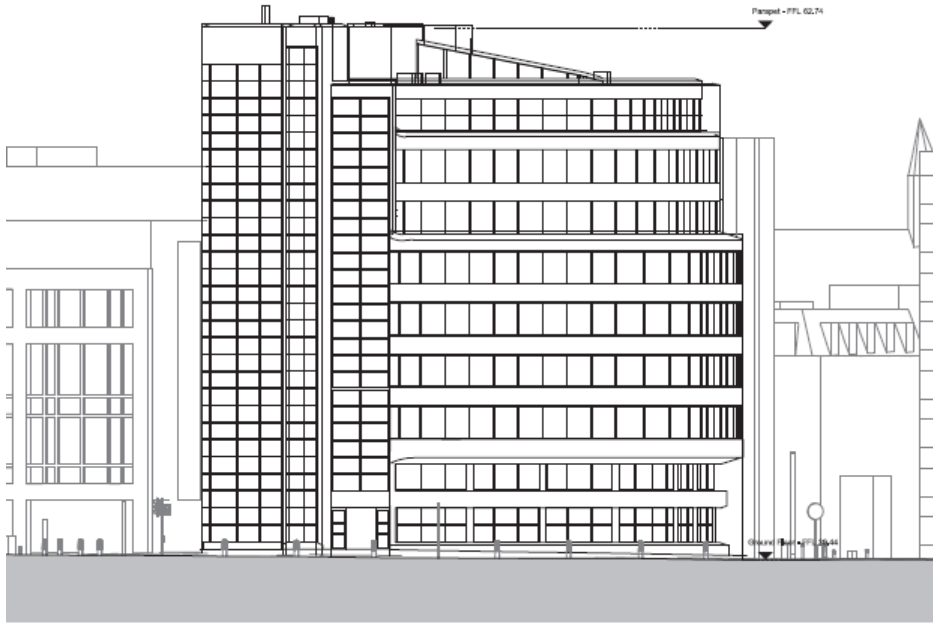
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.

2

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT RHANDLEY@WESTMINSTER.GOV.UK
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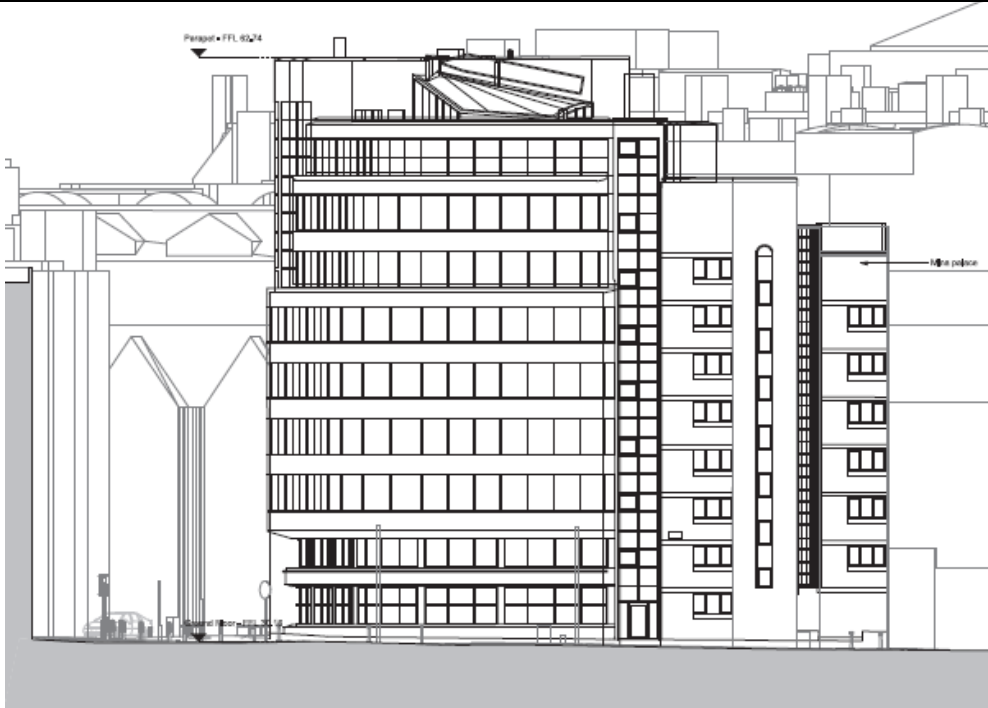
10 KEY DRAWINGS



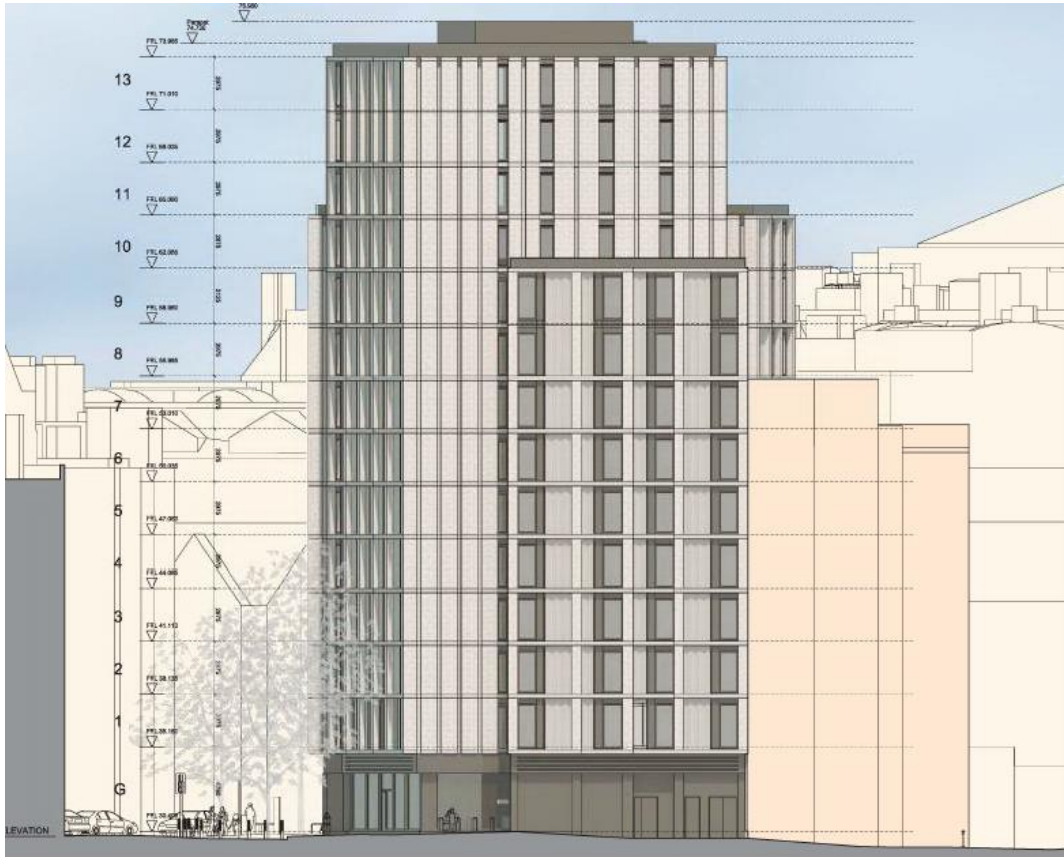
Existing Old Marylebone Road (North West) Elevation



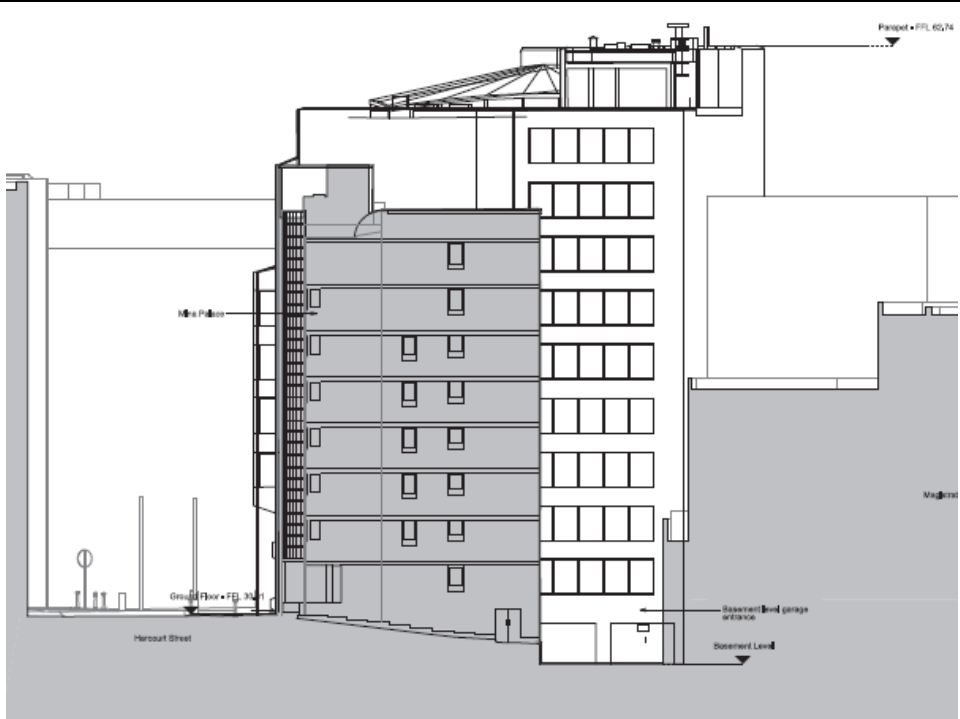
Proposed Old Marylebone Road (North West) Elevation



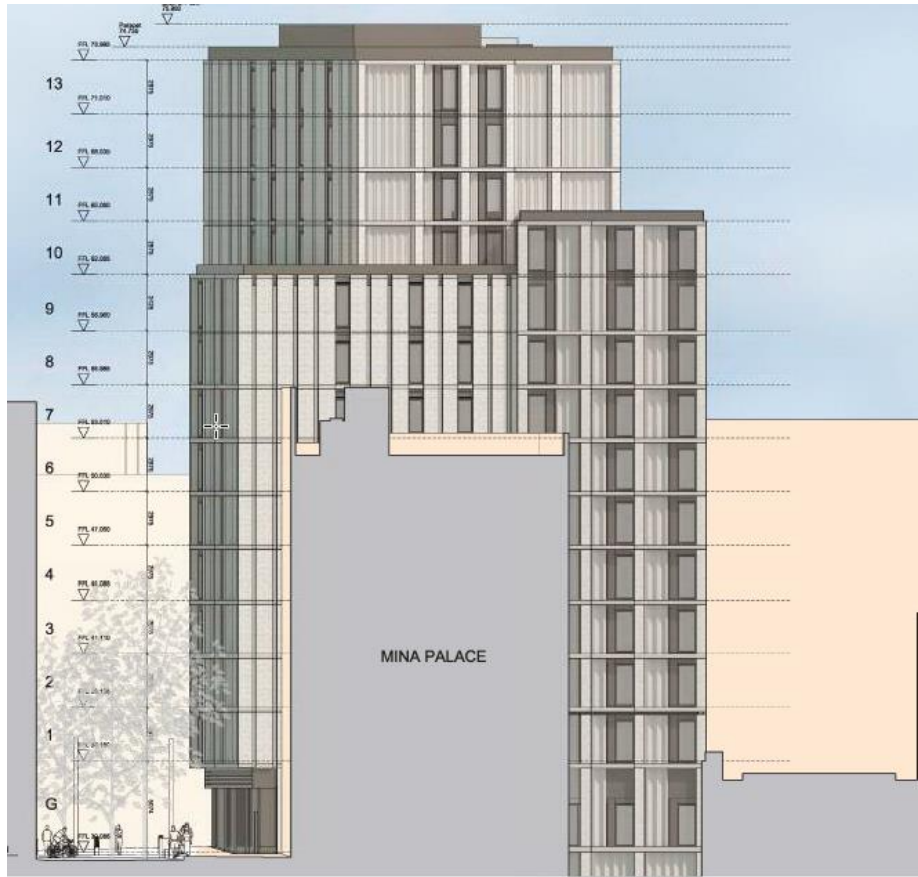
Existing Harcourt Street (South West) Elevation



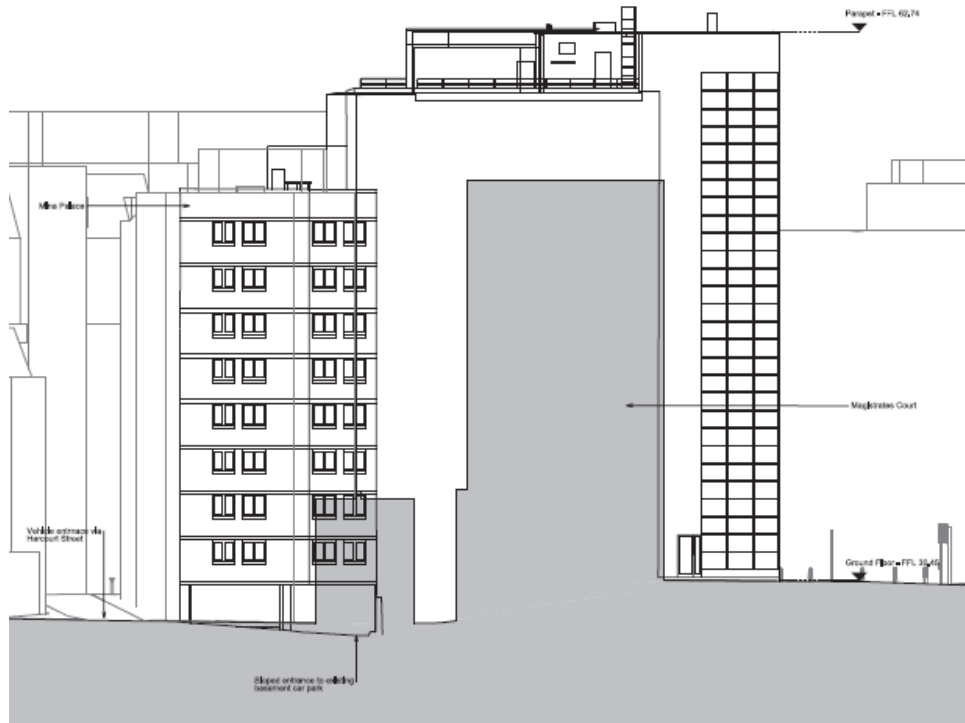
Proposed Harcourt Street (South West) Elevation



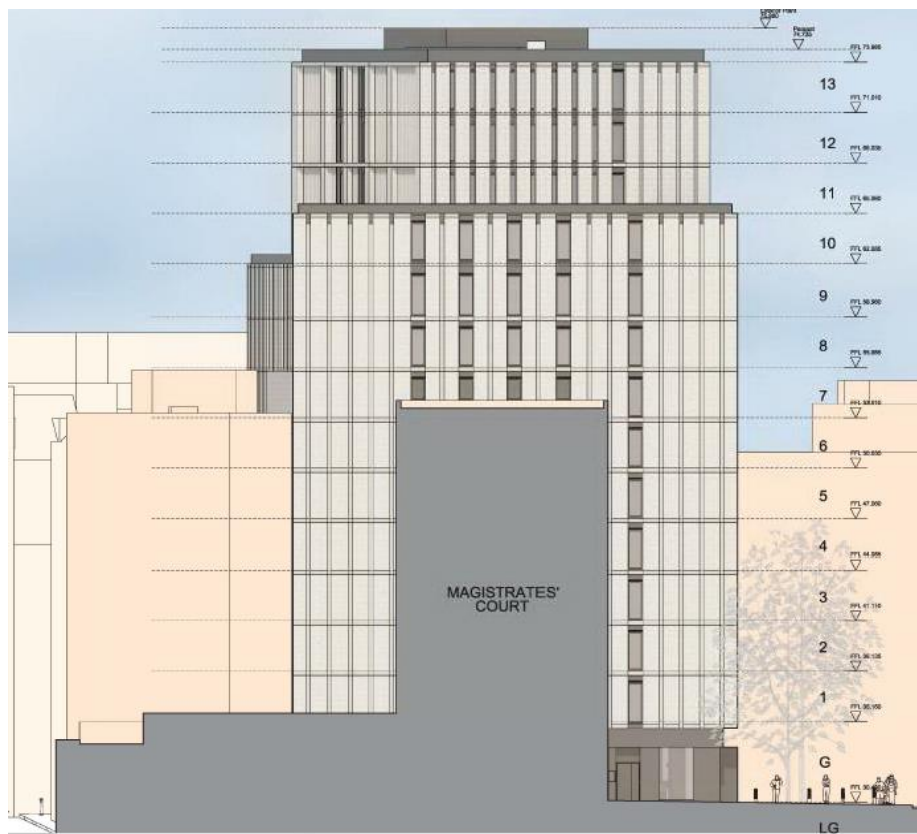
Existing South East Elevation



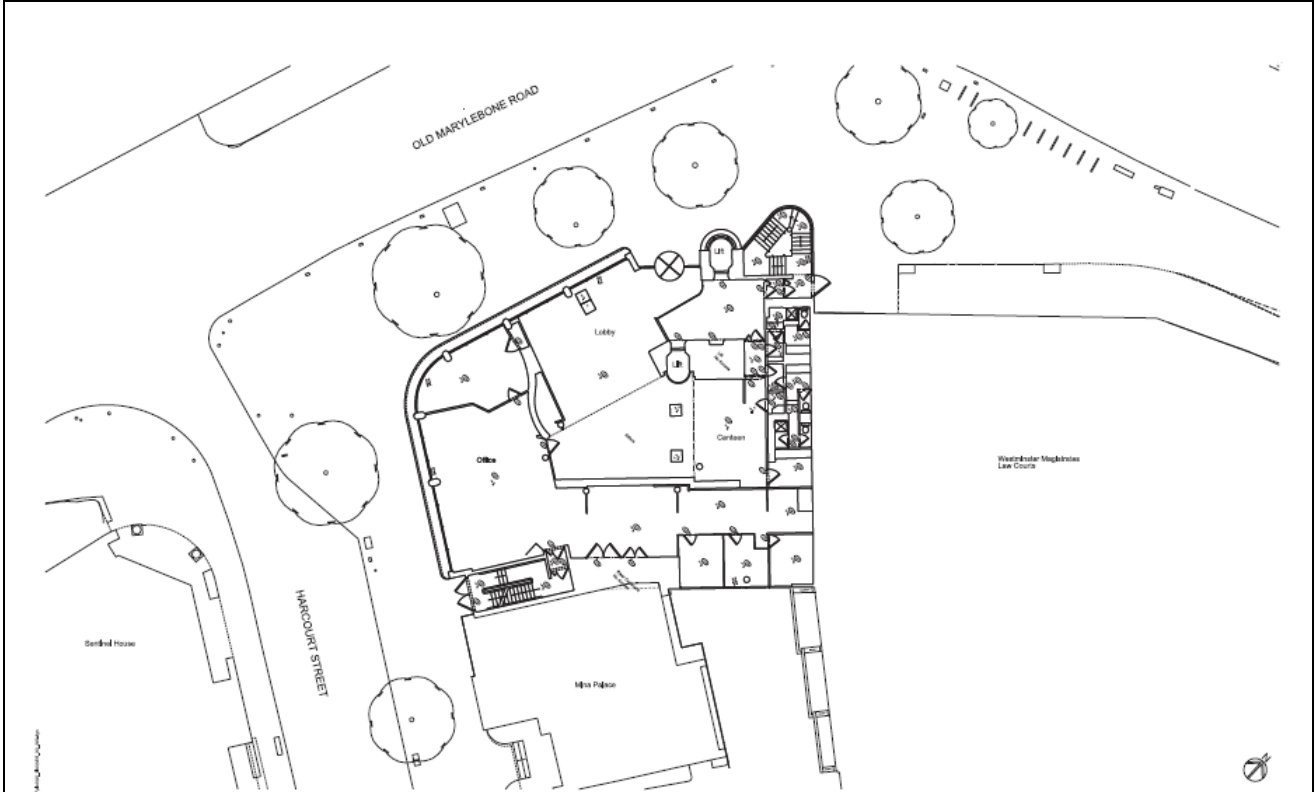
Proposed South East Elevation



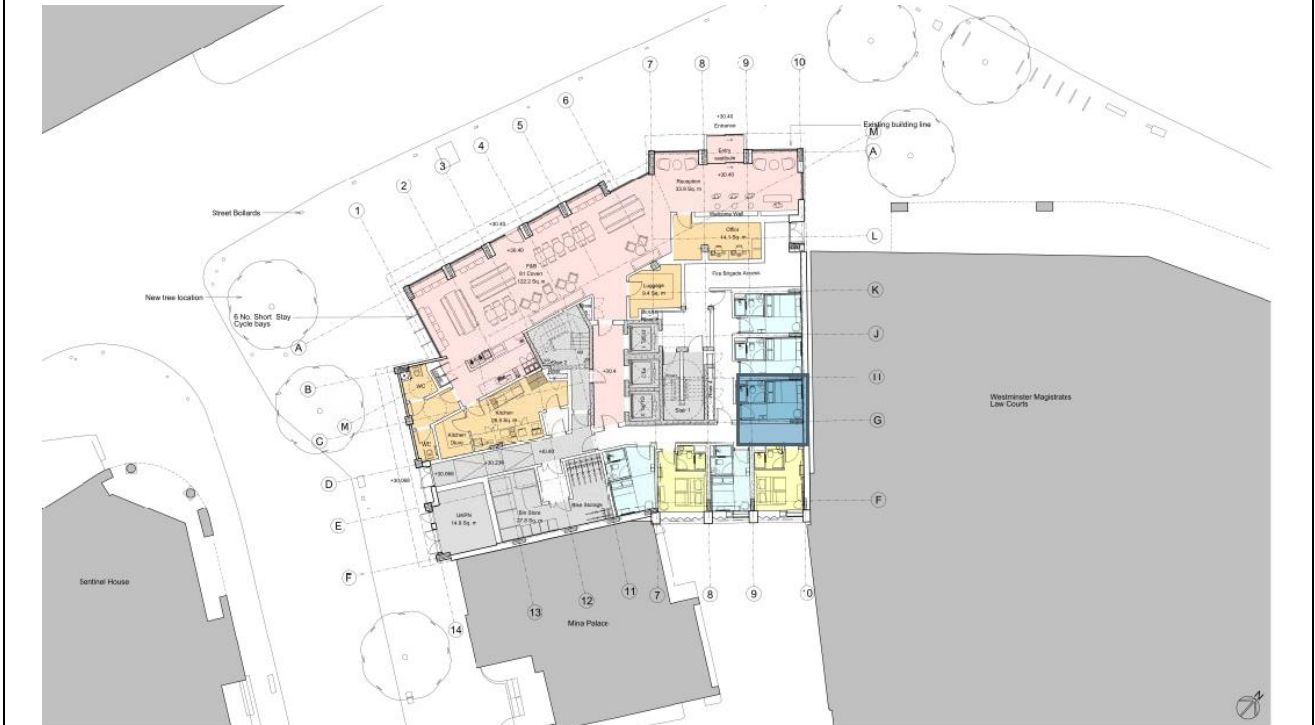
Existing North-East Elevation



Proposed North-East Elevation



Existing Ground Floor Plan



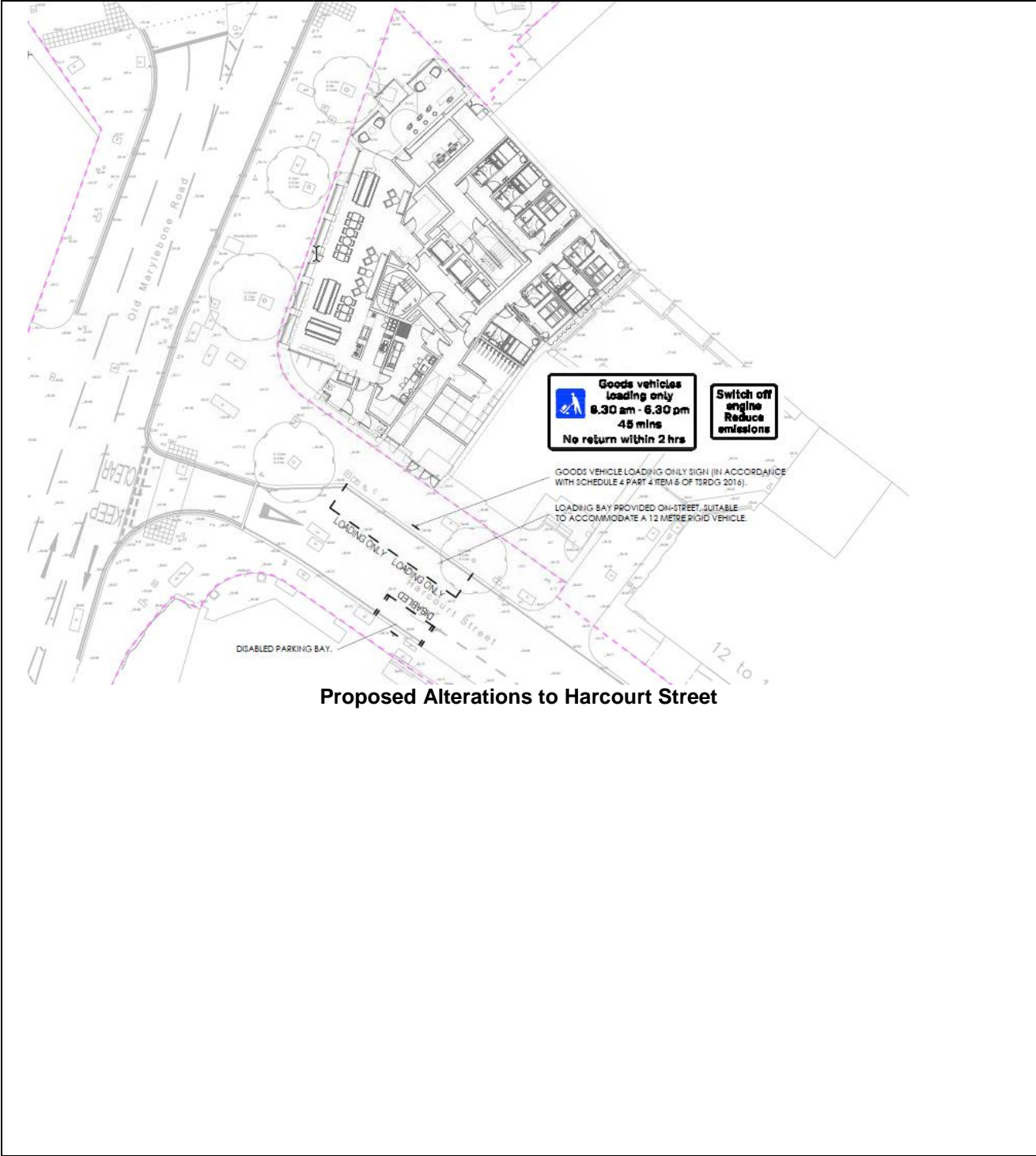
Proposed Ground Floor Plan



Proposed Section



Visuals of Proposed Development from Old Marylebone Road



DRAFT DECISION LETTER

Address: Westcourt House , 191 Old Marylebone Road, London, NW1 5DZ

Proposal: Redevelopment of the site to provide hotel (Use Class C1) with ancillary ground floor cafe / restaurant in 13 storey building.

Reference: 17/04194/FULL

Plan Nos: Drawing numbers 5616-20-001, 5616-20-002, 5616-00-199 Rev B, 5616-00-200 Rev B, 5616-00-201 Rev B, 5616-00-202 Rev B, 5616-00-203 Rev B, 5616-00-204, 5616-00-205, 5616-00-206, 5616-00-207, 5616-00-208 Rev B, 5616-00-209, 5616-00-260, 5616-00-261, 5616-00-300, 5616-00-301, 5616-00-302, 5616-00-303, 5616-01-199, 5616-01-200, 5616-01-201, 5616-01-202, 5616-01-203, 5616-01-204, 5616-01-205, 5616-01-206, 5616-01-207, 5616-01-208, 5616-01-209, 5616-01-300, 5616-01-301, 5616-01-302, 5616-01-303, 5616-20-199, 5616-20-200, 5616-20-201, 5616-20-202, 5616-20-203, 5616-20-208, 5616-20-209, 5616-20-260, 5616-20-261, 5616-20-262, 5616-20-263, 5616-20-264, 5616-20-270, 5616-20-271, 5616-20-272, 5616-20-250, 5616-20-251, 5616-21-001, 5616-21-002, 5616-21-003, 2016/2931/019; Energy Report by Applied Energy (Rev A – dated 4 May 2017)

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 **Pre-commencement Condition:** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

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

- 5 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bays.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start any work on the external cladding of the development until we have approved the sample panels.

You must then carry out the work according to these approved sample(s).

Reason:

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

we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) windows;
- ii) external doors;
- iii) shopfront including fascia details;
- iv) location and size of movement joints;
- v) interfaces with windows;
- vi) any ventilation and other services terminations at façade and roof;
- vii) CCTV cameras - showing details of cameras and precise location;
- viii) rooftop structures, including plant enclosures;
- ix) external lighting - including details of extent, type, colour and location; and
- x) signage strategy - showing extent and intended location.

You must not start any work on the superstructure of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

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

- 7 You must not paint or apply vinyl films or obscure the window glass to the ground floor of the hotel reception or café area or block it in any other way. The windows must be clear glazed and maintained as such.

Reason:

To maintain an active ground floor and enhance the character and appearance of this part of the City. This is as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 9 You must not paint any outside walls of the building without our permission. This is despite the

fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

Reason:

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

- 10 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

-biodiverse roof

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 11 **Pre-commencement Condition:** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- provide details on the use of tall plant and scaffolding;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing transport infrastructure, in accordance with policy 6.2 of The London Plan (March 2016).

- 12 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with Transport for London) for approval of a Construction Logistics Plan, which identifies efficiency

and sustainability measures to be carried out while the development is being built. You must not carry out the development until the plan has been approved. You must then carry out the development in accordance with the approved plan.

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan (adopted November 2016) and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 13 The development hereby approved shall not be occupied until a Servicing Management Plan has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (adopted November 2016) and TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

14 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007.

- 15 The glass that you put in the south east elevation below level 7 (adjacent to Mina Palace) must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the

development until we have approved the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 18 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 19 The design and structure of the development shall be of such a standard that it will protect occupier from structural borne noise from the district and circle line so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

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

- 20 All servicing must take place between 07:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 21 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1 and 2 before any demolition or excavation work starts, and for phase 3 when the development has been completed.

Phase 1: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 2: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 3: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007.
(R18BA)

- 22 You must apply to us for approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 23 The restaurant/cafe shall only be used in an ancillary capacity to the hotel use.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 24 Customers shall not be permitted within the restaurant/cafe premises before 06:00 or after 23:00 each day. (C12AD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 25 The development hereby approved shall not be occupied until a Coach and Taxi Management Plan has been submitted to and approved in writing by the City Council, in consultation with Transport for London. You must then carry out the development in accordance with the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 26 You must apply to us for approval of details of secure cycle storage for the hotel use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan (March 2016).

- 27 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and

clearly mark it and make it available at all times to everyone using the hotel. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 28 You must apply to us for approval of a detailed glazing and ventilation scheme to ensure that the overheating risk to the new dwellings is minimised. You must not start work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to the approved glazing and ventilation scheme and all measures outlined in this document must be in place and operational prior to the first occupation of the development hereby approved. All measures shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason:

To prevent overheating and energy use, in accordance with policy 5.9 of the London Plan (March 2016).

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

Reason:

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

- 30 **Pre Commencement Condition:** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 31 **Pre-Commencement Condition:** You must apply to the City Council (in consultation with the Metropolitan Police) for approval of safety and security features to be installed on the development, having regard to Secured by Designs "Commercial Developments 2015" Guide

and "Resilient Design Tool for Counter Terrorism". You must not carry out the development until the safety and security features have been approved. You must then carry out the development in accordance with the approved features.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 32 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and/or for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 33 Any structure over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge. Any structure within 1 metre of the kerb or over carriageway must maintain a minimum vertical clearance of 5.3 metres.

Reason:

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

Informatives:

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that any indicative signage locations should be confined to the ground floor fascia zone. Any high-level signage is unlikely to be considered acceptable. Proposals for signage may be subject to advertisement consent.
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental

Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

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

- 5 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For

more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 6 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
- Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 Condition 21 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.
- Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP
- Phone: 020 7641 3153
(I73AB)
- 9 Although the canopy has 'deemed' consent, it does not meet our design guidelines and we may make you remove it. We recommend that you replace the canopy with one that meets our guidelines 'Shopfronts, Blinds and Signs'. You can get a copy of these guidelines from our website at www.westminster.gov.uk. (I44AA)

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

11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

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

12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

13 The term 'clearly mark' in condition 27 means marked by a permanent wall notice or floor markings, or both. (I88AA)

14 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)

15 The Servicing Management Plan (SMP) required by condition 13 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e. set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.

16 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies,

including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 17 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) A financial contribution of £45,000 (index linked) for the expansion of a nearby cycle hire docking station;
 - b) A financial contribution of £25,000 (index linked) toward wayfinding (Legible London);
 - c) A financial contribution of £27,239 (index linked) toward the funding of Crossrail;
 - d) A financial contribution of £135,000 (index linked) toward street tree planting on Old Marylebone Road;
 - e) Payment of the cost of highway works associated with the development on Old Marylebone Road and Harcourt Street;
 - f) Offering local employment opportunities during construction and operation of the hotel;
 - g) The provision, monitoring and review of a travel plan; and
 - h) Payment of cost of monitoring the agreement (£500 per head of term).

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

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	7 Old Park Lane, London, W1K 1QR		
Proposal	Alterations including the removal of a double height mansard at 5 th and 6 th floor levels, a sheer 7 th floor and rooftop plant and replacement with sheer extensions at 5 th and 6 th floors, new double height mansard at 7 th and 8 th floors with rooftop plant to provide additional offices (Class B1); alterations to the existing windows, refurbishment of existing entrance.		
Agent	DP9 Ltd		
On behalf of	Romeo London Ltd		
Registered Number	17/04221/FULL	Date amended/ completed	26 May 2017
Date Application Received	15 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

The application property is an office building (Class B1) on the eastern side of Old Park Lane, which links Park Lane and Piccadilly in the Mayfair Conservation Area.

Permission is sought for a scheme which involves the removal of the top 3 floors plus roof top plant and rebuilding to provide 4 floors plus rooftop plant to provide additional and improved office floorspace (Class B1).

The key issues for consideration are:

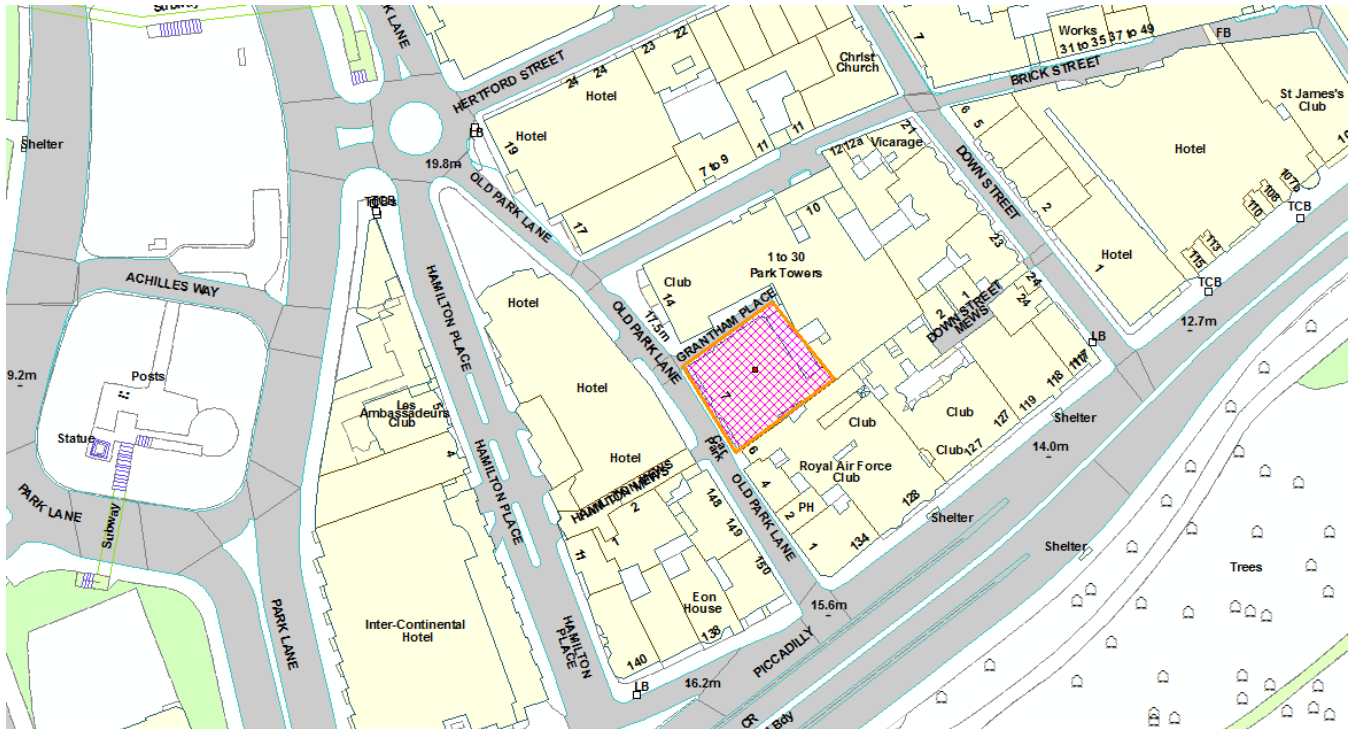
- The impact in land use terms
- The impact on the appearance of the building and the character and appearance of the Mayfair Conservation Area.
- The impact on residential amenity.

The site lies within the Core Central Activities Zone and the increase in offices is considered

acceptable in land use terms and does not trigger a mixed use policy requirement to provide residential. In design terms, rebuilding the 5th – 7th floors and the erection of a new 8th floor will result in a significant increase in bulk. The additional bulk will however only really be apparent in street level from the northern end of Old Park Lane in views south. Given the context it is considered that the alterations and extensions at roof level would not adversely impact on the appearance of the building or the surrounding townscape. The additional height and bulk would not result in a material loss of amenity to the occupants of any of the surrounding properties.

The application accords with adopted policies in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan), accordingly the application is recommended for approval.

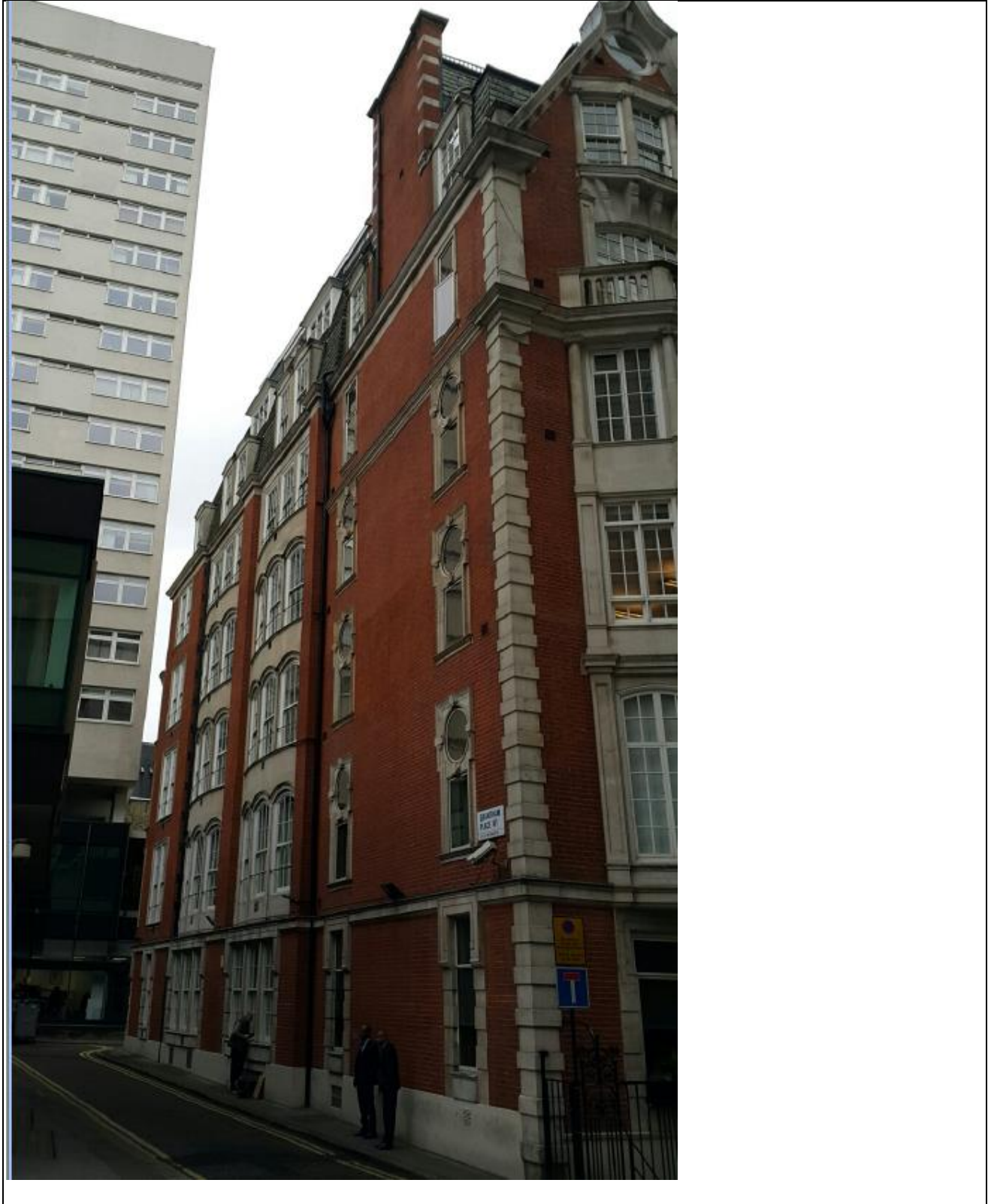
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Objection:

Overdevelopment of the site, overlooking and loss of light.

HIGHWAYS PLANNING MANAGER:

No objection, subject to a conditions requiring cycle parking and waste storage to be provided and no doors opening over the highway.

CLEANSING:

Request that refuse details are secured by condition.

ENVIRONMENTAL HEALTH:

Insufficient information provided, request further acoustic report is provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 95

Total No. of replies: 1

1 letter of objection on the following grounds:

Loss of daylight;

Increased height and mass would overpower adjacent properties;

Adverse impact on traffic;

Impact on parking.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No. 7 Old Park Lane comprises basement, ground and seven upper floors in office use (Class B1) situated on the eastern side of the street. The site is within Mayfair in an area mixed use in character. This includes a number of hotels, including the Four seasons hotel on the western side of Old Park Lane opposite. The Royal Air Force Club is situated to the south in a building that fronts onto Piccadilly. There are a number of other offices and some residential in the vicinity. The closest residential is a tower block –'Park Towers situated to the east directly to the rear of the application premises.

The building is not listed but is located within the Mayfair Conservation Area.

6.2 Recent Relevant History

A lawful development certificate was issued in 1998 which confirmed the lawful use of the premises as offices (Class B1) (98/04700/CLEUD).

7. THE PROPOSAL

Permission is sought for roof extensions which would provide an additional 922m² (GIA) office floorspace within the core CAZ. The application seeks to rebuild existing 5th and 6th floor mansard as a sheer extension, the removal of the existing modern seventh floor roof storey and plant area and replacement with a two storey mansard roof with a recessed plant room on top. The proposal also includes the alterations to the existing windows, refurbishment of the existing entrance and associated external alterations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in Offices

Policy S20 of the City Plan identifies the need for significant additional office floorspace (Class B1) within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The scheme

The scheme will result in the provision of an additional 922 m² of office floorspace on a site within the Core Central Activities Zone.

Mixed Use Policy

Policy S1 is applicable for developments within the Core CAZ, which include net additional office (B1) floorspace. However part (3) of the policy states that residential floorspace, or an equivalent payment in lieu will not be required if the net additional B1 office floorspace, less 30% of the existing building floorspace. In this case the existing building is 5,558m² GIA. The net increase in office (Class B1) floorspace is 922m² GIA an increase of 16 %. As therefore the net increase in office floorspace is less than 30% of the existing, the scheme does not trigger a requirement to provide residential to offset the increase in offices.

8.2 Townscape and Design

The building dates from 1903 and was originally a block of flats. It is unlisted but it makes a positive contribution to the character and appearance of this part of the Mayfair Conservation Area. However, the building has been much altered (notably in the early 1970's). The roof was altered and extended and is a negative feature. The rear facade is utilitarian and the interior is modern.

The proposal involves extensive works at roof level and at the rear. The modern roof storey and plant area are removed and replaced with a larger, modern roof, although one which relates better to the retained building below. The roof extension comprises two floors of accommodation with a recessed plant room on top. The pitches of the roof match the existing roof pitches.

On the north side two sheer storeys are added above the existing facade, with the new two storey roof on top of these. The sheer storeys are again modern, but relate to the existing facades below.

The building will have a large roof and this is visible in views from street level. However, these views are rather limited to small sections of the pavement, partly because of the narrowness of the street and because of the taller buildings adjacent. The impact on longer views, including from Green Park is negligible.

The alterations to the existing top row of dormers, to increase their height, are carried out in the style of the existing, and will not harm the appearance of the roof. The removal of the central, boxy dormer (a later alteration) is an improvement. The existing entrance is modern, in a traditional style. Its replacement with a simpler, modern, design is considered acceptable in principle.

Objections have been received from the local amenity society and from a resident (not in the locality) that the proposal would be an overdevelopment of the site and the height and massing would overpower adjacent properties. There is a significant increase in both height and bulk. In other more sensitive locations a new roof of this massing would be considered unacceptable. However, due to the higher buildings adjacent, to the north, west and east, and given the poor condition of the existing roofscape, it is considered that the proposed extensions are acceptable in conservation area terms.

The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 6 and DES 9.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

A daylight and sunlight report has been submitted as part of the application which assesses the impact of the development on residential properties at Park Towers, 2 Brick Street, 10 Brick Street and 14 Old Park Lane, 2 Old Park Lane, 134 Piccadilly and 1 Old Park Lane, 3 Down Street Mews, 118-119 Piccadilly, 22 Down Street, 23 Down Street, 148-149 Old Park Lane and Queensbury Court..

With the exception of a single window at 22 Down Street the report demonstrates that in all other cases any losses to either daylight or sunlight are within BRE guidelines. The single breach to BRE guidelines is to the VSC level. An existing VSC of 1.6% would be reduced to 0.5%. The actual reduction is therefore very low, but there is a disproportionately high percentage reduction of 68 %. Although this technically breaches BRE guidelines the loss of light is not considered to be significant. Furthermore, the room this window serves will adhere to the BRE Guidelines for daylight distribution (NSL

Overlooking / loss of privacy

City plan policy S29 seeks to protect the health and well- being of Westminster residents and UDP policy ENV13 states that developments should not result in a significant increase in overlooking.

No objections have been received from neighbours in relation to increased overlooking; however it has been raised as a concern by the residents association. Although the scheme would result in the erection of an additional floor at new 8th floor level there is no change to the existing building line. The proposal involves a change in the style of windows, however it will not result in a significant increase in the number of windows in the rear eastern elevation which faces towards Park Towers the nearest residential block. The scheme is not therefore considered to create new overlooking issues.

The application is considered acceptable in amenity terms and in compliance with policies S29 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

Car parking

The existing building has 6 off street car parking spaces at lower ground floor level accessed via a car lift from Grantham Place. The car lift and car parking spaces will be removed. The existing car parking is not secured by a condition on a planning permission. The loss of commercial car parking is acceptable under UDP policy TRANS 21. The Highways Planning Manager has confirmed that this is acceptable and that that the scheme would be unlikely to have a significant impact on on-street parking in the area.

Cycle parking

The London Plan requires the provision of 1 cycle space per 90 m² of office (B1) accommodation. The provision of 13 cycle parking spaces at lower ground floor level would comply with policy. It is recommended that they are secured by condition

Servicing

A transport statement has been submitted as part of the application which estimates that the increased floorspace is anticipated to generate less than one additional delivery vehicle visit per day. The Highways Planning Manager advises that the servicing requirements of the building can be adequately accommodated on street without detriment to the highway.

8.5 Economic Considerations

The economic benefits of the scheme are welcomed. .

8.6 Access

Other than the removal of the vehicular access to the lower- ground floor parking the proposal will not materially change existing access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposed scheme includes a new plant room at ninth floor roof level, which will replace the existing 8th floor plant room. An acoustic report has been submitted which details the existing background noise levels and the design criteria which the proposed plant should operate at, in order to comply with the normal noise criteria. Details of the proposed plant has not however been submitted.

Environmental Health advise that acoustic specifications for the proposed plant is required to demonstrate that the plant would operate at an acceptable level. Normal practice is that this information is assessed in advance of permission being granted. The new plant will be in a dedicated plant enclosure which will be located further away from the nearest residential property than the existing plant it would replace. In the light of this it is recommended that permission is granted for the development in advance of having the details of the plant, but that the plant is secured by condition. A condition is recommended requiring an acoustic report to be submitted and approved demonstrating that the plant would comply with normal noise criteria prior to it being installed and operated.

Refuse /Recycling

It is recommended that details of refuse are secured by condition

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016. Although in this case the additional floorspace is 922 m² and is not a major development (as it is less than 1000 m²), Environmental Health advise that taking into account the demolition works proposed the development should be bound by the Code of Construction Practice.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. Such a condition is recommended.

9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 4 July 2017
3. Response from Highways Planning Manager, dated 27 July 2017
4. Response from Cleansing, dated 20 July 2017
5. Response from Environmental Health, dated 8 June 2017
6. Letter from occupier of 24 Hophurst Drive, Crawley Down, dated 27 June 2017

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

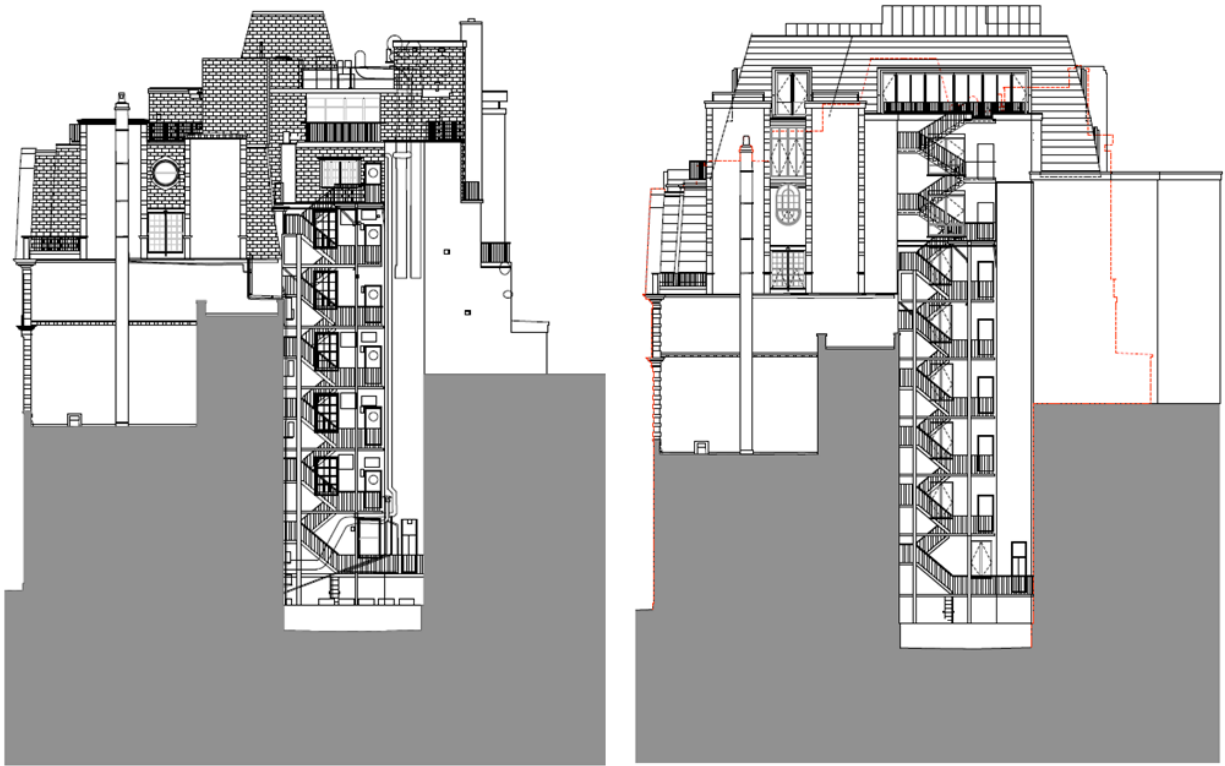
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

Existing and Proposed West Elevation



Existing and Proposed South Elevation



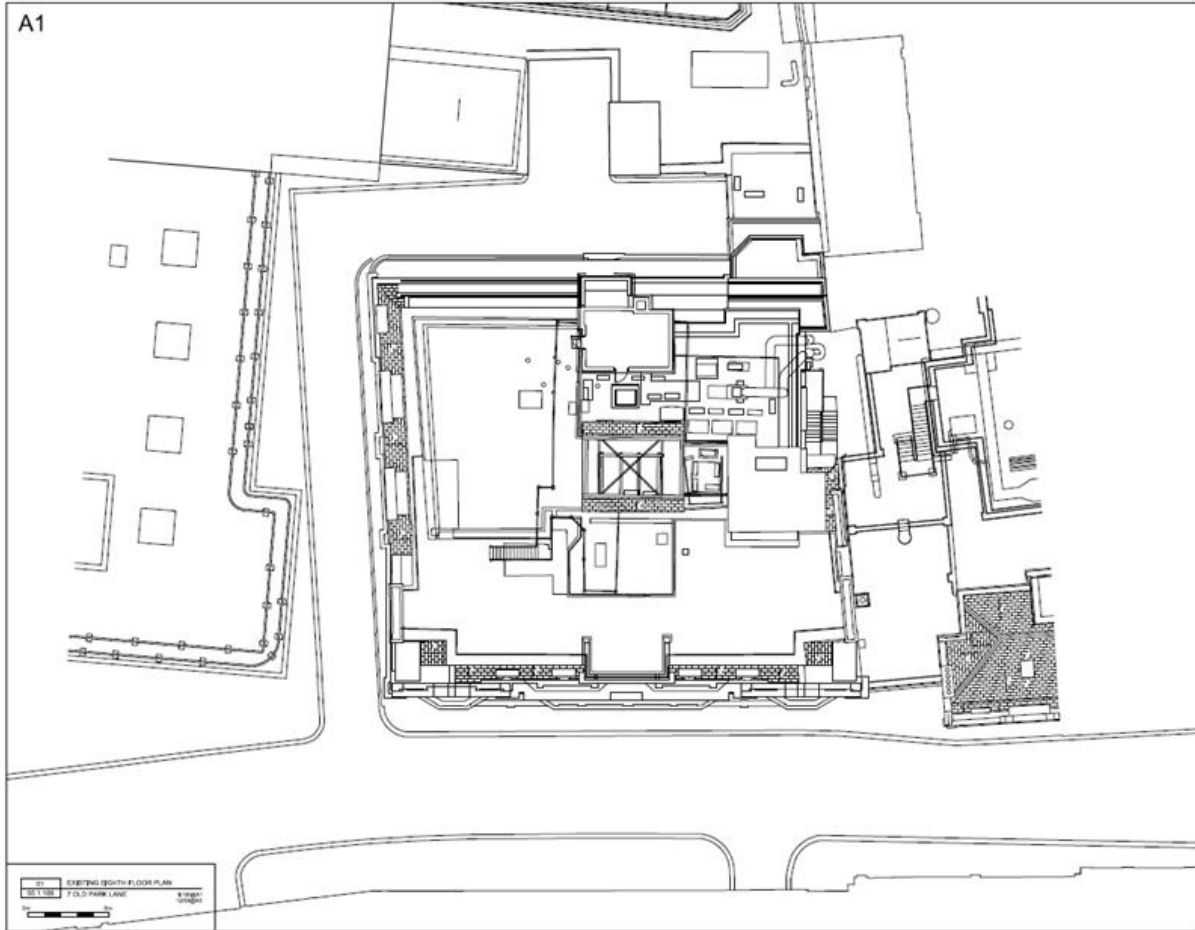
Existing and Proposed East Elevation



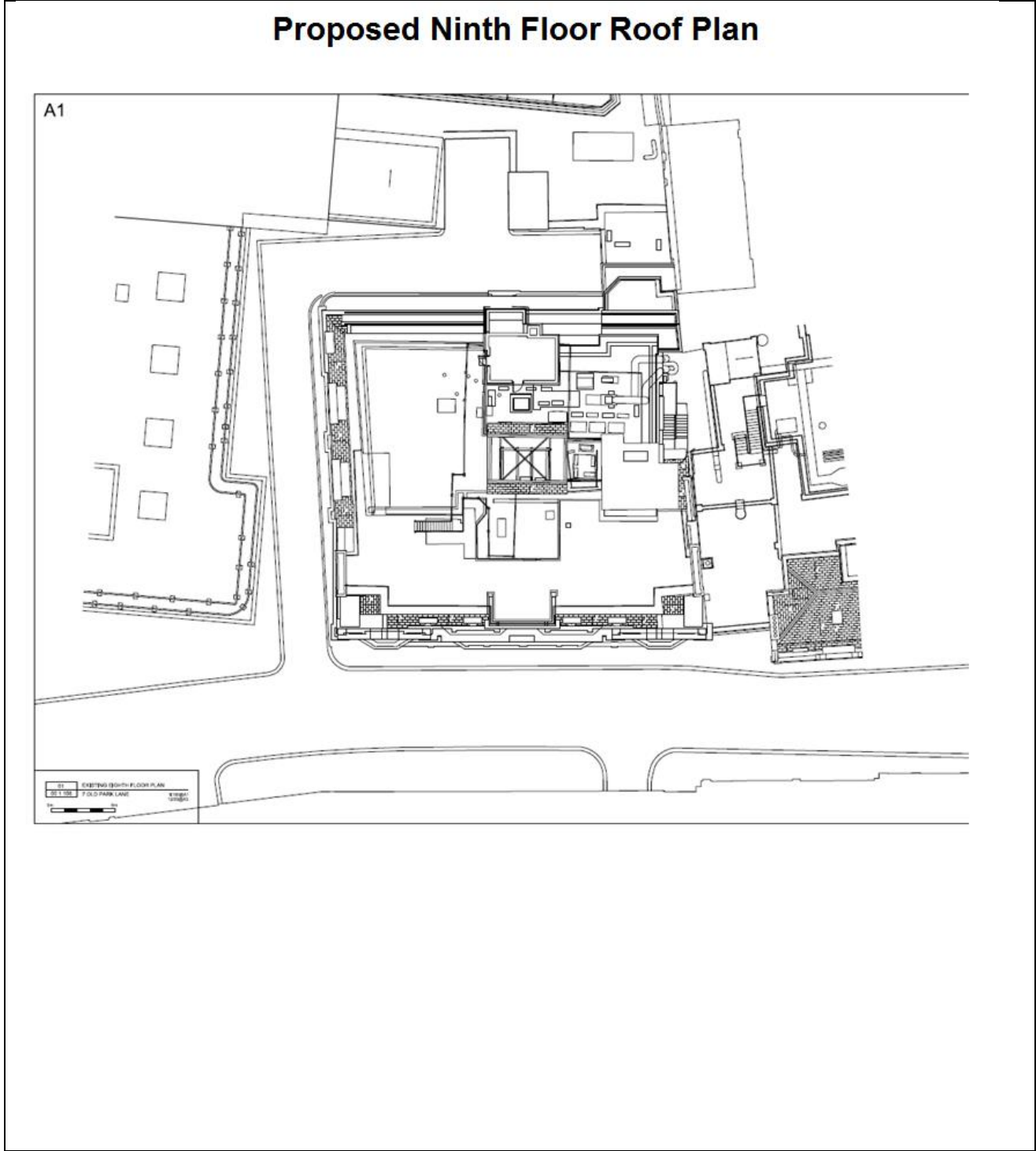
Existing and Proposed North Elevation



Existing Eight Floor Roof Plan



Proposed Ninth Floor Roof Plan



DRAFT DECISION LETTER**Address:** 7 Old Park Lane, London, W1K 1QR,**Proposal:** Alterations including the removal of a double height mansard at 5th and 6th floor levels, a sheer 7th floor and rooftop plant and replacement with sheer extensions at 5th and 6th floors, new double height mansard at 7th and 8th floors with rooftop plant to provide additional offices (Class B1); alterations to the existing windows, refurbishment of existing entrance.**Reference:** 17/04221/FULL**Plan Nos:** Demolition plans: EPA OPL05 1 208 REV P00, EPA OPL 05 1 205 REV P00, EPA OPL 05 1 201 REV P00, EPA OPL 05 1 204 REV P00, EPA OPL 05 1 200 REV P00, EPA OPL 05 1 199 REV P00, EPA OPL 05 1 209 REV P00, EPA OPL 05 1 202 REV P00, EPA OPL 05 1 207 REV P00, EPA OPL 05 1 206 REV P00, EPA OPL 05 1 203 REV P00, EPA OPL 05 2 202 REV P00, EPA OPL 05 2 203 REV P00, EPA OPL 05 2 200 REV P00

Proposed plans: EPA OPL 05 2 302 REV P00, EPA OPL 05 2 301 REV P00, EPA OPL 05 1 308 REV P00, EPA OPL 05 1 305 REV P00, EPA OPL 05 1 301 REV P00, EPA OPL 05 1 304 REV P00, EPA OPL 05 1 309 REV P00, EPA OPL 05 1 302 REV P00, EPA OPL 05 1 307 REV P00, EPA OPL 05 1 306 REV P00, EPA OPL 05 1 303 REV P00, EPA OPL 05 3 300 REV P00, EPA OPL 05 3 301 REV P00, EPA OPL 05 3 302 REV P00, EPA OPL 05 3 303 REV P00, EPA OPL 05 2 303 REV P00, EPA OPL 05 2 300 REV P00, EPA OPL 05 1 299 REV P01, EPA OPL 05 1 300 REV P01

Case Officer: Shaun Retzback**Direct Tel. No.** 020 7641 6027**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development - Alterations to entrance on Old Park Lane. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of

Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

Reason:

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

- 8 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number EPA OPL 05 1 299 REV P01. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

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

Reason:

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

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming

previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 12 You must apply to us for approval of details of the proposed plant to be installed at ninth floor level (including acoustic report), as detailed on plan reference: EPA OPL 05 1 309 REV P00. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 13 You must apply to us for approval of details of an acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 10 and 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 14 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk, It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis

of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 With reference to condition 14 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

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

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	25 - 26 Albemarle Street, London, W1S 4HX,		
Proposal	Dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor and roof levels with associated screening and installation of a high level extract duct and gas flues on the rear elevation.		
Agent	Daniel Rinsler & Co		
On behalf of	Winter Restaurants		
Registered Number	17/06539/FULL	Date amended/ completed	26 July 2017
Date Application Received	21 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.
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2. SUMMARY

25-26 Albemarle Street comprises basement, ground and four upper floors located in the Mayfair Conservation Area and the Core Central Activities Zone but outside of any designated stress areas. The basement and ground floors are currently vacant having last been in use as a hairdressers (Class A1) the upper floors are offices (Class B1).

Permission was granted on the 17th January 2017 for the use of the ground and basement floors as a restaurant (Class A3), including new plant at rear first floor and roof levels, with a full height rear extract duct.

Permission is now sought for the dual / alternative use of the basement and ground floor as a restaurant (A3) and the first floor as offices (Class B1) or use of the basement to first floors as a private members club (sui generis). The option to create a private members club includes the creation of a rear first floor roof terrace with associated visual screening and an awning. Both options (restaurant and offices or private members club) include new plant on part of the first floor flat and at main roof level

with associated screening and a high level extract duct and gas flues on the rear elevation.

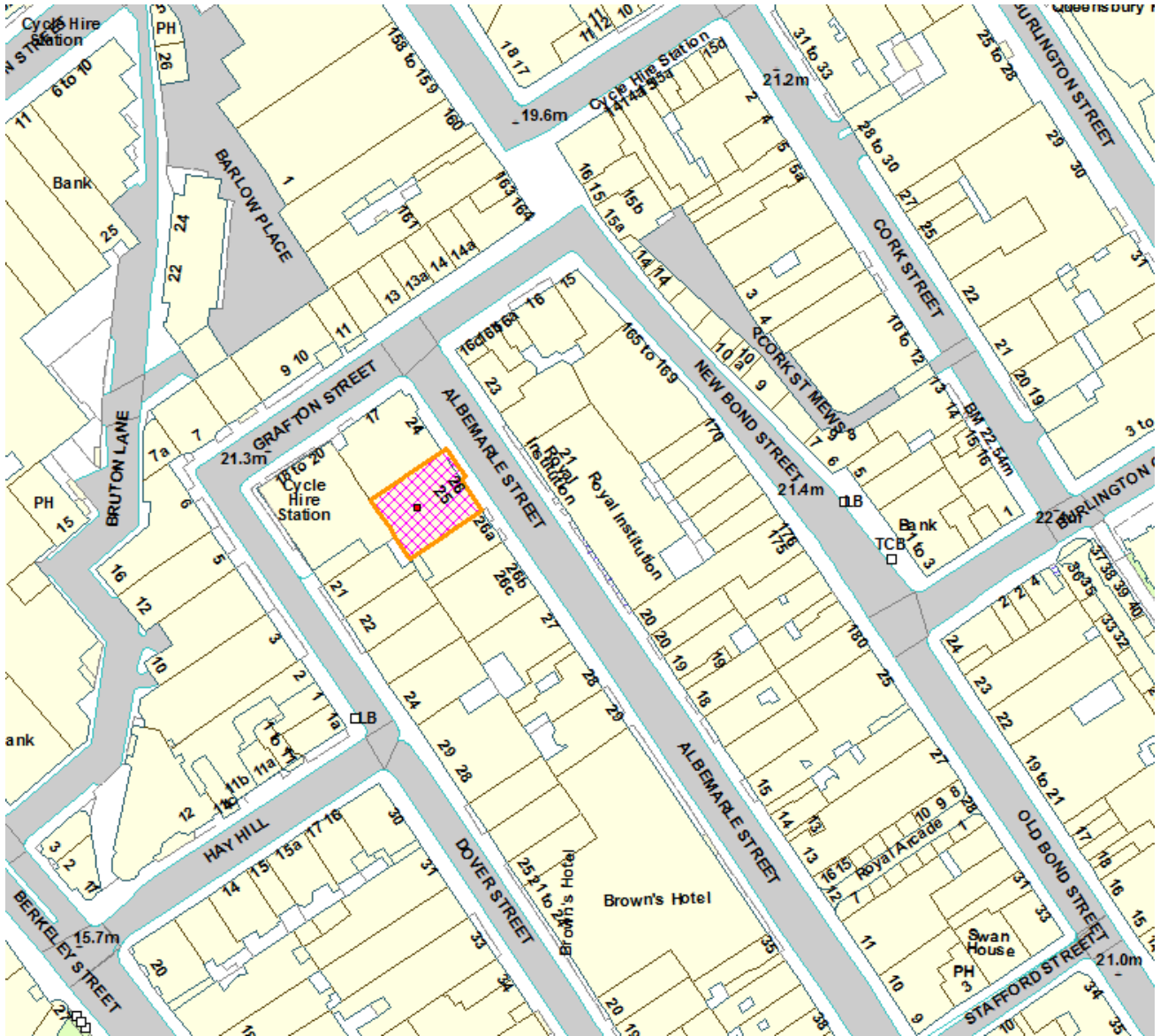
The key issues are:

- The loss of existing retail accommodation, and impact of the proposed restaurant and private members club in land use terms
- The impact on residential amenity, including the impact of using part of the rear 1st floor flat roof area as a terrace for the proposed private members club.

The permission granted in January 2017 for a restaurant establishes the principle of the loss of retail. The permission is extant and restaurant use is again considered acceptable. The option to use the basement to 1st floors as a private members club is also considered acceptable in land use terms. A significant element of club use would be dining. Subject to appropriate conditions including limiting the capacity to 180 covers and requiring the club to operate in accordance with an Operational Management Plan the use is considered acceptable. It is recommended that use of the 1st floor rear terrace is restricted to between the hours of 10:00 and 20:00 and is limited to a temporary period of 1 year in the first instance, to enable its impact to be fully assessed.

The application complies with relevant adopted Unitary Development Plan (UDP) and City Plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S
Any response to be reported verbally.

ENVIRONMENTAL HEALTH
No objection subject to conditions.

HIGHWAYS
No objection subject to conditions.

CLEANSING
No objection subject to conditions.

MAYFAIR RESIDENTS CLUB
Support the application and are confident the operation will not negatively impact upon residential amenity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35
Total No. of replies: 27
No. of objections: 1
No. in support: 26

Objection received on the following grounds:

Landuse:

- The proposal is contrary to Policy S2 of the City Plan with regard the Mayfair Special Policy Area.

Amenity:

- Overlooking and noise from the terrace.
- Difficulties in enforcing the closing time of the terrace.
- Potential air quality implications with regard smokers on the terrace.

Letters of support on the following grounds:

- Proposal will result in increased viability and vitality of this section of Albemarle Street.
- Confidence that the establishment will be well managed with no detriment to residential amenity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

25-26 Albemarle Street is located on the western side of Albemarle Street at the northern end near the junction with Grafton Street. The building comprises basement, ground and

four upper floors. The basement and ground floors are vacant having previously been in use as a hairdressers the upper floors are in use as offices (Class B1). The area is mixed use in character.

The building is unlisted located in the Mayfair Conservation Area and the Core Central Activities Zone. The property is located outside of the designated stress areas and the West End Special Retail Policy Area

Recent Relevant History

Planning permission was granted on the 17th January 2017 for the 'Use of the ground and basement floors as a restaurant (Class A3), installation of plant at rear first floor level and roof level with a high level extract duct on the rear elevation. Installation of two high level gas flues on the rear elevation and a replacement rooflight at rear first floor level.'

7. THE PROPOSAL

Permission is sought for the dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. The option to use the lower floors as a private members club includes use of a rear 1st floor flat roof as a terrace. Both options include the installation of a high level extract duct to serve the kitchen with gas flues to serve internal fires on the rear elevation of the property. Plant with associated screening is proposed at rear first floor level and at main roof level.

The tables below set out the floor space figures for the respective uses at basement to 1st floor levels.

Use	Existing GEA (sqm)	Proposed GEA (sqm)	+/-
Office	266	266	0
Retail	634	0	-634
Restaurant	0	634	+634
Total	900	900	0

The following table demonstrates the floor space figures if the private members club use is implemented:

Use	Existing GEA (sqm)	Proposed GEA (sqm)	+/-
Office	266	0	-266
Retail	634	0	-634
Private Members Club	0	900	+900
Total	900	900	0

	Proposed restaurant	Proposed private members club

Total A3 Floorspace (m ²)	634m ²	900m ²
No. of covers	120	180
Hours of Operation	10.00 to 00.00 Monday to Thursday, 10.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday, 12.00 to 23.00 on Sundays.	
Ventilation arrangements	Full height kitchen extract duct and associated plant	
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.	

8. DETAILED CONSIDERATIONS

8.1 Land Use

An objection has been received on behalf of the occupier of 21 Grafton Street stating that Policy S2 of the City Plan encourages the provision of art galleries within the Mayfair Special Policy Area and this should be the priority use for the site. Whilst it is noted the site is located within the Mayfair SPA, Policy S2 seeks to protect existing art galleries and antiques traders and encourage new galleries. This policy is not relevant to the current proposal where the existing uses are a hairdressers and general office accommodation and the City Council could not insist the premises was used as an art gallery, the objection on these grounds is not therefore considered sustainable.

Loss of retail accommodation

The existing retail premises at basement and ground floor is currently vacant but was previously occupied by Michael John hairdressers until they vacated on 19th July 2016

Policy S21 of the City Plan states that 'existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through the retention of the number of shops and overall amount of retail floorspace.

Policy SS5 of the UDP also seeks to resist the loss of retail floorspace within the Central Activities Zone; outside of the Prime Shopping Frontages the policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities.

In granting permission for a restaurant use in January 2017 the City Council accepted the applicants argument that a number of former restaurants in Albemarle Street had recently changed to retail accommodation using permitted development rights resulting in a lack of entertainment facilities to complement the retail provision in the vicinity. Further that the lightwell at the front of the property prohibits the unit having a 'traditional' shopfront as required by certain retailers and this has also been noted in some of the letters of support for the application. Whilst this argument is of some merit, in this location popular with luxury, 'destination' retailers it is not considered a 'traditional shopfront' would be essential to enable a viable retailer to occupy the unit.

The unit is located at the northern end of Albemarle Street, close to the junction with Grafton Street, this part of the street does not have such a strong retail character compared to the southern end of the street which is closer to Piccadilly, and a large part of the frontage on the opposite side of Albemarle Street is dominated by the Royal Institution. The adjoining property to the north is a retail jewellery store on the junction with Grafton Street, the neighbouring property to the south is in use as residential flats, and this adjoins a restaurant. Browns Hotel is further south along Albemarle Street on the western side and also takes up a large part of the street frontage which further breaks up the retail character and function at this end of the street.

It is acknowledged that the proposal would result in three consecutive ground floor premises on the western side of Albemarle Street in non-A1 use, contrary to Part C of Policy SS5. However, Policy SS5 does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. This justification was accepted in relation to the January 2017 consent which permitted the loss of retail. As set out above, given its location, it is not considered that the loss of the unit would undermine the character and function of the area. Permission has previously been granted for the loss of retail and this is again considered to be acceptable.

Loss of office use

The first floor of the property has lawful use as office accommodation, being within the Core CAZ the City Council has no policies which prevent offices being changed to another commercial use. The loss of offices is therefore considered acceptable in this instance.

Proposed restaurant / private members club use

The dual / alternative nature of the application means that the proposal will either result in the creation of a new restaurant premises at basement and ground floor levels measuring 634m² or a private members club over basement, ground and first floor levels measuring 900m². Both of these uses are 'entertainment uses' and must therefore be considered against the relevant entertainment policies in the UDP and City Plan. Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m² (GEA), will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP is also applicable and this states that entertainment uses over 500m² will only be permissible in exceptional circumstances'.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings in use as office accommodation on the upper floors and retail / restaurants on the lower floors. The nearest residential accommodation are the five flats in the adjoining building to the south (No. 26A) as well as a single family dwelling within 21 Grafton Street to the west

(rear) of the site. A letter of support has been received from one occupier within 26A Albemarle Street whilst a letter of objection has been received from the occupier of 21 Grafton Street.

As stated the principle of restaurant use has been established by the permission granted in January 2017. The applicant argues that there are exceptional circumstances to permit the private members club, namely:

- the site lies within Core Caz but not a designated stress area;
- the use will have a high degree of management;
- there are few residential properties in the area

Operational Management Plans have been submitted with respect to both the restaurant and private members club uses. The key points in the OMP's are:

- that there would be a qualified doorman present at all times the premises are open,
- customers will be encouraged to leave the premises quickly and quietly and to ensure no vehicles are left idling in the street or parked inappropriately,
- staff will also seek to ensure taxis are booked prior to customers leaving the premises.

The proposed restaurant has a capacity of 120 the private members club 180. The proposed hours of operation for both uses are 10:00 till 00:00 Monday to Thursday, 10:00 till 00:30 Friday, Saturday (and Sundays before a Bank Holiday) and 12:00 till 23:00 on Sundays. These similar too and no later than opening hours for other licensed premises in the area.

The basement will house a large wine cellar and a concept of both the entertainment uses is the introduction of new wines with some wine tasting sessions. The applicant advises that the wine cellar could accommodate up to ten people for informal wine tasting before lunch or dinner as people choose a wine to have with their meal. In both cases it is proposed to have supplier/producer sampling sessions with 30-50 participants, which would take place either before lunch or dinner approximately 10 times in a year. The scale of the wine tasting events is considered to be ancillary to the main proposed function as a restaurant (Class A3) or as part of the private members club.

In both cases the proposed uses would not operate a takeaway or home service delivery service which might result in increased vehicular movements. It is recommended that this is secured by condition.

It is acknowledged that both the potential restaurant premises and the private members' club would constitute large entertainment premises. The number of covers proposed are relatively modest, and the hours of use accord with the City Council 'core hours'. A condition is also recommended that would prevent any music being played in the premises being audible externally or within adjacent premises. Subject to these conditions and a condition requiring the uses to be carried out in accordance with the OMP's it is considered the uses would not have a detrimental impact on the character and function of the area or on residential amenity.

Environmental Health consider the proposed high level extract duct (terminating within a screened plant area at main roof level) is suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

8.2 Townscape and Design

The building currently has a large flat topped mansard with air handling units and a large water tank towards the front, the latter of which is visible from street level. Planning permission has previously been granted for an extract duct and flues to the rear elevation and roof, clad in GRP to match the appearance of the existing brickwork and slate. The current proposal shows the duct terminating within the proposed plant enclosure and no changes are proposed to the approved design of the flues or duct fixed to the rear elevation. This element of the proposals is still uncontentious in design terms subject to the imposition of a condition requiring the flue and duct to be clad in GRP.

The proposed plant enclosure is large at 2.2m high and encompasses almost the full width of the existing flat roof, which will be visible from high level private vantage points. The adjacent building to the south at no. 26a is a storey higher than the proposal site. Following negotiations, the design of the enclosure has been amended to be pitched on all sides, in order to soften its appearance from high level views. In this context, and given that the plant is screened and set well back from the front and rear, the roof level proposals are considered acceptable.

The existing condenser units and water tank are to be retained in their existing positions, outside of the plant enclosure. Negotiations seeking to relocate these items from the front of the roof into the proposed enclosure have been unsuccessful. However, given that the existing condenser units were shown on a previously approved drawing, the principle of refusing the application on these grounds is considered unsustainable.

The rear of the building has been modernised and the existing first floor roof area is of little design interest, with a variety of plant equipment. The proposed partially enclosed terrace and canopy will increase the perception of the mass of this area, but the works are at a low level on a building which is surrounded by much taller structures. The proposed alterations to the fenestration are uncontentious in design terms. Subject to the imposition of a condition requiring details of the proposed canopy, the proposed terrace and first floor plant are considered to be acceptable in design terms.

A gas fire flue is proposed at first floor level to the rear of the proposed terrace. The flue is positioned in a prominent, central position and will be visible from private views to the rear. However, providing the flue is suitably screened, refusal is considered unsustainable on this basis. The imposition of a condition requiring details of the flue, which should be clad in brickwork to resemble the appearance of a chimney and chimney pot, is recommended, in order to minimise the visual impact. The imposition of a condition requiring the proposed greenery to the rear of the terrace to be planted and maintained, will also serve to soften the appearance of the proposed gas fire flue.

Valences are also proposed to the front elevation. Following negotiations, these have been limited to ground floor level and are of a retractable design, typical of this part of the conservation area. This element of the proposals is therefore considered acceptable.

Overall, the proposals are considered compliant with DES 5, DES 6 and DES 9 of the Council's UDP and subject to the relevant conditions the proposal is acceptable in design terms.

8.3 Residential Amenity

Plant

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant.

An acoustic report has been submitted in relation to the installation of the high level extract duct at the rear of the property and the plant items proposed at rear first floor level and at main roof level, with regard the potential noise and vibration impacts of the operation. The nearest residential windows affected by the first floor plant are at first floor level in 26a Albemarle Street, whilst the windows affected by the roof level plant are at fourth floor level in 26a. Background noise levels have been measured in both locations to allow accurate design criteria to be measured. It has been demonstrated that noise from the plant equipment is likely to be compliant with the City Council requirements at these windows and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant and the installation of the specified associated acoustic mitigation measures.

The acoustic report demonstrates that the ducting is compliant with the City Council noise criteria over a 24 hour period and as some of this is used for ventilation / refrigeration it is not considered appropriate to condition the hours of use of the plant as the report demonstrates compliance with the City Council criteria over the 24 hour time period.

1st floor roof terrace

Permission is sought for the use of the rear flat roof area at first floor level as a terrace associated with the private members club use. The terrace includes the installation of an 'acoustic trellis' running along the western edge of the roof with planted vegetation to a height of 2.2m above the proposed terrace level. The terrace would be accessed by new French doors installed within the existing rear window openings. An awning is also proposed which would extend over the top of the terrace when there was inclement weather. The terrace would have capacity for 16 people and the applicant has requested the use of the terrace until 21:00 in the evenings.

An objection has been received to the proposal from the occupier of 21 Grafton Street, a single family dwelling situated directly to the rear of the proposed terrace. They have expressed concern the rear is relatively quiet with only plant audible. The creation of a roof terrace would introduce a significant new noise source and voices would be audible at the rear windows of 21 Grafton Street which serve the kitchen, study and bedrooms.

The City Council places a strong emphasis on the protection of residential amenity, Policy S29 of the City Plan and ENV13 of the UDP seek to ensure that new developments do not

result in an 'unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

It is acknowledged that the proposed terrace will result in a potential new noise source within the rear area in close proximity to the residential premises at No 21 Grafton Street. The objection received included an acoustic assessment of potential noise from the terrace which has been reviewed by Environmental Health. Environmental Health advise that provided that the capacity of the terrace is restricted to 16 persons and the hours the terrace is used are also restricted the proposed terrace is likely to be compliant with the City Council policies in relation to noise. A letter of support has been received from a resident at No 26a Albermarle Street situated to the south of the application premises. Subject to conditions requiring an 'acoustic trellis' to be installed and limiting the hours that the terrace can be used to between 10:00 and 20:00 daily, it is considered that the terrace is likely to be acceptable in noise terms. It is also recommended that the provision of the terrace is restricted to 1 year to enable the position to be reviewed.

The objection received raises concerns how patrons will be made to leave the terrace at the required time. The recommended condition will clearly state that patrons will need to leave the terrace at 20:00 in the evening and the French doors will need to be closed from this time. The applicant has also agreed to this condition and the City Council will be able to take appropriate enforcement action if this is not adhered to.

The objector has also expressed concern about people smoking on the terrace which could impact upon air quality if rear windows are open. As detailed above the capacity of the terrace is restricted to 16 customers and whilst it is accepted some of these may be smoking, given the small capacity of the terrace and the relatively large area at the rear of the terrace it is not envisaged people smoking on the terrace would detrimentally impact upon the air quality of neighbouring residents.

The objector is also concerned with regard potential overlooking. To overcome any potential overlooking it is proposed to install planting to a height of 2.2m above the level of the terrace on the western edge. This would prevent any direct overlooking from the terrace to living accommodation directly opposite and any views of the bedrooms / bathrooms on the upper floors will be very oblique. With safeguarding conditions in place relating to the installation and maintenance of the planting as shown on the submitted drawings the application is considered acceptable with regard overlooking of surrounding properties.

Sense of enclosure

The proposed acoustic trellis and planted vegetation along the western side of the first floor roof terrace will be closer to the rear first floor windows of the single family dwelling at 21 Grafton Street. However, these windows currently look into an enclosed area surrounded by taller buildings and the introduction of the planting will only impact on the first floor rear windows of the large single family dwelling. Taking this into account it is not considered the proposal would result in an unacceptable material loss of amenity such that the proposal would be contrary to the relevant policies of the UDP and City Plan to warrant refusal.

8.4 Transportation/Parking

A Servicing Management Plan has been submitted in support of the application with regard the potential servicing of both the restaurant and the private members' club. These reports have been reviewed by the Highways Planning Manager and deemed acceptable. Conditions are recommended to ensure that the respective uses operate in accordance with servicing management plans.

The application indicates that four cycle parking spaces would be provided in the basement for staff. The cycle parking will be reserved by condition.

8.5 Economic Considerations

The economic benefits of the scheme are welcomed.

8.6 Access

Currently there is no level access to the property and despite being informed that the City Council would welcome the installation of a permanent ramp over the lightwell to allow for level access to the property the applicant has declined to provide this. They consider ramped access would look unsightly and is unsuitable for a 'prestigious venue', instead the applicant proposes the provision of a portable ramp in the property which could be temporarily installed to provide level access. Whilst clearly this would prove an added inconvenience for anyone in a wheelchair the application could not be reasonably refused on these grounds alone.

A disabled accessible toilet is provided at ground floor level.

8.7 Other UDP/Westminster Policy Considerations

Waste / Recycling

Following negotiation sufficient provision is now shown on the drawings for the provision of waste (including food waste) and recycling materials. A condition is proposed to ensure these facilities are provided and retained if the permission is implemented.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application and as the application is for a change of use without additional floor area, the proposal will not require a CIL payment.

8.11 Environmental Impact Assessment

Not applicable for a scheme of this scale.

9. BACKGROUND PAPERS

1. Application form and Operational Management Plan
2. Responses from Environmental Health dated 3 August 2017 and 27 September 2017
3. Response from the Cleansing Manager dated 9 October 2017
4. Response from the Highways Planning Manager dated 10th October 2017
5. Letter from occupier of Cerno Capital, 34 Sackville St, dated 10 August 2017
6. Letter from occupier of 24 Hanover Square, 3rd Floor, dated 10 August 2017
7. Letter from occupier of Conde Nast International, 6th floor, 25 Maddox Street, dated 11 August 2017
8. Letter from occupier of 61 Conduit Street, London, dated 17 August 2017
9. Letter from occupier of Fabergé, 14A Grafton Street, Mayfair, dated 10 August 2017
10. Response from the Mayfair Residents Club dated 10 August 2017
11. Letter from occupier of Penthouse 8 and 9, 33 Savile Row, dated 14 August 2017
12. Letter from occupier of Summit Partners, 3 Old Burlington St, 3rd Floor, dated 14 August 2017
13. Letter from occupier of Boodles, 178 New Bond Street, dated 22 August 2017
14. Letter from occupier of 1 Meridian South, Meridian Business Park, dated 23 August 2017
15. Letter from occupier of Lombard Odier, Queensbury House, dated 25 August 2017
16. Letter from occupier of 14 St George Street, London, dated 29 August 2017
17. Letter from occupier of 6 Albemarle Street, London, dated 4 September 2017
18. Letter from the occupier of 21 Grafton Street, London, dated 8 September 2017
19. Letter from occupier of 36 Dover Street, Castleforge Partners, dated 12 September 2017
20. Letter from occupier of Flat 1 Cornerstone , 47 Princes Gardens, dated 12 September 2017
21. Letter of support from an unknown address dated 12 September 2017
22. Letter from the occupier of 10 Bruton Street, London dated 18 September 2017
23. Letter from occupier of Flat 8, 39 New Cavendish Street, London, dated 21 September 2017
24. Letter from occupier of 24 Albermarle Street, London, dated 26 September 2017
25. Letter from occupier of 76-77 Eaton Square, Flat 3, dated 27 September 2017
26. Letter from occupier of 17 Clifford Street, London, dated 3 October 2017
27. Letter from occupier of 17 Albemarle Street, London, dated 3 October 2017
28. Letter from occupier of 26 Albemarle Street, London, dated 3 October 2017
29. Letter from occupier of 28-29 Albemarle Street, London dated 3 October 2017
30. Letter from occupier of Bond Street House, 14 Clifford Street, dated 3 October 2017
31. Letter from occupier of 13 Albemarle Street, London, dated 4 October 2017
32. Letter from occupier of Ritz Hotel, 150 Piccadilly, St James's, dated 4 October 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

Item No.

4

10. KEY DRAWINGS

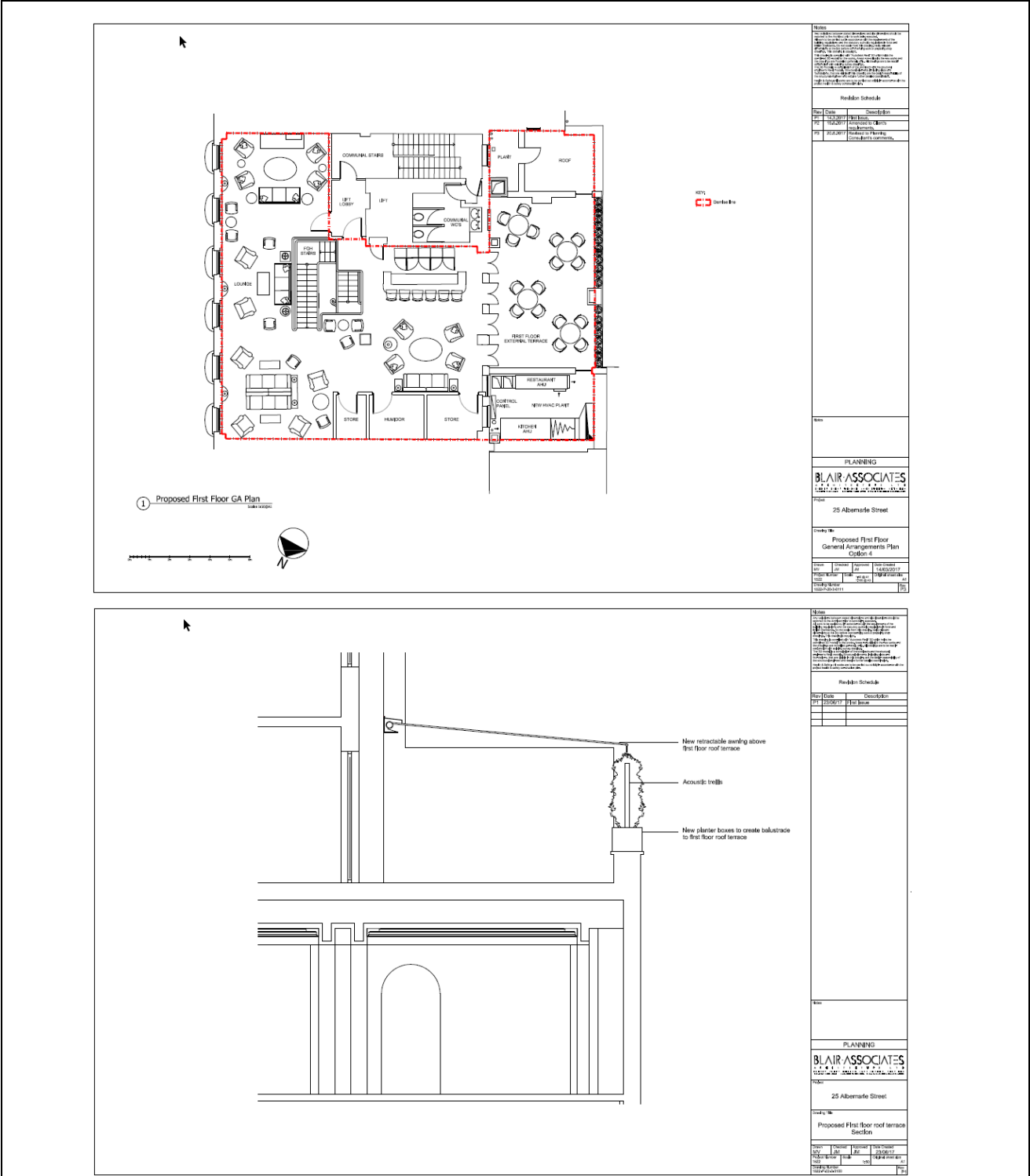
Proposed East Elevation 03

Proposed West Elevation 04

Revisions	
No.	Description
1	As Issued
2	Revised per comments from Planning Dept.
3	Revised per comments from Planning Dept.
4	Revised per comments from Planning Dept.

Hardware Schedule	
No.	Description
1	1/2" x 1/4" x 1/8" Aluminum
2	1/2" x 1/4" x 1/8" Aluminum
3	1/2" x 1/4" x 1/8" Aluminum
4	1/2" x 1/4" x 1/8" Aluminum

PLANNING			
BLAIR ASSOCIATES			
25 Abernethy Street			
Proposed West Elevation			
No.	Date	By	Checked
1	10/15/21	JLB	JLB
2	10/20/21	JLB	JLB
3	10/25/21	JLB	JLB



DRAFT DECISION LETTER

Address: 25 - 26 Albemarle Street, London, W1S 4HX,

Proposal: Dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor level and roof level with associated screening and installation of a high level extract duct and gas flues on the rear elevation of the property.

Reference: 17/06539/FULL

Plan Nos: Servicing Management Plan dated July 2017, Operational Management Plan for Oswald's Private Members' Club, Operational Management Plan for Robin Birley's Private Members' Restaurant, Servicing Management Plan for Robin Birley's Private Members' Restaurant, Acoustic Report dated 24th July 2017, Additional Acoustic Information dated 25th September 2017, Drawings: 1522-P-20-3-0111 RevP3, 1522-P-20-3-0100 RevP3, 1522-P-22-3-0100 RevP1, 1522-P-21-3-0101 RevP4, 1522-P-27-3-0121 RevP4, 1522-P-21-3-0111 RevP4, 1522-P-20-3-0090 RevP6.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed

a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 5 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the same time as the plant is installed. These mitigation measures must thereafter be retained in place for as long as the plant is in operation.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 6 You must not sell any take-away food on the premises, even as an ancillary part of the primary Class A3 or private members' club use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 If you choose to implement the restaurant use at basement and ground floor levels you must not allow more than 120 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must not play live or recorded music within the restaurant or private members' club premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 9 The high level extract ducting shown on the approved drawings shall be fully installed before either the restaurant or private members' club use commences and thereafter maintained for as long as the use is in operation.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 You must not open the restaurant or private members' club use to customers, and you must not allow customers on the premises, outside the hours: 10.00 to midnight Monday to Thursday, 10.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday; and, 12.00 to 23.00 on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 If you choose to implement the restaurant use hereby approved, the use must be operated in accordance with the submitted Servicing Management Plan dated July 2017.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

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

- 13 If you choose to implement the restaurant use hereby approved, the use must be operated in accordance with the stipulations of the Operational Management Plan for Robin Birley's Private Members' Restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1522-P-20-3-0090 Revision P6. You must clearly mark them and make them available at all times to everyone using the premises. (C14FB)

Reason:

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

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

Reason:

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

- 16 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

- 17 Any external plant that is to be removed must be removed along with associated pipework and fixtures / fittings before the plant hereby permitted is installed.

Reason:

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

- 18 The rear extract duct and gas flues shall be clad in brick or slate slips to match the existing adjoining brickwork and roofslates, as appropriate. The brick/slate slips shall be installed at the same time as the flues / duct are installed and maintained in situ for as long as the plant remains in place.

Reason:

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

- 19 You must apply to us for approval of details of secure cycle storage for the restaurant / private members' club use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 21 You must apply to us for approval of detailed drawings of the following parts of the development:, , 1. Canopy to rear terrace (1:20), 2. Screening of gas fire flue on first floor terrace (1:20), , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 22 The louvred roof plant enclosure shall be installed at the same time as the roof level plant is installed and maintained in situ for as long as the plant remains in place.

Reason:

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

- 23 The gas fire flue to the first floor terrace shall be screened, in accordance with the details approved pursuant to condition 21 of this planning permission. The screening shall be installed at the same time as the roof level plant is installed and maintained in situ for as long as the flue remains in place.

Reason:

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

- 24 If you choose to implement the private members' club use at basement, ground and first floor levels you must not allow more than 180 customers into the property at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 25 If you choose to implement the private members' club hereby permitted the use must be operated in accordance with the submitted Servicing Management Plan for Oswald's Private Members' Club.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 26 If you choose to implement the private members' club use hereby approved, the use must be operated in accordance with the stipulations of the Operational Management Plan for Oswald's Private Members' Club.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 Before you use the approved first floor terrace for sitting out or for any other purpose, you must install the 'acoustic trellis' and plant the hedge as shown on the approved drawings. The hedging must thereafter be maintained in situ to the height shown on the approved drawings in perpetuity.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 28 The terrace area hereby approved at rear first floor level can only be used between the hours of 10:00 and 20:00 (Monday to Sunday) and when the terrace is not in use the doors to the terrace must be closed. You cannot use the terrace area outside of these hours other than in the case of an emergency. The use of the terrace can continue for one year from first occupation of the first floor. After this time you must not use any part of the roof for sitting out or for any other purpose unless permission has been granted. You can however use the roof to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 29 Only 16 customers are allowed on the rear first floor terrace at any one time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk, It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Kitchen Extract Informative - The kitchen extract ducts should be designed to discharge vertically

at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen. A scheme of odour reduction will need to be incorporated together with full height discharge if there are surrounding premises that are between 20 m - 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen - All odour producing processes/cooking must be placed under the extract canopy hood in the kitchen to avoid low level odour escape from kitchen windows and doors - All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance at approximately 3 metre intervals and also complying with the H & S safe access standards (Informative 180CB).

- 8 With regard to Condition 28, it is considered appropriate to allow the use of the flat roof area at rear first floor level as a terrace for a trial period of one year from date of first occupation of the first floor, to ascertain the potential impact on the amenity of neighbouring residents. You are advised to keep a record of when use of the terrace commences and to apply to vary the condition shortly before the end of the one year trial period (with evidence of when its use began) if you wish to continue the use.
- 9 You are advised that the described level and function of wine sampling / tasting at the property is considered to be ancillary to the proposed restaurant or private members' club functions, however, if this described operation were to fluxuate in the future to place greater emphasis on wine sampling / tasting then it may be considered that a change of use of the premises has occurred for which planning permission would be required. The City Council will take appropriate enforcement action to prevent any unauthorised change of use of the premises.

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

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	6 Grafton Street, London, W1S 4EQ,		
Proposal	Internal and external alterations including the provision of plant and the creation of a terrace at roof level in connection with the use as private members' Club (Sui Generis).		
Agent	Mr Daniel Rinsler		
On behalf of	Maison di Lusso Ltd & Ennismore		
Registered Number	17/07355/FULL 17/07356/LBC	Date amended/ completed	16 August 2017
Date Application Received	15 August 2017		
Historic Building Grade	I		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning consent and listed building consent

2. SUMMARY

6 Grafton Street is a Grade I listed building with a primary frontage onto the west side of Grafton Street. The property has a 1970's extension which provides secondary access onto Bruton Lane at the rear. The building has been vacant since September 2015, having previously been in office use (Class B1) occupied by Hong Kong Economic and Trade Office.

The key issues are:

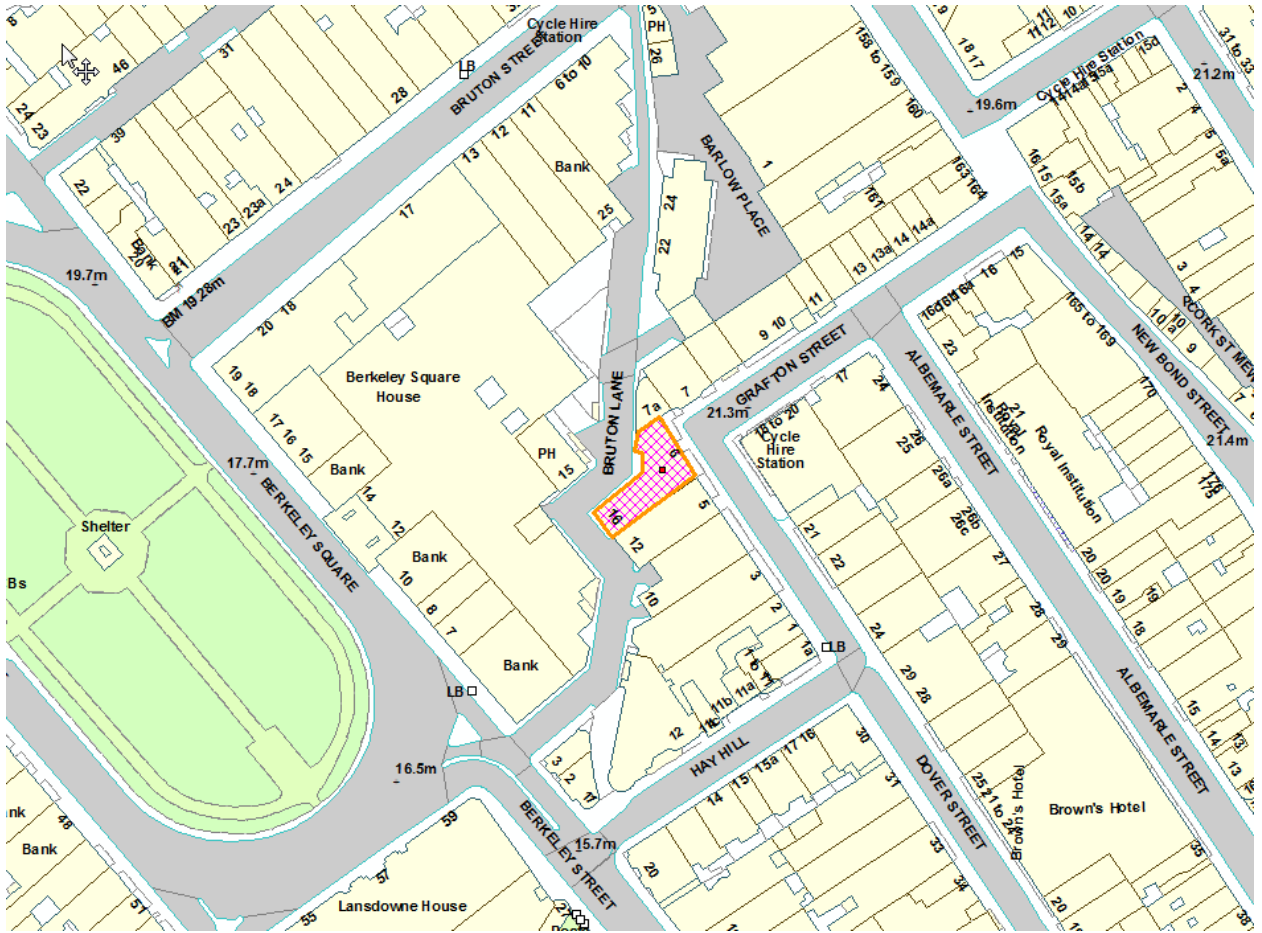
- The impact in land use terms
- The impact on residential amenity
- The impact on the significance of the Grade 1 listed building and the Mayfair conservation area.

The proposal involves retention and restoration of many original features. Use as a private members club is considered an appropriate use for this Grade 1 listed building. Re use of the vacant building is welcomed, and there are a number of significant heritage benefits.

Subject to appropriate conditions which control operational activities the use is considered acceptable

in land use and amenity terms. The application accords with adopted City Plan and Unitary Development Plan policies and is accordingly recommended for approval.

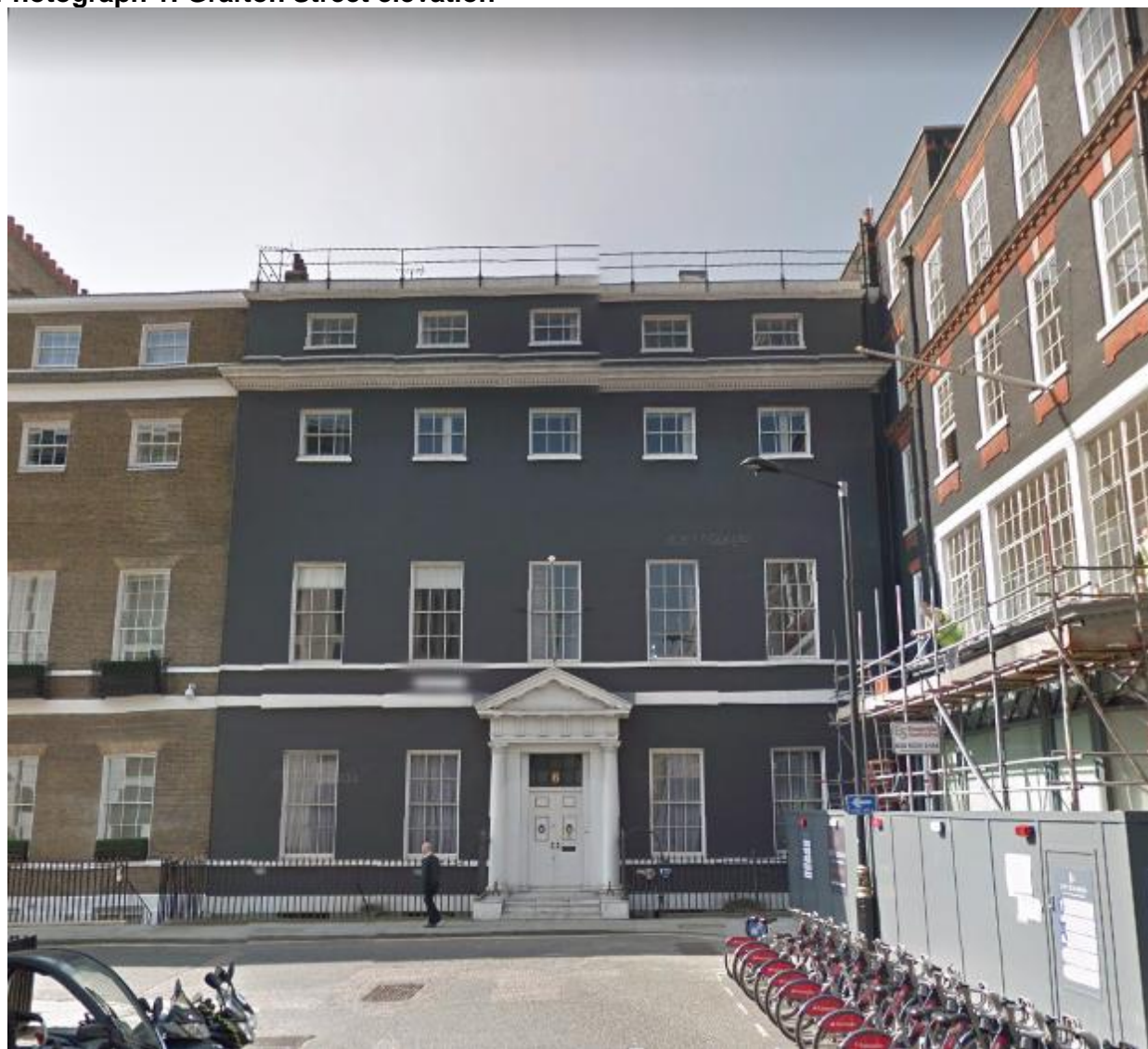
3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1: Grafton Street elevation



Photograph 2: North elevation of the rear wing, viewed along Bruton Lane

8 May 2017, 14:50:41



Photograph 3: South elevation of the rear wing, viewed along Bruton Lane.



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

Any response to be reported verbally

ENVIRONMENTAL HEALTH: No objection

No objection, subject to conditions.

HIGHWAYS PLANNING MANAGER: No Objection

No objection, subject to conditions (re servicing management plan and cycle parking)

CLEANSING:

Objection, refuse details (including bin capacities for different waste streams, and the provision of cooking oil and food waste storage) should be secured by condition.

DESIGNING OUT CRIME:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 8 (7 letters of support 1 objection)

1 objection on behalf of 2 neighbouring residents on the following grounds :

- An entertainment use over 500 m2 is contrary to policy
- Increase in adverse impacts on residential properties compared to B1 use
- Introduction of night-time economy is uncharacteristic for Grafton Street
- Lack of information on plant
- Ability to enforce conditions on hours of use of terrace
- Potential for hours of use of property and terrace to be extended
- Ability to install acoustic measures within grade I listed building sympathetically
- Potential to retain B1 use not evidenced
- Historic building assessment is inadequate

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The main building at 6 Grafton Street comprises a basement and four upper storeys, and fronts onto the west side of Grafton Street. The rear wing is a contemporary addition of seven storeys with an additional plant, it fronts onto Bruton Lane. The building is Grade I listed, designed by Sir Robert Taylor.

The site is part of the recently formed Albemarle estate, and lies within the Core Central Activities Zone (Core CAZ) and Mayfair Conservation Area. The surrounding area is mixed use in character comprising a significant amount of office (Class B1) floorspace.

There are a number of neighbouring residential properties within the vicinity, particularly to the south on Grafton Street. The nearest being a single family dwelling house at No 5 Grafton Street adjacent.

6.2 Recent Relevant History

None directly relevant.

7. THE PROPOSAL

The application proposes to change the use of the office building (Class B1) to a private members club (Sui Generis). The private members club would be operated by Gleneagles- a luxury Scottish estate, hotel, golf course and spa. The proposed layout of the club use is as follows:

Basement: Wine cellar bar and staff facilities and smoking area

Lower ground floor: Restaurant and kitchen

Ground floor: Café, one lounge room and a retail space

First floor: Brasserie restaurant

Second floor: Fine dining restaurant and kitchen

Third floor: Library, bar and a lounge room

Fourth floor: Plant, bar and external roof terrace

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (B1)	1805	0	-1805
Private Members Club (Sui Generis)	0	1805	+1805

Externally, the proposals include the installation of new plant at roof level, and the formation of an acoustically screened rear roof terrace, which would have an awning. At lower basement level a small glazed awning would be installed.

Internally, all new vertical circulation, hoists, kitchens, and vertical service risers would be located to the 1970's rear wing.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

City Plan Policy S6 identifies the Core Central Activities Zone as an appropriate location for a range of commercial and cultural uses. There are no specific policies which prevent existing offices from changing to other commercial uses. The loss of B1 office floorspace is considered acceptable in land use terms because the scheme proposes commercial uses which would support the function of the Core CAZ.

As the application would result in one commercial use changing to another it does not trigger a requirement to provide residential under City Plan policy S1 (Mixed Use in the Central Activities Zone).

Proposed Private Members Club

Policy S24 of the City Plan sets out that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity and demonstrate that there would not be any adverse impact on residential amenity, health and safety or character and function of the area. It states that new large-scale late-night entertainment uses of over 500sq.m of floorspace will not generally be appropriate in Westminster.

The proposal is considered to be a large-scale, late-night entertainment use, which given its floor area of over 500 sq.m, would not generally be considered appropriate in Westminster. Permission will only be granted in exceptional circumstances and in accordance with UDP policy TACE 10.

It is considered that the status of the building; being a rare example of a particularly well preserved Grade I listed property presents exceptional circumstances, the merits of which are discussed in part 8.2 of this report.

An Operational Management Statement (OMS) has been submitted. Membership would not be restricted to the existing Gleneagles Scotland members but would be open to applications. The concept is to expand membership to London, and customers can apply or be recommended by existing members with referrals from existing Gleneagles members. The OMS is included as a background paper to this report.

Capacity

It is proposed that Gleneagles would use the site to host a number of events, which would include workshops, talks and demonstrations from designers, artists and luxury brands. The standard building capacity would be 470 customers and 90 members of staff at any one time. For private events (maximum 1 per day), this would be increased to 600 customers and 100 staff. The proposed roof terrace would have a maximum capacity of 26 customers. The proposed basement lightwell smoking area would have a maximum capacity of 15 people.

Opening Hours

The proposed opening hours are as follows:

Sunday, Monday & Tuesday:

07.00 – 01.30 the following morning

Wednesday & Thursday, Friday, Saturday and Sundays before bank holidays

Basement & Lower Ground floor: 07.00 – 03.00 the following morning

Ground, first, second & third floor: 07.00 – 01.30 the following morning

All guests will use the main entrance on Grafton Street with servicing from Bruton Lane to the rear.

Permission was recently granted on 22nd August 2017 for the use of Washington House 40-41 Conduit Street also in Mayfair as a private Members Club. The permitted club use had staggered opening and closing times on different floors. Restaurant and café facilities are permitted to open until 1am a basement bar until 3am. It is acknowledged that the opening hours proposed at the application premises are beyond the core operating hours

for licensed premises as set out in the UDP. They would however be akin to the hours permitted at Washington House 40-41 Conduit Street.

There is a policy presumption against new large entertainment uses (over 500 M2) as proposed. However the heritage benefits in of preserving and restoring the Grade I listed building (as discussed in section 8.2 of this report below) are a material consideration in allowing the proposed large entertainment use.

The proposed Private members club use would give rise to a greater number of people visiting the site late into the evening. The submitted OMP has set out appropriate measures to limit the noise impacts to neighbouring properties, and the council is satisfied that the proposal would not give rise to any unacceptable noise disturbance, and that the scheme would comply with UDP policy ENV7. Although there are some residential premises in close proximity the area is primarily commercial in character. On the basis that the use operates in accordance with the submitted OMS, which is **to be** secured by condition, it is considered appropriate to this part of Mayfair. In the circumstances the use is considered acceptable as it would be neither harmful to resident's amenities or the character and function of the area.

8.2 Townscape and Design

The Grafton Street façade is particularly fine but its appearance is marred by dark brown paint and the modern rooftop plant detracts from its appearance in longer views because it appears above the ridge-line. At the rear, the building facing Bruton Lane is entirely modern and has no special interest. However, the front range of the building, facing Grafton Street contains rooms and features of special interest which, along with the hierarchy of spaces, plan form, and staircases, will be retained as part of the scheme.

There is useful article in The Georgian Group Journal (Vol XIII), 2003, about the development of Grafton Street (pp 201-272), and there are plans of the building in the City Council's archives dating from 1901 onwards as well as an undated plan described as "quite early" (Finding No.: WDP2/0667/05). There is also information about Grafton Street in the Historic England Archive which includes a good photograph of the front door of No. 6 (Reference No.: CC38/00409). An objection has been received which states, amongst other things that the historic building appraisal submitted with the application is inadequate. This is not considered to be a justifiable objection. The report submitted is proportionate to the work involved, and it is sufficient in this case. The majority of the work in the former house is restorative, and the alterations to form openings between rooms are acceptable (as set out below). Furthermore, the proposed use is acceptable in heritage asset terms because is entirely compatible with the historic character and special interest of the building.

In design and heritage asset terms there is no objection to altering the modern rear range in Bruton Lane, and the alterations within the front range are sensitive to the special interest of the building and will substantially improve the interiors.

The proposed openings between rooms in the front range are sized to suit the appearance of the rooms. The harm they cause by loss of historic fabric and plan form is entirely outweighed by the gains in terms of restoring rooms to their original proportions by removing modern false ceilings and light fittings and through the reinstatement of

historically appropriate colour schemes and chimney pieces, cornices, joinery etc. where missing.

There is no objection to the alterations in the modern rear wing of the building, and at roof level nothing new will be visible above the ridge line when seen from street level. Whilst views at the rear are less sensitive, the setting of neighbouring listed buildings has to be maintained and the proposed awning at roof level is sufficiently modest and would not seem incongruous or out of character with the modern building on which it stands. It is recommended that the detailed design of the awning is secured by condition.

Externally, the brown paint is to be removed from the Grafton Street façade and the brickwork restored. The main entrance and staircase, and stone entrance hall flooring would also be restored to the original design. Both of these elements are considered a substantial and welcome public benefit of the scheme.

The alterations and restoration work will enhance the appearance and special interest of the building and fully meet UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity (Daylight/Sunlight Sense of enclosure/ privacy)

No extensions are proposed the application will therefore have no impact upon light or sense of enclosure to any neighbouring residential properties. With regards to privacy the proposal includes a roof terrace on the rear section of the building. This would provide only very limited oblique views to neighbouring properties therefore the opportunity for overlooking is limited. The proposal includes screening around the roof terrace, which is considered acceptable in mitigating any loss of privacy to neighbouring properties.

8.4 Transportation & Accessibility

The application is supported by a transport statement. The estimated trip generation is considered to be a fair approximation, and the largest regular service vehicle would be the refuse collection, or laundry vehicle which would service the property in a similar fashion to other nearby properties.

A traffic steward would be employed during opening hours to ensure that there would be no congestion on the street from customers arriving at or departing from the premises.

No off-street servicing would be provided. The Highways Planning Manager advises that servicing requirements can be satisfactorily accommodated on street. It is recommended that permission is subject to a requirement to provide a supplementary SMP which sets out a deliveries schedule. On this basis this aspect of the application is acceptable. The proposal is therefore considered to be in accordance with policy TRANS20.

The London Plan sets out that for Sui Generis uses, cycle parking provision should be calculated on the basis of the most relevant other standard. In this case, it is considered that the standard for A3-A4 would be most relevant and as such, a minimum of 10 cycle parking spaces should be provided on site. A condition is recommended to secure the cycle parking spaces.

8.5 Economic Considerations

Any economic benefits created by the proposal are welcomed.

8.6 Access

The primary entrance would be to Grafton Street, and the existing entrance to the west elevation, on Bruton Lane would be maintained for staff access only.

An accessibility report has been submitted which sets out that due to the building listing, and internal configuration, it would not be possible to provide step-free access on a permanent basis.

Once at ground floor level, step free access is possible to all facilities except the roof terrace. Accessible WC's will be located at third floor level. Additionally, the existing lift is the maximum size for the existing lift shaft and is only sufficient in size for un-assisted wheelchairs. Accessibility issues can be overcome by building solutions and management practices – such as installing flip seating in the lift, and temporary ramps to gain access to ground floor level. These provisions will be addressed by Building Control and Licensing processes.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed at roof level, this will include will include three VRF units, an air handling unit (AHU) and kitchen extract fans, it would be contained within a screened enclosure, have induct attenuators, anti-vibration mounts, and acoustic lagging on all external ductwork.

An objection has been received on the grounds of lack of information on the proposed plant

A Noise Control Strategy by Hoare Lea, has been submitted with the application which identifies the nearest noise sensitive receptor as the residential dwelling at 5 Grafton Street, which the application site shares a party wall with. The report includes details on a number of measures to mitigate noise including, limiting opening hours, number of occupants and playing of amplified music. These aspects are all proposed to be controlled by condition.

The Noise Control Strategy sets out that all areas will have low levels of ambient music. Only the basement, ground floor bar and café, and 3rd floor lounge would have amplified music played. This would be limited to evenings. The strategy sets out that sound insulation tests will be undertaken to 5 and 6 Grafton Street, with acoustic insulation to be installed to the basement and lower ground floor as necessary in order to meet baseline noise requirements. Any loudspeakers would be floor mounted

The Council's Environmental Health officer has reviewed the acoustic report and advise that the application is acceptable subject to appropriate conditions.

Odour

It is proposed that multi-layer odour controls will be utilised for the kitchen extract systems to eliminate smoke and odour, in accordance with DEFRA guidance. The council is satisfied that this would not cause harm to neighbours amenity.

Refuse /Recycling

The Cleansing manager objects to the application and has requested additional information namely;

bin capacities for different waste streams;
 annotations for proposed bins;
 provision of storage for waste cooking oil and waste food

It is recommended that these details are secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

This application does not trigger any planning obligations.

8.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

9. BACKGROUND PAPERS

1. Application form and OMP
2. Response from Plant And Equipment, dated 24 August 2017
3. Response from Highways Planning officer dated 5 October 2017 and 9 October 2017
4. Response from Cleansing dated 4 October 2017
5. Letter from occupier of Boodles 1798, 178 New Bond Street, dated 12 September 2017
6. Letter from occupier of Globe Trotter, dated 19 September 2017
7. Letter from occupier of Isabel, 26b Albemarle Street, dated 15 September 2017
8. Letter from occupier of 5 Grafton Street and 12 Bruton Lane, London, dated 21 September 2017
9. Letter from occupier of Buccellati, 33 Albemarle Street, dated 5 September 2017
10. Letter from Crosstree Real Estate Partners, 1 Curzon Street dated 5 September 2017
11. Letter from New West End Company dated 7 September 2017
12. Letter from occupier of 25 Old Burlington Street dated 26 September 2017

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

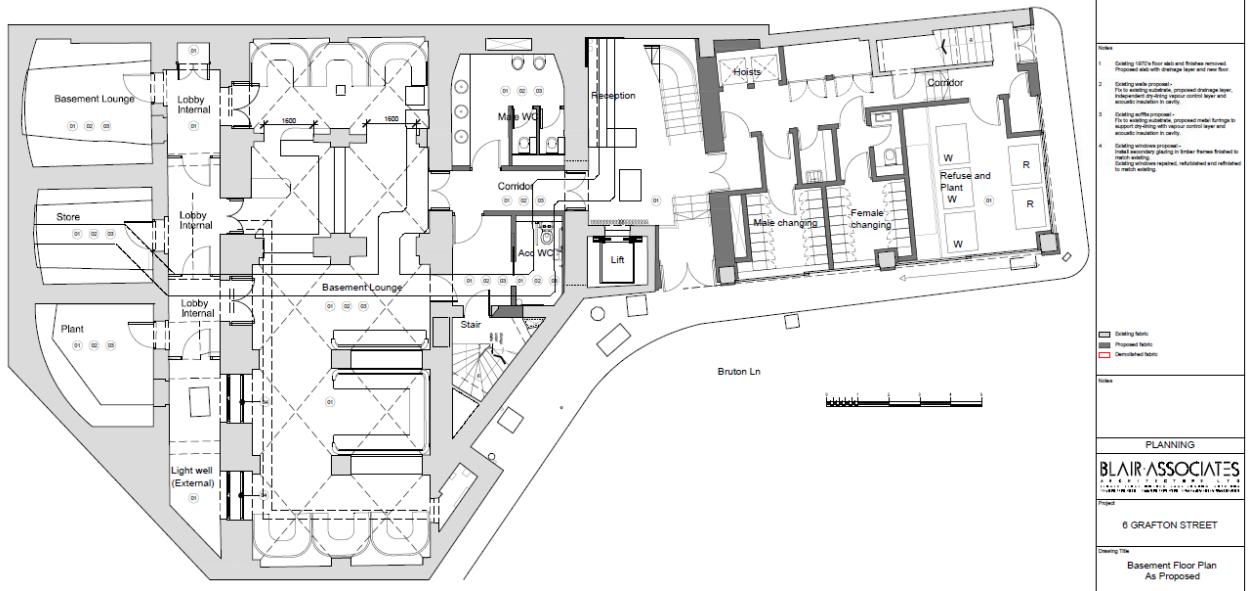
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk .

Item No.

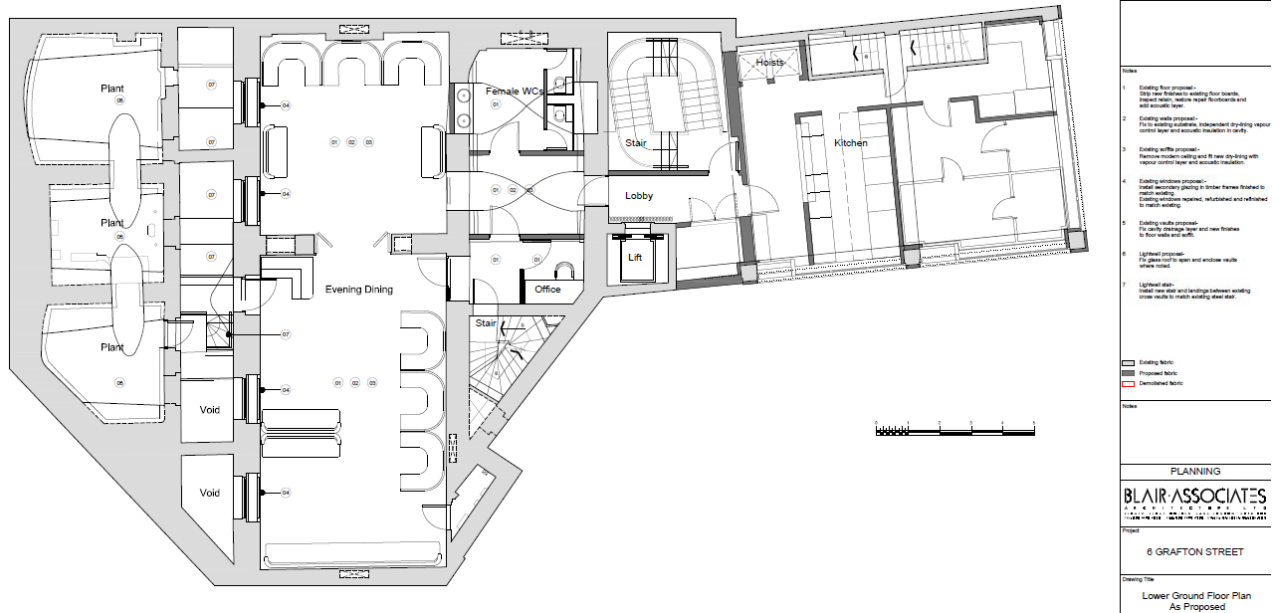
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10. KEY DRAWINGS

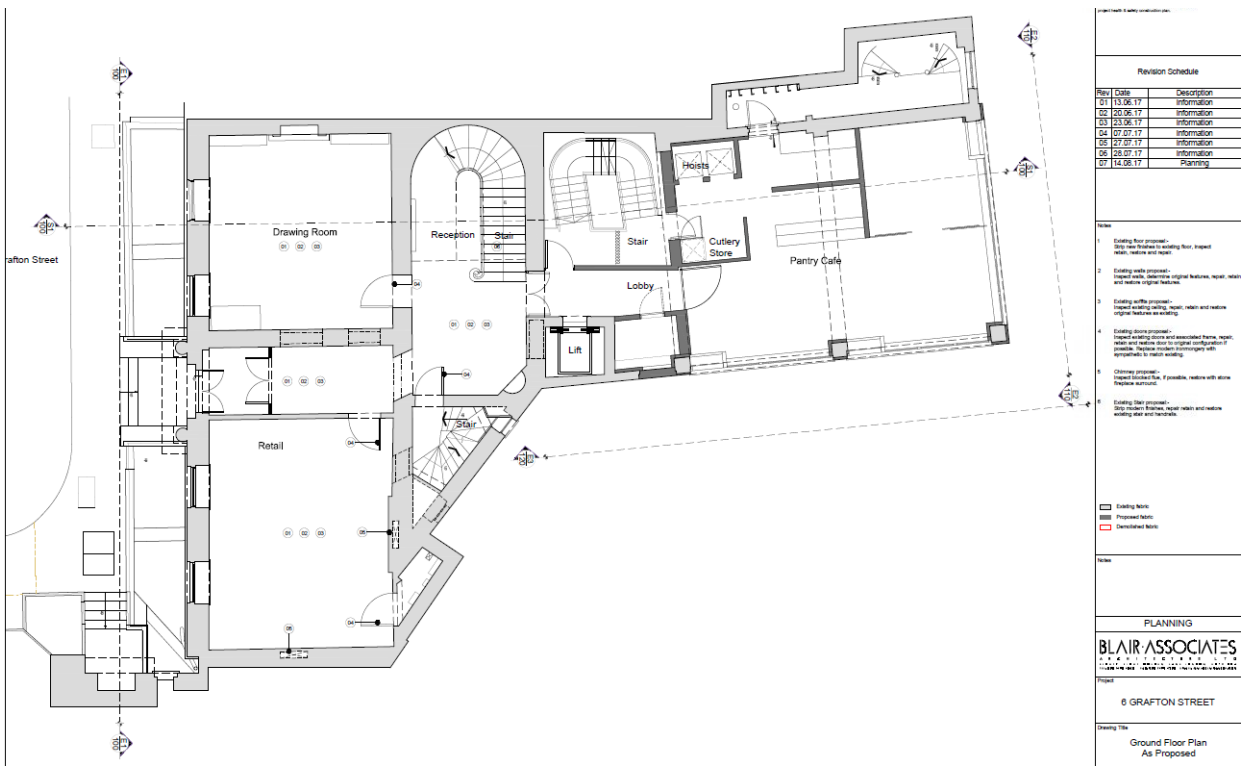
Proposed basement plan



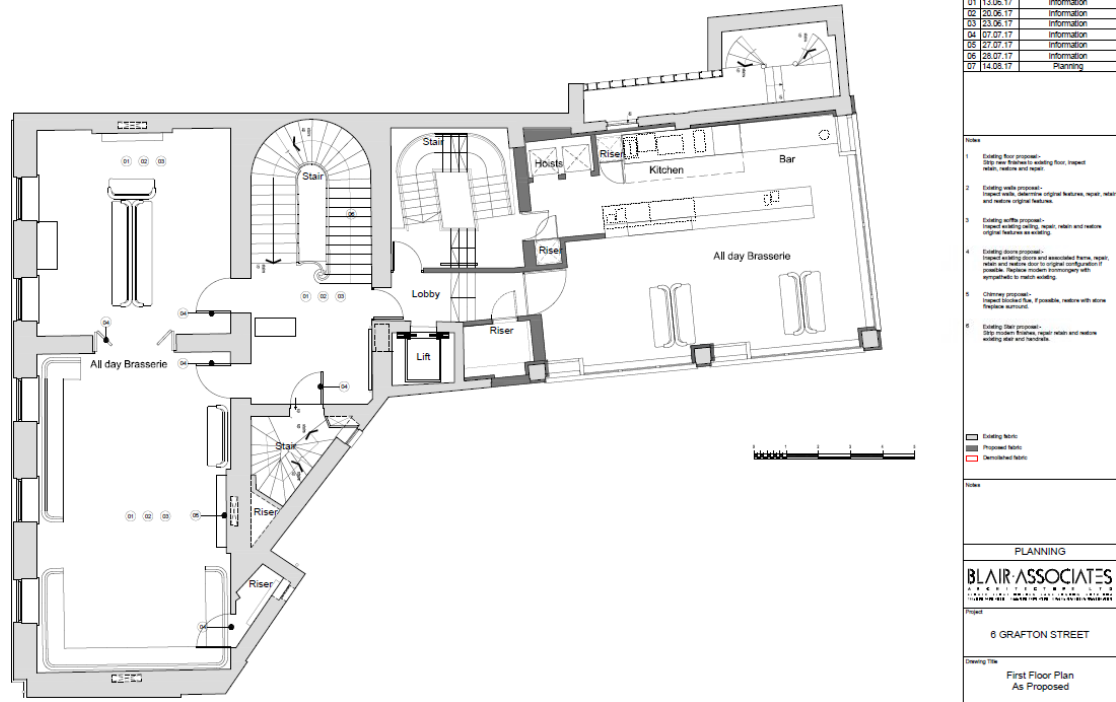
Proposed lower ground floor plan



Proposed ground floor plan



Proposed first floor plan



Proposed Mezzanine



03	23.06.17	Information
04	07.07.17	Information
05	27.07.17	Information
06	28.07.17	Information
07	14.08.17	Planning

Existing fabric
 Proposed fabric
 Demolished fabric

Notes

PLANNING

BLAIR ASSOCIATES
ARCHITECTS

Project

6 GRAFTON STREET

Drawing Title

Mezzanine Floor Plan
As Proposed

Proposed second floor plan



Notes

- Existing floor proposed - Strip new finishes to existing floor, inspect, retain, restore and repair
- Existing walls proposed - Inspect walls, determine original features, repair, retain and restore original finishes
- Existing ceiling proposed - Inspect existing ceiling, repair, retain and restore original features as existing
- Doors proposed - Remove wooden doors and frames and replace with laminated glass with associated hardware to match existing. Retain floor doors with associated complementary hardware as existing
- Climbers proposed - Inspect existing fix. If possible, restore with stone replace hardware
- Existing steel proposed - Strip rusted finishes, repair, retain and restore existing steel and handrails
- Walls proposed - Inspect walls, determine original features, repair, retain and decorate with historic finishes commensurate with ground and first floor
- Roof proposed - Inspect existing ceiling, repair, retain and decorate with historic finishes commensurate with ground and first floor

Existing fabric
 Proposed fabric
 Demolished fabric

Notes

PLANNING

BLAIR ASSOCIATES
ARCHITECTS

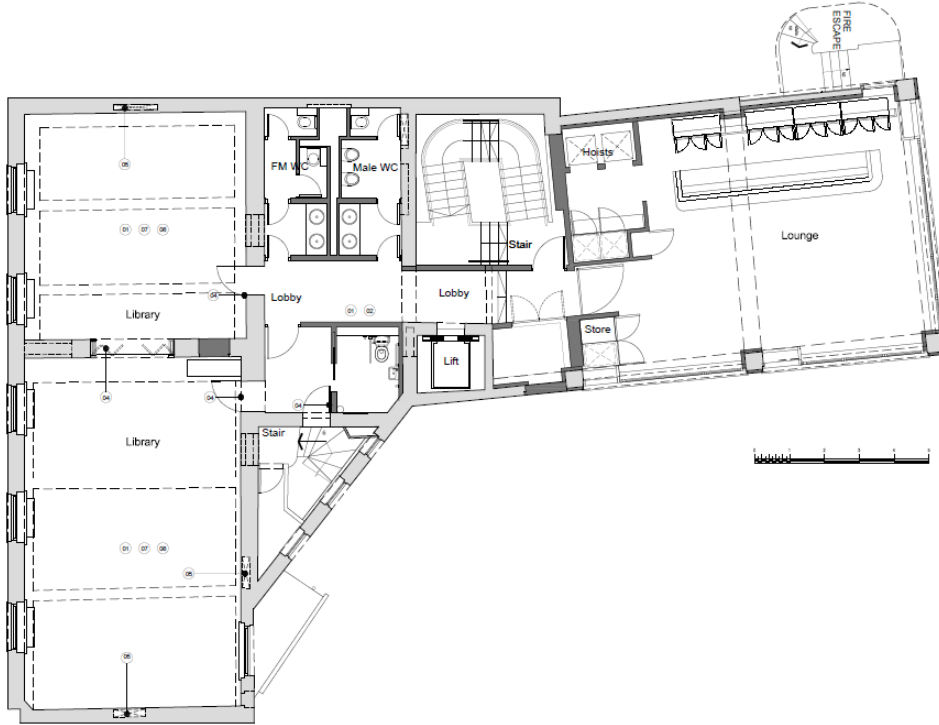
Project

6 GRAFTON STREET

Drawing Title

Second Floor Plan
As Proposed

Proposed third floor plan



03	23.06.17	Information
04	07.07.17	Information
05	27.07.17	Information
06	28.07.17	Information
07	14.08.17	Planning

- Notes
- 1 Existing floor proposal - Strip new finishes to existing floor, inspect walls, ceiling and roof.
 - 2 Existing walls proposal - Inspect walls, determine original features, repair, retain and restore original features.
 - 3 Existing ceiling proposal - Inspect existing ceiling, repair, retain and restore original features as existing.
 - 4 Deck proposal - Remove timber doors and frames and replace with parallel doors with associated architraves to match existing. Fit floor doors with associated emergency apparatus to existing.
 - 5 Chimney proposal - Inspect brickwork, if possible, restore with stone fireplace surround.
 - 6 Existing steel proposal - Strip timber finishes, repair, retain and restore existing steel and hardware.
 - 7 Walls proposal - Inspect walls, determine original features, repair, retain and restore with original finishes commensurate with ground in the floor.
 - 8 Soffit proposal - Remove CO2B ceiling and CO2B site footboards and replace roof space, repair and restore existing trusses. Dry line and insulate rafters.
- Key
- Existing fabric
 - Proposed fabric
 - Demolished fabric

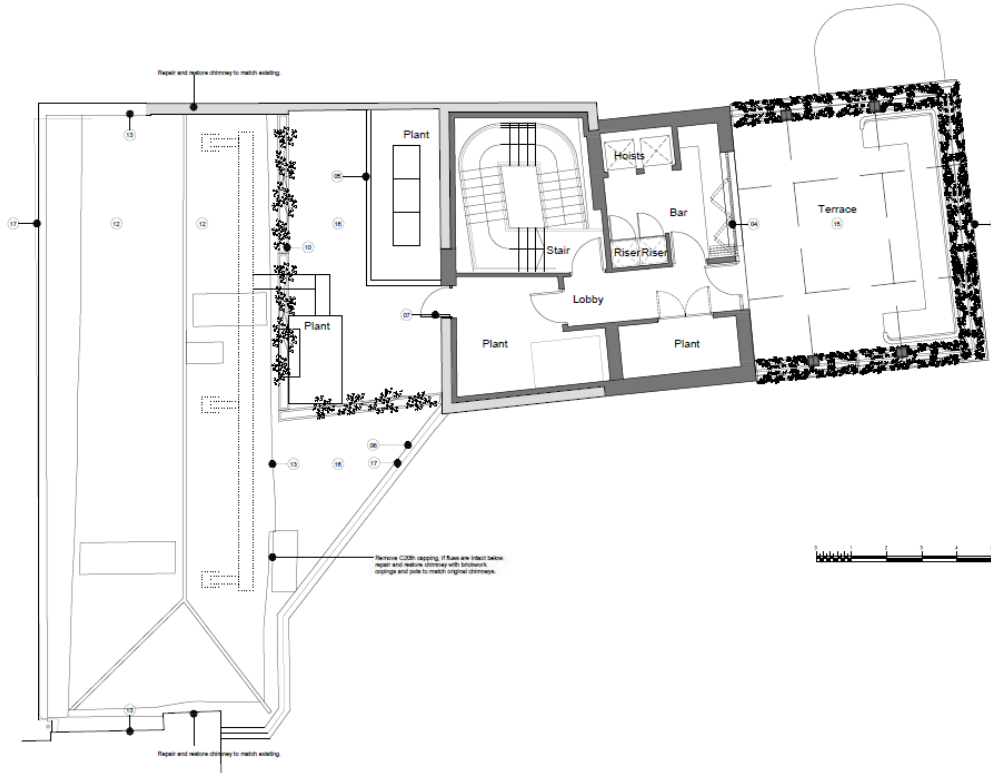
PLANNING

BLAIR ASSOCIATES
ARCHITECTS

Project
6 GRAFTON STREET

Drawing Title
Third Floor Plan
As Proposed

Proposed fourth floor plan (roof terrace)



04	07.07.17	Information
05	27.07.17	Information
06	28.07.17	Information
07	14.08.17	Planning

- Notes
- 1 Existing brickwork retained and restored.
 - 2 Proposed brickwork and masonry to match existing.
 - 3 Windows / doors retained and repaired to match existing.
 - 4 Proposed floor windows or metal frame and bronze black finish.
 - 5 Proposed metal louvers w/ bronze black finish.
 - 6 Proposed timber frame windows to match existing.
 - 7 Proposed timber door frame to match existing.
 - 8 Staircase repaired and retained to match existing.
 - 9 Proposed grey stone work.
 - 10 Proposed painted screen w/ metal planter, bronze black finish.
 - 11 Proposed metal w/ w/ bronze black finish.
 - 12 Slate roof repaired and retained to match existing.
 - 13 Leadwork repaired and retained to match existing.
 - 14 Proposed glass roof.
 - 15 Proposed panel roof finish.
 - 16 Proposed parapet roof.
 - 17 Existing metal ceiling refurbished and retained.
 - 18 Proposed metal fittings to match existing.
 - 19 Rainwater pipes repaired & retained to match existing.
 - 20 Proposed asbestos-free metal roof.
 - 21 Repair, restore and repaint masonry to match existing.
- Key
- Existing fabric
 - Proposed fabric
 - Demolished fabric

PLANNING

BLAIR ASSOCIATES
ARCHITECTS

Project
6 GRAFTON STREET

Drawing Title
Roof Plan Fourth floor
As Proposed

Drawn	Checked	Approved	Date Created
006			14/02/17
Project Number	Scale	Original scale only	Alt
1555-27-3-0150	1:100		07

Proposed Grafton Street elevation



NOTES

1. All work to be done in accordance with the provisions of the Building Regulations and the Building Control Authority's requirements for the proposed works. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The contractor shall be responsible for ensuring that the proposed works are carried out in accordance with the relevant codes of practice and standards. The contractor shall be responsible for ensuring that the proposed works are carried out in a safe and sound manner.

Revision Schedule

Rev	Date	Description

- Key**
1. Existing brickwork repair and repointing - Carefully remove 25 layers of brown paintwork to new brickwork and mortar as necessary. Repoint in match existing. If the brickwork is in a patchy quality of condition, use profile to add match the brickwork. Proposed brickwork not needed to match existing.
 2. Whopose / doors retained and repaired to match existing.
 3. Proposed door window or metal frame and bronze black finish.
 4. Proposed metal cornice or bronze black finish.
 5. Proposed bronze door frame to match existing.
 6. Proposed bronze door frame to match existing.
 7. Proposed bronze door frame to match existing.
 8. Stone work repaired and retained to match existing.
 9. Proposed grey stone work.
 10. Proposed plastered exterior of metal partition bronze black finish.
 11. Proposed metal cornice or bronze black finish.
 12. Stone roof repaired and retained to match existing.
 13. Leadwork repaired and retained to match existing.
 14. Proposed glass roof.
 15. Proposed paved roof finish.
 16. Proposed asphalt roof.
 17. Existing metal fittings refurbished and refinished.
 18. Proposed metal fittings to match existing.
 19. Existing glass retained & retained to match existing.
 20. Proposed extendable fabric roof.
 21. Repairs, restore and repair render to match existing.

Original glass (dimensioning window retained and retained. Existing tinted/glass removed)

Remove ceramic tile from upper floor (see note 1)

Remove ceramic tile from upper floor (see note 1)

PLANNING

BLAIR ASSOCIATES

Project

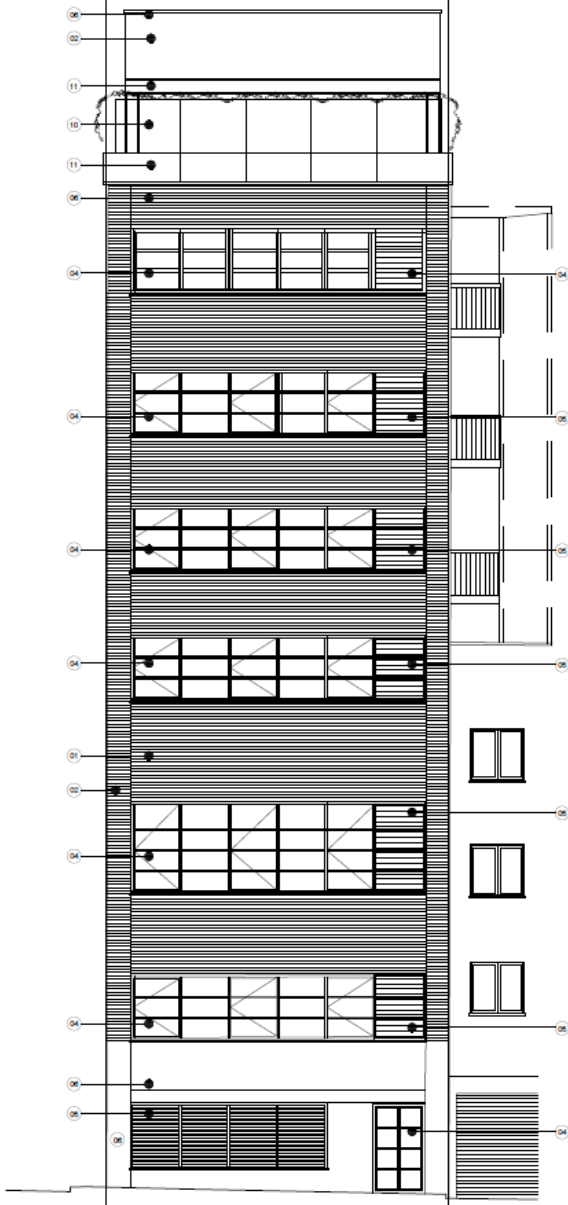
6 GRAFTON STREET

Drawing Title

Grafton Street (Elevation 1) As Proposed

Drawn	Checked	Approved	Date Created
			14/09/11
Project Number	Scale	Original sheet size	
1525	1:100	A	
Sheet Number			
1525-21-3-0100			

Proposed Bruton Lane elevation (west)



Notes

All variations between existing dimensions and all dimensions shown are subject to the Architect prior to work being undertaken. All work to be undertaken is to be undertaken with the requirement of the relevant regulatory authority and the relevant regulatory authority. The drawings are not to be used for construction until they have been approved by the relevant regulatory authority. The drawings are not to be used for construction until they have been approved by the relevant regulatory authority. The drawings are not to be used for construction until they have been approved by the relevant regulatory authority.

Revision Schedule

Rev	Date	Description

- Key**
- Existing brick silted and roof washed.
 - Proposed brickwork roof washed to match existing.
 - Window / door repaired and repainted to match existing.
 - Proposed door / window w/ metal frame and bronze black finish.
 - Proposed metal louvre w/ bronze black finish.
 - Proposed timber frame window to match existing.
 - Proposed timber door finish to match existing.
 - Stonework repaired and redressed to match existing.
 - Proposed grey stone work.
 - Proposed painted screen w/ metal planter, bronze black finish.
 - Proposed metal w/ w bronze black finish.
 - State roof repaired and redressed to match existing.
 - Leadwork repaired and redressed to match existing.
 - Proposed glass roof.
 - Proposed paved roof finish.
 - Proposed asphalt roof.
 - Existing metal railings refurbished and refinished.
 - Proposed metal railings to match existing.
 - Rainwater pipes repaired & redressed to match existing.
 - Proposed extendable fabric roof.
 - Repair, retrow and repaint render to match existing.
- Existing fabric
 Proposed fabric
 Demolished fabric

Notes

PLANNING

BLAIR ASSOCIATES
 ARCHITECTS
 100 GRAFTON STREET
 SYDNEY NSW 2000
 TEL: (02) 9231 1111
 FAX: (02) 9231 1112

Project
 8 GRAFTON STREET

Drawing Title
 Elevation 2
 As Proposed

Drawn	Checked	Approved	Date Created
DM	-	-	14/08/17
Project Number	Scale	Original sheet size	
1525	1:100	A3	
Drawing Number	Rev.		
1525-21-2-0110	-		

Proposed Bruton Lane elevation (north)



DRAFT DECISION LETTER**Address:** 6 Grafton Street, London, W1S 4EQ,**Proposal:** Use as private members' Club (Sui Generis), with associated internal and external alterations including roof level terrace and M&E Plant (Linked to 17/07356/LBC)**Reference:** 17/07355/FULL**Plan Nos:** 1525-20-3-0080 Rev 08, 1525-20-3-0090 Rev 07, 1525-20-3-0100 Rev 07, 1525-20-3-011 Rev 07, 1525-20-3-0120 Rev 07, 1525-20-3-0130 Rev 07, 1525-20-3-0140 Rev 07, 1525-21-3-0100, 1525-21-2-0110, 1525-21-2-0120, 1525-22-3-0100 Rev 01, 1525-27-3-0150 Rev 07, 1525-27-3-0110 Rev 07Demolition:
1525-05-2-0080, 1525-05-02-0090, 1525-20-2-0100-02, 1525-05-2-0110, 1525-05-2-0120, 1525-05-2-130, 1525-05-2-140, 1525-05-2-150Noise control strategy Revision 01 dated 11/08/2017 by Hoare Lea
Transport Statement dated August 2017 by Caneparo Associates**Case Officer:** Gemma Bassett**Direct Tel. No.** 020 7641 2814**Recommended Condition(s) and Reason(s)**

1	<p>The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>
2	<p>Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:</p> <ul style="list-style-type: none"> o between 08.00 and 18.00 Monday to Friday; o between 08.00 and 13.00 on Saturday; and o not at all on Sundays, bank holidays and public holidays. <p>You must carry out piling, excavation and demolition work only:</p> <ul style="list-style-type: none"> o between 08.00 and 18.00 Monday to Friday; and o not at all on Saturdays, Sundays, bank holidays and public holidays. <p>Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)</p> <p>Reason: To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)</p>
3	<p>You must not allow more than 470 customers into the property at any one time. Except for private events where you must not allow more than 600 customers into the property at any one time; The number of private events, with between 470 customers to 600 customers on site, shall not exceed two per month.</p> <p>Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and</p>

	S32 of Westminster's City Plan (November 2016) and TACE 10; and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)
4	<p>No more than 26 customers shall have access to the roof terrace at any one time. The use of the terrace shall be managed in accordance with the Operational Management and overseen by a member of staff at all times, during opening hours.</p> <p>Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10; and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)</p>
5	<p>No more than 15 customers shall have access to the basement lightwell smoking area shown on drawing 1525-20-3-0080 Rev 08 at any one time. The use of the basement lightwell smoking area shall be managed in accordance with the Operational Management and overseen by a member of staff at all times, during opening hours.</p> <p>Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10; and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)</p>
6	<p>You must carry out the measures included in your management plan dated 1/1/17; at all times that the private members club (Sui Generis use class); is in use.</p> <p>Reason: To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10; and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)</p>
7	<p>Customers shall not be permitted within the private members club (Sui Generis); premises outside of the following hours: Sunday, Monday & Tuesday: 07.00 – 01.30</p> <p>Wednesday & Thursday, Friday, Saturday and Sundays before Bank Holidays Basement & Lower Ground floor: 07.00 – 03.00 Ground, first, second & third floor: 07.00 – 01.30</p> <p>Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10; of our Unitary Development Plan that we adopted in January 2007. (R12AC)</p>
8	<p>The roof terrace shall not be open to customers outside of the following hours: 07.00 – 22.00 Sunday –Thursday 07.00 – 23.00 Friday, Saturday and Sundays before Bank Holidays</p> <p>Reason: To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10; of our Unitary Development Plan that we adopted in January 2007. (R12AC)</p>
9	All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

	<p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)</p>
10	<p>You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)</p>
11	<p>You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)</p>
12	<p>You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)</p>
13	<p>All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)</p>
14	<p>The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)</p>
15	<p>All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)</p>

16	<p>You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)</p>
17	<p>You must apply to us for approval of a detailed historic paint analysis report for the principal rooms at ground and first floor levels, including all of the main and secondary staircases, and a detailed specification and paint colour samples of all new paintwork and decorative finishes to be used in these rooms and staircases. You must not remove or refinish any existing paintwork or finishes until we have approved what you have sent us and you must then carry out the work according to the details we have approved. (C26DB)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)</p>
18	<p>You must apply to us for approval of a method statement and a sample panel (covering 1 square metre maximum) of cleaned and repointed brickwork on the Grafton Street façade. You must not carry out any work to the façade other than the sample panel until we have approved the method statement and sample panel, and you must then carry out the work according to the method statement and sample panel we have approved, prior to the first use of the building.(C26DB)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)</p>
19	<p>Contrary to what is shown on the drawings, you may not remove any existing chimneypieces or fire grates. Instead, you must apply to us for approval of detailed historic analysis of all the chimneypieces and fire grates with reasoned justification for any proposed removal or relocation including a photographic schedule of all the existing chimney pieces and fire grates, and method statements for their repair; 2) detailed drawings at a scale of 1:5 of all new chimneypieces. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these method statements and detailed drawings.(C26DB)</p> <p>Reason: To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4; of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)</p>

20	<p>You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)</p> <p>Reason: In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)</p>
21	<p>You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.</p> <p>Reason: To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.</p>
22	<p>You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the private members club;. (C14EC)</p> <p>Reason: To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)</p>
23	<p>(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.</p> <p>(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.</p> <p>(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:</p> <ul style="list-style-type: none"> (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it;

	<p>(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;</p> <p>(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;</p> <p>(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;</p> <p>(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;</p> <p>(i) The proposed maximum noise level to be emitted by the plant and equipment.</p> <p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.</p>
24	<p>(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the sui generis; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.</p> <p>(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the ^IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.</p> <p>(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:</p> <p>(a) The location of most affected noise sensitive receptor location and the most affected window of it;</p> <p>(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;</p> <p>(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;</p> <p>(d) The lowest existing LA90, 15 mins measurement recorded under (c) above;</p> <p>(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;</p> <p>(f) The proposed maximum noise level to be emitted by the activity.</p> <p>Reason: Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1),</p>

	(6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.
25	<p>No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.</p> <p>Reason: As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.</p>
26	<p>The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.</p> <p>Reason: As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.</p>
27	<p>You must not play live or amplified music on your property, except within the basement, ground floor bar and café, and 3rd floor lounge</p> <p>Reason: To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)</p>
28	<p>Prior to first use, you must apply to us for approval of a Servicing Management Plan (SMP) which identifies process, storage locations, scheduling of deliveries and staffing arrangements. The use hereby permitted shall be carried out in accordance with the approved servicing management plan.</p> <p>Reason: To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)</p>
29	<p>You must provide the access for people with disabilities as outlined in the Design and Access Statement dated August 2017 by Blair Associates before you use the buildings.</p> <p>Reason: To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November</p>

	2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)
30	<p>Prior to first use of the roof terrace, you must provide the acoustic screening. The acoustic screening shall be maintained in situ for the lifetime of the development.</p> <p>Reason: To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)</p>
31	<p>You must not use any part of the development until we have approved appropriate arrangements to secure the following: Access to number 6 Grafton Street for non-paying, general members of the public for a minimum of two days, annually. In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.</p> <p>Reason: To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TACE10; of our Unitary Development Plan that we adopted in January 2007.</p>

INFORMATIVES

- Under condition 31, we are likely to accept a unilateral undertaking, or legal agreement under section 106 of the Town and County Planning Act to secure membership of Open House London.
Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.
- Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

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

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.
- If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward involved Knightsbridge And Belgravia	
Subject of Report	53 Eaton Mews West, London, SW1W 9ET		
Proposal	Demolition of the existing mews house and construction of new house of ground floor with integrated garage, first floor and mansard floor level, lowering of rear garden level to match adjoining properties and installation of plant machinery.		
Agent	Jones Lambell LLP		
On behalf of	Eaton Square Properties Ltd		
Registered Number	17/05136/FULL	Date amended/ completed	12 June 2017
Date Application Received	9 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

53 Eaton Mews West is an unlisted building located within the Belgravia conservation area. Permission is sought for demolition of the existing mews property and construction of a new three storey mews with integrated garage. The works also include the installation of plant machinery and the lowering of the rear garden by approx. 1.3m to match adjoining properties.

This proposal follows the withdrawal of an application for similar works in August 2016 which included the excavation of a new basement level.

The existing building is of little quality and does not positively add to the appearance of the conservation area. It is believed to have been rebuilt in the 1960's and does not follow in the traditional style and appearance of the majority of the mews houses within the street. It is therefore considered that the principle of its demolition is acceptable in design terms.

Concern has been raised by one neighbouring resident about the appearance, bulk and height of the proposed development. It is considered that the proposed building is a well-designed, traditional style mews building, in line with policies DES 1, DES 4, DES 9 and supplementary planning guidance "Mews

- A Guide to Alterations". The proposals are considered to preserve and enhance the character and appearance of the Belgravia conservation area.

It is proposed that the rear windows at first and second floor level will be fitted with obscure glazing and this is to be secured by condition. The proposal would not result in a material loss of light, increased overshadowing, increased sense of enclosure or loss of privacy over the existing arrangement. Accordingly, the proposals are considered to accord with policies S29 and ENV13.

Three objections have been received from neighbouring residents on the grounds of construction impact, stating the proposals are too large in scale and will cause damage and excessive noise and disruption within the mews.

It is recognised that there would inevitably be an element of disturbance to residents during construction. Although basement excavation is not proposed, given the concerns raised by residents, the applicant has confirmed they are willing to adhere to the Council's Code of Construction Practice (CoCP). The CoCP and associated Environmental Inspectorate, who monitor compliance, has been developed to mitigate against construction and development impacts on large and complex development sites. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

The standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08:00 and 18:00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

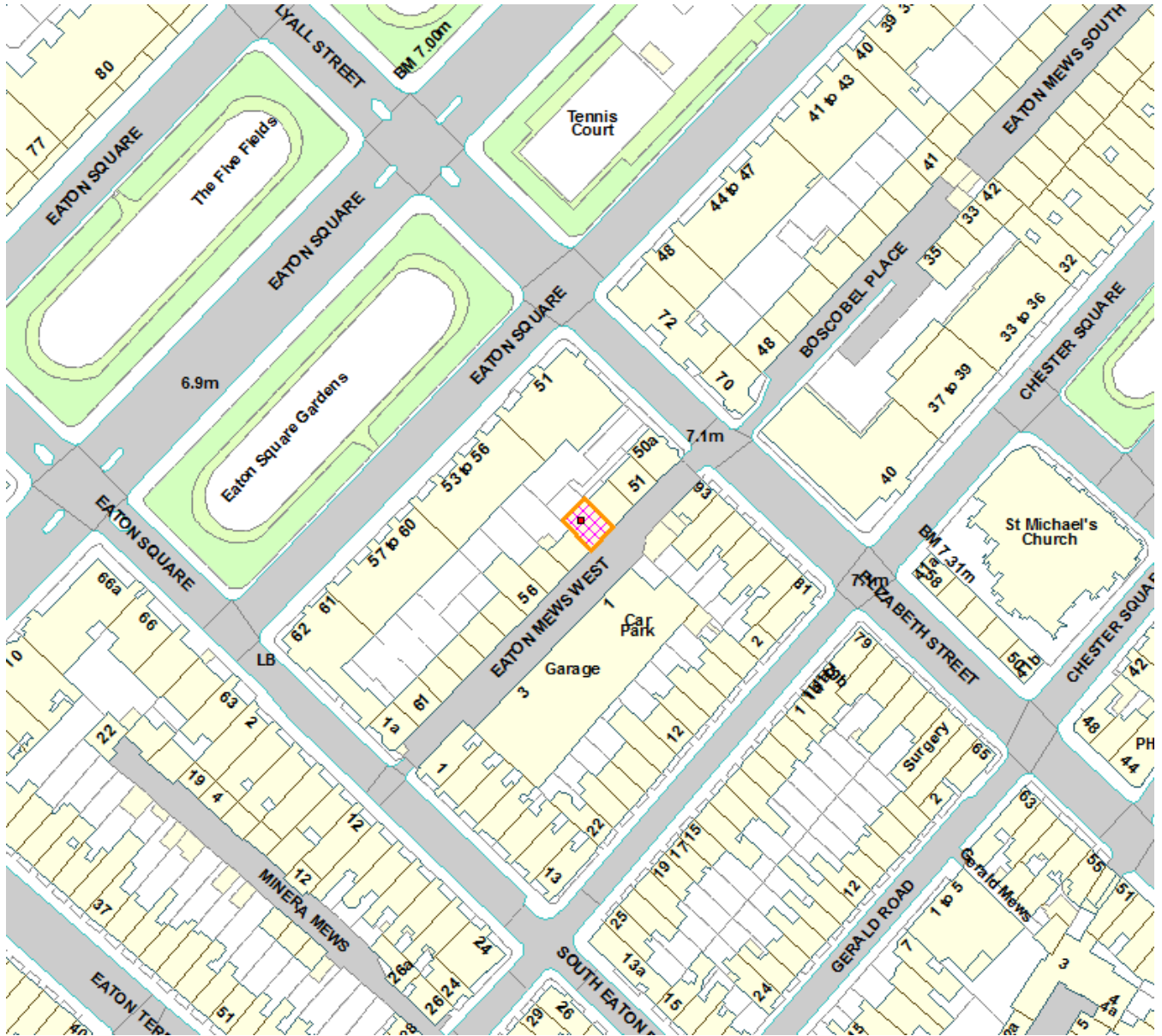
Concern has also been raised about the impact of the proposals to the foundation and structure of the Mews terrace as a whole. This is not a matter controlled through the planning system and will be dealt with separately through the Building Regulations and the Party Wall Act. It would not be reasonable to withhold permission on these grounds.

The applicant has submitted an acoustic report demonstrating that the proposals can meet the Council's standard noise and vibration policies can be complied with. Environmental Health have raised no objection subject to the strand conditions.

With regard to the works in the rear garden, two bay trees are proposed to be removed. A condition is recommended to ensure that the applicant must apply for approval of detailed drawings of a hard and soft landscaping scheme.

The proposals are considered to comply with the Council's policies in relation to land use as set out in the Unitary Development Plan and Westminster's City Plan: Strategic Policies and the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation of Application Site



View along Eaton Mews West from entrance on Elizabeth Street

5. CONSULTATIONS

BELGRAVIA NEIGHBOURHOOD FORUM
No comment.

BELGRAVIA RESIDENTS ASSOCIATION
No comment.

BELGRAVIA SOCIETY
No comment.

ENVIRONMENTAL HEALTH
No objection, subject to condition.

HIGHWAYS PLANNING MANAGER
No objection, subject to condition.

BUILDING CONTROL
No comment.

ARBORICULTURAL OFFICER
No objection, subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 36; No. of objections: 3.

Objections received from neighbouring residential occupiers on some or all of the following grounds:

Design:

- Concerned about the appearance, bulk and height of the proposed development;
- Impact on heritage asset;

Construction Impact:

- Disruption to traffic, parking and servicing;
- Potential contamination of soil and water pipes, chemical and air pollution;
- Increase in vermin;
- Mews not appropriate for a large scale demolition project with lowering of the rear garden;
- Noise generated by plant and machinery;
- Damage to cobbled street and foundations of the mews.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

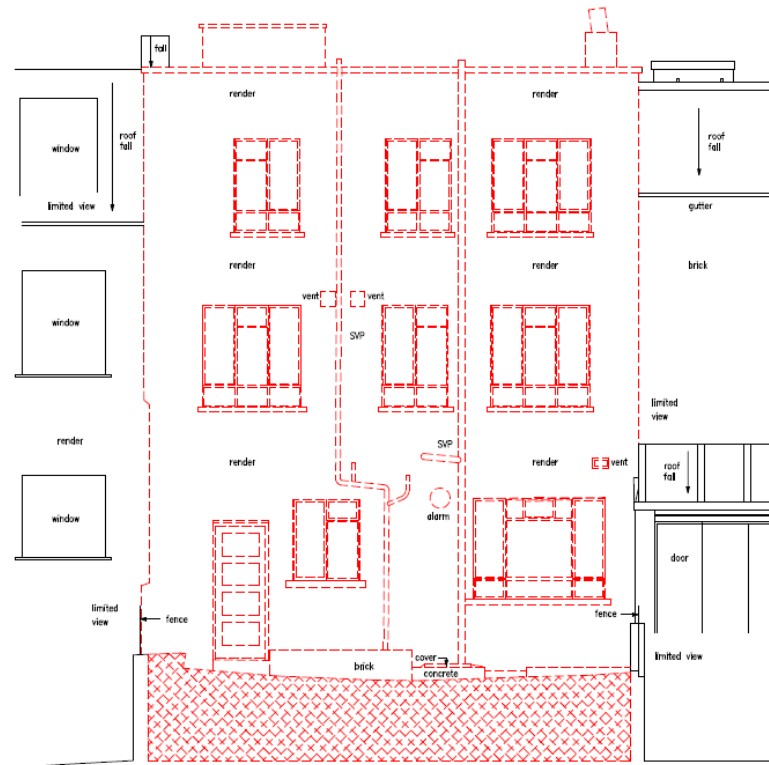
6. BACKGROUND PAPERS

1. Application form.
2. Response from Highways Planning Manager dated 22 June 2017.
3. Response from Arboricultural Section dated 3 August 2017.
4. Response from Environmental Health dated 27 September 2017.
5. Response from Building Control dated 29 September 2017.
6. Letter from occupier of 54 Eaton Mews West dated 25 June 2017.
7. Letter from occupier of 55 Eaton Mews West dated 27 June 2017.
8. Letter from occupier of 56 Eaton Mews West dated 7 July 2017.

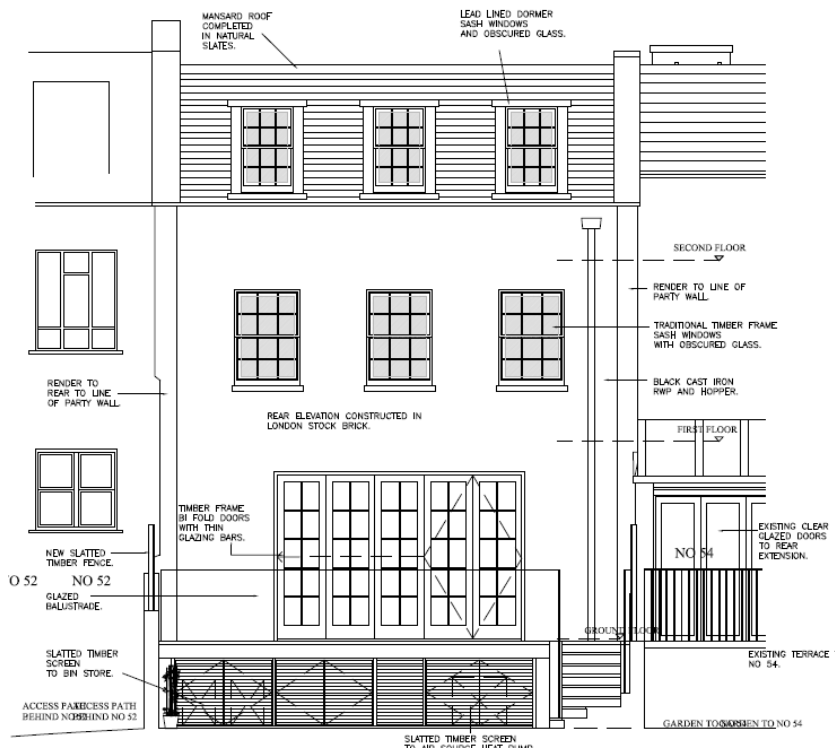
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

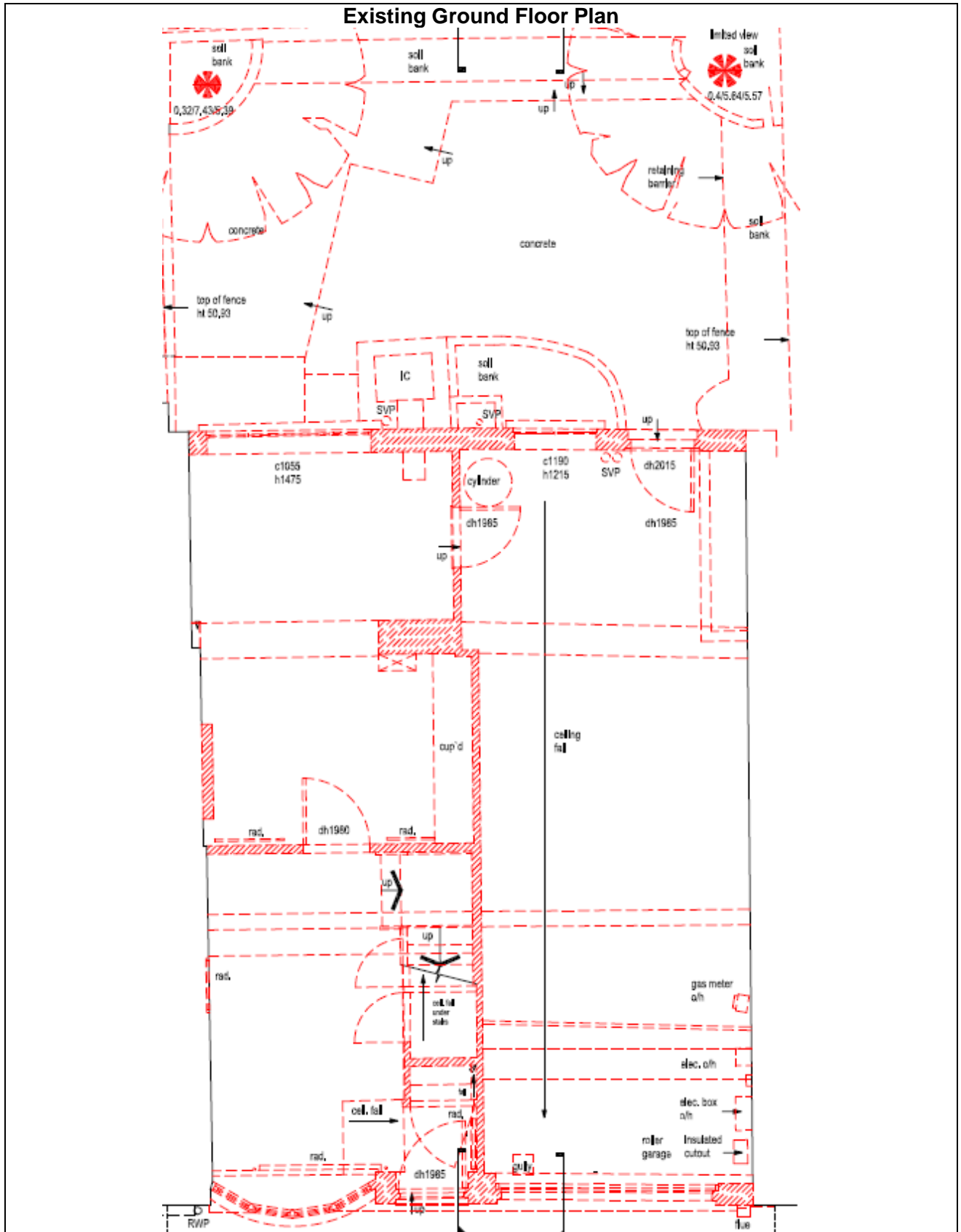
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

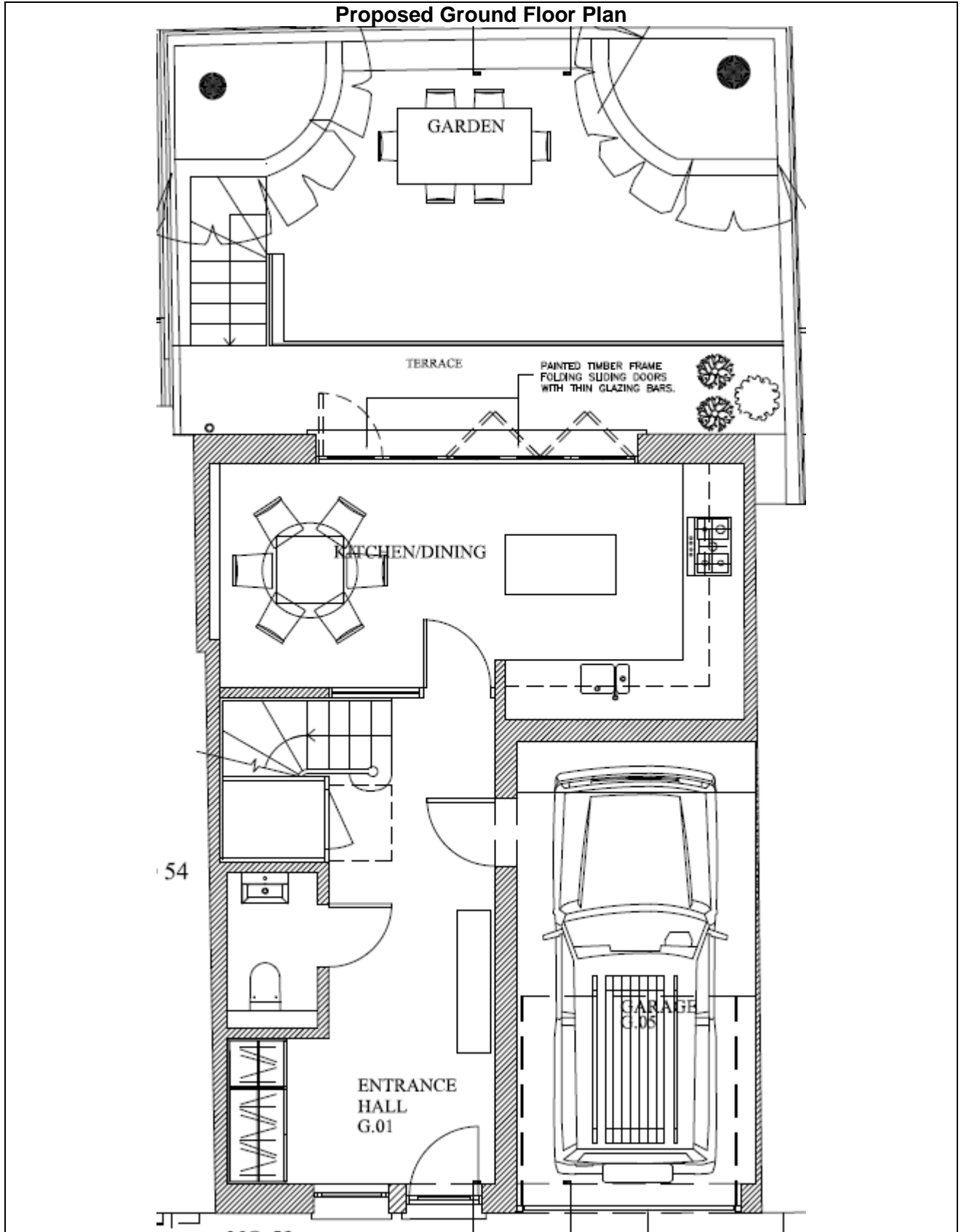
Existing Rear Elevation



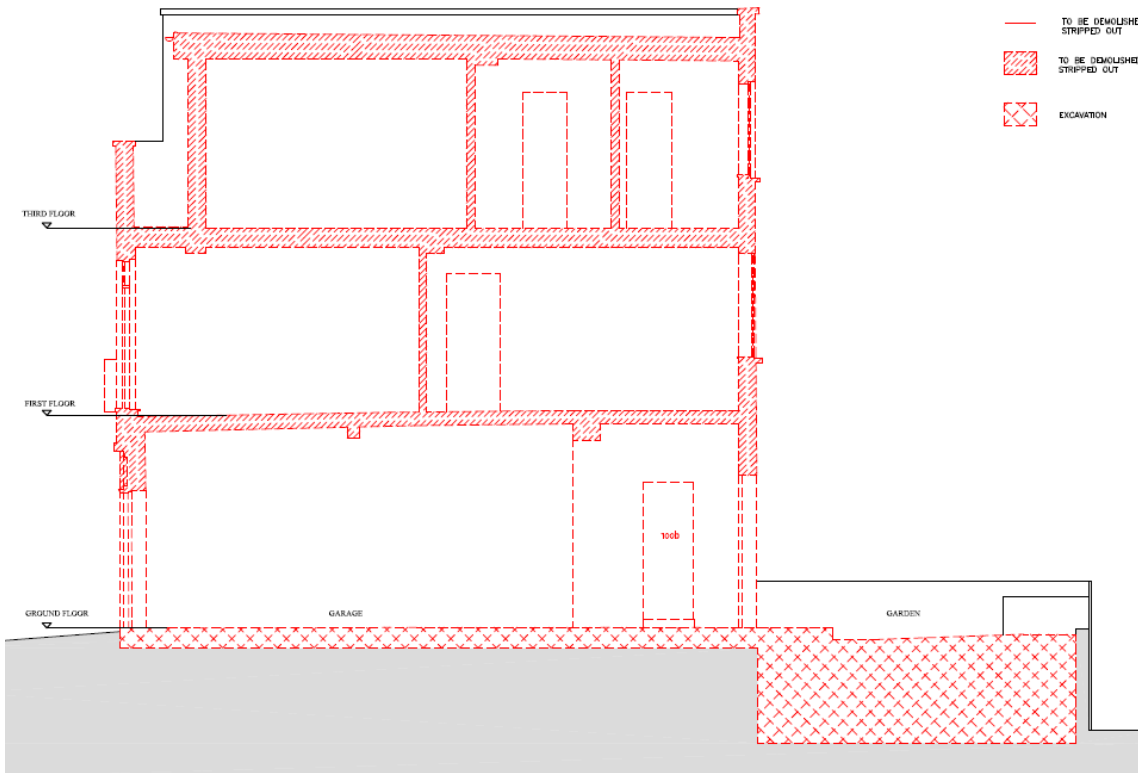
Proposed Rear Elevation



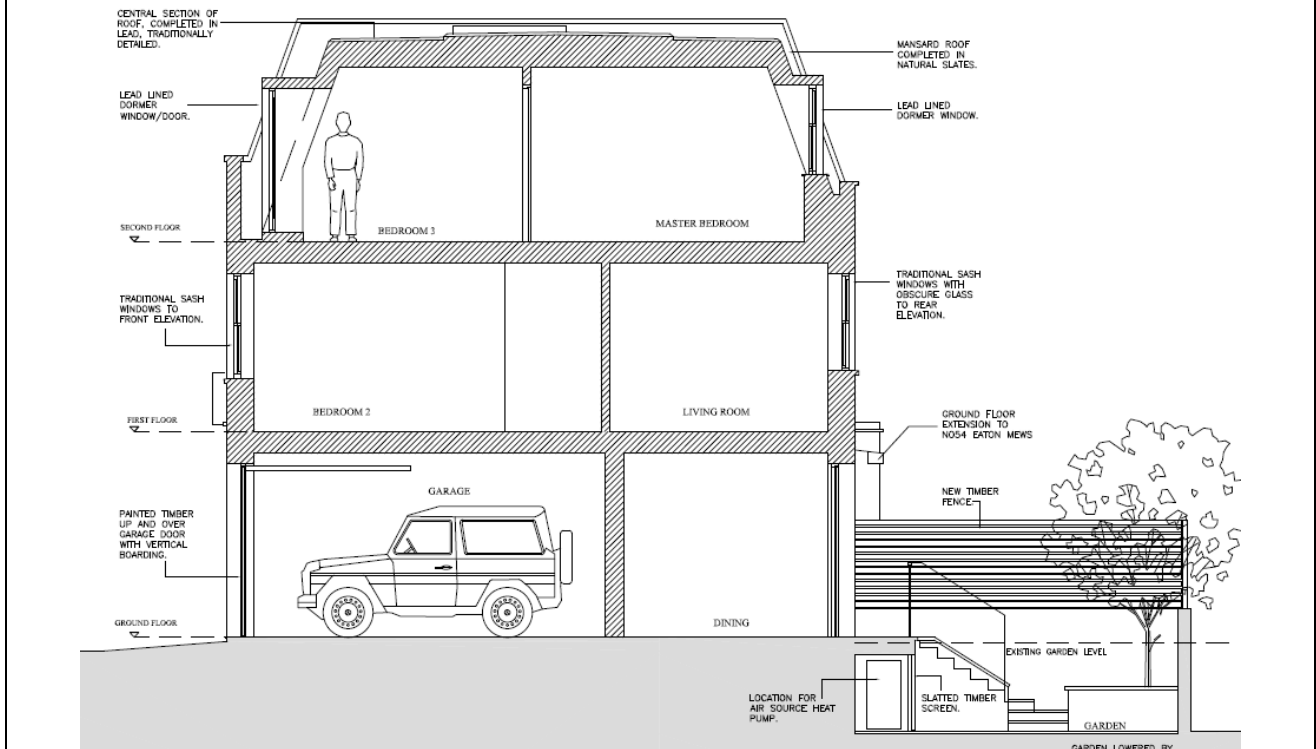




Existing Section BB



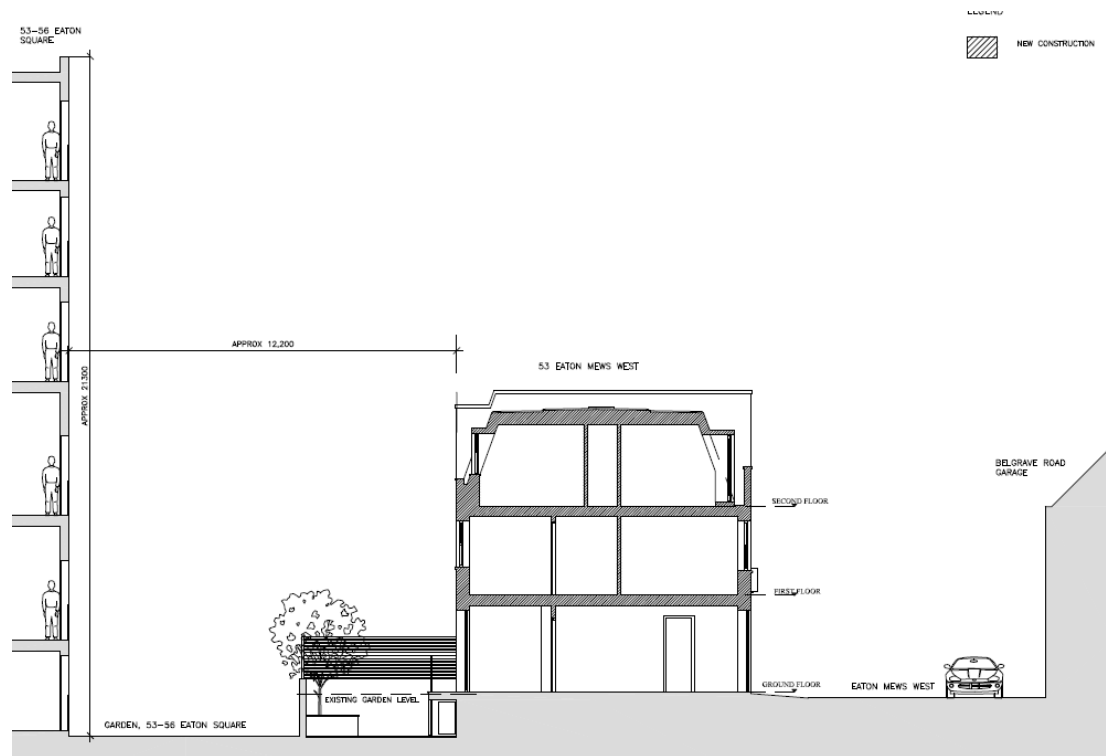
Proposed Section BB



Existing Section Through Eaton Square



Proposed Section Through Eaton Square



DRAFT DECISION LETTER

- Address:** 53 Eaton Mews West, London, SW1W 9ET
- Proposal:** Demolition of the existing mews house and construction of new house with ground floor, integrated garage, first floor and mansard roof, installation of plant machinery and rear garden to be lowered to match adjoining properties.
- Reference:** 17/05136/FULL
- Plan Nos:** Site Location Plan; 763-001 Rev. A; 763-002 Rev. A; 763-003 Rev. A; 763-008 Rev. A; 763-007 Rev. A; 763-009 Rev. A; 763-006 Rev. A; 763-004; 763-005 Rev. A; 763-101; 763-102; 763-103; 763-104; 763-105; 763-107; 763-108; 763-109 Rev. A; 763-110; 763-111; Acoustic Assessment Report dated May 2017.

For information: Construction Management Plan; Design and Access Statement.

Case Officer: Ian Corrie **Direct Tel. No.** 020 7641 1448

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 3 The front facade shall be faced in London stock bricks in Flemish bond, with flush pointing. The windows shall be white painted timber, vertically sliding, sashes.

Reason:

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

- 4 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Belgravia Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 5 You must not alter the sash windows, or form any windows or other openings (other than those shown on the plans) in the outside walls of the building, or alter any part of the roof, or alter or add any chimney, flue, or soil and vent pipe, or paint any part of the external walls without our permission. This is despite the provisions of Part 1 and Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it).

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 7 The glass that you put in the windows on the rear elevation property at first and second floor levels must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant parts of the development until we have approved the sample. You must then fit the type

of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background

noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 11 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

Any other use of the garage would harm the environment of residents and the area generally. This is as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22DC)

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

Reason:

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

- 13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within the first planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must

replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Belgravia Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 14 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 3 In relation to Condition 13, you should include details of how you intend to ameliorate the existing soil to accommodate new tree planting and soft landscaping, because the proposed reduction in levels of the rear garden is likely to reveal sub soil which is not an appropriate planting medium.
- 4 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 With reference to Condition 14 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

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

You are urged to give this your early attention

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Agenda Item 7

Item No.

7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward involved Knightsbridge And Belgravia	
Subject of Report	32 Groom Place, London, SW1X 7BA		
Proposal	Alterations to existing front facade, excavation of a new basement beneath the footprint of the original dwelling and erection of new mansard roof extension.		
Agent	dRAW Architecture		
On behalf of	Mr Mehta		
Registered Number	17/03290/FULL	Date amended/ completed	5 October 2017
Date Application Received	13 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission subject to no new representations being received by 26th October 2017.

2. SUMMARY

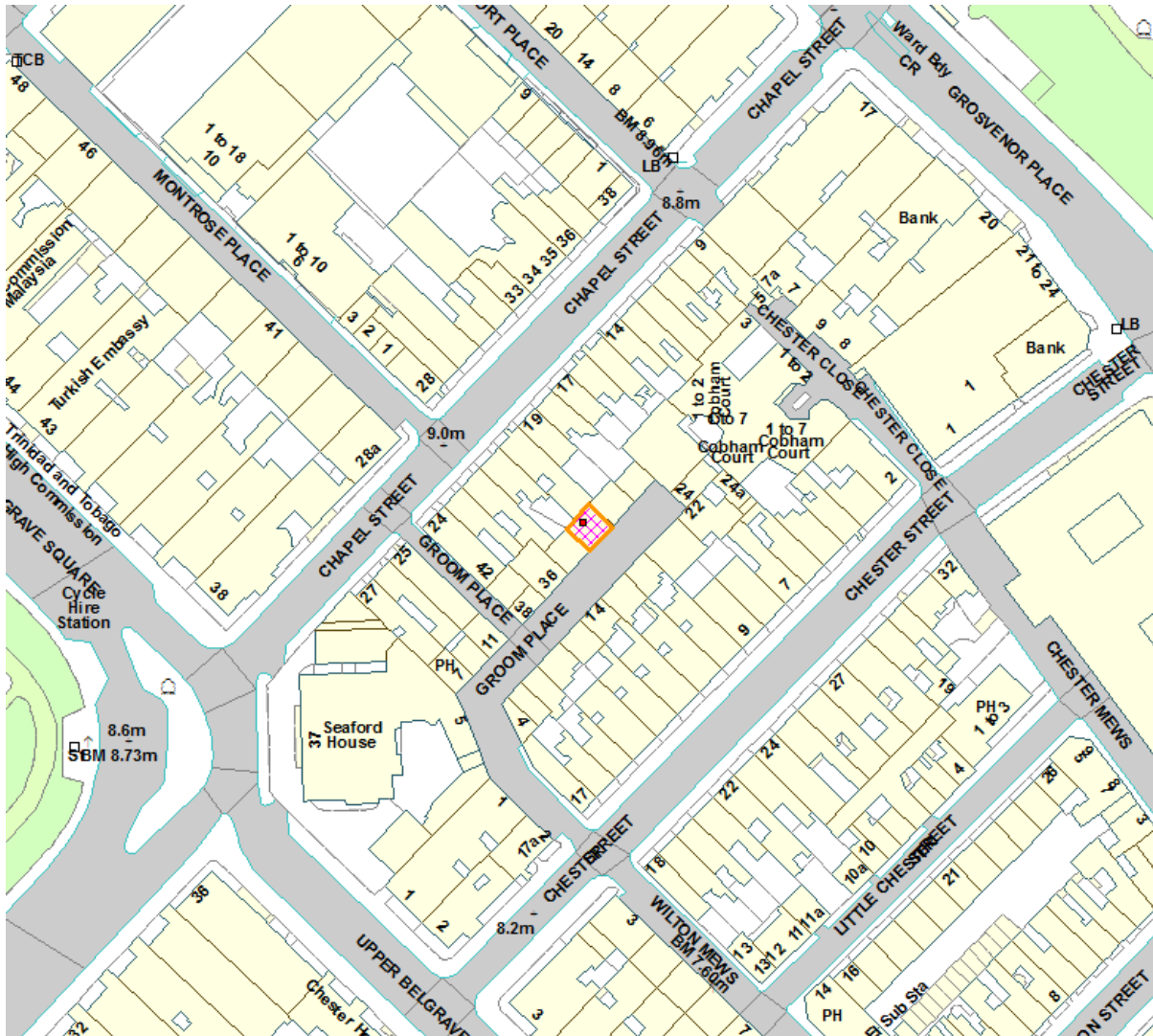
32 Groom Place is an unlisted dwellinghouse located within the Belgravia Conservation Area. Permission is sought for alterations to the front façade, excavation of a new basement level beneath the footprint of the existing dwelling and erection of a mansard roof extension.

The key issues in this case are:

- * The impact of the proposals upon the character and appearance of the Belgravia Conservation Area and;
- * The impact of the proposals upon the amenity of neighbouring residents.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation of Application Site

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any comments to be reported verbally.

THE BELGRAVIA SOCIETY

Any comments to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM

Any comments to be reported verbally.

BUILDING CONTROL

Satisfied with the details for this stage of design of the basement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11

Total No. of replies: 7

No. of objections: 4

No. in support: 3

Objections received from neighbouring residential occupiers raising some or all of the following:

Basement works:

- Noise and disruption in the mews;
- Increase in dust and rubbish throughout mews;

Amenity:

- The rear dormers into the additional floor would have an adverse effect on the privacy of the rear properties;

Other:

- The reason for the work is purely financial.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application comprises of a two storey single family dwellinghouse located on the western side of the mews. It is an unlisted building and lies within the Belgravia Conservation Area. Although the building has been altered and re-faced, it still makes a positive contribution to the character and appearance of the Conservation Area and retains its traditional mews proportions and character. The site back onto properties in Chapel Street which are Grade II listed.

6.2 Recent Relevant History

Permission granted on 15 March 2001 for the removal of existing dormers on rear roof slope and replacement with three conservation rooflights. (01/00548/FULL)

7. THE PROPOSAL

Planning permission is sought for the excavation of a new basement entirely beneath the existing dwelling, which would be used as a cinema room, gym and utility room. A mansard roof extension is sought clad in natural slate closely matching the mansard roof to the adjoining No.34 Groom Place. The mansard would accommodate three front dormer windows and two rooflight to the rear roof slope. Alterations are also sought to the front door and windows which are designed to match the existing openings.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals seek to create additional residential floor space through the provision of a new basement and a mansard roof extension which are considered acceptable in land use terms.

8.2 Townscape and Design

The draft Belgravia Conservation Area Audit identifies the building as likely to be suitable for a roof extension. The majority of the buildings in the mews already have mansards and the principle of a mansard roof extension on this site is considered acceptable.

The front alterations and design has been amended following pre-application advice and the proposed new scheme would largely retain the detail of the existing with simple timber windows and doors and the roof would broadly comply with guidance in the Roofs Supplementary Planning Guidance.

Whilst the front dormers would appear overtly tall, it is considered that there are other similar dormers in the Mews and therefore it would be difficult to resist the size of these openings. Concerns were originally raised to the rear dormers, but the plans have since been revised omitting them and replacing the dormers with conservation rooflights which are acceptable in design terms.

With regards to the basement, this is beneath the footprint of the building and does not raise any issues in terms of design and impact on the character and appearance of the Conservation Area.

Overall the proposals are considered acceptable and would not harm the character and appearance of the Belgravia Conservation Area subject to conditions to ensure appropriate detailing and materials.

8.3 Residential Amenity

The rear boundary of the application site does not directly line up with the main house at No. 20 Chapel Street and part of it overlaps with the rear boundary with No. 21 Chapel Street. The resultant relationship between the mews and Chapel Street houses would be similar to other mews properties along in Groom Place which already have mansard additions. The proposed mansard extension would be sufficiently distant from surrounding properties so as not to result in an unacceptable loss of light or increased sense of enclosure.

The occupier of No. 21 Chapel Street which backs onto the site raised concerns over loss of privacy due to the originally proposed rear dormers. The rear dormer windows have been omitted from the scheme and have been replaced with two rooflights which would be located at high level and angle within the rear roof slope. The rooflights would not result in a material loss of privacy compared to the existing situation.

Due to the basement being completely subterranean the visual impact on the neighbouring properties would be minimal. As such, the proposal would be in line with the aims of UDP policy ENV13 and Westminster City Plan policies S29 and S32.

8.4 Transportation/Parking

There are no changes to the existing highway infrastructure. The existing dwellinghouse does not have any off-street parking spaces and no spaces would be required as part of this application.

8.5 Economic Considerations

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

8.6 Access

The proposal would not alter the existing access arrangements.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The increase in floorspace would be 90sqm and would therefore be exempt from paying the Mayoral and Council CIL charges.

8.10 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.11 Other Issues

Basement

Many of the objectors have expressed strong concerns to the excavation of the new basement, the construction noise and disruption in the Mews, traffic and movement and the increase in dust and rubbish.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions

and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The submitted documents have been reviewed by Council's Building Control department who sought further details of the underpinning which have now been provided and on this basis have advised that these details are now acceptable at this stage.

Part C(1)(a) of CM28.1 of the City Plan outlines that any proposed basement must not extend beneath more than 50% of the garden land. Garden land is defined as the site area excluding the footprint of the original building. The proposed basement would be entirely beneath the existing dwelling and as the longest distance between the existing building and the site boundaries is less than 8m in this case, the basement would maintain a gap of more than 4m to the rear buildings in Chapel Street therefore the basement would be compliant with this part of the policy.

Part C(2) of CM28.1 requires that a minimum of 1m soil depth (plus a 200mm drainage layer) is provided above the top cover of the basement and Part C(1)(c), requires a margin of undeveloped garden land to be left around the affected garden. The proposed basement excavation would comply with this relevant criterion.

It should also be noted that planning permission for basements entirely beneath the original dwelling have been implemented at the neighbouring properties Nos. 9, 10, 34 and 36 Groom Place.

Therefore, based on the circumstances of the site, the proposed basement would comply with the objectives of Policy CM28.1 and would be acceptable.

Construction impact

In terms of the impact of construction on the amenity of neighbours and the operation of the local highway network, whilst it is recognised that there would inevitably be an element of disturbance to residents particularly during construction of the new basement, the applicant would be required to adhere to the Council's Code of Construction Practice. The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and the applicant is required to sign up to it, which has been agreed. Compliance is monitored by the Environmental

Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

The standard condition to control hours of building work is recommended which includes specific restrictions for basement excavation work which can only be carried out between 08:00 and 18:00 Monday to Friday and not at all on Saturdays, Sundays and bank holidays.

This would address concerns raised by neighbours regarding hours of construction and delivery vehicles blocking the mews.

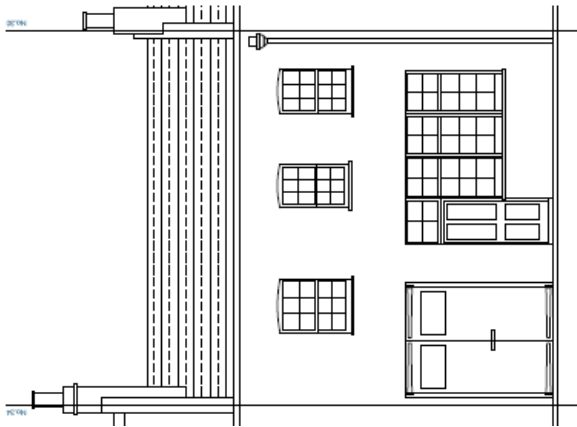
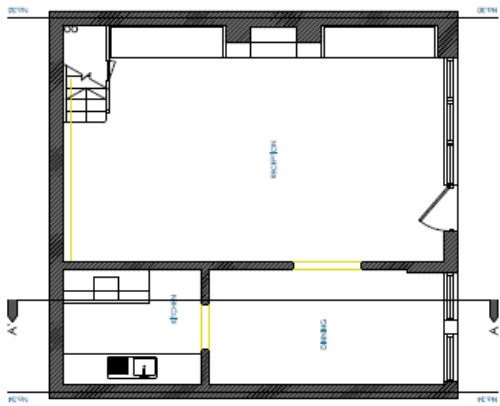
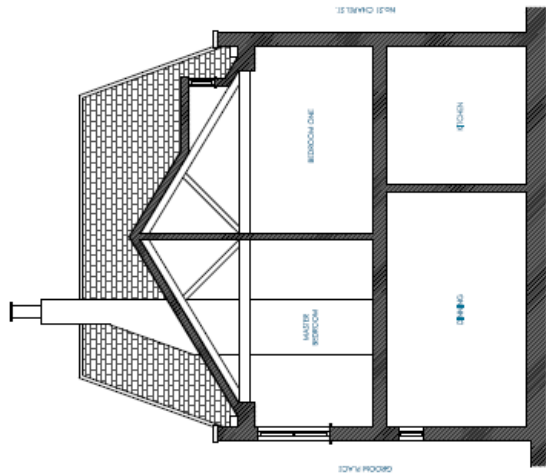
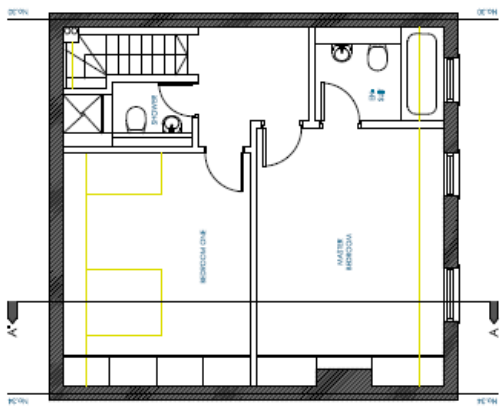
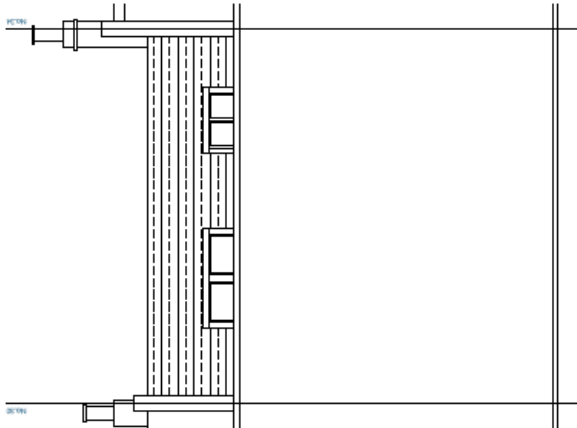
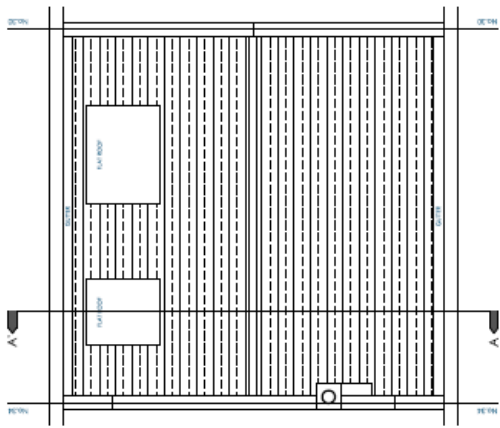
9. BACKGROUND PAPERS

1. Application form.
2. Email from Building Control dated 18 September 2017.
3. Letter from occupier of 38 Groom Place dated 23 May 2017.
4. Letter from occupier of 12 Groom Place dated 18 May 2017.
5. Letter from occupier of 26a Groom Place dated 23 May 2017.
6. Letter from occupier of 20 Groom Place dated 16 May 2017.
7. Letter from occupier of 24 Groom Place dated 25 May 2017.
8. Letter from occupier of 28 Groom Place dated 17 May 2017.
9. Letter from occupier of 21 Chapel Street dated 22 May 2017.

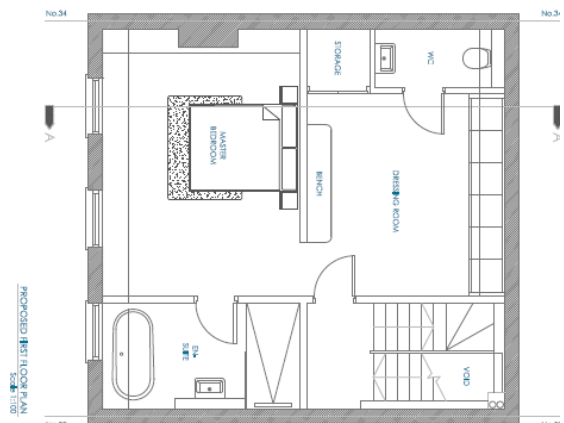
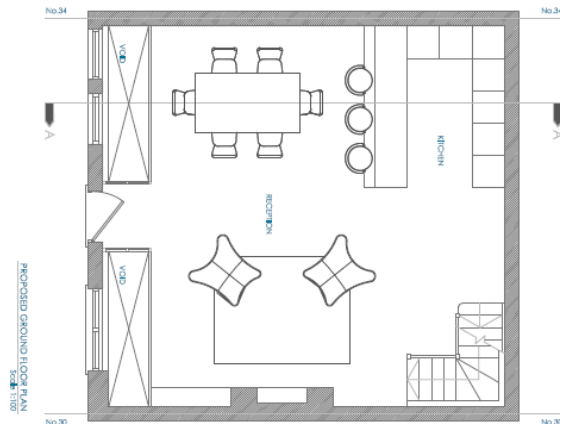
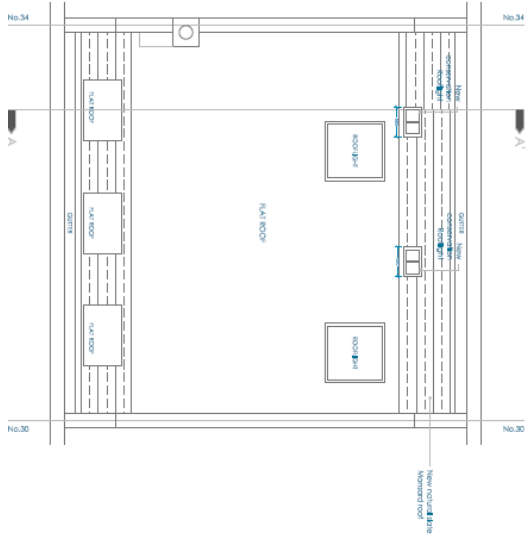
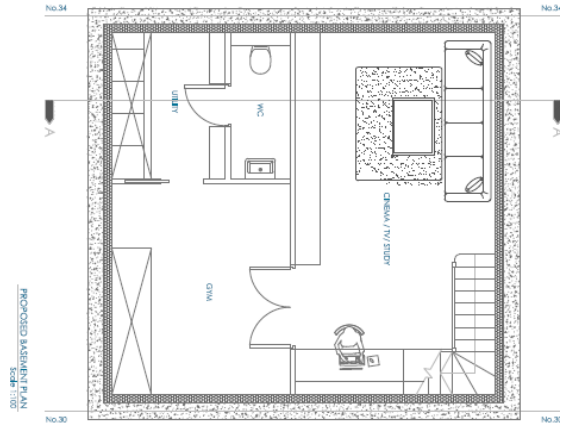
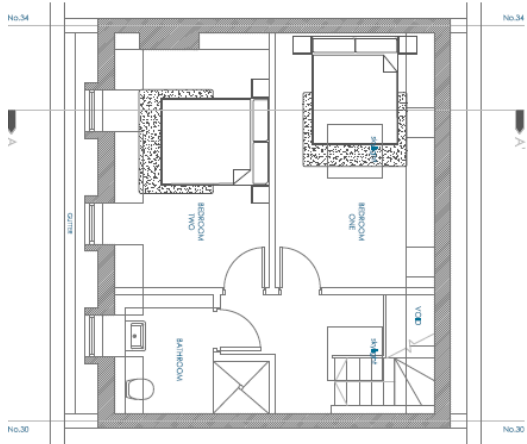
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

EXISTING DRAWINGS



PROPOSED FLOORS PLANS



DRAFT DECISION LETTER

Address: 32 Groom Place, London, SW1X 7BA

Proposal: Alterations to existing front facade, excavation of a new basement level beneath the footprint of the dwelling and erection of new mansard roof extension.

Reference: 17/03290/FULL

Plan Nos: 32GP_01_EP Rev: R, 02_PP, 03_PE Rev: R, Proposed elevation/section Rev: R Design and Access Statement and construction management plan (for information only).

Case Officer: Nosheen Javed **Direct Tel. No.** 020 7641 2858

Recommended Condition(s) and Reason(s)

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

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

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)
- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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

adopted in January 2007. (R11AC)

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason

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

- 5 You must apply to us for approval of detailed drawings (1:20 and 1:5) of the following parts of the development - all new windows and doors. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason

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

- 6 The windows must be timber and painted white to match the existing and be retained in that condition thereafter.

Reason:

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

- 7 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Belgravia Conservation Area. This is as set out in

S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 3 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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Agenda Item 8

Item No.

8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	24-27 Leicester Square, London, WC2H 7LE,		
Proposal	Installation of new cinema canopy, refurbishment of the ground floor entrances and erection of first floor glazed extension.		
Agent	Metropolis Planning & Design		
On behalf of	Odeon Cinemas Ltd		
Registered Number	17/07604/FULL	Date amended/ completed	31 August 2017
Date Application Received	24 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Leicester Square		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The Odeon, 24 – 27 Leicester Square is a cinema which occupies the centre of the eastern side of the square and dominates the square with an Art Deco style building with large black polished granite façade and high tower displaying its name. It is the flagship of Oscar Deutsch's Odeon cinema network, and is the largest single screen cinema in the UK famous for hosting premieres. The Odeon contributes to the special character of the square and the Leicester Square Conservation Area as a focal point for film and cinema.

The Odeon Leicester Square is to be upgraded and refurbished to reflect its status as the flagship of the brand. Planning permission is sought for the following works:

- Installation of a new cinema canopy;
- Refurbishment of the ground floor entrances; and
- Erection of a first floor glazed extension to the lobby bar.

The proposal would provide an additional 40 sqm of floorspace with the first floor glazed extension. The upgrade and refurbishment of the cinema and its ancillary facilities is acceptable in land use terms.

The key issue with this application is:

* The impact upon the appearance of the building and its contribution to the character and appearance of the Leicester Square Conservation Area.

The new canopy extends across the whole facade with a slightly deeper projection above the main entrance. The canopy has a thin section and a more traditional profile.

At ground level beneath the canopy, the openings, ticket machines, and signage are updated and rationalised with the main entrance centralised. The scheme reduces the amount of dead frontage and brings the various entrances and their signage into an order that complements the refurbished ground floor foyer. Internally, the works create a single ground floor foyer for the main auditorium with a lift and escalators providing access to the first floor circle foyer.

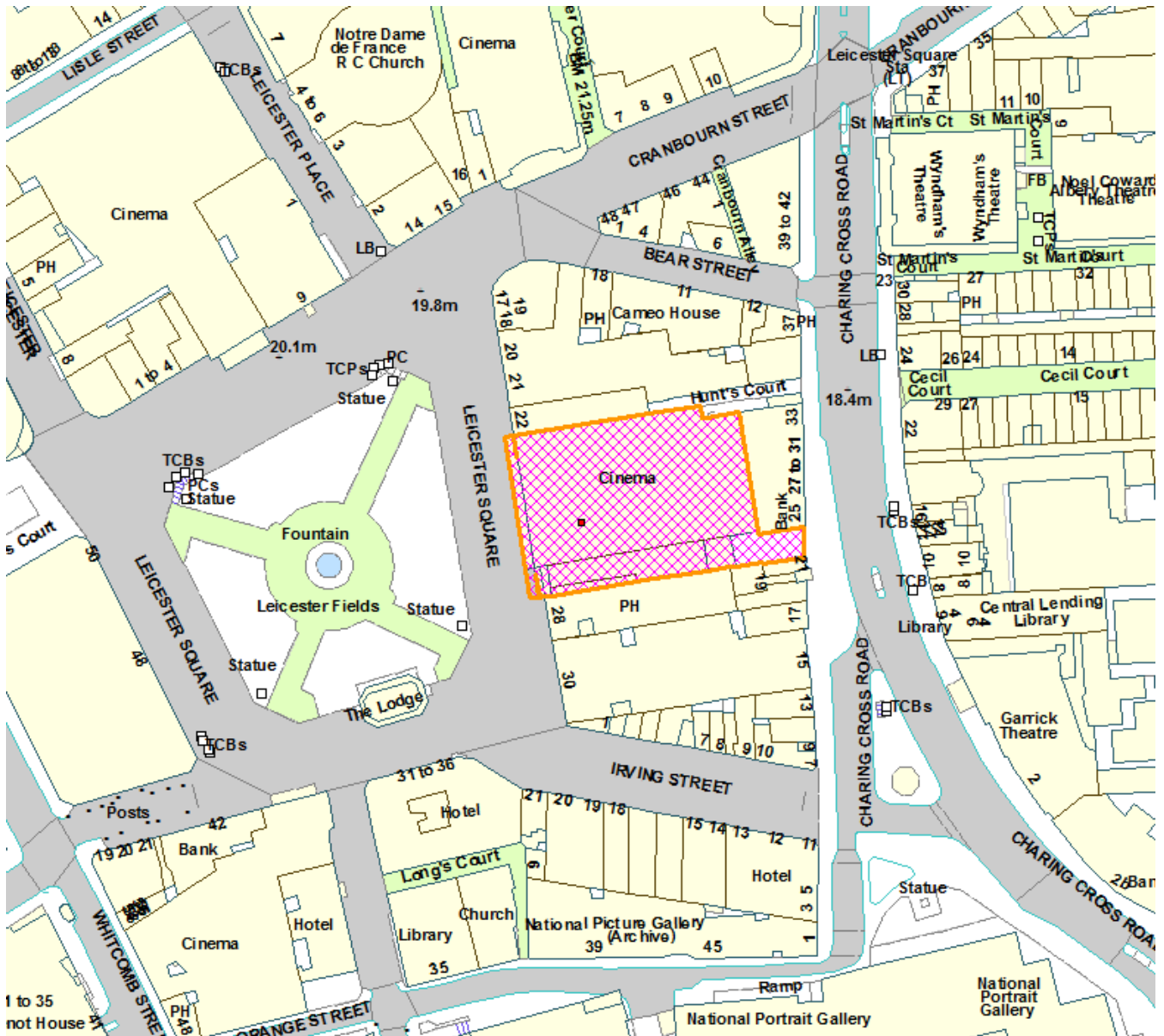
At first floor level, the new lift and escalators will allow much greater use of the circle foyer. The proposal is to extend this foyer with a glazed extension projecting above the width of the main entrance and canopy. The new extension is a simple glass box structure which will create a connection between the cinema and the square, with views out across the square from the circle foyer and views back to the activity in the cinema from the square.

The new signage is primarily a rationalisation and upgrade of existing signs and overall there is less signage due to the reduction in the large format signs above the canopy from four to three. The advertisements are being dealt with under a separate application.

No objections to the proposal have been received. The Westminster Society considers that the proposals represent an important improvement to the streetscape and should be approved.

Overall, the proposals are welcomed as they are considered to preserve and enhance the character of the existing building as well as the character and appearance of the Leicester Square Conservation Area.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Odeon Leicester Square



Odeon Leicester Square

5. CONSULTATIONS**WESTMINSTER SOCIETY:**

This proposal represents an important improvement to the streetscape and the Westminster Society recommends that it be approved.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 20

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. Recent Relevant History

None relevant.

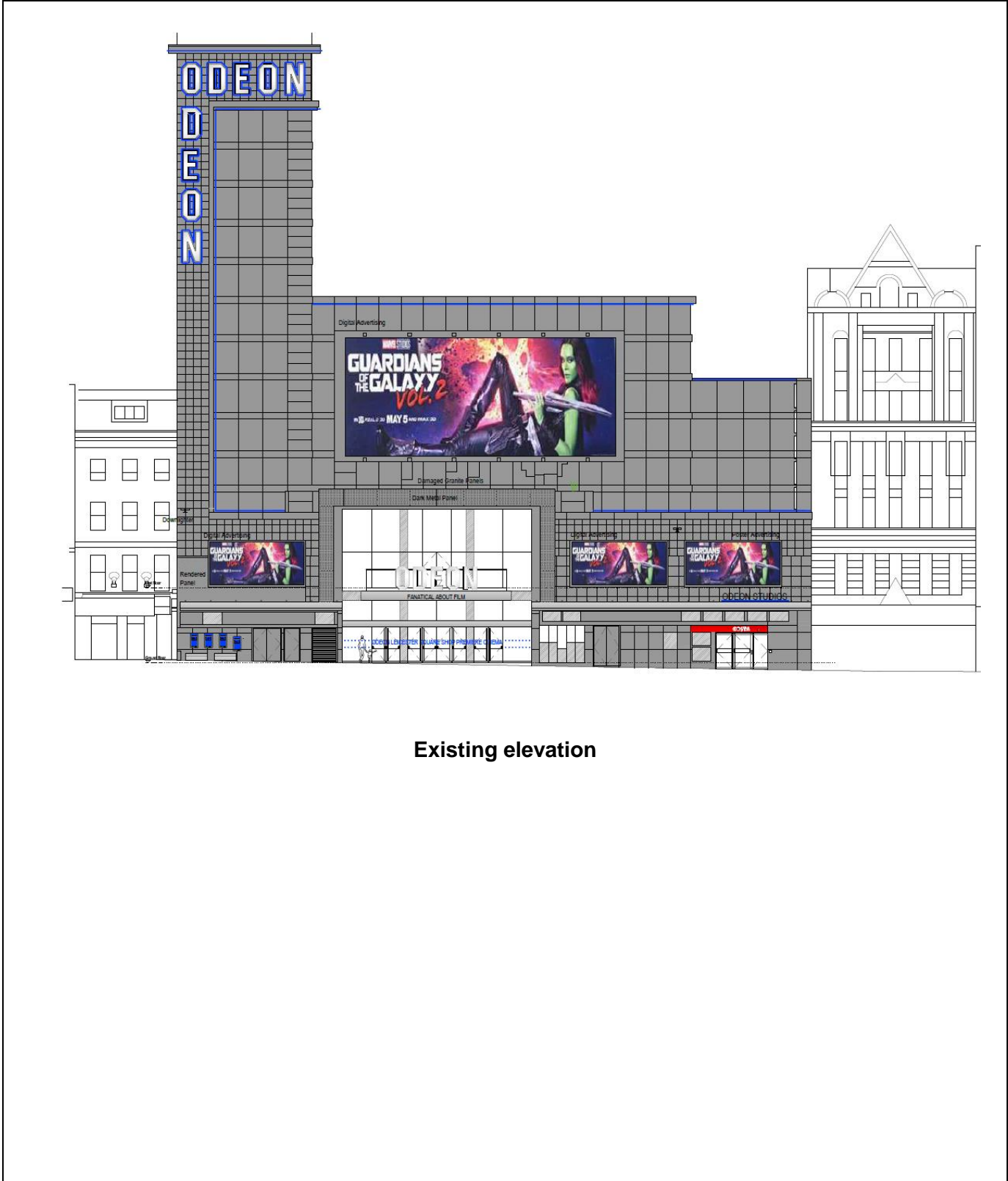
7. BACKGROUND PAPERS

1. Application form
2. Response from Westminster Society dated 7 September 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

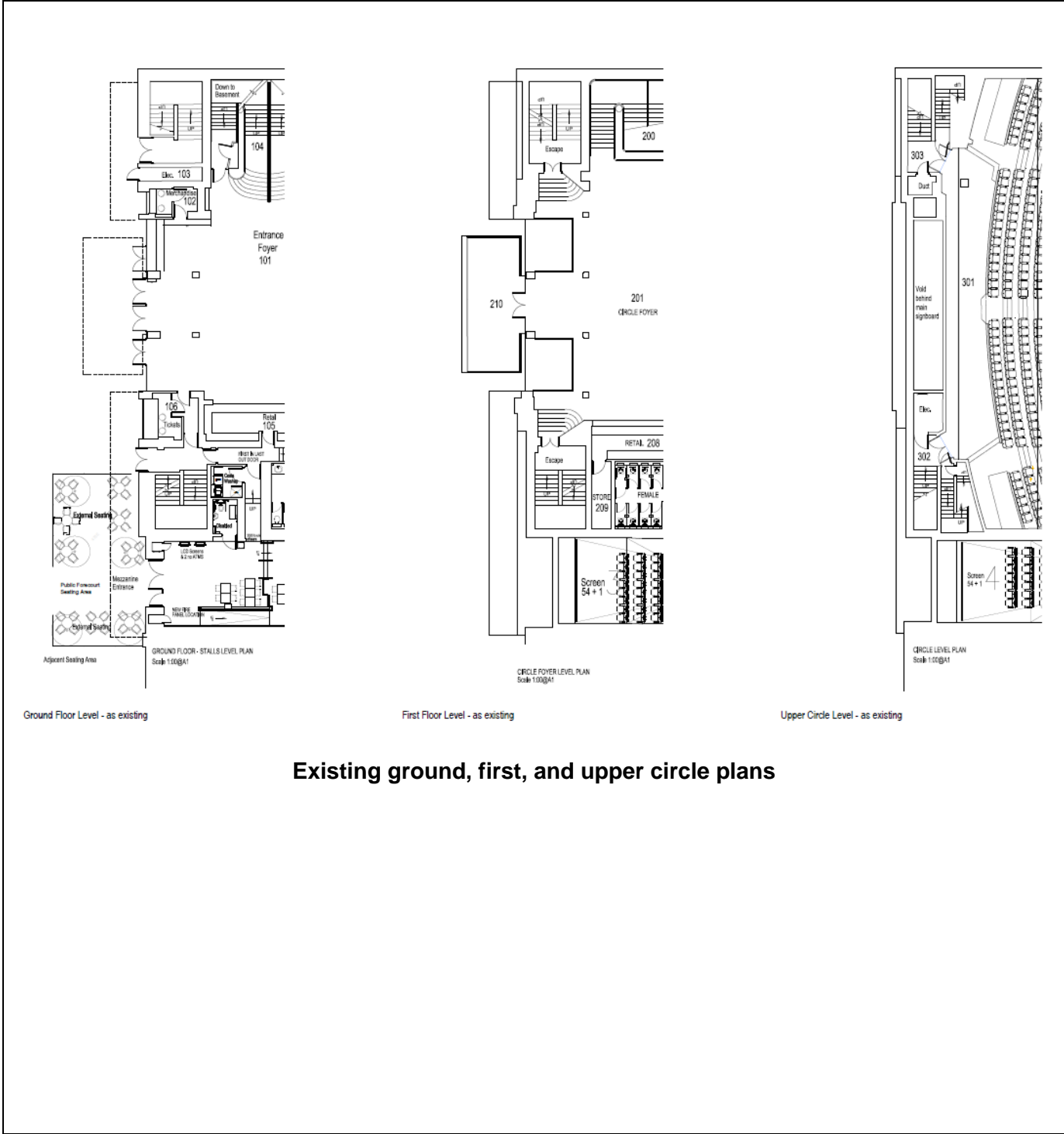
8. KEY DRAWINGS



Existing elevation



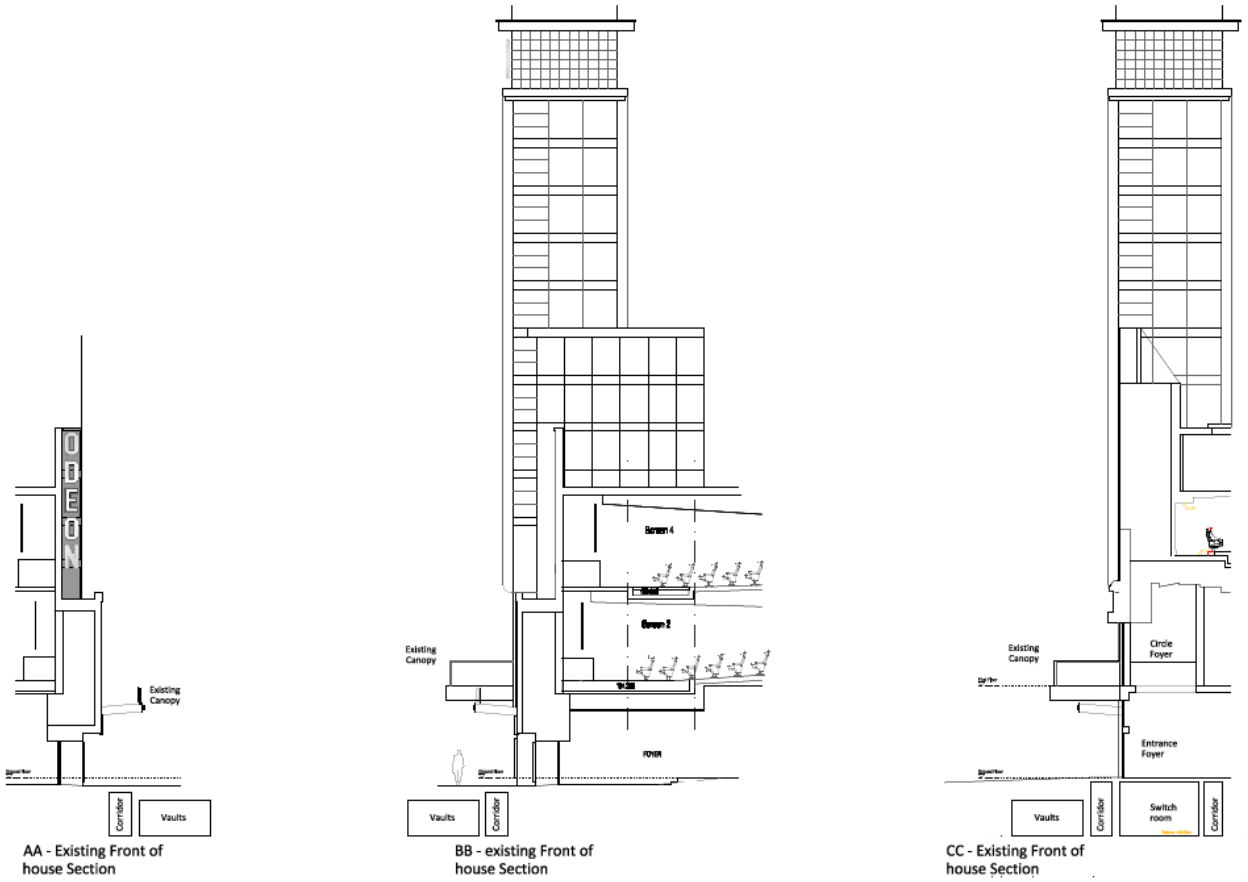
Proposed elevation



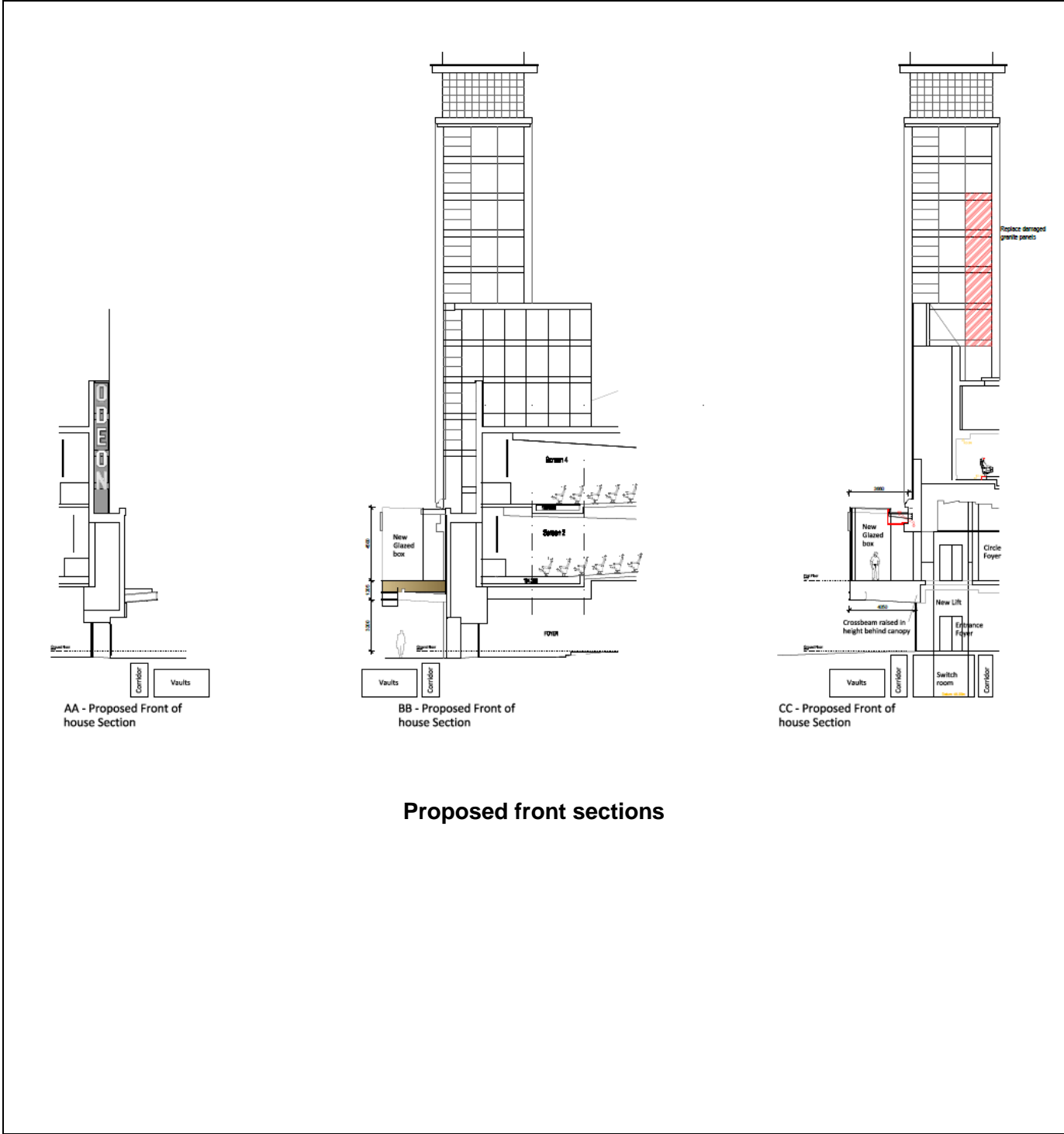
Existing ground, first, and upper circle plans



Proposed ground, first, and upper circle plans



Existing front sections



AA - Proposed Front of house Section

BB - Proposed Front of house Section

CC - Proposed Front of house Section

Proposed front sections



Proposed image

DRAFT DECISION LETTER

Address: 24-27 Leicester Square, London, WC2H 7LE,

Proposal: Installation of new cinema canopy, refurbishment of the ground floor entrances and erection of first floor glazed extension.

Reference: 17/07604/FULL

Plan Nos: 2257 AP(00)02, 2257 AP(04)01A, 2257 AP(04)02A, 2257 AE(05)01E, 2257 AG(05)01E, 2257 AP(06)01A, 2257 AP(06)02A, 2257 AP(00)01, 2257 AC(96)01, Design and Access Statement by Ellis Williams Architects, Planning Statement by Metropolis.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
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 - o between 08.00 and 13.00 on Saturday; and
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Reason:

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

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