



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 27th March, 2018

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 Director of Law 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. FILM HOUSE, 142-150 WARDOUR STREET, LONDON, W1F 8ZR | (Pages 7 - 56) |
| 2. AIRWORK HOUSE, 35 PICCADILLY, LONDON | (Pages 57 - 90) |
| 3. 1-18 YORK TERRACE EAST, LONDON, NW1 4PT | (Pages 91 - 116) |
| 4. BERKELEY HOTEL, 40 WILTON PLACE, LONDON, SW1X 7RL | (Pages 117 - 156) |
| 5. ST MARTIN'S COURTYARD – INCLUDING UNITS 19, 21, 23 SLINGSBY PLACE AND 7-9 MERCER ST, LONDON, WC2E 9AB | (Pages 157 - 206) |
| 6. 157 EDGWARE ROAD, LONDON, W2 2HR | (Pages 207 - 234) |
| 7. 35 - 50 RATHBONE PLACE, LONDON, W1T 1AA | (Pages 235 - 240) |

**8. DEVELOPMENT SITE AT KINGDOM STREET,
LONDON, W2 6AE**

**(Pages 241 -
250)**

**Stuart Love
Chief Executive
19 March 2018**

This page is intentionally left blank

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 27th March 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolved
1.	RN(s) : 17/08971/FULL West End	Film House 142-150 Wardour Street London W1F 8ZR	Demolition behind retained facades of Nos 142 - 150 Wardour Street and full demolition of 20 St Anne's Court and to the rear of 138-140 Wardour Street, redevelopment to comprise basement, ground and six upper floor for use for hotel purposes (C1), creation of a restaurant (Class A3) at ground floor level fronting onto St Anne's Court. Use of part of the roof as a restaurant and bar in connection with the hotel use, creation of terraces and plant enclosures and associated works. (Site includes 142-150 Wardour Street, 138-140 Wardour Street and 20 St Anne's Court)	
Recommendation 1. Grant conditional permission, subject to a S106 legal agreement to secure the following: i. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur; ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line; iii. A financial contribution to the carbon offsetting fund of £101,000 (index linked and payable prior to commencement of development). iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG) (index linked) v. An employment and training strategy for the construction and operational phase of the development; vi. S106 monitoring costs. 2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, 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				
Item No	References	Site Address	Proposal	Resolved
2.	RN(s) : 17/11171/FULL West End	Airwork House 35 Piccadilly London	Demolition and redevelopment of existing building to provide a new building comprising two sub-basement levels, ground and eight upper floors. Use of part basement and ground floor for retail (Class A1) purposes and use of part of rear ground floor as for either dual/alternative retail (Class A1) or restaurant (Class A3) purposes, use of the remainder of the building for office (Class B1) purposes. Installation of plant at sub-basement level -2, seventh, eighth and roof level. Creation of a terrace at eighth floor level.	
Recommendation				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 27th March 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>1. Grant conditional permission, subject to referral to the Mayor and subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483); ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur; iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line; iv. To provide and permanently maintain the servicing of development from One Vine Street; v. Carbon offsetting through retrofitting other properties in the Crown Estate portfolio; vi. Crossrail payment (currently calculated at £277,000 but will be reduced to approximately £138,384.48 following offset against Mayoral CIL as allowed by the SPG) (index linked) vii. An employment and training strategy for the construction phase of the development; viii. S106 monitoring costs. <p>2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, 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> <p>3. That the Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.</p> <p>4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p>			
--	--	--	--	--

Item No	References	Site Address	Proposal	Resolved
3.	RN(s) : 17/06973/FULL 17/06974/LBC Marylebone High Street	1-18 York Terrace East London NW1 4PT	Use of buildings as 28 residential units (Class C3) including 26 flats and two single dwelling houses; removal and replacement of roof, retention of all facades, excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. (Addendum report)	
Recommendation 1) Do Members consider that the revised application addresses their concerns with regard to; <ul style="list-style-type: none"> i) the failure to optimise the use of the buildings ii) the failure of the applicant to justify the loss of the existing student accommodation and iii) the lack of affordable housing on site 2) Subject to 1 above, grant conditional permission subject to the satisfactory completion of a Section 106 legal agreement to secure the following				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 27th March 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<p>a) Provision of 44 affordable housing units at Chesterfield Lodge via the implementation and completion of planning application reference 16/00492/FULL</p> <p>b) The development at Chesterfield Lodge (ref 16/00492/FULL) to be made ready for occupation prior to the first occupation of the development permitted by this application.</p> <p>c) Any under-spend from the £15million cost as set out in the Cast Cost Plan will be given to the Council's affordable housing fund</p> <p>d) Designation of 28 car parking spaces within the basement level car park located beneath 24-41 York Terrace East, for use by residents of the proposed development</p> <p>e) An employment and training strategy for the construction and operational phase of the development.</p> <p>f) S106 monitoring costs.</p> <p>3) If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, 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> <p>4) Subject to 1 above, grant conditional listed building consent and agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolved
4.	<p>RN(s) : 17/06350/FULL</p> <p>Knightsbridge And Belgravia</p>	<p>Berkeley Hotel 40 Wilton Place London SW1X 7RL</p>	<p>Demolition and redevelopment of 33-39 Knightsbridge and north (Knightsbridge) wing of Berkeley Hotel to provide buildings of four basements, ground to ninth and part tenth floors to Knightsbridge frontage and an additional storey to the existing hotel building fronting Wilton Place to provide a total of 69 additional hotel rooms (interconnecting providing 41 bedrooms/suites) with upgraded guest and staff facilities, 13 residential apartments (8 x1 bed, 3 x 2-bed and 2 x 3-bed apartments), retail and restaurant units along Knightsbridge frontage and use of existing NCP car park for hotel and private car parking</p>	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> A carbon offset payment. 				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 27th March 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<ul style="list-style-type: none"> • An employment and training opportunities strategy during construction and for the hotel use. • Monitoring costs. <p>2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Planning is authorized to determine and issue such a decision under Delegated Powers.</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that 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	Resolved
5.	RN(s) : 17/11001/FULL 17/11002/FULL 17/11003/ADV 17/11006/FULL 17/11007/ADV 17/11004/FULL 17/11005/ADV 17/10999/FULL 17/11000/ADV St James's	St Martin's Courtyard – including units 19, 21, 23 Slingsby Place and 7- 9 Mercer St London WC2E 9AB	Application 1 Use of units 19 and 21 Slingsby Place as a Class A3 restaurant and erection of kitchen extract duct at rear (in connection with the enhancement and refurbishment of St Martin's Courtyard) (17/11001/FULL) Application 2: Alterations to the Mercer Street entrance to St Martins Courtyard including display of fascia signage (17/11002/FULL & 17/11003/ADV). Application 3: Alterations to the Upper St Martin's Lane entrance to St Martin's Courtyard including installation of an illuminated brass entrance canopy with painting of the adjacent ground floor facade (17/11006/FULL & 17/11007/ADV). Application 4: Alterations to the Long Acre entrance to St Martin's Courtyard including installation of an externally illuminated flower canopy (17/11004/FULL & 17/11005/ADV). Application 5: Alterations to St Martin's Courtyard elevations including installation of a first floor terrace/ balcony along the northern (south facing) elevation for use as additional restaurant seating in association with existing restaurant use at first floor level, new cladding of 23 Slingsby Place and western elevation of 7 - 9 Mercer Street, new lighting and display of	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 27th March 2018
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			associated advertisements (17/10999/FULL & 17/11000/ADV).	
	Recommendation Applications 1, 2, 3, 4 and 5: Grant conditional permission. Applications 2, 3, 4, and 5: Grant conditional advertisement consent.			
Item No	References	Site Address	Proposal	Resolved
6.	RN(s) : 18/01075/FULL Hyde Park	157 Edgware Road London W2 2HR	Use of part basement, ground, first and second floors as a hotel (Class C1) and external alterations to front and rear elevations at first and second floor levels to install louvres.	
	Recommendation 1. For Sub-Committee's consideration: - Does the Sub-Committee consider that the amended scheme has overcome the reason for refusal of the previous planning application, which was refused on 19 September 2017 (RN: 16/11276/FULL)?			
Item No	References	Site Address	Proposal	Resolved
7.	RN(s) : 18/00179/MOD106 West End	35 - 50 Rathbone Place London W1T 1AA	Modification of S106 agreement dated 1 December 2011 for amended method for delivery of affordable housing.	
	Recommendation Agree modification of S106 agreement dated 11 February 2014.			
Item No	References	Site Address	Proposal	Resolved
8.	RN(s) : 18/00244/ADFULL Hyde Park	Development Site At Kingdom Street London W2 6AE	Details of an updated Operational Statement for 2018 season pursuant to Condition 15 of planning permission dated 7 March 2017 (RN: 16/12331/FULL).	
	Recommendation Approve details.			

This page is intentionally left blank

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Film House, 142-150 Wardour Street, London, W1F 8ZR,		
Proposal	Demolition behind retained facades of Nos 142 - 150 Wardour Street and full demolition of 20 St Anne's Court and to the rear of 138-140 Wardour Street, redevelopment to comprise basement, ground and six upper floor for use for hotel purposes (C1), creation of a restaurant (Class A3) at ground floor level fronting onto St Anne's Court. Use of part of the roof as a restaurant and bar in connection with the hotel use, creation of terraces and plant enclosures and associated works. (Site includes 142-150 Wardour Street, 138-140 Wardour Street and 20 St Anne's Court)		
Agent	DP9		
On behalf of	Sir Richard Sutton Limited		
Registered Number	17/08971/FULL	Date amended/ completed	19 January 2018
Date Application Received	9 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- i. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
- ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line;
- iii. A financial contribution to the carbon-offsetting fund of £101,000 (index linked and payable prior to commencement of development).
- iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG) (index linked)
- v. An employment and training strategy for the construction and operational phase of the development;
- vi. S106 monitoring costs.

2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, 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

2. SUMMARY

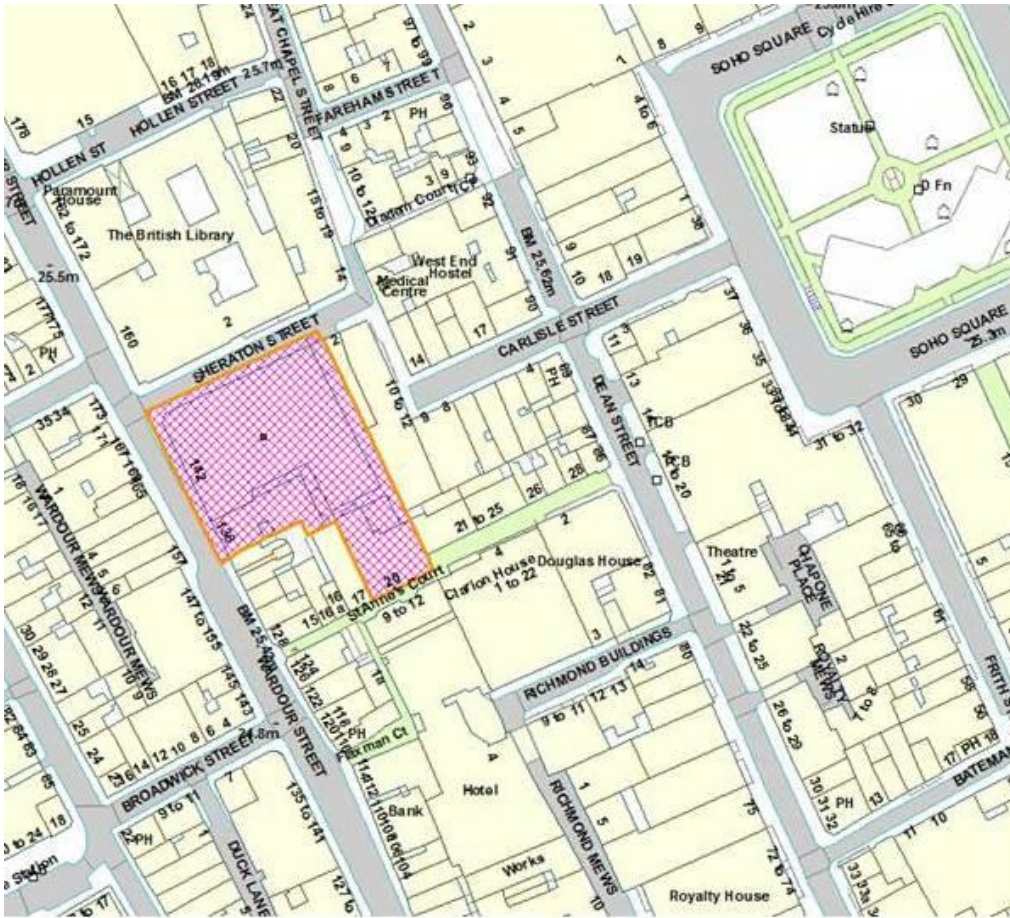
The application site has frontages onto Wardour Street, Sheraton Street and St Anne's Court. The buildings are in as offices (Class B1). Permission is sought for the demolition behind the retained facades of 142-150 Wardour Street and the full demolition of the remaining buildings onsite, the front part (rooms and façade) of 138-140 Wardour Street will be retained, but the buildings to the rear will be demolished. The redevelopment will comprise basement, ground and six upper floors. The building will be used as a 174-bedroom hotel (Class C1), and will include ancillary restaurants and bars at ground floor level and at roof level. A separate restaurant is proposed at ground floor level in St Anne's Court.

The key issues for consideration are:

- The use of the building for hotel purposes and its impact on the character and function of the area;
- The impact of the new building on the amenity of surrounding residential properties; and
- The impact of the extensions on the character and appearance of the conservation area.

The loss of the office floorspace is considered acceptable as there are no policies restricting the loss where it is being replaced with a commercial use. The proposal is considered to be in line with the policies in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and is therefore recommended for approval.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



Aerial photograph of the application site.

20 St Anne's Court

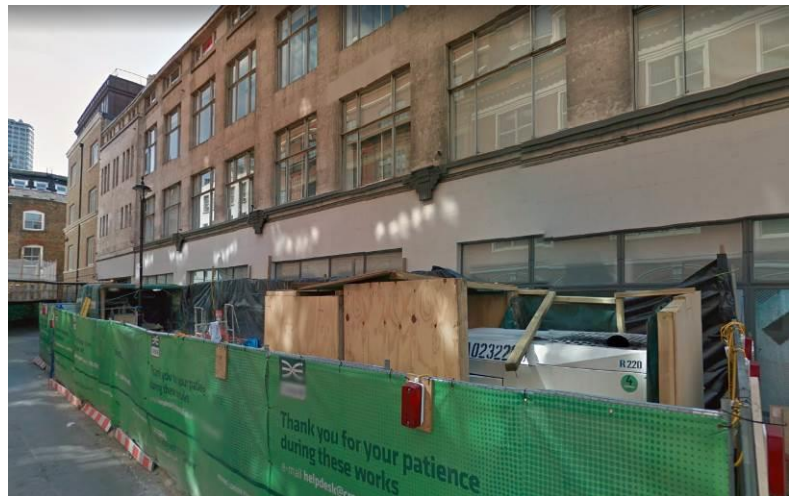
Mentorn House (138-140 Wardour Street)

Film House (142-150 Wardour Street)

Film House

Mentorn House

Sheraton Street elevation



Ground floor of 20 St Anne's Court



Roof of No.20



Side elevation of No.20

5. CONSULTATIONS

COUNCILLOR CHURCH

Objection – application is inappropriate for Soho in terms of residential amenity, overlooking and harm to the character of the area.

COUNCILLOR ROBERTS

Any response to be reported verbally.

COUNCILLOR GLANZ

Any response to be reported verbally.

HISTORIC ENGLAND

No objection in principle to the redevelopment. However, raised concerns over the following:

- The lack of fenestration to the windows to the retained Film House façade.
- The rooftop extension.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

SOHO SOCIETY

Objection

- Scale of development will cause significant negative impact for local businesses and residents.
- Unwelcome change of use. The loss of B1 floorspace should be refused.
- Over-intensification and overdevelopment of the site.
- Impact on businesses in the existing building.
- Proposals will add to the disruption caused by building works.
- Long term disruption to public realm.
- Too many hotels (existing and approved) in Soho.
- Impact of building works.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

CLEANSING

No objection.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

TRANSPORT FOR LONDON - CROSSRAIL CONTRIBUTIONS

Any response to be reported verbally.

CROSS LONDON RAIL LINKS LTD

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 616

Total No. of replies: 52

No. of objections: 51

No. in support: 1

Land Use

- Loss of creative industry space.
- Loss of offices.
- Increase in the amount of hotel floorspace in Soho.
- Hotel floorspace does not add to the character of the area.
- Too many hotels in the area (existing and approved).
- Proposal will lead to the gentrification of Soho.
- Restaurant floorspace is inappropriate.
- Character and function of Soho is changing.

Amenity

- Loss of daylight.
- Loss of privacy.
- Increase in noise and disturbance from customers using the rooftop terrace/bar.
- Negative impact on businesses and residents.
- Noise from rooftop plant.
- Increase in light pollution from roof top restaurant.

Design

- Demolishing two landmark buildings.
- Proposals out of keeping with other buildings in the area.
- Impact of the rooftop extension will have from Carlisle Street.
- Loss of heritage.

Traffic/Highways

- Increase in traffic will lead to an increase in air pollution.
- Increase in congestion.
- Loss of parking bays during construction.
- Servicing ramp appears to be inadequate and will lead to congestion in Sheraton Street.
- No space for setting down for coaches and taxis.

Other

- Constant building works in the area.
- Increase in noise/dust/vermin due to building works.
- Loss of view.
- Impact on jobs in the area.
- Impact on noise sensitive uses while works are ongoing.
- Too many building projects in the area.

- No CMP has been submitted with the application.

RE-CONSULTATION DATE 22 JANUARY 2018

HISTORIC ENGLAND

No objection, happy to see the alterations to the fenestration, but concern is still raised over the rooftop extension.

SOHO SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Six further letters of objection received raising the same objections as above.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site occupies a large site which includes three separate street addresses with frontages onto Wardour Street, Sheraton Street and the pedestrianised St Anne's Court. The largest of the buildings is the 1930's Film House on the corner of Wardour Street and Sheraton Street. The building comprises basement, ground and five upper floors. The fourth and fifth floors are contained within the existing mansard roof. The main access to the building is via Wardour Street and there is an existing servicing/loading bay entrance on Sheraton Street. The north elevation of the building also slopes away from the Nadler Hotel (above the existing servicing yard). The application site can be seen from Carlisle Street above the existing Nadler hotel.

Adjoining at 138-140 Wardour Street (Mentorn House) is another 1930's building with a much narrower frontage, this building is an unlisted building of merit as designated in the Soho Conservation Area Audit. The building comprises basement, ground and six upper floors.

The third building, is located at 20 St Anne's Court. This building is located at the point where St Anne's Court narrows, and includes a sloping roof at third floor to sixth floor level.

All of the buildings within the application site are in lawful Class B1 use and whilst the majority of floorspace is used for office purposes, part of the building is used for post-production connected to the film and TV industry. The building has historical links to the film industry and was once the headquarters of Pathe.

The nearest residential is adjoining the site at 134-136 Wardour Street. There are flats on the upper floors which overlook the rear of Mentorn House. There are also residential flats located within Clarion Court which is opposite the St Anne's Court elevation and opposite the site on Wardour Street.

6.2 Recent Relevant History

Planning permission was granted on 2 September 2004 for redevelopment to provide a mixed use building on basement, ground and five upper floors comprising office, light industrial, retail and four self-contained residential units together with ancillary car parking and off-street servicing. This permission was not implemented, but this consent established that the lawful use of the building is for office (Class B1) purposes.

7. THE PROPOSAL

Permission is sought for the demolition behind the retained façade at ground to third floor level of part of 142-150 Wardour Street (wrapping around Wardour Street and Sheraton Street). The part of the building on Sheraton Street close to the junction with Carlisle Street and Great Chapel Street will be fully demolished, along with 20 St Anne's Court. The building at 138-140 Wardour Street will be retained.

The site will be redeveloped, to provide basement, ground and six upper floors. As per the existing arrangement, the fourth and fifth floors of Film House will be contained within a new mansard roof. The existing roof form on 20 St Anne's Court will be replicated in the proposed scheme. All of the three buildings will be linked on all floor levels.

Small areas of excavation are proposed, but this limited to the new lift pits. The proposed basement will be used for plant and back of house facilities. The existing loading bay will be extended at basement level and the access will remain from Sheraton Street. The main entrance to the hotel will be from Wardour Street and this will lead into the hotel lobby. The lobby leads to the lifts to the upper floors of the hotel. A hotel restaurant is proposed at ground floor and this can be accessed via the hotel, or via a separate entrance on Sheraton Street. A hotel bar is also proposed at ground floor level and this will be accessed via the main entrance. A further restaurant is proposed at ground floor level and will be accessed via St Anne's Court. This will not be ancillary to the hotel use. The remaining part of the ground floor will be used for back of house and plant rooms. A UKPN substation is proposed at ground floor level, with gates onto Sheraton Street.

The proposed first to fifth floor levels will contain 174 bedrooms. Balconies are proposed to all elevations at fourth and fifth floor level. The new sixth floor level will be used as a restaurant and bar; a retractable roof is proposed to allow part of the roof to be opened during good weather. The restaurant will include a roof terrace which is located along the Sheraton Street elevation. The rest of the roof will be used for plant and photovoltaic panels.

The scheme has been revised since its original submission. Revisions have been made to the St Anne's Court building to retain the existing roof slope.

Land Use table

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	11275	0	-11275
Hotel (Class C1)	0	12787	+12787
Restaurant floorspace (Class C1)	0	748	+748
Restaurant (Class A3)	0	293	+293
Total	11275	13080	+1805

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal results in the loss of 11275sqm of office floorspace. Objections have been received to the loss of the office floorspace and the impact this will have on creative industries in Soho, lack of employment opportunities and the impact this will have on the character and function of the area.

Wardour Street has a long association with creative industries and was once known as Film Row. Part of the site itself is known as Film House therefore there is a historic association with the film industry. The majority of the site is in use for office purposes (Class B1), but part of this office space is used for post-production studios in connection with the TV and film industry, which falls within Class B1(c). City Council records do not indicate that planning permission was granted solely for Class B1(c) use. Furthermore, the consent granted in 2004 confirmed that the lawful use of the buildings is for Class B1 purposes.

Objections have been received that the loss of offices will reduce the amount of employment opportunities in the area. As the proposed use is also commercial, which will generate jobs, the objections on these grounds are not justified.

City Plan Policy S20 seeks to protect office floorspace where the new use is for residential purposes. As the proposed use is for another commercial use, the loss of office floorspace is acceptable and in line with Policy S20. The objections to the loss of the office floorspace are therefore not sustainable to justify refusing the application.

Introduction of hotel use

The proposal will result in a new hotel comprising 12787sqm with 174 hotel bedrooms. Objections have been received, including from Councillor Church on grounds that new hotel floorspace is not appropriate in this part of Soho. Objections have also been received to the impact of the hotel on the character and function of the area; the increase in the amount of traffic generated; and the proliferation of hotel uses in terms of existing and consented hotels.

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. City Plan Policy S23 states that new hotels will be directed to the Core CAZ. UDP Policy TACE 2 (A) states

that within CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels where: no adverse environmental and traffic effects would be generated; and adequate on-site facilities are incorporated within developments proposals significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis.

There are a number of residential properties in close proximity to the site, but it is not considered that this part of Wardour Street is predominantly residential. The proposed hotel will contain 174 bedrooms and include 748sqm of ancillary entertainment floorspace, which would be accessible to hotel guests and members of the public. As noted above, objections have been received to the increase in traffic congestion as a result of the hotel. At the current time, the streets around the application site are constrained and this partly due to the closure of Great Chapel Street to facilitate the Crossrail development on Dean Street. Great Chapel Street will be reopened once the Crossrail works are completed.

Due to its central London location is likely that most guests will arrive by taxis or public transport. It is expected that taxis will drop off/pick up passengers on Wardour Street, and the transport statement states that there will be an increase in the amount of taxi trips over the existing use, but it is not considered that this increase is so great to have an adverse effect on traffic in the area.

As the hotel does not include large conferencing facilities or event space and due to the constraints of the highway around the application site, it would be difficult for coaches to service the hotel. The applicants have also stated that they will not take group bookings for hotel rooms therefore reducing the likelihood of coaches visiting this hotel.

A number of the objections state that there will be an over-concentration of hotel uses in Soho as a result of this proposal. The applicants have submitted a statement relating to office and hotel trends in Soho. This indicates that office floorspace is greater than the supply of new hotels in Soho and the West End as a whole. This also states that there are no hotels due for completion in the medium term. The proposals are considered to be in line with London Plan policy which encourages an increase in visitor accommodation throughout the city and the objections received on these grounds are not considered sustainable to justify a reason for refusal.

The proposal does not generate a requirement to provide affordable housing.

Restaurant floorspace

New restaurant floorspace is proposed comprising 1041sqm, of this floorspace, 748sqm will be ancillary to the hotel and the remaining floorspace (293sqm) will be a standalone restaurant accessed via St Anne's Court. As the ancillary floorspace could be used by hotel and non-hotel guests the total amount of entertainment floorspace must be considered in light of the entertainment policies. The restaurant floorspace will be divided throughout the site, a hotel restaurant and bar is proposed at ground floor level with a further hotel restaurant and bar including external terraces at sixth floor level

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. However, the site is located within the West End Stress Area, where new entertainment uses are considered more carefully. The proposal is for a 'large-sized'

entertainment use and UDP Policy TACE10 applies, which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500sqm will not generally be appropriate within Westminster.

2. Entertainment table

Location	Use	Covers	Open to non-hotel guests?	Hours open to non-hotel guests
Ground floor	Hotel Restaurant (C1)	160	Yes	Monday to Thursday: 07.00 – midnight. Friday – Saturday: 07.00 – 00.30 Sunday: 08.00 – midnight.
Ground floor	Hotel Bar (C1)	95	Yes	Monday to Thursday: 07.00 – midnight. Friday – Saturday: 07.00 – 00.30 Sunday: 08.00 – midnight.
Roof including external terraces	Hotel restaurant (C1)	224 (126 on terraces)	Yes	Monday to Thursday: 07.00 – midnight. Friday – Saturday: 07.00 – 00.30 Sunday: 08.00 – midnight.
Ground floor – 20 St Anne's Court	Restaurant (Class A3)	Max 75	Yes	Monday – Sunday 08.00 – 23.00

Objections have been received to the proposed restaurant floorspace on the grounds that the restaurant floorspace is inappropriate in this part of Westminster and on the grounds of increased late night noise and disturbance from the proposed bar/restaurant and associated external terraces at sixth floor level.

All of the restaurant/bar floorspace will be open to non-hotel guests and it is considered that non-hotel guests will be allowed to remain on the premises in line with the hours set out in the UDP (midnight on Sunday to Thursdays and 00.30 on Friday and Saturdays). However, due to the proximity of the residential flats in Clarion Court, an earlier closing time is sought for the standalone restaurant on St Anne's Court (08.00 – 23.00). Even though this is a standalone restaurant, it will be linked to the hotel at ground floor level and the applicants are willing to accept a condition to allow restaurant guests leaving after 22.00 to exit via the hotel entrance on Wardour Street.

The proposed restaurant/bar at sixth floor level includes terraces overlooking Sheraton Street. It also includes an area which will be enclosed by a retractable roof, that will be opened during good weather. This part of the roof is close to the boundary with the Nadler Hotel, the nearest residential is within Clarion Court (over 30m away). A condition is recommended to ensure that the retractable roof is closed at 21.00 each evening to

reduce the impact the restaurant will have on nearby occupiers. Similarly, with the roof terraces on the Sheraton Street elevation, it is considered that they will be closed to customers at 22.00.

The proposed entertainment floorspace is considered acceptable and will complement the character and function of the area. There are a number of entertainment uses in the immediate vicinity but it is not considered that there will be an unacceptable cumulative impact in the stress area.

A draft Operational Management Plan (OMP) has been submitted with the application, but as the proposals are speculative at the current time, a condition securing an updated OMP is recommended. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

8.2 Townscape and Design

The site is on the east side of Wardour Street in the Soho Conservation Area and comprises several buildings, namely Film House (142-150 Wardour Street), Mentorn House (138-140 Wardour Street) and 20 St Anne's Court. The buildings have facades to Wardour Street, Sheraton Street and St Anne's Court. Film House and Mentorn House are visible in longer views from Wardour Street and part of the roof of Film House appears in views from Soho Square along Carlisle Street above the focal point created by the recently completed Nadler Hotel, designed by Adam Architects with a fine pedimented facade which recalls the design of Carlisle House which was destroyed by bombing in WWII. The rear facades of the buildings are functional and overlooked by the Nadler Hotel and property in St Anne's Court.

Film House and Mentorn House make a positive contribution to the street and surrounding conservation area, and there are numerous listed buildings in the vicinity of the site in Wardour Street, Sheraton Street, St Anne's Court and Carlisle Street.

The site is within Protected Vista 2A.2 Parliament Hill summit to the Palace of Westminster, the threshold of which is at 59.00m AOD on the site. To the east of the site, but not over it, is Protected Vista 2B.1 the threshold of which is at 54.64m AOD as it passes by the site. The existing and proposed roof height is below these thresholds at 50.83m AOD.

The association of the area with the film industry dates from the twentieth century and the Archaeological Report notes that "...Film House was originally the headquarters of the Associated British Pathé Film Company..." The Historic Building Report also notes numerous other famous firms taking leases in the building.

The site is in an area of archaeological priority but the application report recommends that no further archaeological work should be required either pre- or post-determination, principally as a result of the depth of the existing basement.

The street facades of Mentorn House and most of the street facades of Film House are to be retained with new windows; a new roof structure over all buildings is proposed along with a new façade at 20 St Anne's Court and in the eastern section of the site in

Sheraton Street. The proposed building mass is split by the two courtyards to bring light to the lower levels of the site and the courtyards are separated by a central core rising from basement to roof level.

Wardour Street

The attractive Portland stone art deco façades of Film House in Wardour Street will be retained and repaired with new windows in the existing openings. The design of the windows has been revised to be more architecturally sensitive to the building following Historic England advice. The existing window sills will be lowered at ground floor level and the corner door will be re-opened to allow guests to enter from the Sheraton Street side of the building. The entrance to the building along Wardour Street will be set back within a glazed enclosure, with a weathered brass revolving door to the centre and pass doors either side.

Above the retained facades, a new zinc standing-seam roof with dormer balconies incorporating glazed balustrades is proposed. Weathered brass balustrades are proposed to the top floor, with their design taking inspiration from the art deco history of the buildings. Roof top plant is set back and screened by louvres painted in weathered brass tones.

The front of Mentorn House, including its mansard roof, is to be retained and repaired. All existing windows are to be replaced with steel-framed, double-glazed windows with a traditional industrial appearance at the lower levels and new flush roof lights are proposed within the existing mansard roof.

Sheraton Street

The proposed Sheraton Street facade is divided between the retained portion of Film House and a two-part new build section. The main part of the façade and the roof will be treated in the same way as that facing Wardour Street. However, new bi-fold doors are proposed for the full height openings within the restaurant and, at roof level, a living wall is proposed to conceal the plant and enhance views to and from the rooftop terrace.

On the top floor, a combination of weathered brass panels and glazing is proposed. The extent of glazing is suitable and for the rooftop restaurant the extent of glazing along Sheraton Street is reduced by introducing solid oxidised brass infill panels which will harmonise with the oxidised brass balustrade forms the building edge protection to the restaurant terrace.

Sliding doors provide access to the balconies. Separation of the individual balconies is achieved at low level and will not be visible from street views.

The new build section on Sheraton Street is of 'Roman' grey and dark-grey brick and the new facade is divided in two by the use of these different bricks to reflect the historic plot widths of development in Soho. Above the loading bay the windows will have decorative metalwork and on the upper levels the terraces have been stepped back to minimise their visual impact. The balustrades to the upper levels are of oxidised brass metalwork, and decorative weathered brass metalwork is proposed to conceal the loading bay and the UKPN station access doors. Frosted glass is proposed for the staff entrance located next to the UKPN station, and clear glazing is proposed for the hotel restaurant entrance.

It is proposed that the public art contribution of the scheme is developed to include the metalwork adornments at lower levels.

St Anne's Court

No. 20 St Anne's Court is to be totally rebuilt and takes its design inspiration from the existing façade. The eastern façade which partly closes the view along St Anne's Court will be cut back at roof level which greatly improves the view.

The proposed red-brick and colours selected for the metalwork are similar to the existing facade and aim to create a coherent architectural composition. The windows are to be dark-grey finished, steel-framed double glazed windows, with a traditional industrial appearance.

Rear Elevation (east facing)

The proposed rear facade of the building provides access to loading bay where at the lower levels, which are concealed from street view, the façade is to be of render.

The upper levels are clearly visible in views from Soho Square along Carlisle Street and will appear substantially taller than the existing building. The metalwork and cladding are the same as used elsewhere at roof level, but the design has been revised since submission to ensure that the new façade appropriately acknowledges the importance of the view and it breaks forward slightly to align with the pedimented front of the Nadler Hotel. This is acceptable and satisfactorily addresses objections to the visual impact of the roof in views from Soho Square.

Internal Courtyards

The courtyard at basement and ground floor levels utilizes glazing to get as much light into the public areas as possible. On the upper levels protruding metal boxes add relief to the rendered elevations whilst the angled louvres provide privacy for guests within the bedrooms. At the base of both courtyards, greenery is proposed.

The back of the retained Mentorn House core will be re-clad with white glazed bricks. To the rear a combination of brick styles is proposed to distinguish the old building from the new. Grey brickwork in Flemish bond with steel-framed, double-glazed windows with a traditional industrial appearance are proposed for the lower levels. On the upper levels 'Roman' brickwork is proposed with box windows incorporating decorative metal mesh on the upper floors. At the top of the courtyards, a combination of living walls and metal louvres painted in weathered brass tones is proposed to conceal the plant.

There have been objections to the new roof creating a 'canyon effect' amongst other things on Wardour Street, and to the impact of the alterations on the view from Soho Square. Whilst there are changes to the roofline of the building, they are not harmful to the appearance of the retained facades, and the appearance of Wardour Street would be preserved. Similarly, the views from Soho Square, along Carlisle Street, will be altered by the greater height of the building but the change will not detract from the focal point created by the Nadler Hotel.

8.3 Residential Amenity

The nearest residential is adjoining the site at 134-136 Wardour Street, where there are eight flats over the first to fourth floor levels.

There are also residential properties located within Clarion Court. Clarion Court is located to the south of the application site and comprises 22 flats. The north elevation of Clarion Court faces onto St Anne's Court and the flats in the north west corner have balconies that overlook 20 St Anne's Court.

The proposals have been amended since the original submission as a result of officer advice. The original proposals sought to remove the existing sloped roof of 20 St Anne's Court and replace it with a stepped elevation which included balconies. This would have resulted in an increase sense of enclosure and loss of privacy to the residential windows directly opposite within Clarion Court. The amended scheme seeks to retain the sloping roof form of St Anne's Court. The windows at fourth floor level are set in and back to create balconies, a sloping balcony is also incorporated to prevent the whole of balcony being accessible.

Objections were received from Clarion Court to the original proposals on the grounds that there would be an increase sense of enclosure, loss of privacy and loss to daylight and sunlight as a result of the extensions. No representations have been received from Clarion Court to the revised drawings.

Objections have also been received from the adjoining hotel use (Nadler) on Carlisle Street on the grounds of loss of privacy from the rooftop restaurant. Noise from staff in the servicing yard smoking and has suggested that the service yard is enclosed.

In terms of daylight and sunlight, as the existing roof form of 20 St Anne's Court is to be retained, there will not be an adverse impact on the residential windows in Clarion Court. Furthermore, as the windows face north, they are not required to be assessed under the BRE Guidelines.

Sense of Enclosure

The proposed façade on St Anne's Court includes ground and two upper floors, due to the more generous floor to ceiling heights there is a small increase in the height of this façade. The upper three floors will be contained within a sloping roof which matches the existing roof slope, on this basis, it is considered that there will not be an increase sense of enclosure to the windows in Clarion Court as a result of the proposals.

There are eight residential flats adjoining the site at 134-136 Wardour Street. No representations have been received from this property. It appears from recent planning history that there are two flats per floor (at first floor and above). There are residential windows overlooking the existing rear extensions of Mentorn House. The flats are dual aspect, with windows to the front overlooking Wardour Street. The proposed extensions to the rear of Mentorn House will be closer to the residential windows, but will still be set back to not create an adverse sense of enclosure.

Privacy

There are existing windows in the roof slope of the St Anne's Court building, new windows are proposed in similar locations. The new windows at fourth floor level will be set back to create a balcony. A sloping balustrade is proposed which will prevent the whole of the balcony being used. These windows are higher than the residential windows in Clarion Court, and views to the window are at an oblique angle. However, it is considered that people using the balcony will be able to overlook the residential windows and an amending condition is recommended to ensure that the balcony at fourth floor level is removed and the windows are sloping roof lights. A further condition is recommended to ensure that these windows are fixed shut.

There are no new windows proposed in the side elevation of Mentorn House, therefore there will be no loss of privacy to the residential units in 134-136 Wardour Street.

New hotel windows are proposed in the rear elevation overlooking the rear of the Nadler Hotel on Carlisle Street. The windows in the Nadler are set back, and this replicated for the application site but they include balconies. The concern raised by the Nadler are noted, however, as both properties are in commercial use it is not considered that a refusal on these grounds would be sustainable.

There are no residential properties immediately to the north of the proposed roof terraces therefore it is not considered that there will be a loss of privacy, and the roof terraces are considered acceptable.

Noise

Objections have been received from the Nadler Hotel to the potential noise generated from the off-street service bay and they have suggested that the bay is fully enclosed. The existing servicing bay is currently fully open and there are no controls on how this bay is operated. It is proposed to increase the size of the servicing bay and this will be partially enclosed. It is considered that it would be in the best interests of the hotel operator to ensure noise levels within the servicing bay are kept to a minimum for their own hotel guests and surrounding occupiers. It is not considered that the noise from the servicing bay will be so great to justify refusing the application and a condition restricting the use of the bay from 07.00 – 18.00 is recommended. It is considered that the OMP should cover the management of staff smoking etc.

The new hotel windows within 20 St Anne's Court are in close proximity to the residential flats in Clarion Court and objections have been made to the potential noise from the guest using the hotel rooms. The windows in the St Anne's Court elevation will be fixed shut to reduce privacy, and this will be secured by condition. This will also reduce the impact to nearby residential properties.

Objections have also been received to the potential for noise from the terraces and the rooftop restaurant/bar. As mentioned previously, the retractable roof is proposed to be closed at 21.00 each day and the terraces will not be used after 22.00. The OMP, should include how guests at roof level will be managed. Environmental Health has recommended that a condition is imposed to ensure that noise is kept to a minimum.

Openable shopfronts are proposed on the Sheraton Street frontage. This are considered acceptable as there are no residential units in the immediate vicinity.

Light Pollution

Objections have been received to the impact of light pollution from the restaurant and bar at sixth floor level. The applicants have advised that these areas will be discreetly lit. Any light spill and upward light pollution will be avoided. The subtle illumination level would allow guests to focus on the London skyline. It is not considered that the light from the upper floors will have an adverse impact on amenity.

8.4 Transportation/Parking

Servicing

City Plan Policy S42 and UDP Policy TRANS20 require off-street servicing provision. The proposal includes off-street servicing, and the applicant has indicated that all servicing, including refuse collection will occur off-street. An objection has been received from the adjoining hotel that the servicing ramp is narrow, and this will result in traffic being backed up on Sheraton Street. The Highways Planning Manager recognises that the servicing bay is constrained, but it is considered adequate for the development. A servicing management plan (SMP) has been submitted and this states that servicing vehicles arriving at site will be carefully managed to ensure that there is only one vehicle at any one time. The proposals are considered to be in line with policies S42 and TRANS20 and the objection on these grounds is not considered sustainable to justify a reason for refusal.

Objections have also been received on the grounds that there will be an increase in traffic as a result of more servicing vehicles visiting the site. The draft SMP indicates that there will be approximately 38-47 deliveries per week, with up to 8 deliveries per day. This number of deliveries per day is not considered to have an adverse impact on the highway network. As a hotel operator has not been identified, a condition is recommended to secure a further SMP, conditions are also recommended to ensure that all vehicles enter and exit the servicing bay in forward gear.

The Highways Planning Manager has raised concern to the lack of visibility splays for car exiting the servicing bay. As this is effectively a new vehicle crossover, it is considered that the visibility splays should be improved. A condition is recommended to ensure that the visibility splays are modified to ensure pedestrian safety.

No car parking is proposed for the hotel use; this is considered acceptable. The provision of cycle parking exceeds the requirements set out in the London Plan, this is welcomed and the minimum required by the London Plan will be secured by condition.

The Highways Planning Manager has raised concerns over coaches and private hire taxis visiting the site and the application does not include measures to deal with coach arrivals and departures. As set out above, the applicants have stated that they will not accept group bookings at the hotel therefore coach trips to the premises are unlikely. In the event that a coach does arrive, the hotel staff will actively manage the situation to avoid people congregating on the street and congestion of the highway. An updated OMP is requested by condition which will demonstrate how coaches and taxis will be handled.

The Soho Society has commented that the addition of a contraflow cycle lane in Wardour Street will complicate and intensify traffic conditions. The proposed cycle lane is part of a wider quiet way cycling programme, it would be an advisory lane and not mandatory. The Highways Planning Manager does not consider that the planning application and advisory cycle lane to be in conflict, but representative of the many demands on highway space in this area of Westminster being managed in an efficient manner.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcome.

8.6 Access

Level access is provided from the new entrances on Wardour Street and Sheraton Street and there is lift and stair access to all floor levels.

As per the requirements in the London Plan 10% of the hotel rooms will be accessible. This will be secured by condition.

8.7 Other UDP/Westminster Policy Considerations

Plant

Objections have been received to the potential noise from the new plant within the basement and at roof level. Internally routed extract ducts are also proposed and these will vent at roof level. All the new plant will be subject to the City Council's standard noise conditions and a supplementary acoustic report will be required once the plant equipment has been chosen.

Due to the proximity of the site to the nearby underground Crossrail lines and station, ground borne noise and vibration must be considered. Environmental Health has commented that we need to ensure that the new building structure does not increase ground borne noise levels or vibration in adjoining residential properties and conditions are recommended to avoid potential issues with noise and vibration.

Air Quality

The site is located within the city-wide Air Quality Management Area. The site has only been assessed against short term air quality objectives as the proposed use is a hotel and not for permanent occupation. The short term objectives are met and the applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions.

Biodiversity

It is proposed to install green roofs and walls, this is welcomed and a management plan including species type is secured by condition.

Sustainability

The London Plan requires non-domestic building to be 35% below Part L 2013 of the Building Regulations.

The submitted documents indicate that the non-domestic elements of the proposal will be 28% below Part L 2013 of the Building Regulations. To address the shortfall the applicants are willing to contribute £101,000 to the carbon off-setting fund which is compliant with the Mayor's guidance. This is acceptable and will be secured by a legal agreement.

In terms of on-site renewables, photovoltaic panels are proposed at roof level. It is also proposed to install a CHP, which will be future proofed and have the ability to connect to a future district energy network is feasible.

The submitted Sustainability Statement indicates that the new building will achieve a BREEAM Excellent rating. This is welcomed and secured by condition.

8.8 London Plan

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036.

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:

- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur;
- ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line;
- iii. A financial contribution to the carbon offsetting fund carbon offsetting fund of £101,000 (index linked and payable prior to commencement of development).
- iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG)
- v. An employment and training strategy for the construction and operational phase of the development;
- vi. S106 monitoring costs.

The estimated CIL payment is : £368,041.56 (£106,105.60 to Mayor's CIL and £261,935.96 to WCC CIL).

8.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Construction impact

A number of objections have been raised to the lack of a construction management plan, the impact the construction including construction traffic will have on existing residents and businesses in the area, the loss of parking bays during construction and the associated noise/dust and disruption. Objections also state that there are too many building works being carried out in this part of Soho. A number of objections have been received from adjoining sound recording studios to the building works and the impact the works would have on their businesses. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

Period for Commencement

The applicant has requested five years to implement their proposals rather than the normal three years. The applicants have put forward the following arguments. Firstly, Film House is occupied by a number of tenants who have protected tenancies and a long lead in period is required to secure vacant possession. The applicants have stated that it is unlikely that vacant possession would be granted within three years.

Secondly, the applicants need the certainty of planning before they embark on the costly process of progressing the complicated design and construction process due to the retained element of the scheme. Thirdly, they have stated that they would require more time to plan the retained façade element of the scheme, the decanting, strip out and demolition will take longer before the planning permission could be implemented.

It appears from the applicants arguments that the main reason for the request are landlord/tenant issues which are not planning considerations. Five-year permissions are only given in exceptional circumstance on complex phased developments. This request is therefore not considered acceptable.

9. BACKGROUND PAPERS

1. Application form
2. Response from Councillor Church, dated 24 November 2017
3. Responses from Historic England (Listed Builds/Con Areas), dated 27 October 2017 and 23 January 2018
4. Response from Thames Water, dated 25 October 2017
5. Response from Cross London Rail Links Ltd, dated 31 October 2017
6. Response from Historic England (Archaeology), dated 02 November 2017
7. Response from the Soho Society, dated 13 November 2017

8. Response from Cleansing, dated 6 December 2017
9. Response from Highways Planning Manager, dated 9 February 2018
10. Response from Environmental Health, dated 20 February 2018
11. Letters from occupier of Trident Sound Studios, 17 St Anne's Court, both dated 1 November 2017
12. Letters from occupier of 3 D'Arblay Street, London, dated 2 November 2017 and 13 March 2018
13. Letter from occupier of 8-12 Broadwick Street, London, dated 2 November 2017
14. Letter from occupier of 10 Carlisle Street, London, dated 3 November 2017
15. Letter from occupier of 138 Brockley Grove, London, dated 7 November 2017
16. Letter from occupier of Firmdale Hotels - Soho Hotel, 4 Richmond Mews, dated 8 November 2017
17. Letter from occupier of 51 Weymouth Close, Clacton, dated 21 November 2017
18. Letter from occupier of Flat 5, 3 - 5 Bateman Street, dated 22 November 2017
19. Letter from occupier of 14 Neals Yard, London, dated 22 November 2017
20. Letter from occupier of 3 Smith Square, London, dated 22 November 2017
21. Letters from occupier of Flat 31, 4 Earnshaw Street, dated 22 November 2017 and 31 January 2018
22. Letters from occupier of 74c Lausanne Rd, Nunhead, both dated 22 November 2017
23. Letter from occupier of Flat 6, 7 Ingestre Place, Soho, dated 23 November 2017
24. Letter from occupier of 1 Clarion House, 4 St Anne's court, dated 23 November 2017
25. Letter from occupier of 3 Clarion House, 4 St Anne's Court, dated 23 November 2017
26. Letter from occupier of 9 Berwick Street, London, dated 23 November 2017
27. Letter from occupier of Flat 7, 59 Poland Street, dated 24 November 2017
28. Letter from occupier of Flat 1, 124-126 Wardour Street, dated 25 November 2017
29. Letter from occupier of 10 Sangringham Court, Dufour's Place, dated 25 November 2017
30. Letter from occupier of 63 St Giles High Street, London, dated 25 November 2017
31. Letter from occupier of 10 Northcote Road, London, dated 25 November 2017
32. Letter from occupier of 22 Great Chapel Street, London, dated 25 November 2017
33. Letter from occupier of 28A Benwell Road, Islington, dated 26 November 2017
34. Letter from occupier of 204a Bellenden road, London, dated 27 November 2017
35. Letter from occupier of Flat 11, 12 Bouchier Street, dated 28 November 2017
36. Letter from occupier of 16 Great Chapel Street, London, dated 30 November 2017
37. Letter from occupier of Flat One, Rupert House, 4 Tisbury Court, dated 1 December 2017
38. Letter from occupier of Flat 6, 45 Broadwick Street, dated 1 December 2017
39. Letter from occupier of Flat 16, Clarion House, 4 St. Anne's Court, dated 1 December 2017
40. Letter from occupier of 11 Sandringham Court, Dufours Place, dated 2 December 2017
41. Letter from occupier of 35 Thornbury Road, London, dated 2 December 2017
42. Letter from occupier of Flat 2, 6 Silver Place, dated 2 December 2017
43. Letter from occupier of 32 Mackeson Road, London, dated 7 December 2017
44. Letter from occupier of 22 Queens Avenue, London, dated 8 December 2017
45. Letters from occupier of 8 Berwick Street, London, both dated 8 December 2017
46. Letter from occupier of 22 Romilly Street, London, dated 10 December 2017
47. Letter from occupier of 20 Marshall Street, London, dated 11 December 2017
48. Letter from occupier of 4 Oakford Road, London, dated 11 December 2017
49. Letter from occupier of 112-114 Wardour Street, Flat 15, dated 11 December 2017
50. Letter from occupier of Flat 6 Press Court, 77 Marlborough Grove, dated 11 December 2017

- 51. Letter from occupier of Flat 6, 9 Rye Hill Park, dated 11 December 2017
- 52. Letter from occupier of 2 D'Arblay Street, London, dated 12 December 2017
- 53. Letter from occupier of Flat 9, 7 Dufour's Place, dated 14 December 2017
- 54. Letter from occupier of 152 Wardour street, London, dated 14 December 2017
- 55. Letter from occupier of 96 Stirling Court, Marshall Street, dated 16 December 2017
- 56. Letter from occupier of 64 Chalcot Road, London, dated 21 December 2017
- 57. Letter from occupier of 34-35 D'Arblay Street, London, dated 1 January 2018
- 58. Letter from occupier of Flat 17 Clarion House, 4 St. Anne's Court, dated 12 January 2018
- 59. Letter from occupier of Flat 6, 7 Ingestre, dated 28 January 2018
- 60. Letter from occupier of 8-9 Carlisle Street, dated 29 January 2018
- 61. Letter from occupier of 27 Lovel Road, Gerrards Cross, dated 29 January 2018
- 62. Letter from occupier of Flat 7, Exeter Mansions, dated 5 February 2018
- 63. Letter from occupier of 63A St Giles High Street, dated 5 February 2018
- 64. Letter from occupier of 17 St Anne's Court, dated 14 February 2018

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

Existing Wardour Street elevation



Proposed Wardour Street elevation



1. **Project Name**
 2. **Project Address**
 3. **Project City**
 4. **Project State**
 5. **Project Zip**
 6. **Project Phone**
 7. **Project Fax**
 8. **Project Email**
 9. **Project Website**
 10. **Project Description**
 11. **Project Budget**
 12. **Project Status**
 13. **Project Completion Date**
 14. **Project Start Date**
 15. **Project End Date**
 16. **Project Manager**
 17. **Project Sponsor**
 18. **Project Stakeholder**
 19. **Project Risk**
 20. **Project Impact**
 21. **Project Benefit**
 22. **Project Challenge**
 23. **Project Opportunity**
 24. **Project Lesson Learned**
 25. **Project Feedback**
 26. **Project Review**
 27. **Project Approval**
 28. **Project Sign-off**
 29. **Project Date**
 30. **Project Version**
 31. **Project Revision**
 32. **Project Change**
 33. **Project Update**
 34. **Project Note**
 35. **Project Comment**
 36. **Project Remark**
 37. **Project Detail**
 38. **Project Info**
 39. **Project Data**
 40. **Project Fact**
 41. **Project Figure**
 42. **Project Table**
 43. **Project Chart**
 44. **Project Graph**
 45. **Project Diagram**
 46. **Project Map**
 47. **Project Image**
 48. **Project Video**
 49. **Project Audio**
 50. **Project Document**
 51. **Project File**
 52. **Project Folder**
 53. **Project Drive**
 54. **Project Network**
 55. **Project System**
 56. **Project Software**
 57. **Project Hardware**
 58. **Project Equipment**
 59. **Project Material**
 60. **Project Resource**
 61. **Project Tool**
 62. **Project Method**
 63. **Project Technique**
 64. **Project Process**
 65. **Project Procedure**
 66. **Project Protocol**
 67. **Project Policy**
 68. **Project Rule**
 69. **Project Regulation**
 70. **Project Law**
 71. **Project Order**
 72. **Project Directive**
 73. **Project Command**
 74. **Project Instruction**
 75. **Project Guideline**
 76. **Project Principle**
 77. **Project Theory**
 78. **Project Concept**
 79. **Project Idea**
 80. **Project Thought**
 81. **Project Opinion**
 82. **Project View**
 83. **Project Belief**
 84. **Project Faith**
 85. **Project Trust**
 86. **Project Confidence**
 87. **Project Assurance**
 88. **Project Guarantee**
 89. **Project Warranty**
 90. **Project Support**
 91. **Project Backing**
 92. **Project Sponsorship**
 93. **Project Endorsement**
 94. **Project Recommendation**
 95. **Project Approval**
 96. **Project Authorization**
 97. **Project Permission**
 98. **Project Consent**
 99. **Project Agreement**
 100. **Project Understanding**
 101. **Project Knowledge**
 102. **Project Wisdom**
 103. **Project Intelligence**
 104. **Project Skill**
 105. **Project Ability**
 106. **Project Talent**
 107. **Project Gift**
 108. **Project Power**
 109. **Project Strength**
 110. **Project Force**
 111. **Project Energy**
 112. **Project Spirit**
 113. **Project Soul**
 114. **Project Heart**
 115. **Project Mind**
 116. **Project Brain**
 117. **Project Nerve**
 118. **Project Muscle**
 119. **Project Bone**
 120. **Project Blood**
 121. **Project Vein**
 122. **Project Artery**
 123. **Project Vein**
 124. **Project Artery**
 125. **Project Vein**
 126. **Project Artery**
 127. **Project Vein**
 128. **Project Artery**
 129. **Project Vein**
 130. **Project Artery**
 131. **Project Vein**
 132. **Project Artery**
 133. **Project Vein**
 134. **Project Artery**
 135. **Project Vein**
 136. **Project Artery**
 137. **Project Vein**
 138. **Project Artery**
 139. **Project Vein**
 140. **Project Artery**
 141. **Project Vein**
 142. **Project Artery**
 143. **Project Vein**
 144. **Project Artery**
 145. **Project Vein**
 146. **Project Artery**
 147. **Project Vein**
 148. **Project Artery**
 149. **Project Vein**
 150. **Project Artery**
 151. **Project Vein**
 152. **Project Artery**
 153. **Project Vein**
 154. **Project Artery**
 155. **Project Vein**
 156. **Project Artery**
 157. **Project Vein**
 158. **Project Artery**
 159. **Project Vein**
 160. **Project Artery**
 161. **Project Vein**
 162. **Project Artery**
 163. **Project Vein**
 164. **Project Artery**
 165. **Project Vein**
 166. **Project Artery**
 167. **Project Vein**
 168. **Project Artery**
 169. **Project Vein**
 170. **Project Artery**
 171. **Project Vein**
 172. **Project Artery**
 173. **Project Vein**
 174. **Project Artery**
 175. **Project Vein**
 176. **Project Artery**
 177. **Project Vein**
 178. **Project Artery**
 179. **Project Vein**
 180. **Project Artery**
 181. **Project Vein**
 182. **Project Artery**
 183. **Project Vein**
 184. **Project Artery**
 185. **Project Vein**
 186. **Project Artery**
 187. **Project Vein**
 188. **Project Artery**
 189. **Project Vein**
 190. **Project Artery**
 191. **Project Vein**
 192. **Project Artery**
 193. **Project Vein**
 194. **Project Artery**
 195. **Project Vein**
 196. **Project Artery**
 197. **Project Vein**
 198. **Project Artery**
 199. **Project Vein**
 200. **Project Artery**
 201. **Project Vein**
 202. **Project Artery**
 203. **Project Vein**
 204. **Project Artery**
 205. **Project Vein**
 206. **Project Artery**
 207. **Project Vein**
 208. **Project Artery**
 209. **Project Vein**
 210. **Project Artery**
 211. **Project Vein**
 212. **Project Artery**
 213. **Project Vein**
 214. **Project Artery**
 215. **Project Vein**
 216. **Project Artery**
 217. **Project Vein**
 218. **Project Artery**
 219. **Project Vein**
 220. **Project Artery**
 221. **Project Vein**
 222. **Project Artery**
 223. **Project Vein**
 224. **Project Artery**
 225. **Project Vein**
 226. **Project Artery**
 227. **Project Vein**
 228. **Project Artery**
 229. **Project Vein**
 230. **Project Artery**
 231. **Project Vein**
 232. **Project Artery**
 233. **Project Vein**
 234. **Project Artery**
 235. **Project Vein**
 236. **Project Artery**
 237. **Project Vein**
 238. **Project Artery**<

[illegible]

Existing St Anne's Court elevation



Proposed St Anne's Court elevation



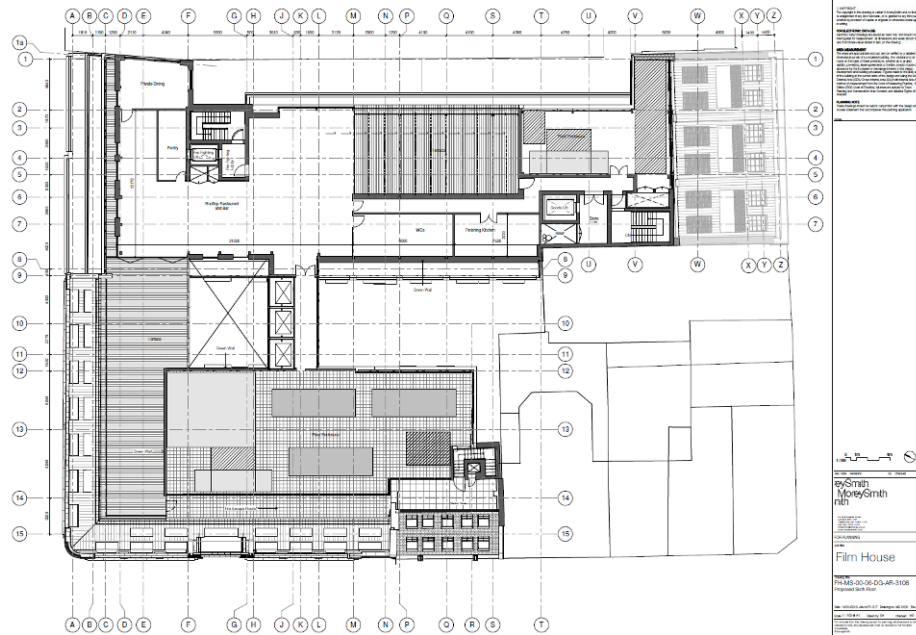
Proposed ground floor plan



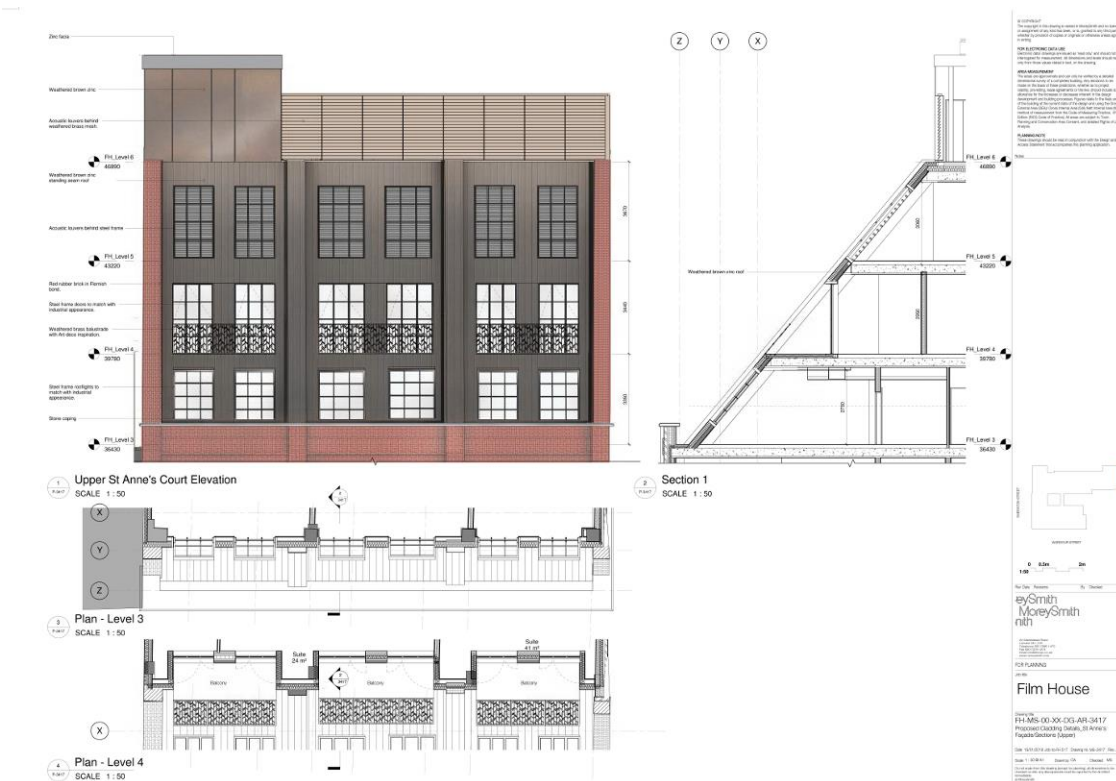
Proposed third floor plan



Proposed sixth floor plan



Proposed upper floors of 20 St Anne's Court



DRAFT DECISION LETTER

Address: Film House, 142-150 Wardour Street, London, W1F 8ZR,

Proposal: Demolition behind retained facades of Nos 142 - 150 Wardour Street and full demolition of 20 St Anne's Court and to the rear of 138-140 Wardour Street, redevelopment to comprise basement, ground and six upper floor for use for hotel purposes (C1), creation of a restaurant (Class A3) at ground floor level fronting onto St Anne's Court. Use of part of the roof as a restaurant and bar in connection with the hotel use, creation of terraces and plant enclosures and associated works. (Site includes 142-150 Wardour Street, 138-140 Wardour Street and 20 St Anne's Court)

Reference: 17/08971/FULL

Plan Nos: MS-2300, MS-2301, MS-2302, MS-2303, MS-2100, MS-2101, MS-2102, MS-2103, MS-2104, MS-2105, MS-2106, MS-2107, MS-2108, MS-2109, MS-3099, MS-3100 A, MS-3101 A, MS-3102, MS-3103, MS-3104 A, MS-3105 A, MS-3106 A, MS-3107 A, MS-3108 A, MS-3109 A, MS-3202 A, MS-3203 A, MS-3205 A, MS-3300 A, MS-3301 A, MS-3302 A, MS-3303 A, MS-3304, MS-3415 A, MS-3416 A, MS-3410 A, Energy Statement and Sustainability Statement from Hoare Lee

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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)

- 4 No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

- 5 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and 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:

- i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
- iv) Mitigate the effects on Crossrail, of ground movement arising from development. The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs (i) and (iv) of this condition shall be completed, in their entirety, before any part of the building(s) hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 6 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 7 You must apply to us for approval of a scheme of public art for the loading bay doors and substation doors. 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. (C37AB)

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)

- 8 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 Soho 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)

- 9 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 Soho 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)

- 10 You must apply to us for approval of detailed drawings (1:10) of the following parts of the development - typical example of each different windows and external door type. 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 Soho 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)

- 11 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 Soho 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)

- 12 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)

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 Soho 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)

- 13 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces or balconies. (C26NA)

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 Soho 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)

- 14 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 Soho 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)

- 15 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)

- 16 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain on the premises within the hotel restaurants and bars and other ancillary facilities except between 07.00 - midnight Monday to Thursday, 07.00 - 00.30 (the following day) on Friday and Saturdays and 08.00-midnight on Sundays and Bank Holidays.

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)

- 17 Customers shall not be permitted within the restaurant premises at ground floor level on St Anne's Court before 08.00 or after 23.00 each day. (C12AD)

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)

- 18 Customers using the restaurant at ground floor level on St Anne's Court must, after 22.00 hours leave via the hotel entrance on Wardour Street.

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)

- 19 If you provide a bar and bar seating in the restaurant at ground floor level on St Anne's Court, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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 TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 20 The retractable roof at sixth floor level shall be in its fully closed position between 21:00 and 08:00 each day.

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)

- 21 Customers shall not be permitted on the roof terraces at sixth floor level before 08.00 or after 22.00 hours each day. (C12AD)

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)

- 22 You must not sell any take-away food or drink on the premises or offer a delivery service, even as an ancillary part of the primary Class A3 use at ground floor level on St Anne's Court or the hotel use. (C05CB)

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 TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 23 You must provide detailed drawings (plans and section/elevation) showing the full height kitchen

extract duct (s). These details must be provided before the restaurant uses commence and the approved duct(s) shall be installed and thereafter be permanently retained for as long as the restaurants are in use.

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)

- 24 You must submit detailed drawings showing the layout of the restaurant use at ground floor level on St Anne's Court before the restaurant is occupied. The drawings must include, entrances, kitchen, covers and bar areas. You must then carry out the restaurant use in accordance with these details.

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)

- 25 You must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. The plan must also detail how the hotel will manage any guests arriving by coaches and by private taxi hire companies. This should include details of how staff will prevent congestion of the public highway. You must not start the hotel use or the restaurant use at ground floor level on St Anne's Court until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel and restaurant use on St Anne's Court is in use. (C05JB)

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 TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 26 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - the windows at fourth floor level within the roof on St Anne's Court must be sloping rooflight windows. 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 privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 27 You must keep the windows in the St Anne's Street elevation closed. You can use them in an emergency or for maintenance only. (C13LA)

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 28 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)

- 29 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - improved visibility splays to the entrance of the servicing bay. 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:

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)

- 30 All vehicles must enter and exit the servicing bay in forward gear.

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)

- 31 Prior to occupation of hotel and restaurant use on St Anne's Court, you must submit and have approved in writing a Servicing Management Plan. The plan should identify the process, internal storage locations, scheduling of deliveries and staffing.

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)

- 32 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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)

- 33 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

- 34 All servicing must take place between 07.00 and 18.00 hours on Monday to Sunday. (C23DA)

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 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 35 You must provide a minimum of 11 cycle parking 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.

- 36 (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.

- 37 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.

- 38 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 39 You must provide the environmental sustainability features (environmentally friendly features) as set out in the submitted energy statement and sustainability statement by Hoare Lee, before you start to use any part of the development. 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)

- 40 You must apply to us for approval of details of a biodiversity management plan in relation to green roofs and green walls. You must not start any work on this part of the development until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and 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. (R43CB)

- 41 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 (biodiverse) walls and roofs. You must not remove any of these features. (C43FA)

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)

- 42 You must provide a headroom of at least 3.2m (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, 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. (R23BB)

- 43 You must provide the waste store shown on drawing MS-3100 A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. Waste servicing and collection for the development must only take place within the servicing bay. Collection of waste must not take place on the public highway. No waste should be left or stored on the public highway.

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)

- 44 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 45 No vibration shall be transmitted to the proposed development, 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 0.26m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential or other noise sensitive property.

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)

- 46 The design and structure of the development shall be of such a standard that it will protect adjoining residential properties from ground borne noise from underground railway lines (Crossrail) so that they are not exposed to levels indoors of more than 35dB LASmax within habitable rooms during the day and night.

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)

- 47 Prior to the occupation of the building, a supplementary noise survey must be submitted to demonstrate that the noise (and vibration) criteria set out in Condition 46 and 47 have been met.

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)

- 48 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.

- 49 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 48 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 50 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 37 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.

- 51 (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.

- 52 You must not allow more than:
- 160 covers in the ground floor hotel restaurant,
 - 95 covers in the ground floor hotel bar,
 - 224 covers in the sixth floor restaurant and terraces,
 - 75 covers in the ground floor restaurant in St Anne's Court at any one time. (C05HA)

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 TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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 regards to Condition 3, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. Furthermore, Condition 3 is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 In relation to Condition 4, the written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.
- 4 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 measure 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 02035779438 or by emailing wwqriskmanagment@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

- 5 With reference to condition 16 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

- 6 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:
- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur;
 - ii. Dedication of the highway in St Anne's Court, where the building line has been set back from the railing line;
 - iii. A financial contribution to the carbon offsetting fund carbon offsetting fund of £101,000 (index linked and payable prior to commencement of development);
 - iv. Crossrail payment (currently calculated at £92,227 but will be reduced to approximately £0 following offset against Mayoral CIL as allowed by the SPG) (index linked);
 - v. An employment and training strategy for the construction and operational phase of the development;
 - vi. S106 monitoring costs.
- 7 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.
- 8 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)

- 9 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)
- 10 It should be noted that none of the external works affecting the highway indicated on the approved drawings have Highway Authority approval and are not consented as part of this approval. You will require technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public realm to progress the works to the highway.
- 11 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work. Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974. 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP. Phone: 020 7641 2000, Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 12 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.
- 13 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP , , Phone: 020 7641 3153, (I73CA)

- 14 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)
- 15 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 16 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.
- 17 Conditions 37 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)
- 18 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.

Item No.
1

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

This page is intentionally left blank

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Airwork House, 35 Piccadilly, London		
Proposal	Demolition and redevelopment of existing building to provide a new building comprising two sub-basement levels, ground and eight upper floors. Use of part basement and ground floor for retail (Class A1) purposes and use of part of rear ground floor as for either dual/alternative retail (Class A1) or restaurant (Class A3) purposes, use of the remainder of the building for office (Class B1) purposes. Installation of plant at sub-basement level -2, seventh, eighth and roof level. Creation of a terrace at eighth floor level.		
Agent	CBRE		
On behalf of	The Crown Estate		
Registered Number	17/11171/FULL	Date amended/ completed	19 December 2017
Date Application Received	19 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Regent Street		

1. RECOMMENDATION

1. Grant conditional permission, subject to referral to the Mayor and subject to a S106 legal agreement to secure the following:

- i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
- ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
- iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
- iv. To provide and permanently maintain the servicing of development from One Vine Street;
- v. Carbon offsetting through retrofitting other properties in the Crown Estate portfolio;
- vi. Crossrail payment (currently calculated at £277,000 but will be reduced to approximately £138,384.48 following offset against Mayoral CIL as allowed by the SPG) (index linked)
- vii. An employment and training strategy for the construction phase of the development;
- viii. S106 monitoring costs.

2. If the S106 legal agreements has not been completed within six weeks of the date of the

Committee resolution, 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 and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

Airwork House is an island site bounded by Piccadilly, Swallow Street, Vine Street and Piccadilly Place. There is a bank on the corner of Piccadilly and Piccadilly Place and this covers the majority of the ground floor. There is a retail unit on the opposite corner of Piccadilly and Swallow Street and a restaurant at basement and ground floor level on Piccadilly Place. The site includes an off-street servicing bay, which is used by the restaurant. The upper floors are in use as offices.

The building comprises ground and six upper storeys (including a large plant room) on Piccadilly, stepping down to ground and four upper storeys on Vine Street, with the third and fourth floor set back on the Swallow Street and Piccadilly Place elevations.

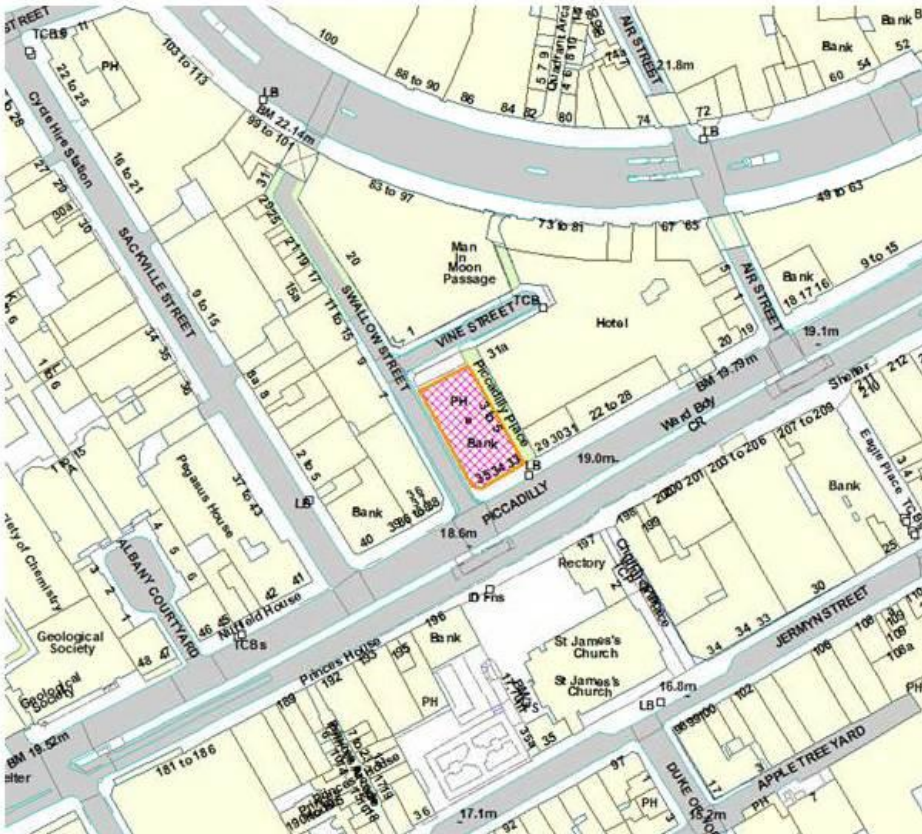
Permission is sought for the demolition of the building and redevelopment to provide a building comprising two sub-basement levels, ground and eight upper floors. The elevations on Swallow Street and Piccadilly Place will be brought forward to the occupy the full building footprint. The two upper floors will be set back from the rear elevation and the eight floor will be set back from the front elevation.

The key issues for consideration are:

- the height, bulk and detailed design of the new building;
- the amenity of neighbouring occupiers;
- the use of residential land use credits to address the increase in office floorspace at the site;
- the loss of the off-street servicing bay and the proposed servicing arrangements.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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

4. PHOTOGRAPHS

Front elevation from Piccadilly



View from Swallow Street looking south towards Piccadilly



View from Vine Street looking towards Swallow Street



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Principle of the application is supported.

- Uplift in office floorspace in the CAZ is strongly supported;
- The design, height, scale and architectural quality of the development is supported;
- The shortfall in carbon dioxide reductions must be provided through either a carbon offsetting payment or offset elsewhere; and
- A suitable location for one disabled person's parking bay to serve the development should be sought.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No objection, subject to appropriate conditions to ensure the quality of architecture and workmanship is ensured.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

ST. JAMES'S CONSERVATION TRUST

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection – loss of public highway on Vine Street

ENVIRONMENTAL HEALTH

Concern over the lack of a full height extract duct.

BUILDING CONTROL

No objection

CLEANSING

No objection

DESIGNING OUT CRIME

Any response to be reported verbally.

TRANSPORT FOR LONDON

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 210

Total No. of replies: 2

No. of objections: 2 raising all or some of the following:

Amenity

- loss of natural light to offices;
- increase sense of enclosure to offices; and
- loss of privacy.

Design

- height of proposed building not in keeping with buildings with the character of the area;
- design of the building is not in keeping with surrounding buildings.

Other

- disruption during building works on businesses in the area;
- loss of trade due to street closures

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Airwork House is an island site with elevations on Piccadilly, Swallow Street, Vine Street and Piccadilly Place. The building comprises ground and six upper storeys (including a large plant room) on Piccadilly, stepping down to ground and four upper storeys on Vine Street, with the third and fourth floor set back on the Swallow Street and Piccadilly Place elevations.

The unit on the corner of Piccadilly and Piccadilly Place is current in use as a bank (Class A2). The unit on Piccadilly/Swallow Street was until very recently used as a bureau de change (Class A2), but is now in use as a retail unit (Class A1). There is a restaurant (Class A3) over the basement and ground floors on Piccadilly Place. The remaining floorspace is used for office (Class B1) purposes.

There is an existing off-street servicing yard, which is located to the rear of the site on Vine Street.

The nearest residential are duplex apartments located over the fifth and sixth floor levels of 83-97 Regent Street. They have windows overlooking Regent Street, but the rear windows face south, but due to curve of Regent Street, they do not directly overlook the site.

The site is located close to the Grade II star listed Piccadilly Hotel which also has a frontage onto Piccadilly Place. The application site can be seen in long views (from the south) over St James's Church, which is Grade I listed.

The site is located within the Mayfair Conservation Area and the Core Central Activities Zone.

6.2 Recent Relevant History

The original building was demolished as a result of significant bomb damage during WW2.

Planning permission was granted in 1949 for the existing building on site, which was erected in 1956.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing building and redevelopment to provide a building comprising two sub-basement levels, ground and eight upper floors. The elevations on Swallow Street and Piccadilly Place will be brought forward to the occupy the full building footprint. The two upper floors will be set back from the rear elevation and the eight floor will be set back from the front elevation.

Basement level -2 will be used as plant rooms and ancillary facilities for the uses on the upper floors. The front part of basement level -1 will be used for retail (Class A1) purposes, with the rear part used for cycle parking, waste and recycling. A substation is proposed to the rear this basement level. The front part of the ground floor will be used for retail purposes and this will have frontages on Piccadilly, Swallow Street and Piccadilly Place. An office entrance is proposed on the corner of Swallow Street and Vine Street. It is also proposed to create a retail or a café unit on the corner of Vine Street and Piccadilly Place.

The existing off-street servicing bay to rear on Vine Street will be removed and the building will be serviced from an existing servicing bay opposite (known as One Vine Street) which is operated by the applicants.

Land use table.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	19	669	+650 (potentially +690)
Retail (Class A2)	675	0	-675
Restaurant	168	0	0
Flexible retail/restaurant (Class A1 or Class A3)	0	40	+40
Office (Class B1)	2,255	4,390	+2,135
Total	3117	5099	+1982

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office use

There is an increase of office floorspace (2,135sqm) as a result of the proposals. City Plan policy S1 seeks to encourage development which promotes Westminster's World

City functions, manages its heritage and environment and supports its living, working and visiting populations. City Plan Policy S20 states that new office development will be directed to the Core CAZ. The proposed increase in office floorspace is considered acceptable.

Mixed use policy

As a result of the proposals there is an increase of net additional floorspace over 50% therefore Policy S1.3 (C) applies. This states that where the net additional floorspace is more than 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

The proposal generates a requirement for 1,200sqm of residential floorspace.

Policy S1.3 (C) goes on to state that the residential floorspace will be provided in accordance with the following cascade:

- i) on-site or in the immediate vicinity of the site;
- ii) off-site, including by mixed use credits on a site in the vicinity of the development site;
- iii) off-site, including by mixed use credits elsewhere within the CAZ, the housing provided must be of a higher quality than would be possible under i) or ii);
- iv) provision of an appropriate payment in lieu to the Affordable Housing Fund, which would equate to £2,793,280.

The applicants have stated that the provision of residential floorspace on-site would compromise the proposed office and retail uses. The addition of a second access and core for the residential accommodation would impact on the quality and efficiency of the office floorplates. The second access and core would also result in the removal of the flexible retail/café unit, which is considered to benefit the scheme. The applicants have drawn up the potential residential scheme on-site and this would provide two-2 bedroom units on site over the 7th and 8th floor level. However, they have concluded that the inclusion of residential floorspace would compromise the efficiency and quality of the proposed offices.

The arguments put forward by the applicants are accepted.

Points ii) to iii) will be addressed below.

Residential credit – Morley House (314-322 Regent Street)

Planning permission was granted in April 2016 for the demolition and redevelopment behind retained Regent Street and Little Portland Street frontages to provide retail and 44 residential dwellings. This scheme has not been implemented, but will provide 4,413sqm of new residential floorspace, it also included the loss of 4,203sqm of office floorspace.

It was resolved that 442sqm (GEA) of the residential accommodation would be used to provide the residential accommodation arising from the commercial development at 5-9 Cork Street and 12-14 New Bond Street. The remaining residential floorspace can be used to address Westminster's mixed use policy requirements that may arise from future

commercial development schemes (effectively a residential credit) subject to the following parameters:

1. The credit would last for seven years from the date of grant of planning permission for the residential redevelopment of Morley House;
2. The credit can be used in relation with not more than five individual commercial redevelopment schemes;
3. The credit can only be used in connection with a commercial redevelopment scheme where The Crown Estate is the applicant and/or freeholder of the site this relates to; and
4. The credit can be used in relation to an application relating to a property within the vicinity of Morley House.

In addition to the above, it was also resolved that:

5. As well as the residential credit to offset commercial increases elsewhere, the Council will factor the proposed loss of office floorspace at Morley House into any calculations that establish a residential requirement arising from other future commercial schemes.

The applicants have stated that the total amount of credit available to them is 8,616sqm, which is based on the creation of 4,413sqm of new residential floorspace, together with the loss of 4,203sqm of office floorspace at Morley House.

As mentioned above, 442sqm (GEA) of the credit has already been used. As City Council polices now relate to GIA floorspace measurement, this figure reduces to 398sqm, therefore resulting in 8218sqm of residential credit remaining.

The uplift in office floorspace is 1,200sqm and Policy S1.3 (C) ii) states that the required residential floorspace can be provided by mixed use credits in the vicinity of the site. The applicants have requested that the residential credit is used to address the uplift at the application site. It is considered that the application site is in the vicinity of Morley House and therefore this approach is acceptable.

The Morley House credit was agreed prior to the adoption of the credits policy (policy CM47.2). However, it is considered that the use of credits for this scheme complies with City Plan policy and will be secured via S106.

Financial and professional floorspace

There is an existing bank (Class A2) located on the corner of Piccadilly and Piccadilly Place. There are no policies within the UDP or City Plan that seek to protect financial and professional uses where it is being replaced by a use which will serve residents, workers and visitors. The loss of the A2 floorspace is acceptable.

Restaurant floorspace

There is an existing restaurant (Class A3) comprising 168sqm, over basement and ground floor level. The entrance to the restaurant is via Piccadilly Place. There are no policies protecting restaurant floorspace.

The proposal includes a flexible retail or restaurant use comprising 40sqm, therefore if this unit is implemented as a restaurant use, there would be a loss of 128sqm of Class A3 floorspace.

It is likely that the flexible unit would be utilised as a café, with a limited number of covers. A full height extract duct is not proposed, and therefore a condition to prevent primary cooking is recommended. Due to its location, the café is likely to serve visitors and workers in the area and therefore the hours of operation is limited to 07.00 – 21.00 each day. The loss of restaurant floorspace is considered acceptable.

Retail floorspace

The proposal introduces retail floorspace over part basement and ground floor level. City Plan policy S6 encourages retail floorspace throughout the Core CAZ. The proposed retail unit comprises 669sqm over the basement and ground floor levels. The proposed shopfront will provide active frontages on Swallow Street, Piccadilly and Piccadilly Place and it is considered this will help enliven these streets and encourage pedestrian movement.

8.2 Townscape and Design

Demolition

The existing building dates from the post war period and is not of particular interest. It is similar in design to the building on the west side of Swallow Street and together they create a balanced entrance to the street from Piccadilly. It is considered to make a neutral contribution to the character and appearance of this part of Piccadilly and the Mayfair Conservation Area. Therefore, in accordance with the City Council's urban design and conservation policies and the NPPF, demolition could be acceptable provided that the proposed building preserves or enhances that character and appearance.

The building is immediately to the west of Norman Shaw's Piccadilly Hotel, 21-31A Piccadilly, a grade 2 star listed building, and to the east of 39-40 Piccadilly, listed grade 2, and so is within their setting. It is also within the setting of St James's Church, a grade 1 listed building and 196 Piccadilly, a grade 2 star listed building.

The proposed building

Height and bulk

The proposed building is nine storeys high, a significant increase on the existing. The Piccadilly facade has a parapet line approximately half a storey above the existing parapet. It is at roof level that the main increase in bulk occurs. The first roof storey is set back behind the parapet and takes a curving form. The second roof storey is set back approximately 12 metres from the Piccadilly facade.

In views along Piccadilly from the west the top floor (eighth) is not visible. From the east the lower roof storey (seventh) is only just visible and the top floor is not visible at all, as it is hidden behind the gable of the hotel. In long views southwards along Regent Street, the building is not visible above the Regent Street roofline. These impacts are all considered acceptable. The main visual impact of the roof storeys is on views from the south, from Jermyn Street and St James's Square. In the latter view the roof storeys

are visible above the ridge of St James's Church. This causes some harm to the setting of the church. It is not considered that the proposal causes harm to the settings of the other listed buildings in the area.

On Vine Street the existing building is only five storeys high and so there is a very substantial increase in height here, but the proposed height is similar to the rear of the hotel immediately to the east. In this context the proposed massing is acceptable.

Design

The proposed façade to Piccadilly comprises a series of arched bays. The base of the façade is two storeys high, above which are semi-circular openings and then a three storey section of tall arched bays. The semi-circular openings reappear at sixth floor level. The corners of the façade would be curved on plan at the base and sixth floor, but the façade features a re-entrant angle on the intermediate floors (second to fifth). The facades have a carefully considered balance of horizontal and vertical emphases, with defined base, middle and top, characteristic of more traditional buildings in Piccadilly. The horizontals align approximately with the horizontal elements of the hotel façade adjacent.

Although the application is not explicit with respect to the choice of facing stone, it is considered essential that the Piccadilly and Swallow Street façades are clad in natural Portland stone. This is because natural Portland stone is the stone which characterises Piccadilly and Regent Street, and indeed the West End as a whole. On Vine Street and on Piccadilly Place precast stone cladding (also known as reconstituted stone) is to be used. In conservation area terms this is an inferior cladding material and is only considered acceptable because these are secondary facades which have a lesser impact on the character and appearance of the conservation area. The façades feature vertical stone 'fins' which extend over the window openings appearing to act as stone mullions. These give the façades an appropriately significant degree of modelling and richness. The façades will be illuminated at night with discreet light fittings.

The base of the building comprises double storey arched openings. At ground floor level, the building has bronze finished metal shopfronts and active uses on Piccadilly and Swallow Street. On Piccadilly Place the retail unit has a two bay frontage but inevitably much of the façade is taken up with servicing, creating a rather dead frontage. The façade is clad in horizontal metal fins, finished light grey. The design treatment reflects that of the roof (see below).

There is a small adjustment of the building line on Piccadilly, in order to create a symmetrical façade. This is considered acceptable in architectural and urban design terms as it allows the creation of a better facade composition, without detriment to the public highway overall.

The roof level comprises two storeys. The lower storey has a curved profile made with horizontal fins, light grey in colour, which hide partially the glazing behind. The fins are irregularly spaced to allow views out, but also give the roof a degree of solidity when viewed from street level. The glazing is to incorporate fritting (ceramic dots permanently fused onto the glass surface) which will increase opacity and reduce reflectivity. The rear of the roof space is occupied by plant.

Conclusion

It is considered that the proposed replacement building is of high design quality, carefully composed and detailed, using materials appropriate to its context. It is clearly modern, but makes reference to more traditional commercial buildings in the West End. It will make a positive contribution to, and will enhance, the character and appearance of Piccadilly and the Mayfair Conservation Area. The proposed building is considered to cause some harm (less than substantial harm) to the setting of St James's Church when viewed from the south.

That harm has to be set against the public benefits of the scheme, whilst paying special regard to the preservation and enhancement of the character and appearance of the conservation area and the preservation of the settings of adjacent listed buildings including the design qualities of the new building. It is considered that overall the benefits of the new building and its contribution to the conservation area outweigh the harm identified, and the scheme as a whole is acceptable in urban design and conservation terms. It complies with the City Council's policies including S25 and S28 of the City Plan, and DES 1, DES 4, DES 9 and DES 10 of the Unitary Development Plan.

Archaeology

The site lies within the Tier 2 Archaeological Priority Area of 'The Great Estates' with the potential for post-medieval remains of former structures and possibly earlier remains including prehistoric finds within the natural gravels. As the proposal includes an additional basement level, a stage programme of archaeological work is recommended. Historic England have commented that the proposal is likely to cause harm to archaeological interest, but not sufficient to justify refusal of planning permission provided that a condition requiring an investigation be undertaken.

8.3 Residential Amenity

The nearest residential properties are located to the north of the application site over the fifth and sixth floor levels within 87-93 Regent Street. The flats are dual aspect with windows overlooking Regent Street and sixth floor windows facing south. As the flats are located within the part of the building that follows the natural curve along Regent Street, the rear windows do not directly overlook the application site. A daylight and sunlight report has not been submitted with the application, however as the flats are 45m away from the application site, it is not considered that the proposal will have an adverse impact on daylight and sunlight levels to these windows.

General Amenity

UDP Policy ENV13 is primarily designed with regard to residential accommodation; the City Council may apply them to other uses, such as schools and other activities where loss of daylight/sunlight, sense of enclosure and overlooking may prejudice the present use of the premises.

St James's Church is located to the south of the application site. It is set back from the road by an open courtyard. Due to its positioning south of the site, it is unlikely that there will be an unacceptable impact to the daylight levels within the church.

An objection has been received from the office occupiers of the fourth floor of 36-38 Piccadilly, on the grounds that the new building will have on natural light and increase sense of enclosure and loss of privacy. The objectors windows are at the same level of the fourth floor windows in the application site on the Swallow Street elevation. Beyond the application site is the taller Piccadilly Hotel, which comprises nine upper floors (above ground floor). The proposed building will be lower than the Piccadilly Hotel, therefore as the new building will be set within the outline of the larger hotel building it is not considered that there will be an adverse impact on natural light. The objectors property and the application site are separated by Swallow Street and although the proposed building will be taller, it is not considered that there will be an increase sense of enclosure to the office windows where the same relationship between the buildings exists on the lower floors. There is already mutual overlooking between the office windows, and although there will be new windows at fifth floor level and above, it is not considered that this will lead to an increase overlooking to an unacceptable degree to justify refusing the application.

8.4 Transportation/Parking

Servicing

The existing off-street servicing bay to the rear of the site in Vine Street will not be replaced. The bay is only used by the existing restaurant use and only one vehicle at a time can be accommodated due to space constraints. There are four deliveries per day to the existing bay. City Plan policy S42 and UDP policy TRANS20 require off-street servicing and the Highways Planning Manager has objected to the proposal on these grounds.

The applicant proposes to service the building from an existing off-street servicing facility at One Vine Street, which is opposite the application site. This facility was constructed as part of redevelopment proposals in 2005/6, (One Vine Street) and was designed to accommodate deliveries and servicing for the retail, office and residential uses within the One Vine Street development. The servicing yard also accommodates waste from Le Meridien Hotel and the restaurants in Swallow Street. One Vine Street provides space for two large goods vehicles, and one 7.5T vehicle, alongside waste storage and recycling equipment including compactors and balers. The applicants have stated that 20 vehicles visit the servicing yard per day (the yard is open 24 hours a day) and they predict that the proposed development will generate two additional servicing vehicles per day.

It is considered that servicing from the application site can be accommodated within One Vine Street. However, there are no details relating to how goods will be transported from the building to the servicing yard and vice versa. The submitted draft Servicing Management Plan (SMP) is not sufficiently detailed and it is considered that an updated SMP be secured by condition. It is also considered necessary to secure the use of One Vine Street for the servicing of the application site via S106.

Changes to the boundary lines

The existing boundary line to the rear on Vine Street is not straight and it is proposed to straighten this elevation. However, this results in the loss of highway of 0.25m increasing to 0.8m. The Highways Planning Manager has objected to this alteration as it will reduce the footway width to below the 2m minimum width and therefore have an impact on

pedestrian safety. This is noted, however, Vine Street is not a busy thoroughfare and there will still be space between the proposed building and the road. The Highways Planning Manager has also stated that the existing highway layout in Vine Street is not ideal and it is likely that bollards to protect the new building and pedestrians will be required. The applicants accept this statement, but have stated that there are existing bollards, which will be relocated, and the impact on the highway will be negligible.

The loss of public highway is regrettable, but the benefits the proposed building and proposed uses will have on this part of the Mayfair Conservation Area are considered to outweigh this harm.

Cycle parking

Cycle parking is provided over the basement levels, 48 spaces are proposed. The Highways Planning Manager has raised concern as the submitted drawings appear to only show 29, the applicants have confirmed that the cycle spaces will be double stacked, therefore the number proposed is in line with London Plan policy.

Transport for London and the GLA have advised that short stay cycle parking should be provided for those people using the building. The applicants have confirmed that they are investigating locations for short stay cycle spaces near the site and within the wider Crown Estate portfolio.

The GLA have also commented that the proposal is not in line with the draft London Plan and the applicant should work with the City Council to identify a location for one disabled person's parking bay to serve the development.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided to all the proposed uses from pavement level. Lift and stairs access is provided to the basement and upper floors.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed at basement level and at 7th and 8th floor level. The plant is likely to comply with the City Council's standard noise conditions, however as the plant has not been chosen a supplementary noise report is secured by condition.

A substation is proposed at sub-basement level, the applicants have stated that they have negotiated the location with UKPN and this is considered acceptable.

Sustainability

The London Plan requires non-domestic building to be 35% below Part L 2013 of the Building Regulations.

The submitted documents indicate that the non-domestic elements of the proposal will be 23.3% below Part L 2013 of the Building Regulations. To address the shortfall the applicants are willing to address the shortfall elsewhere in their estate's portfolio, this is compliant with the Mayor's guidance and will be secured by a legal agreement.

The submitted Sustainability Statement indicates that the new building will achieve a BREEAM Excellent rating for the office part of the development and a rating of Very Good for the retail element. This is welcomed and secured by condition.

In terms of on-site renewables, photovoltaic panels are proposed at roof level, and these will be secured by condition.

8.8 London Plan

The application is referable to the Mayor of London as the building will extend over 30m. The Stage 1 report strongly supports the proposals. However, there are elements of the scheme that do not fully comply with the London Plan and draft London Plan, but these have been addressed in the relevant sections of the report.

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:

- i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
- ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
- iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
- iv. To provide and permanently maintain the servicing of development from One Vine Street;
- v. Carbon offsetting through retrofitting other properties in the Crown Estate;
- vi. Crossrail payment (currently calculated at £297,000 but will be reduced to approximately £158,204.48 following offset against Mayoral CIL as allowed by the SPG) (index linked);
- vii. An employment and training strategy for the construction phase of the development; and
- viii. S106 monitoring costs.

The estimated CIL payment is : £482,471.53 (£139,095.52 to Mayors CIL and £343,376.01 to WCC CIL).

8.11 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Basement

The proposal includes excavation to create an additional sub-basement level under application site. City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, as the site is located within the Core CAZ, the excavation of more than one basement level complies with this section of the policy.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

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.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, 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.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. 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.

Flood Risk

The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be low.

Construction impact

An objection has been received to the impact of the construction and the associated noise/dust and disruption and the impact on the highway. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objector about the construction process are fully addressed.

9. BACKGROUND PAPERS

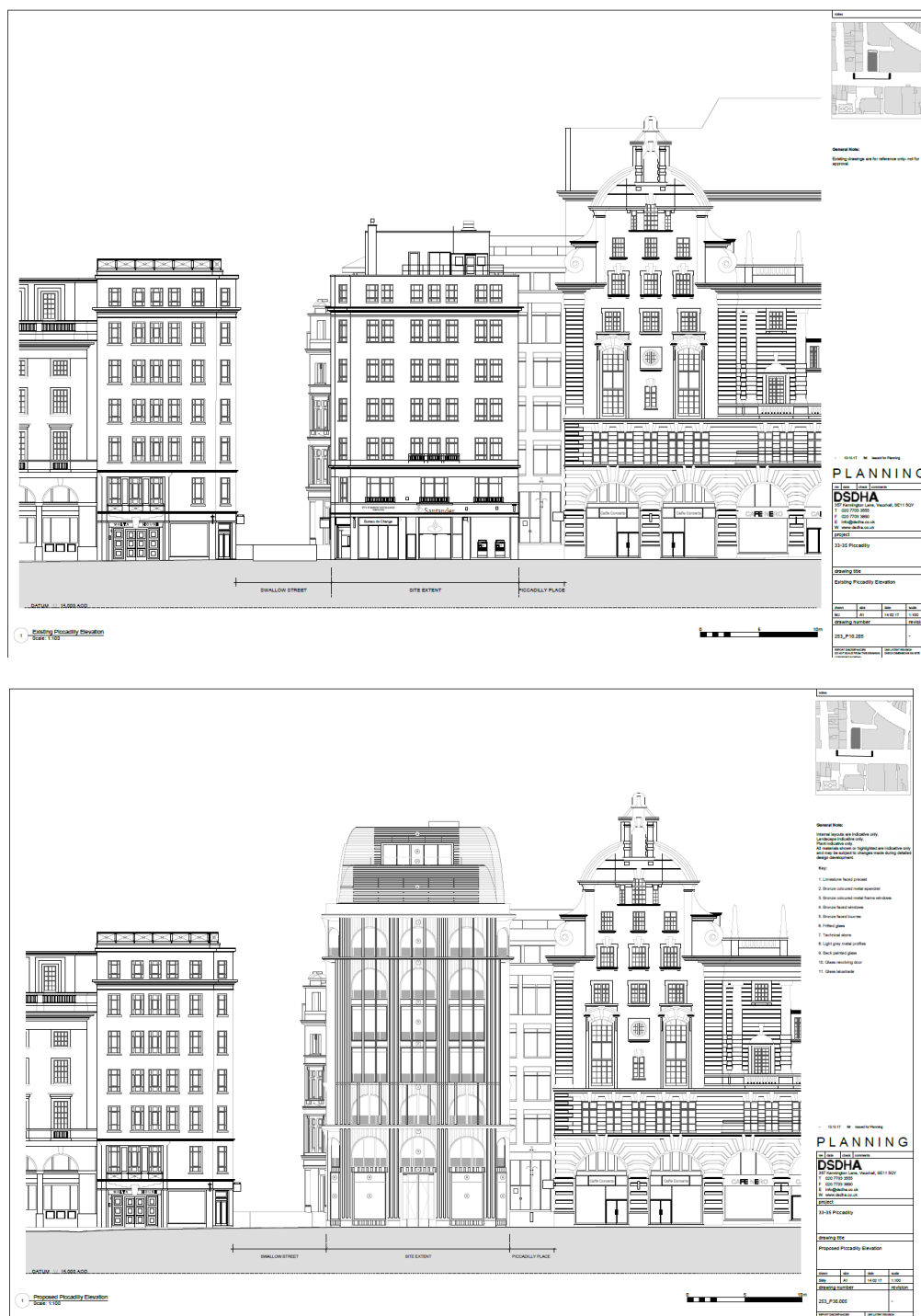
1. Application form
2. Response from the Greater London Authority, dated 5 March 2018
3. Response from Transport for London, dated 2 February 2018
4. Response from Historic England (Listed Builds/Con Areas), dated 12 January 2018
5. Response from Historic England (Archaeology), dated 31 January 2018
6. Response from Environmental Health, dated 9 January 2018
7. Response from Cleansing, dated 12 January 2018
8. Response from Building Control, dated 19 January 2018
9. Response from Highways Planning Manager, dated 28 February 2018
10. Letter from occupier of 3-5 Swallow Street, dated 8 January 2018
11. Letter from occupier of 36-38 Piccadilly, London, dated 24 January 2018

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

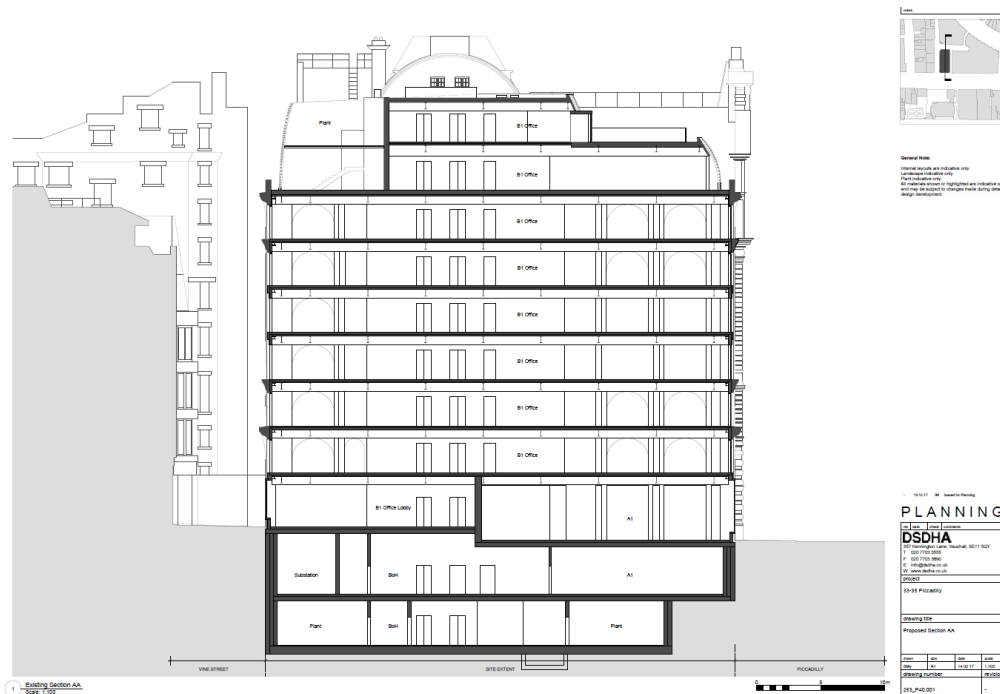
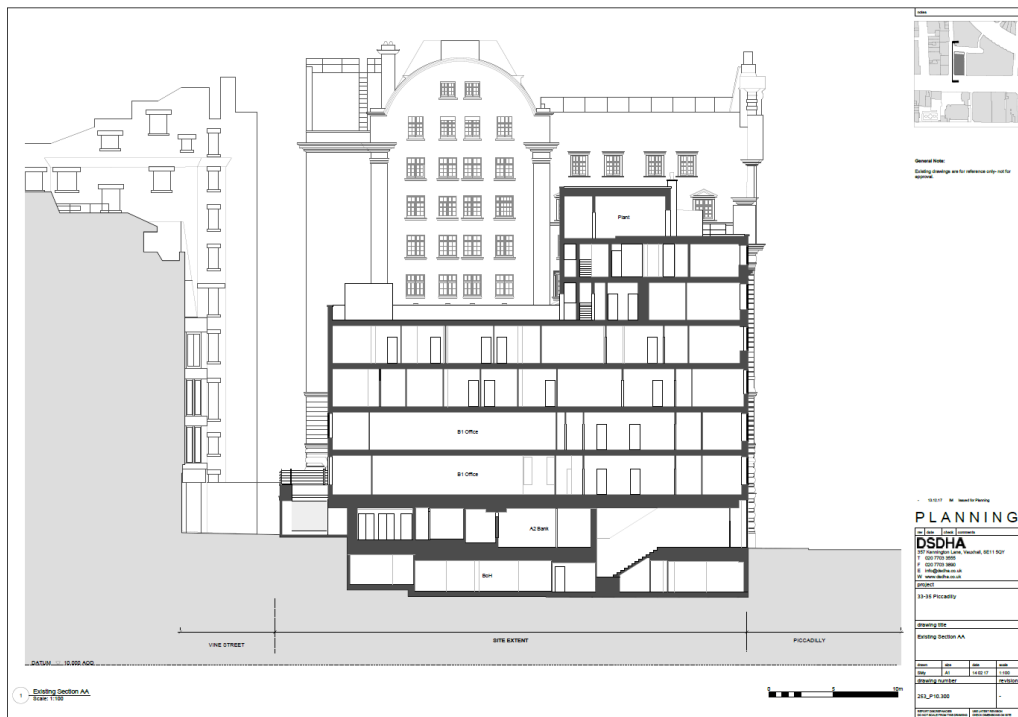
10. KEY DRAWINGS

Existing and Proposed Piccadilly elevation.



[illegible]

Existing and Proposed Section



DRAFT DECISION LETTER

Address: Airwork House, 35 Piccadilly, London, ,

Proposal: Demolition and redevelopment of existing building to provide a new building comprising two sub-basement levels, ground and eight upper floors. Use of part basement and ground floor for retail (Class A1) purposes and use of part of rear ground floor as for either dual/alternative retail (Class A1) or restaurant (Class A3) purposes, use of the remainder of the building for office (Class B1) purposes. Installation of plant at sub-basement level -2, seventh, eighth and roof level. Creation of a terrace at eighth floor level.

Reference: 17/11171/FULL

Plan Nos: 253_P20.001, 253_P20.100, 253_P20.101, 253_P20.102, 253_P20.103, 253_P20.104, 253_P20.105, 253_P20.106, 253_P20.107, 253_P20.108, 253_P30.001, 253_P30.002, 253_P30.003, 253_P30.004, 253_P30.005, 253_P30.006, 253_P30.007, 253_P30.008, 253_P40.001, 253_P40.002, Structural Method Statement (INFO ONLY)

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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. Natural Portland stone shall be used for the Piccadilly and Swallow Street facades. 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)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development.

1. Typical façade details at all levels
2. Roof storeys
3. Shopfronts.

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)

- 4 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)

- 5 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)

- 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 (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.

- 8 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.

- 9 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 7 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.

- 10 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)

- 11 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.

- 12 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 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)

- 13 In the event a restaurant (Class A3) is implemented within the unit on the north-east corner of the site (as shown on plan 253_p20.102), you must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 14 In the event a restaurant (Class A3) is implemented within the unit on the north-east corner of the site (as shown on plan 253_P20.102), you must not allow more than 15 customers into the property at any one time.

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 TACE8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 15 In the event a restaurant (Class A3) is implemented within the unit on the north-east corner of the site (as shown on plan 253_P20.102), customers shall not be permitted within the restaurant premises before 07.00 or after 21.00 hours each day.

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 TACE8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 The floorspace identified as 'retail' on the approved drawings shall only be used for that purpose but not as a foodstore(s) or supermarket(s).

Reason:

To ensure maximum retail provision is made of the appropriate type that does not involve the use of large delivery vehicles which cannot be accommodated within the servicing yard at One Vine Street and may block surrounding streets. This is in accordance with policies S21 and S41 and S42 of our Westminster's City Plan that we adopted in November 2016 and STRA25, SS4, TRANS20 and TRANS21 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must apply to us for approval of details of the following parts of the development:
- servicing management plan which clearly sets out how the development will be serviced, including how goods will be transported from the servicing bay to the development. 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 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)

- 18 You must provide the photovoltaic panels as shown on drawing 253_P20.108

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)

- 19 You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating for the office part of the proposals and 'very good' rating for the retail part of the proposals. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 20 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included in the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and , A. The programme and methodology of site investigation and recording and the nomination of a competent person (s) or organisation to undertake the agreed works, B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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)

- 21 You must provide the waste store shown on drawing 253_P20.101; before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the waste store. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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 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
 - i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
 - ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
 - iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
 - iv. To provide and permanently maintain the servicing of development from One Vine Street;
 - v. Carbon offsetting through retrofitting other properties in the Crown Estate portfolio;
 - vi. Crossrail payment (currently calculated at £277,000 but will be reduced to approximately £138,384.48 following offset against Mayoral CIL as allowed by the SPG) (index linked),
 - vii. An employment and training strategy for the construction phase of the development;
 - viii. S106 monitoring costs. (I55AA)

- 3 In relation to Condition 20, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professional 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.

- 4 In relation to Condition 17, 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. 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 (ie set out how the occupant is expected to service the unit/s). A supplier instructions sheet is a helpful part of the SMP.

- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor unit on the north-east corner of the development can change between the retail (Class A1) and restaurant (Class A3) 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)
- 6 With reference to condition 5 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention
- 7 Under condition 13 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment., , If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts. (I72AA)
- 8 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.

Item No.
2

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.

This page is intentionally left blank

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 March 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1-18 York Terrace East, London, NW1 4PT,		
Proposal	Use of buildings as 28 residential units (Class C3) including 26 flats and two single dwelling houses; removal and replacement of roof, floors, non original stairs; retention of all facades and spine walls and reinstatement of the properties as individual dwellings; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park.		
Agent	Savills		
On behalf of	c/o agent		
Registered Number	17/06973/FULL & 17/06974/LBC	Date amended/ completed	15 February 2018
Date Application Received	4 August 2017		
Historic Building Grade	Grade I		
Conservation Area	Regent's Park		

1. RECOMMENDATION

1) Do Members consider that the revised applications for 26 flats and 2 houses address their concerns with regard to;

- i) the failure to optimise the use of the buildings
- ii) the failure of the applicant to justify the loss of the existing student accommodation and
- iii) the lack of affordable housing on site
- iv) The benefits of the revised proposal now outweigh the less than substantial harm to these Grade I listed buildings.

2) Subject to the 1) above, if Committee agrees these concerns have now been addressed resolve to grant conditional permission subject to the satisfactory completion of a legal agreement to secure the following

a) Provision of 44 affordable housing units at Chesterfield Lodge via the implementation and completion of planning permission dated 30th January 2017(reference 16/00492/FULL).

b) Agreement to the following phasing:

o The proposed development at 1-18 York Terrace East will not be occupied until the development at Chesterfield Lodge is completed.

c) Any under-spend from the £15million cost as set out in the Cast Cost Plan for Chesterfield Lodge will be given to the Council's affordable housing fund

d) Designation of 28 car parking spaces within the basement level car park located beneath 24-41 York Terrace East, for use by residents of the proposed development for the lifetime of the development.

e) An employment and training strategy for the construction and operational phase of the development.

f) S106 monitoring costs.

3) If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, 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.

4) Subject to 1), grant conditional listed building consent.

5) Agree the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter.

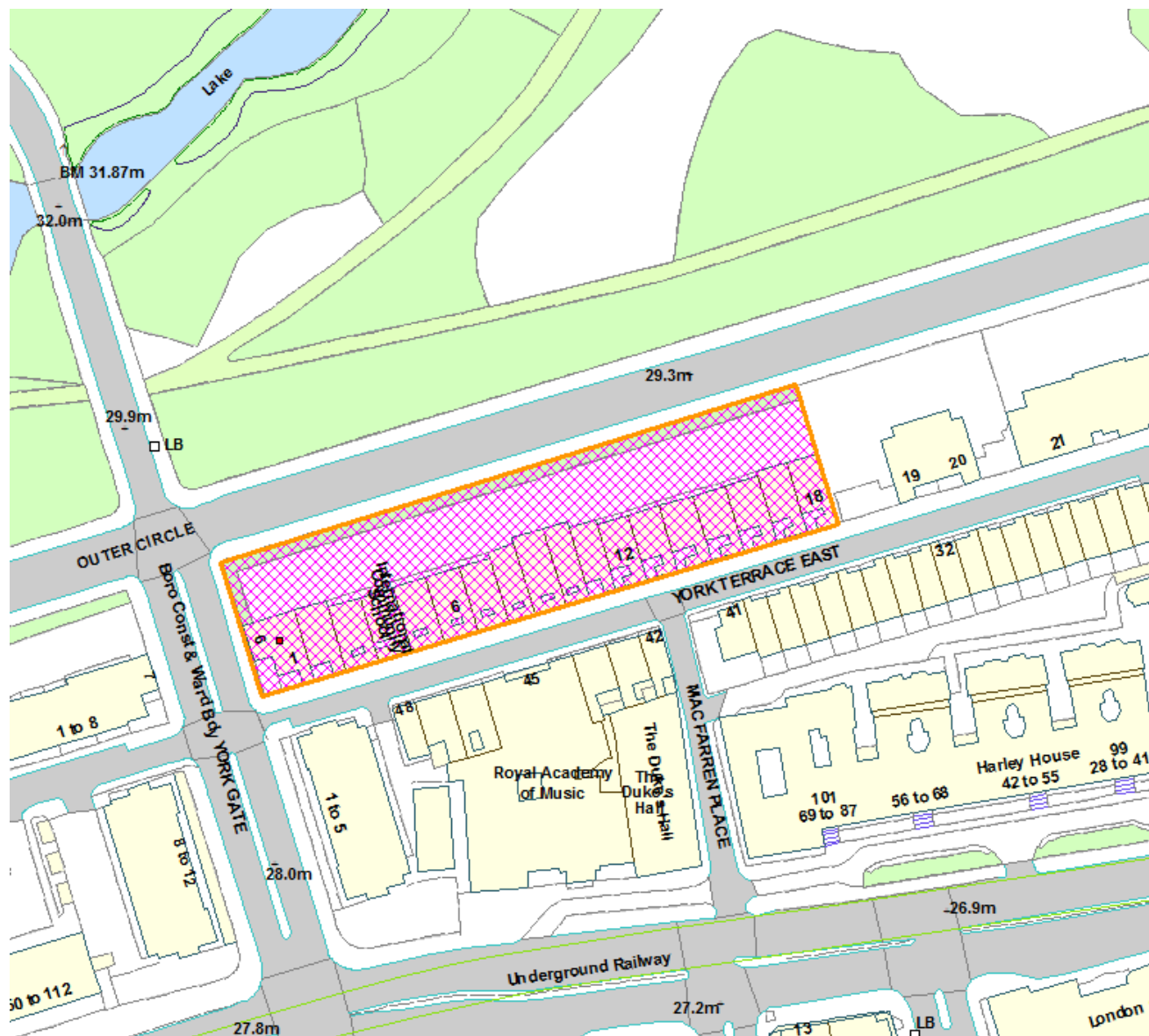
2. SUMMARY

A proposal to convert these buildings into 13 townhouses was presented to Sub-Committee on 23rd January 2018. Members resolved that the scheme was unacceptable as it failed to provide on-site affordable housing (our consultants had indicated that 17.3% was viable), failed to maximise the useage of the site as all the units proposed were large dwellings; and the applicants had failed to justify the loss of the student accommodation. Members also considered that in respect of the applicant's original offer to pay for the redevelopment of Chesterfield Lodge to provide 44 affordable housing units offsite and a payment in lieu of £7.6million was not an acceptable alternative. Members advised the applicant to consider amendments within two months of the Committee resolution to address their concerns and advised that if they failed to do so, the applications were to be refused under delegated powers.

The applicant has revised scheme and now proposes 26 flats and two houses. The applicant still states that it is not viable to provide any on- site affordable housing, but they maintain their offer to pay for the construction of 44 affordable housing flats at Chesterfield Lodge. The applicant has also provided further information to justify the loss of the student accommodation.

The applications are therefore reported back to committee for consideration.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



Aerial view of application site as seen from north (over Regents Park)



Subject site as seen from York Terrace East

5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED AFTER REPORT FOR 23 JANUARY 2018 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS PRIOR TO THE COMMITTEE MEETING (BLUES)

St Martins in the Field Almshouse Charity

Letter in support of applications proposal to provide 44 new units at Chesterfield Lodge.

LATE REPRESENTATIONS RECEIVED AFTER REPORT FOR 23 JANUARY 2018 MEETING WAS PUBLISHED AND CIRCULATED TO MEMBERS AT THE COMMITTEE MEETING (REDS)

Two further letters on behalf of the applicant in support of application and the affordable housing package offered, including emails from two registered housing providers stating that they would not take on a property with the limitations outlined by the applicant.

REVISED SCHEME CONSULTATION (26 Flats and 2 houses)

WARD COUNCILLORS FOR REGENT PARK

Any response to be reported verbally.

WARD COUNCILLORS FOR MARYLEBONE HIGH STREET

Any response to be reported verbally.

HISTORIC ENGLAND

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

THE ST MARYLEBONE SOCIETY

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

FRIENDS OF REGENTS PARK & PRIMROSE HILL

Any comments to be reported verbally.

CHILDREN'S SERVICES

Any comments to be reported verbally.

LONDON UNDERGROUND

No comment

TRANSPORT FOR LONDON

Provision of 28 car parking spaces excessive in an area with excellent PTAL rating contrary to London Plan. Cycle storage area at lower ground floor level is neither convenient nor accessible.

Item No.
3

CROWN ESTATE PAVING COMMISSION

Any response to be reported verbally.

THE GEORGIAN GROUP

Any response to be reported verbally.

THE VICTORIAN SOCIETY

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

No objection

CLEANSING

No objection subject to condition requiring details of waste storage provision.

ARBORICULTURAL SECTION

Construction Management Plan is contradictory and unclear in terms of the likely impact on

HIGHWAYS PLANNING

Objection if off-site car parking provision in the vicinity is associated with existing residential units resulting in the loss of spaces contrary to TRANS23. Proposal would be policy compliant if no parking provided because on street parking occupancy is below the specified threshold.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 482

Total No. of replies: 3

No. of objections: 2

No. of letters of support: 1

The letter of support is from the St Martin-in-the-fields Almshouse Charity on the grounds that the revised proposal would enable the delivery of affordable housing at the Chesterfield Lodge site.

Two objections on the following grounds;

Land Use

Object to change from previous proposal of 13 houses to large number of unsuitable flats.

Transport/Parking

Proposal puts extra strain on already limited street parking available for other residents on the street.

Increased number of flats would add congestion in terms of cars and deliveries in Regents Park.

Other Matters

Should be in interests of Westminster to attract users who will pay maximum taxes with minimum services requirement.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

See original report.

6.2 Recent Relevant History

See original report.

7. THE PROPOSAL

Following the resolution of the Committee on 23 January 2018 the applicant has made amendments to the scheme. Revisions now propose to convert these listed buildings into 26 flats and 2 houses. This involves changes to the proposed internal layout to subdivide the properties. The extent of basement excavation remains the same as does the external alterations and roof alterations proposed.

Table 1: The existing and proposed uses are set out in the table below:

	Existing Floorspace (sqm GIA)	Proposed Floorspace (sqm GIA)	Change (+/- sqm GIA)
Private School	672	0	-672
Rotary Club	218	0	-218
Student Accommodation	7,150		-7,150

Residential	0	10,248	+10,248
Total	8,040	10,248	+2,208

The size and mix of the proposed residential units is set out below:

Table 2 : Residential Mix

Unit No	No. of Bedrooms	Floorspace (sqm GIA)
1	3	443
2	2	423
3	2	163
4	2	153
5	2	319
6	2	118
7	2	119
8	1	57
9	1	56
10	1	55
11	2	140
12	2	140
13	2	109
14	2	114
15	2	114
16	1	60
17	3	202
18	3	263
19	4	648
20	2	105
21	3	290
22	3	310
23	3	444
24	3	511
25	4	661
26	3	478
27	5 (house)	1147
28	5 (house)	923
Common circulation and amenity	n/a	904

The current proposal involves a slight reduction in floorspace (10,248sqm whereas the previous committee report a total floorspace of 10,318sqm (GIA) which is a result of the conversion to a flatted scheme.

No on-site car parking is proposed. However, the applicant still proposes using 28 spaces in the basement level car park beneath 24-41 York Terrace East for the proposed units.

No on-site affordable housing is proposed as the applicant states it is not viable. The applicant is repeating their offer to pay for the construction of 44 off-site affordable units at Chesterfield Lodge St John's Wood Terrace. The redevelopment of this property to provide 44 affordable flats has been granted under application ref: 16/00492/FULL.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Student Accommodation

Most of the building is currently in use as student accommodation operated by "International Students House" (ISH) which is a charitable organisation that offers accommodation at below market rates for British and International Students.

The City Plan specifies that student accommodation is a form of specialist housing and that it will be protected under policy S15. Similar protection is also afforded under policy H6 of the Unitary Development Plan which states that permission for changes of use from hostels (including student accommodation) will only be permitted where it is surplus to the requirements of the existing operator and there must be no demand from another organisation for a hostel in that location.

The applicant has indicated that ISH have decided to move because of their current leasehold arrangement, the listed nature of the building and the significant cost of refurbishing and maintaining this property. ISH advise that their interests be better served by selling the property and applying the proceeds to acquiring a replacement property, which could provide a greater number of student accommodation units at a modern standard. The applicant contends that ISH's reasoning would apply to any other hostel provider.

The Planning Applications Committee of the 23rd January 2018 resolved that the applicant had failed to justify the loss of the existing student accommodation use, contrary to policy S15.

The applicant has stated that since that Committee they have engaged further with ISH and been provided with information relating to the marketing campaign and eventual sale of the property. The applicant has produced a letter from Knight Frank, the agents appointed by ISH to market the property, to support their justification for the loss of the student accommodation use (This letter is included as background paper No.3).

This letter states that it would have cost at least £21m to refurbishing the existing accommodation and more than double that amount to deliver economically viable student accommodation largely due to the listed nature of the buildings. The letter also states that as the property was held on a 52- year lease and therefore a significant payment would need to be made to the Crown Estate to extend the lease. As a result of these factors, ISH decided to dispose of the property and re-invest in a purpose built freehold student block.

Knight Frank also state in their letter that they consulted with their specialist student housing and institutional teams whose feedback was that the property would not be suitable for a student (accommodation) buyer because the property is not purpose built for this use, the significant cost of refurbishing and maintaining a listed building and complications with negotiating a lease extension. Although Knight Frank state that informal conversations were had with key operators, investors and developers in the market of student or institutional buyers echoed these issues.

Knight Frank states that no open marketing process took place with regard to the building because ISH wished to explore a discreet sales process, which did not jeopardise the ability for the business and property to function as normal.

Members are asked for their views as to whether the additional information provided by the applicant addresses their earlier concerns about the lack of justification for the loss of the protected student accommodation and in the light of the fact that more housing is provided on site.

Loss of Social and Community Use

Members on 23rd January 2018 raised no land use objections to the loss of the small rotary club and nursery school.

Proposed Residential use

The Committee considered that the earlier proposal for 13 houses failed to optimise the use of these buildings, contrary to policy S14 of the City Plan. The amended proposal involves over double the amount of units as 28 are proposed (an increase in of 15), in the form of 26 flats and 2 houses. The applicant contends this is the maximum amount of units, which can be viably provided on site.

All units meet the nationally described minimum space standard. There remains a number of very large units including a 1147sqm (GIA) and a 923sqm (GIA) 5 bedroom house. The largest unit is still 8.5 times the minimum space standard (as specified in the Technical Housing Standards for a 8 person, 5 bedroom house. The two 4 bedroom units are 661 and 648sqm (GIA), the eight three bedroom units range in size from 202sqm to 511 sq.m and a 661sqm (GIA), the twelve two bedroom units from 105 to 423 sq.m (GIA) and the four one bed units from 55 to 60 sq.m (GIA). The density proposed would still fall well below the units per hectare standard in this location, as set out in table 3.2 of policy 3.4 of the London Plan. The lowest density range suggested for a central area with a high PTAL rating of between 4 and 6 such as this is 140-290 units per hectare. The density proposed is 63 units per hectare based on the total site area detailed in the applicants planning statement.

It is however recognised that there has been a significant increase in the number of units proposed by the development (an increase of 15) and this is considered an improvement compared to the originally proposed 13 large townhouses. The applicant claims that any further subdivision could potentially result in compromised units in terms of natural light due to them becoming single aspect. They also put forward the argument that the current subdivision was arrived at by carefully considering the historic fabric of the

building and avoiding the insertion of inappropriate partitions, multiple breaks through the party wall and seeking to retain all the historic staircases.

Members views are sought as to whether the applicants proposed increase in the number of residential units to 28 addresses their earlier concerns in respect of optimisation.

The revised proposal is for 28 residential units comprising 26 flats and two single dwelling houses. 12 of those units are family sized (as shown in the earlier proposals table). Accordingly, the proposed development would satisfy the unit mix requirements of policy H5 of the UDP.

Affordable housing

Members considered that the earlier proposal for 13 houses was unacceptable in light of the Council's affordable housing policy, the applicants offer to pay for the delivery of 44 units at Chesterfield Lodge, and £7.6m payment in lieu was not acceptable.

This revised scheme for 26 flats and 2 houses is required under policy S16 and Council's Interim Guidance Note on Affordable Housing (November 2013) to provide 35% of the total residential floorspace on site (i.e. 3,587 sq.m.). This equates to 45 units affordable units. The applicants state that a flatted scheme or more units is less viable than the originally proposed 13 townhouses and cite that it is not viable to provide any on site affordable provision. They maintain their earlier offer to pay for the delivery of 44 units at Chesterfield Lodge, but the flatted scheme is unable to offer the same payment in lieu due to viability.

The applicants revised viability report has been independently tested, and our consultants, GVA now conclude that the predominantly flatted scheme has reduced the overall value of the site and it is not viable to provide on-site affordable housing.

Officers accept that that in increasing the number of units, this does affect the overall viability and concur that it is not viable to provide on-site affordable housing.

Policy S16 does allow the consideration of offsite provision. In this case, the applicant is offering to pay for the construction of 44 units at Chesterfield Lodge. This scheme for the St Martins in the Fields Charity has already been granted planning permission, and when Committee Members agreed there granted permission were exceptional circumstances to justify this scheme being treated as an affordable housing credit controlled by a memorandum of understanding (MoU). This MoU is valid for 10 years from the Committee resolution.

It is recognised that the applicant's offer to pay for this off site scheme will result in the early delivery of this developed which a single developer will fund. The Chesterfield Lodge development would deliver approximately 3,513 sq.m of floorspace, only slightly less than the policy compliant 35% (3,587 sq.m) required for this proposal. Members' views are therefore sought regarding the acceptability of this off site offer.

8.2 Townscape and Design

It is not proposed to repeat the history and description of the site, or a detailed description of all the works or a detailed assessment of significance, all of which were contained within the original committee report dated 23 January 2018, which is included as a background paper to this report.

The comments below focus on the amended scheme and an assessment of impact on the significance of the affected heritage assets. The important considerations in assessing the proposals are the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant national and local policy context. Section 16 (2) of the Act states that “In considering whether to grant listed building consent for any works the local planning authority or 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 66 states 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 states 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 Chapter 12 with paragraphs 133 and 134 specifically addressing the issues of harm to designated heritage assets, which in the case of this application, the designated heritage assets would comprise the building itself, its neighbouring listed buildings and the Regent's Park Conservation Area.

The main development plan policies of relevance are S25, S28 and CM28.1 of our City Plan; and DES 1, DES 5, DES 6, DES 9 and DES 10 of our UDP.

The Revised Proposals

The revised scheme introduces a greater number of units within the terrace, rising from 13 large houses to 23 units comprising a combination of houses and apartments. In terms of the impact on the listed building, the design changes in the revised scheme are almost entirely confined to an internal re-organisation of the spaces while maintaining a similar level of intervention into the historic fabric. As with the earlier scheme, it is proposed to retain the external facades, the party walls (including chimney breasts), basement vaults and the original staircases and their compartments. It is also proposed to dismantle, retain and re-use the surviving historic roof structures. Otherwise, most of the interior fabric including floor structures and partition walls are to be removed, including sections of the north wall at lower ground floor level, which has been internalised by the 1960s/70s work. The main additional internal changes, within the

current scheme, which will include a number of apartments laid out as lateral units extending across several former houses, are that there will be some additional openings within party walls and there will be some greater subdivision of the floor plans. Thus, a re-instatement of the original historic floor plans would not be achieved. The modern staircases between second and third floors would be removed and not replaced in this revised design. However, historic room proportions will still be re-instated for the most part in terms of room widths to principal floors (in rooms facing the park) and the revised layouts will mean that the proposed new lifts will not in most cases extend to full height and thus will have less interference with the re-instated roof forms.

As with the earlier scheme, in terms of external works/alterations, the principal north-facing palace façade will remain largely unaltered, other than works of repair and refurbishment.

On the rear (south-facing) façade it is proposed to re-position some windows and this relates to correcting modern alterations, so that where new staircases are being located in historic locations, the windows are to be re-positioned to their original half landing positions. Refurbishment of the brickwork to this façade is also proposed to provide a more cohesive appearance. Also on this south façade, it is proposed to restore the primary and secondary entry doors, so that they will once again become useable entrances. The roofs to these lobby structures are to be replaced with large flat rooflights. The courtyards to the side of these entrance lobbies will be rebuilt and incorporate a lightwell to the lower ground floor.

At roof level, it is proposed that all roof finishes and modern structure are removed and that original roof structure is temporarily dismantled. It is then proposed to reform these roofs so that M-profile roofs are re-formed to nos.1, 3, 5, 6, 13, 14, 15, 16 and 17, albeit with a flat platform in the valley to accommodate low-level plant. The roofs of houses 2, 4, 7, 8, 9, 10, 11, 12 and 18 would feature roof terraces behind front and rear pitched roofs, accessed by low-level sliding roof access points. The chimney stacks and pots to the party walls would all be re-instated.

The main enlargement of the terrace is in the form of a basement extension which would be formed beneath all the terrace and extend beneath the north lightwell and under a part of the communal garden (other than to nos.17 & 18, where the basement would only be beneath the house). The construction of the basement will involve the demolition of the northern lightwell, although this is to be re-instated to its existing dimensions.

It is proposed to remove, refurbish and reinstate historic metalwork, including the railings to the communal garden. In the case of the latter a stone plinth would be introduced, to address changes in ground levels. Metal railings would also be introduced to the rebuilt north lightwell, in place of the existing metal grilles.

In terms of the new interiors, the proposals will broadly seek to reinstate historic detailing including replacement historic staircases in places and appropriate Regency detailing with particular emphasis on the houses, where a full hierarchy of historic spaces can be re-created. The detailing to the apartment interiors will include some traditional detailing where appropriate, although final details of such elements will need to be agreed by condition.

Between ground and lower ground floors, the existing stairs are not original and are to be removed and new stone-finished concrete stairs would be re-instated. Where historic handrails survive, these would be re-used and new ones would feature a timber handrail with simple metal balustrades. These stair details would then be matched in the new flight of stairs from lower ground floor to the new basement floor and would continue the stair down.

Assessment of Impact and Design Conclusions

As with the earlier scheme, for the most part the proposals will have a benign or beneficial impact upon the significance of this grade I listed terrace. The fabric and features of highest significance are retained, refurbished and better presented; and even areas of lesser significance, such as the interiors, will be enhanced and benefit from the residential use. The improvements and repair work to the roofscape, the railings and the facades, particularly the treatment of the rear façade will enhance and complement not only the building but also its surrounding Regency townscape. Overall, the scheme offers the potential to secure a long-term sustainable use for the building, alongside conserving its significance.

There will be some harm to significance with the loss of floor structures and some original wall structure, mainly at lower ground floor level. This harm would fall within the category of 'less than substantial' and thus in accordance with the NPPF, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. This weighing exercise must still be undertaken being mindful of the statutory duty to 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.

The applicants have cited numerous public benefits associated with the proposed scheme including the following:

- *“Provision of 28 high quality private residential dwellings which seek to optimise the delivery of residential dwellings within this Grade I listed building*
- *Return of the grade I terrace to its original residential use and reinstatement / retention of numerous historical features;*
- *Comprehensive landscaping scheme based upon Nash’s original vision for this part of the Regents Park Master plan*
- *Provision of 44 off site affordable housing units within close proximity to the application site.”*

While there are numerous enhancements to the buildings, the extent to which these result in public benefits is somewhat ambiguous and some aspects of the interior works are more closely aligned to private benefits and works which would inevitably occur with any refurbishment scheme. Nevertheless, the proposed works of enhancement and refurbishment to the exterior, including repairs to railings, the south-facing façade and the re-instatement of chimney stacks and chimney pots; alongside the re-use of the original entrances to serve a residential use, would certainly amount to a quantum of public benefit.

In circumstances where the proposed scheme is acceptable in land use terms, it is considered, mindful of our statutory duties, that the benefits of the scheme can be regarded as being of sufficient magnitude to outweigh the identified harm. The elements of the terrace which are of the highest significance will be enhanced and many of these enhancements, will also have a beneficial impact upon the Regent's Park Conservation Area and upon the setting of neighbouring listed buildings. As such the proposals are acceptable and in accordance with referenced policy and legislation.

8.3 Residential Amenity

The amended scheme does not involve any changes which would change the impact on neighbouring amenity in terms of loss of light, sense of enclosure, privacy or noise. Whilst it is recognised that this revised scheme is for more residential units, this is not considered to adversely affect the living conditions of nearby residents or adversely affect the character and appearance of this part of the Conservation Area .

8.4 Transportation/Parking

Objections have been received to the amended proposal on the grounds that the additional units will put extra strain on already limited street parking available for other residents on the street and would add congestion in terms of cars and deliveries in Regents Park.

Although no off-street parking is provided on the site itself. The applicant proposes that 28 car parking spaces would be secured at 24-41 York Terrace East. The applicant has confirmed that the car parking spaces do not serve existing residential properties. The car park at 24-41 York Terrace East where the applicant is securing the 18 spaces currently contains 66 spaces of which 35 are currently offered to rent to the student accommodation occupying the application site.

The Highways Planning Manager has confirmed that if these spaces are not attached to existing residential properties then no objection would be raised and the proposal would be policy compliant. Notwithstanding the above the Highways Planning Manager has stated that the proposal would be policy compliant if no car parking were proposed for the new units because the on street car parking spaces in the vicinity are below the 80% occupancy stress level according to the most recent parking survey.

Transport for London have objected to the proposal on the basis that the proposed level of 18 car parking spaces excessive and contrary to policy 6.13 of the London Plan. It is not considered sustainable to refuse the application on this basis, as the provision of 18 car parking spaces would meet the standard set out in local plan policy TRANS 23 of the UDP.

Transport for London have also commented that the proposed cycle parking provision is neither convenient or accessible contrary to policy 6.9 of the London Plan. However, appropriate cycle parking could be secured by condition.

8.5 Economic Considerations

No new issues are raised.

8.6 Access

No new issues are raised.

8.7 Other UDP/Westminster Policy Considerations

See original report

8.8 London Plan

See original report

8.9 National Policy/Guidance Considerations

See original report

8.10 Planning Obligations

The applicant has submitted a revised draft 'Heads' of agreement as set out below

a) Provision of 44 affordable housing units at Chesterfield Lodge via the implementation and completion of planning application reference 16/0492/FULL

b) Agreement to the following phasing:

i) The proposed development at 1-18 York Terrace East will not be occupied until the development at Chesterfield Lodge is completed.

ii) Any under-spend from the £15million cost as set out in the Cast Cost Plan will be given to the Council's affordable housing fund

c) Designation of 28 car parking spaces within the basement level car park located beneath 24-41 York Terrace East, for use by residents of the proposed development

d) An employment and training strategy for the construction of the development.

e) S106 monitoring costs.

If the revised proposal is considered acceptable by Members , the above planning obligations would be secured by a legal agreement.

8.11 Environmental Impact Assessment

The proposal does not require an Environmental Impact Assessment. No changes to the extent of basement excavation are proposed when compared to the previous proposal.

9. BACKGROUND PAPERS

1. Application form
2. Minutes of Meeting with Cabinet Member and Chair of Planning Committee dated 2 November 2017
3. Letter from Knight Frank dated 20th February 2018.
4. Report and minutes of Committee dated 23.01.2018, including original representations as detailed in report to committee of 23.01.2018.
5. Additional representations received after report of 23.01.2018 was published and circulated to members prior to the committee meeting (blues):-
 - Letter from St Martins in the Field Almshouse Charity undated
6. Late representations received after report of 23.01.2018 was published and circulated to members at the committee meeting (reds):-
 - Letter from Belgrave Communications
 - Letter from applicants agent
 - Email from Peabody
 - Email A2 Dominion
7. Representations received following consultation on revised scheme:-
 - Response from Historic England (Listed Builds/Con Areas), dated 7 March 2018
 - Response from London Underground Limited, dated 6 March 2018
 - Response from Transport for London, dated 13 March 2018
 - Response from Building Control - Development Planning, dated 3 March 2018
 - Response from Cleansing - Development Planning, dated 9 March 2018
 - Response from Arboricultural Section - Development Planning, dated 8 March 2018
 - Letter from occupier of 35, York Terrace East, dated 7 March 2018
 - Letter from owner of 20, 28 and 29 York Terrace East received 26th February 2018 (dated 8th January 2018)
 - Letter from St Martins in the Fields Almshouse Charity undated.

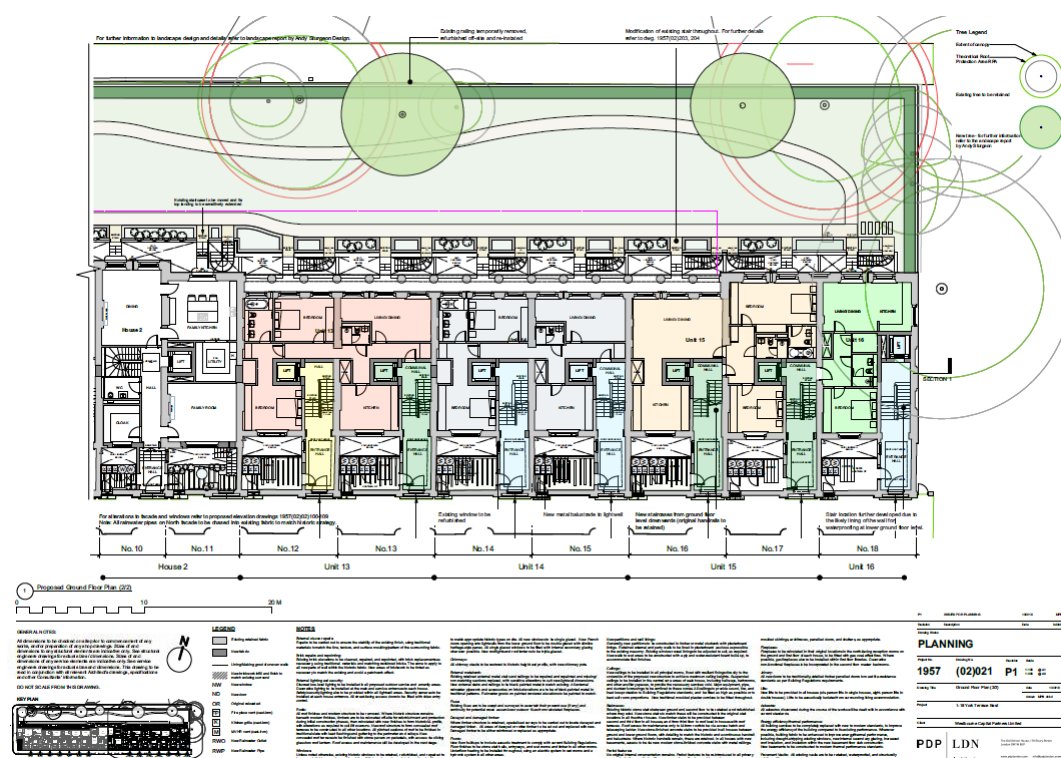
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

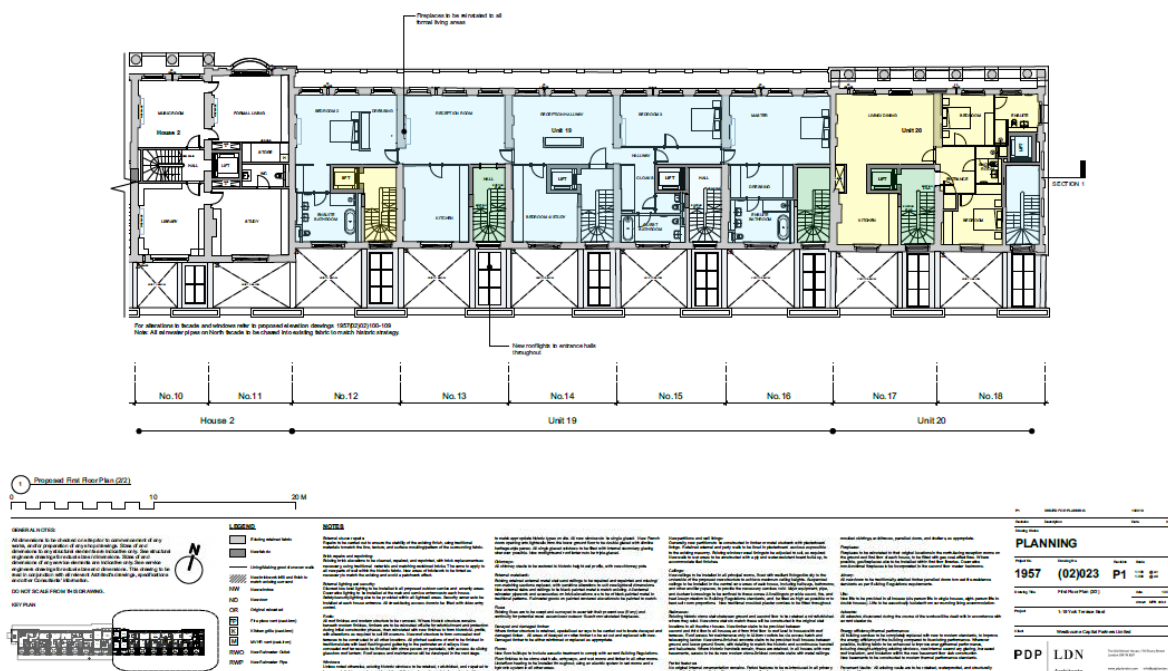
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk</p>

10.

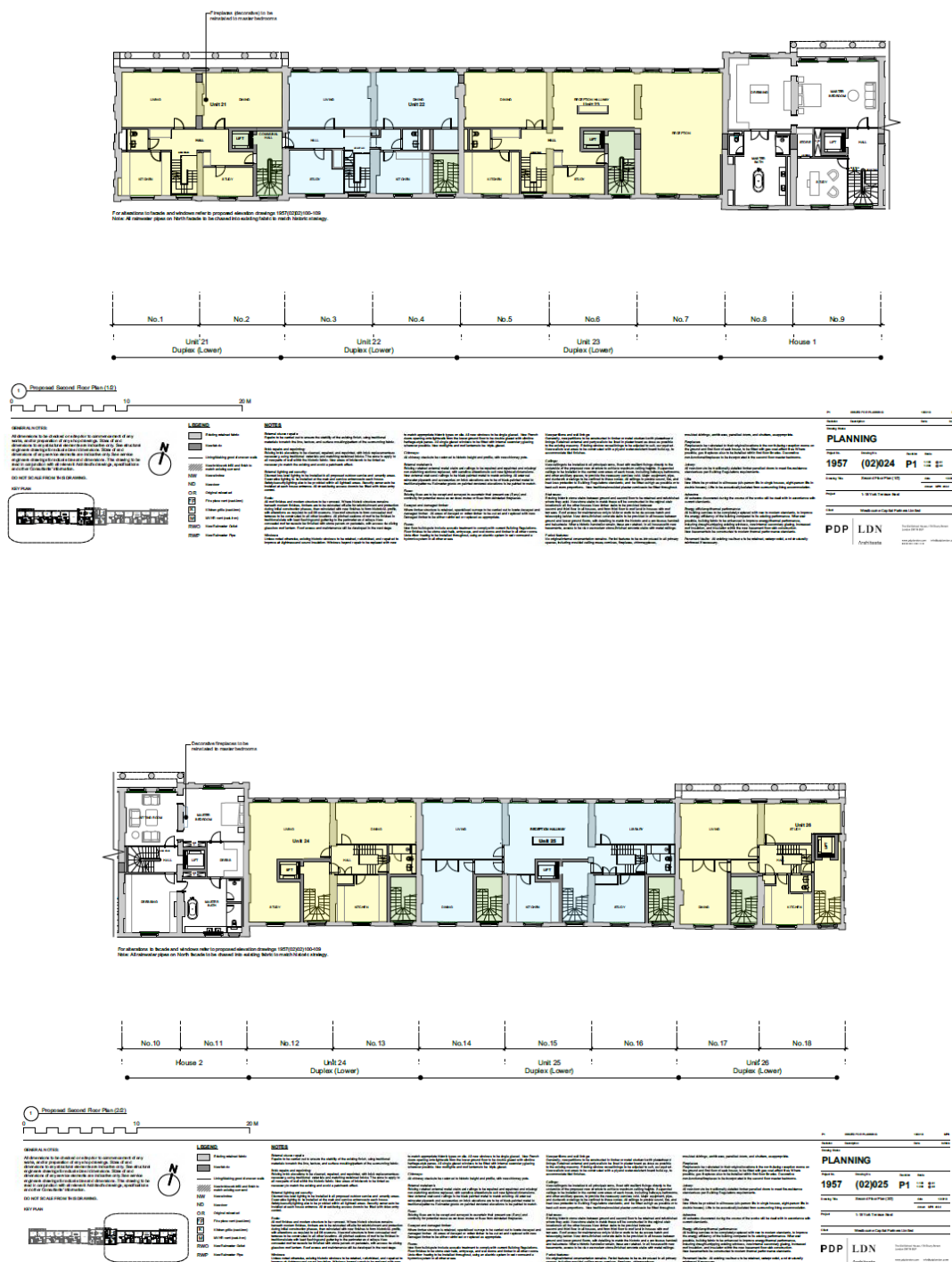








Revised Proposed First floor plans



Revised Proposed Second floor plans



DRAFT DECISION LETTER

Address: 1-18 York Terrace East, London, NW1 4PT,

Proposal: Use of buildings as 28 residential units (Class C3) including 26 flats and two single dwelling houses; removal and replacement of roof, floors, non original stairs; retention of all facades and spine walls and reinstatement of the properties as individual dwellings; excavation of an additional basement beneath existing buildings and extending underneath the rear gardens facing Regents Park. Linked to 17/06974/LBC

Reference: 17/06973/FULL

Plan Nos: 1957(00)000-P1; 1957(00)001-P1; 1957(00)003-P1; 1957(00)004-P1; 1957(00)05-P1; 1957(00)006-P1; 1957(00)007-P1; 1957(00)008-P1; 1957(00)009-P1; 1957(00)010-P1; 1957(00)011-P1; 1957(00)012-P1; 1957(00)013-P1; 1957(00)014-P1; 1957(00)100-P1; 1957(00)101-P1; 1957(00)102-P1; 1957(00)103-P1; 1957(00)104-P1; 1957(00)105-P1; 1957(00)106-P1; 1957(00)107-P1; 1957(00)108-P1; 1957(00)109-P1; 1957(00)201-P1; 1957(00)202-P1; 1957(00)203-P1; 1957(00)204-P1; 1957(01) 018-P2; 1957(01) 019-P2; 1957(01) 020-P2; 1957(01) 021-P2; 1957(01) 022-P1; 1957(01) 023-P1; 1957(01) 024-P1; 1957(01) 025-P1; 1957(01) 026-P1; 1957(01) 027-P1; 1957(01) 028-P1; 1957(01) 029-P1; 1957(01) 100-P3; 1957(01) 101-P3; 1957(01) 102-P2; 1957(01) 103-P2; 1957(01) 104-P2; 1957(01) 105-P2; 1957(01) 105-P2; 1957(01) 106-P2; 1957(01) 107-P2; 1957(01) 108-P2; 1957(01) 109-P2; 1957(02)016-P1; 1957(02)017-P1; 1957(02)018-P1; 1957(02)019-P1; 1957(02)20-P1; 1957(02)021-P1; 1957(02)022-P1; 1957(02)023-P1; 1957(02)024-P1; 1957(02)025-P1; 1957(02)026-P1; 1957(02)027-P1; 1957(02)028-P1; 1957(02)029-P1; 1957(02)100-P3; 1957(02)101-P3; 1957(02)102-P3; 1957(02)103-P3; 1957(02)104-P3; 1957(02)105-P3; 1957(02)106-P3; 1957(02)107-P3; 1957(02)108-P2; 1957(02)109-P2; 1957(02)201-P3; 1957(02)202-P3; 1957(00)203-P4; 1957(00)204-P4; , Covering letter from Savills 13.2.18; and Access Statement 12th Feb 2018; Preliminary Ecological Appraisal; Theoretical Assessment 13th Feb 2018; Below Ground Historic Environment Data Based Assessment; Landscape Report; Environmental Noise Survey 9.2.18; Structural Method Statement Rev03, December 2017 (for information only); Historic Building Report Feb18; Planning Statement; Sustainability Statement 13.2.18; Energy Strategy 13.2.18; Preliminary Ground Movement Assessment (for information only); Construction Sequence (for information only); Drainage Strategy Feb18 (for information only); Air Quality Report; Arboricultural Impact Statement Rev 4 December 2017; Construction Management Plan 13.02.18.

Case Officer: Richard Langston

Direct Line No. 020 7641 7923

Recommended Condition(s) and Reason(s)

Item No.
3

Informative(s):

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	Berkeley Hotel , 40 Wilton Place, London, SW1X 7RL		
Proposal	Demolition and redevelopment of 33-39 Knightsbridge and north (Knightsbridge) wing of Berkeley Hotel to provide buildings of four basements, ground and part nine/part ten upper floors to Knightsbridge frontage and an additional storey to the existing hotel building fronting Wilton Place to provide 59 additional hotel bedrooms with upgraded guest and staff facilities including new restaurant, 13 residential apartments (8 x1-bed, 3 x 2-bed and 2 x 3-bed), retail along Knightsbridge frontage and use of existing NCP car park for hotel and private car parking		
Agent	Mr Michael Blair		
On behalf of	Mr Knut Wylde		
Registered Number	17/06350/FULL	Date amended/ completed	26 July 2017
Date Application Received	18 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	outside		

1. RECOMMENDATION

1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:

- A carbon offset payment.
- An employment and training opportunities strategy during construction and for the hotel use.
- Monitoring costs.

2. If the agreement has not been completed within six weeks of the date of the Committee resolution then:

a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the

proposals are unacceptable in the absence of the benefits that 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 current application is similar to a permission granted in 2008, which was renewed in 2011 and part implemented in 2013 and can therefore be implemented in perpetuity. Planning permission is sought for the demolition and redevelopment of 33-39 Knightsbridge and the north (Knightsbridge) wing of the Berkeley Hotel to provide 59 new hotel bedrooms with upgraded guest and staff facilities including a new restaurant, 13 residential apartments and retail at ground floor level.

The key issues for consideration are:

- The impact of the proposed works on the character and appearance of the existing building and the adjacent Conservation Areas.
- The land use implications of the proposal;
- The impact of the proposal on the amenity of surrounding residents; and
- The impact of the proposals on the surrounding highway network.

The proposals are considered acceptable in design, conservation, land use, amenity and highway terms in accordance with the Core Strategy and Unitary Development Plan (UDP) policies.

The application is referable under the Greater London Authority Act 1999 and the mayor has 14 days from the date of the Sub-Committees resolution to exercise his right to direct refusal.

3. LOCATION PLAN



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

4. PHOTOGRAPHS

5. CONSULTATIONS

GREATER LONDON AUTHORITY

- The proposal will provide improvements to the existing hotel, making a positive contribution to the CAZ and is supported.
- No affordable housing is provided which is unacceptable. The residential element of the site has capacity to provide 10+ units and an affordable housing contribution.
- The proposals are similar to the approved scheme and generally of a high quality.
- 10% of new hotels rooms must be wheelchair accessible.
- The proposal to service construction from Knightsbridge by closing the bus lane is not acceptable and alternatives must be investigated.
- Cycle parking must be increased in accordance with London Plan standards and consideration given to a reduction in car parking.
- Full energy details must be provided separately for both domestic and non-domestic elements.

TRANSPORT FOR LONDON

- Electric vehicle charging points and Blue Badge parking should be secured by condition.
- Drop off/pick up arrangements for people with mobility needs should be clarified.
- London Plan standards must be met in regard to cycle parking quantum, access and design.
- A revised Servicing Management Plan should be provided.
- Objection to the closure of the bus lane on Knightsbridge during construction work.
- A Travel Plan should be secured.

I

THE ROYAL PARKS

Any response to be reported verbally

KNIGHTSBRIDGE ASSOCIATION

Welcome the improvements made to the previous approved application, but a better solution for the top storey might be to match the materials used for the main facades. The heavy, square dark outline of the penthouse floor resembles an outside water tank.

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

Any response to be reported verbally

HISTORIC ENGLAND (ARCHAEOLOGY)

Archaeology condition recommended.

DESIGNING OUT CRIME

Any response to be reported verbally

ENVIRONMENT AGENCY (THAMES REGION)

Any response to be reported verbally.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

The Air Quality Assessment submitted is in draft and lacks detail. This need to be updated. Further details are required on overheating in relation to the residential units. The Council's standard noise conditions are recommended in relation to plant and internal noise standards for the residential accommodation.

Further information has been submitted. Any further response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Cycle parking is in line with London Plan policy. All servicing will take place in Old Barrack yard, including refuse, as existing and is considered adequate. Vehicles can enter and exit the site in forward gear.

The proposal is to remove the 34 public car parking spaces. This has been allowed under previous permissions. 15 car parking spaces are proposed to be retained. Access to the basement car parking will be via a new car lift from the Wilton Place. No details of the car lift cycle time have been provided. However, as the car lift is set back from the highway and accessed via the existing vehicle forecourt, any vehicle waiting or manoeuvring for the car lift will not affect the highway or highway users. Electric vehicle charging points, 20% active and 20% passive, should be secured by condition, in accordance with the London Plan requirements.

The site has sufficient off-street capacity for taxis to drop-off and collect visitors to the hotel. No formal process has been provided for coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel. An Operational Management Plan should be secured by condition.

CLEANSING

The storage arrangements for waste and recyclable materials are in line with the requirements of the City Council. No objection subject to conditions.

ARBORICULTURAL MANAGER

All six Pride of India trees on and adjacent to the site are proposed to be retained. Tree protection condition recommended.

Two new Pride of India trees are welcomed. A green wall is proposed in the internal courtyard. Condition recommended to secure details of hard and soft landscaping.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 216

Total No. of replies: 1

One letter received from a resident in Grosvenor Crescent Mews on the following grounds:

Design

- The new building to the north-east block makes no concession to its context. The gratuitous steelwork on the roof, of absurd scale for this modest site, has nothing to do with Knightsbridge. The steel work has been presented in pale grey so that only close inspection reveals it. In reality it will be immediately apparent as intended.
- London's different boroughs are being leached of their identities.
- It is impossible to understand the relationship of the building with the street. The drawings are unclear.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Berkeley Hotel and 33-39 Knightsbridge comprise a whole street block with frontages to Knightsbridge, Wilton Place and Old Barrack Yard. The buildings lie immediately to the south of Hyde Park.

The buildings are not listed and do not lie within a conservation area, however, they are immediately adjacent to three conservation areas: Belgravia; Albert Gate; and Royal Parks. The site is also adjacent to many listed buildings including the Grade II listed Georgian residential properties on the opposite side of Wilton Place and the Grade II* listed St Paul's Church immediately to the south. The properties are located within the Central Activities Zone (CAZ).

The Berkeley Hotel was completed in 1972 and currently has 214 bedrooms and associated guest facilities including two restaurants and a leisure and spa facility, which are open to both hotel guests and members of the public. There is also a retail shop at ground floor level to the Knightsbridge frontage, which has more recently been used as a temporary car show room (sui generis). The main entrance to the hotel is on Wilton Place on the western side of the site, where there is an existing off-street arrival and drop off point for guests. At basement level there is an NCP car park containing 34 spaces which is accessed to the south of the site on Wilton Place. Servicing and refuse collection for the hotel takes place from Old Barrack Yard, a private road to the east of the site which also serves residential mews properties.

33-39 Knightsbridge has recently been demolished. Prior to their demolition the buildings had been vacant for some time, but previously comprised four retail units at basement and ground floor level and 24 residential flats on the seven upper floors (22x1-bed, 1x2-bed and 1x5-bed).

6.2 Recent Relevant History

The Berkeley Hotel (40 Wilton Place) and 33-39 Knightsbridge
Planning permission was granted for the demolition and redevelopment of 33-39 Knightsbridge and north (Knightsbridge) wing of the Berkeley Hotel to provide buildings of three basements, ground and part eight/part nine upper floors to the Knightsbridge

frontage, and an additional storey to the existing hotel building fronting Wilton Place to provide 27 additional hotel guest bedrooms with upgraded guest and staff facilities, 12 residential apartments (3 x 1-bed, 1 x 2-bed and 8 x 3-bed), retail uses along Knightsbridge frontage and use of existing NCP car park for hotel and private car parking on 21 October 2008.

Planning permission was granted for the extension of time for the commencement of development granted planning permission on 21 October 2008 on 15 November 2011.

It has been demonstrated to the City Council that works have taken place in relation to permission granted 15 November 2011 which extended the time to commence permission dated 21 October 2008. The works are considered to be of a sufficient scale to represent a 'Material Operation', and this scheme can therefore be implemented in perpetuity.

The Berkeley Hotel (40 Wilton Place)

There have been a number of permissions for alterations and extensions to the hotel. The most relevant permissions are as follows:

Planning permission was granted for the erection of a rear extension at rear ground to eighth floor levels to create additional hotel accommodation, increasing number of hotel bedrooms from 168 to 215; and the installation of plant and plant screen at roof level in March 2001.

Planning permission was granted for alterations at ground floor level to Wilton Place elevation including the erection of a canopy to the hotel entrance and two glazed extensions in connection with the existing hotel use on 6 April 2006.

Planning permission was granted for alterations during the course of construction to permission dated 6 April 2006, namely, modifications to the canopy, glazed extensions and access and the installation of ventilation grilles on 28 November 2007.

Planning permission was granted for an extension of time for the commencement of development granted planning permission on 28 November 2007 in November 2010.

A number of permissions have been granted for the temporary use of part of the ground floor (retail) as a motor car showroom (sui generis), the latest for a period of five years from February 2011.

Planning permission was granted for the erection of an extension at fifth floor level on the corner of Knightsbridge and Wilton Place (extension to Wellington Suite) in January 2012.

Planning permission was granted for the erection of an extension to the ground floor ballroom of the Berkeley Hotel and ancillary works in February 2017.

33-39 Knightsbridge

Planning permission was granted for redevelopment to provide an eight storey building comprising two retail units and residential entrance lobby at ground floor level and eight residential units on the upper floors with basement car parking for nine cars on 30 March 2001.

Planning permission was granted for the renewal of permission dated 30 March 2001 in July 2009.

7. THE PROPOSAL

Planning permission is sought for the demolition and redevelopment of 33-39 Knightsbridge and north (Knightsbridge) wing of Berkeley Hotel to provide buildings of four basements, ground and part nine/ part ten upper floors to the Knightsbridge frontage and an additional storey to the existing hotel building fronting Wilton Place.

The proposal will provide 59 additional hotel bedrooms (interconnecting to provide 41 suites) with upgraded guest and staff facilities including a new restaurant; 13 residential apartments (8 x1-bed, 3x 2-bed and 2 x 3-bed apartments), and retail along the Knightsbridge frontage.

The application also includes the modernisation of servicing and refuse areas, and the upgrading of plant. The remaining part of the hotel is to be refurbished including the public areas, bars and restaurants including a new spa and pool facility.

The application includes the change of use of the existing NCP car park to provide private car parking for the hotel and residential units with the number of spaces reduced from 34 to 15. Provision is made for motorcycle and cycle parking.

The current application is similar to permission granted in 2008, which was renewed in 2011 and part implemented in 2013, and can therefore be implemented in perpetuity. Given the 10 year time lapse, the applicant has re-evaluated a number of elements of the 2008 scheme to bring it more up to date, and has made a number of modifications and refinements, including:

- A reconsidered approach to the facades and materiality, refinement to the expressed roof structure, and adjustments to the composition and massing;
- Removal of an existing plant room to Old Barrack Yard, enabling improvements to servicing arrangements and the introduction of a landscaped courtyard facing Old Barrack Yard.
- Additional basement to new Knightsbridge building to house plant, in order to minimise plant required at roof level.
- Relocation of the Residential element of the scheme to the corner of Knightsbridge and Wilton Place.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing, permitted and proposed land uses can be summarised as follows:

	Existing Sqm GEA	Permitted (2008 scheme) Sqm GEA	Proposed Sqm GEA

Residential	1975	(1,783 GIA)	3,549	1910	(1704 GIA)
Hotel	25345	(23,436 GIA)	26,677	30280	(28,232 GIA)
Retail	433	(406 GIA)	608 (retail/restaurant)	208	(170 GIA)
restaurant	112	(106 GIA)		284	(259 GIA)
Total	27865	(25731 GIA)	30,834	32682	(30415 GIA)

Applicant calculations

Proposed Hotel Use

Policy S23 of Westminster's City Plan (November 2016) and TACE 2 of the UDP relate to extensions to existing hotels. Policy TACE 2 states that within the core CAZ, in streets that do not have a predominantly residential character, planning permission will be granted for extensions to existing hotels where no adverse environmental and traffic effects would be generated; and adequate on-site facilities are incorporated where significant amounts of new visitor accommodation is proposed, including spaces for the setting down and picking up of visitors by coaches and taxis serving the hotel.

The Berkeley Hotel currently has 214 rooms (including 56 suites) and is supported by common areas and ancillary facilities including two restaurants, two bars, a ballroom with capacity for over 150, and a health club and spa. These facilities are open to hotel guests and members of the public. It is the applicant's intention to update the existing hotel through partial redevelopment, comprehensive refurbishment and upgrading of services to create a leading 5* plus hotel.

The proposals will result in 59 additional hotel bedrooms, bringing the total number of bedrooms to 273. Staff facilities and 'back of house' areas will be upgraded and rationalised so that they predominantly occupy basement level 1, vacating space at ground floor level for the expansion of hotel guest facilities with an improved lobby, new hotel restaurant and lounge area at ground floor level. An existing plant room to Old Barrack Yard is proposed to be removed and will enable the creation of a new landscaped courtyard.

A new health spa, gym and swimming pool are proposed at basement levels 1-3. The restaurants and spa facility will serve both hotel guests and members of the public, as existing. The proposed new restaurant will be located along the Knightsbridge frontage and will be accessible through the hotel and directly from the street on Knightsbridge. It will form part of the hotels operation and governed by the hotels operational standards and given the location of hotel bedrooms directly above, and the residential apartments adjacent, it will be in the interests of the hotel to ensure that the restaurant is properly managed.

Picking up and dropping off of guests will continue from Wilton Place from the existing drop off/pick up facility. The proposal will provide improved disabled access into and around the hotel. Waste disposal and servicing will remain as existing from Old Barrack Yard. Please see section 8.4 of this report

There are residents adjacent to the hotel in Wilton Place and Old Barrack Yard. However, given the scale and level of activity generated by the existing hotel it is not considered that

the proposed increase in hotel bedrooms and ancillary hotel facilities will significantly intensify the hotel use to the detriment of surrounding residents amenity or local environmental quality. Proposed improvements to 'back of house' facilities will result in operational benefits to the hotel as a whole. The principle of an extension to the existing hotel is therefore considered acceptable in land use terms.

Increase in commercial floorspace

Policy S1 of the City Plan relates to mixed uses in the central activities zone. It encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting population. Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted. The policy requires an element of affordable housing to be provided on developments where additional B1 office floorspace of a certain scale is proposed. There is no policy requirement for affordable housing to be provided where increases in hotel floorspace are proposed.

Proposed residential Use

Policy S14 of Westminster's City Plan and H1 of the UDP seek to optimise Housing delivery and seek to ensure that all residential uses, floorspace and land are protected. Policy H5 of the UDP seeks an appropriate mix of unit sizes with 33% of housing units in housing developments to be family sized.

Prior to their demolition, 33-39 Knightsbridge contained 24 residential flats (22x1-bed, 1x2-bed and 1x5-bed) (1975sqm GEA) which had been vacant for some time. The 2008 permitted scheme included 12 residential units (3 x 1-bed, 3 x 2-bed, 4 x 3-bed and 2 x 4-bed)(3549sqm GEA) located at first to ninth floor level in the two new blocks fronting Knightsbridge. Large self contained apartments were proposed aimed at the luxury market, with access to the services within the hotel.

The current application proposes 13 residential units (1910sqm GEA) (8 x1-bed, 3x 2-bed and 2 x 3-bed apartments), however, these are now located in the refurbished north block which currently houses hotel bedrooms. A separate residential entrance is proposed on Knightsbridge, but access will also be gained through the hotel, and as per the permitted 2008 scheme residents would have access to the services within the hotel. All units will meet the national space standards.

The residential floorspace proposed is broadly similar to that which existed on the site prior to the demolition of 33-39 Knightsbridge (65sqm reduction). One additional unit will be provided compared to the 2008 scheme. Whilst the 2008 permitted scheme resulted in 1271sqm of additional residential floorspace, the residential units were exceptionally large with an over provision of family sized units (50%). Given that the existing building contained predominantly 1-bed units and the proposal will provide a mix of unit sizes including two family sized apartments, the number and mix of units is considered acceptable in land use terms.

Policy S16 of the City Plan requires a proportion of new residential floorspace as affordable housing in housing developments of either 10 or more additional units or over

1,000 sqm addition of residential floorspace. The proposal will not therefore trigger the requirement to provide affordable housing.

Retail element

Policy S6 of the City Plan and SS4 of the UDP encourage new retail floorspace in the core CAZ. Policy SS4 states that development schemes should provide at least the same amount of retail floorspace as was there before.

Retail floorspace is proposed at basement and ground floor level to the Knightsbridge frontage. The proposal will result in a loss of retail floorspace (a reduction of 225sqm) compared to that which currently exists on the site. However, until recently the retail unit beneath the hotel has been used as a temporary car show room (sui generis). A new hotel restaurant is also proposed along the Knightsbridge frontage, thereby retaining street level activity along the whole of the site frontage to Knightsbridge. The level of retail provision is therefore considered acceptable. The retail element will have the flexibility to be two or more units.

8.2 Townscape and Design

The Berkeley Hotel is outside a designated conservation area but is located in a sensitive townscape location, immediately adjacent to Belgravia and Albert Gate Conservation Areas. It is directly opposite Hyde Park, which is on the Register of Historic Parks and Gardens, listed Grade I and also forms part of the Royal Parks Conservation Area. The original hotel building retains attractive Classical stone frontages to Wilton Place, and is adjacent to a number of smaller scale Grade II listed terraced townhouses. To the south, it faces onto St Paul's Church, which is listed Grade II*.

The main design issues in this case are the detailed design of the new buildings and their acceptability within this townscape context and the impact on the setting of adjoining designated heritage assets.

The main policy is that set out in the NPPF in particular Section 7, which requires good design and Section 12, which relates to conservation of the historic environment. Relevant local policies are UDP Policies DES 1 (Urban design / conservation principles), DES 4 (Infill development), DES 5 (Alterations and extensions), DES 6 (Roof alterations / extensions), DES 9 (conservation areas) DES 10 (listed buildings) and DES12 (parks and Gardens) and S11, S26 and S28 of the City Plan.

This application relates to the buildings to the Knightsbridge frontage. These include the northern wing to the hotel which is to be stripped back/ re-fronted and the residential block adjacent (nos. 33-39), now demolished. These buildings were of poor quality and had a harmful impact on adjoining townscape. The wider frontage to Knightsbridge is characterised by townscape of mixed character, generally of a larger scale than to the residential streets behind and with a varied roofscape. This prevailing context informed the design of the previous 2008 permission.

The current proposals are similar to those previously approved but have a more restrained design and roofscape and introduce contrasting façade treatment to the northern block on the corner of Knightsbridge and Wilton Place.

The refurbished northern block now includes a more traditional façade, with the retained concrete frame re-clad in stone to match that of the original hotel building fronting Wilton Place. The changes to this block are an improvement on that previously approved and provide a more sensitive transition to the existing hotel, and an improvement in Park views.

The new build element replacing the residential block uses contrasting façade treatment, which combines large, glazed, picture windows, with flanking, solid stone panels. It is sub-divided into two elements, separated by setback, but the eaves line level is aligned rather than staggered by a storey height, as previously approved. The top of the new extension is simply terminated with roof top pavilions, which have a greater set back than the original scheme and are therefore more discreet within this context.

A distinctive element of the approved scheme was the use of an expressed suspended structure at roof level, introduced due to site constraints including the proximity of the Piccadilly line. This previously incorporated eight angled steel members supporting vertical steel rods. The current application adopts the same approach but this has been simplified, using a reduced number of finer structural members, which creates a less congested skyline and is more sensitive to the surrounding historic townscape.

Verified views have been submitted and the impact of the proposals and amended roofscape design in views from surrounding conservation areas and the park is similar to that previously approved, and proposals will preserve the settings of designated heritage assets adjoining the site.

Overall, the amended scheme is similar to that previously approved in height and detailed design and the introduction of a more traditional stone façade to the northern block is a positive improvement. The subdivision of the building into different elements helps to break up its overall mass. Notwithstanding the changes to policy framework since the 2008 scheme, the design is considered acceptable given the prevailing mixed character of Knightsbridge and it will not cause harm to the setting of the adjacent designated heritage assets and is in accordance with national and local policy.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

The height of the proposed new buildings to Knightsbridge have increased by approximately 3m to the top of the structure compared to the 2008 permitted scheme. The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and

Sunlight 1991'. Consultants GIA, acting on behalf of the applicants, have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight tests have been carried out on the nearest, most affected residential properties in Wilton Place (Nos. 8,9, 32 and 33) and 14-16 Old Barrack Yard.

The recommendation in the BRE guide is that reductions of over 20% of existing daylight levels are likely to be noticeable. The daylight report submitted demonstrates that all the residential properties tested, would not see more than 20% reductions in their daylight (Vertical Sky Component (VSC)) levels compared to the existing situation. The report also demonstrates that there will be no noticeable change in the existing sunlight levels to surrounding properties. The proposed development is therefore considered to have a satisfactory relationship with adjacent properties with regards to daylight and sunlight.

Terraces are proposed on the roof of the new building with balconies to the Knightsbridge frontage overlooking the park. Given their location and the height of the terraces above surrounding buildings, they will not result in any loss of privacy/overlooking issues.

Plant

The application includes the modernisation of mechanical plant. New and replacement plant is proposed to be located predominantly within basement level 2 and 4.

The applicant has submitted an acoustic report and Environmental Health (Noise Team) have confirmed that the proposed plant is likely to comply with the Council's standard noise conditions. A further condition is recommended requiring a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures available to confirm compliance with the Council's standard noise condition.

8.4 Transportation/Parking

The Berkeley Hotel is well served by public transport, being in very close proximity to Knightsbridge and Hyde Park Corner Underground Stations and high frequency bus routes along Knightsbridge. It is not considered that the proposed extension to the hotel will generate significantly more pedestrian or vehicular trips than existing.

The main access into the hotel will continue to be in its existing location on Wilton Place where there is an existing off-street drop off/pick up facility. There is a further off-street drop off point to the south of the site which serves the ballroom entrance and the basement car park which is also to be retained.

The site has sufficient off-street capacity for taxis to drop-off and collect visitors to the hotel. No formal process has been provided for dealing with coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel. A condition is therefore recommended to secure an Operational Management Plan for the hotel.

Car Parking

Policy TRANS 25 of the UDP relates to public off-street parking and states that in determining whether or not to permit their loss the Council will consider the need to reduce traffic levels and encourage more sustainable modes of transport; the average and peak

usage of the car park; the availability of alternative, nearby public car parks; the impact on local on street parking facilities; and the impact on traffic and local residential amenity.

There is a basement car park with 34 spaces beneath the hotel which is currently operated by National Car Parks (NCP). It is proposed to reduce the number of car parking spaces to 15 and to use it in connection with the hotel and residential apartments, rather than for public use.

The loss of the NCP car park has been established in the 2008 permitted scheme and the Highways Planning Manager therefore raises no objection to its loss.

Policy TRANS 23 of the UDP sets out the Council's policy on off-street parking for residential developments, which is based on a maximum standard of one off-street parking space per residential unit of two bedrooms or less and 1.5 off-street parking spaces per residential unit of three bedrooms or more.

It is proposed to allocate a car parking space for each of the residential apartments and one disabled car parking space for the hotel. It is recommended that this be secured by condition. It is also proposed to provide a dedicated area for motorcycles and cycle parking. A minimum of 31 cycle parking spaces are required under London Plan policy (14 for the residential and 17 for the hotel and retail uses) and it is recommended that this be secured by condition.

The existing NCP car park is served by two ramps for inbound and outbound movements, however, this is to be replaced with a single car lift. The car lift is set back from the highway and accessed via the existing vehicle forecourt, so any vehicle waiting or manoeuvring for the car lift are unlikely to affect the highway or highway users.

Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing

The applicant estimates that servicing/delivery movements will be similar to existing. Servicing will continue from Old Barrack Yard, with vehicles entering from Wilton Place to the south (the southern section of Old Barrack Yard is governed by the hotel) and exiting onto Knightsbridge, which is left turn only.

The way in which waste and deliveries are handled will be improved with new storage areas at ground and basement levels 1 and 2. A compactor currently located permanently outside the building in Old Barrack Yard will be removed with no stored waste left outside the building other than at collection times.

The retail units are proposed to be serviced using existing loading bay facilities on Knightsbridge taking into account the Red Route restrictions and only delivering during permitted times (Monday to Friday between 00.10– 16.00).

Highway Works

The applicants will need to enter into a S.278 agreement for any works they are required to make to the public highway.

8.5 Economic Considerations

The economic benefits associated with the development are welcomed.

8.6 Access

The proposed development has been designed to meet the requirements of the Disability Discrimination Act (DDA) and incorporates the principles of inclusive design. The proposal will provide improved disabled access into and around the hotel with the reception, restaurants, bar and lounge areas, public WCs and health spa facility fully accessible. Disabled access into the main hotel entrance on Wilton Place will be via a lift and internal lift access will be provided to all floor levels.

Six (10%) of the new hotel bedrooms are proposed to be fully wheelchair accessible, in accordance with the London Plan's requirement for 10% of new hotel rooms to be wheelchair accessible.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Waste and recycling storage is proposed within basement level 1 and at ground floor level. Waste and recycling equipment is proposed including a rotary compactor, baler, glass crusher and separate storage for dry mixed recyclables and food waste which will ensure effective waste management on site with the potential to achieve 70% recycling rate. All waste will be stored inside the building outside collection times.

Trees/Landscaping

Six existing Pride of India trees on and adjacent to the site are proposed to be retained. A condition is recommended requiring details of tree protection measures to ensure that they are not damaged during construction works.

Two new Pride of India trees are proposed on Wilton Place within an existing raised planter. The new landscaped courtyard will provide a new green wall and water feature. These elements of the scheme are welcomed.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture. Policy S39 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 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an Energy and Sustainability Assessment in support of their application. It is proposed to deliver a 30% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through energy efficient fabric, buildings services design and a gas fired combined heat and power system (CHP). Renewable energy is proposed in the form of photovoltaics. The development has also been designed to enable future connection to a district heating network should the opportunity arise.

The applicant proposes a carbon offset payment for the shortfall in carbon savings relative to the 40% requirement of the London Plan. It is recommended that this be secured through a legal agreement.

A drainage strategy is required to include details of surface water attenuation volumes and discharge rates to ensure that the development does not impact on sewer capacity and that the basement is designed to be safe and resilient in the event of localised flooding water. It is recommended that this be secured by condition.

8.8 London Plan

The application is referable to the Mayor. The Stage 1 report is included as a background paper.

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 carbon offset payment.
- An employment and training opportunities strategy during construction and for the hotel use.
- Monitoring costs.

The estimated CIL payment is £1,204,250 (£963,400 Westminster CIL and £240,850 Mayor's CIL).

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required. Sustainability issues are covered in section 8.7 above.

8.12 Other Issues

Construction impact

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

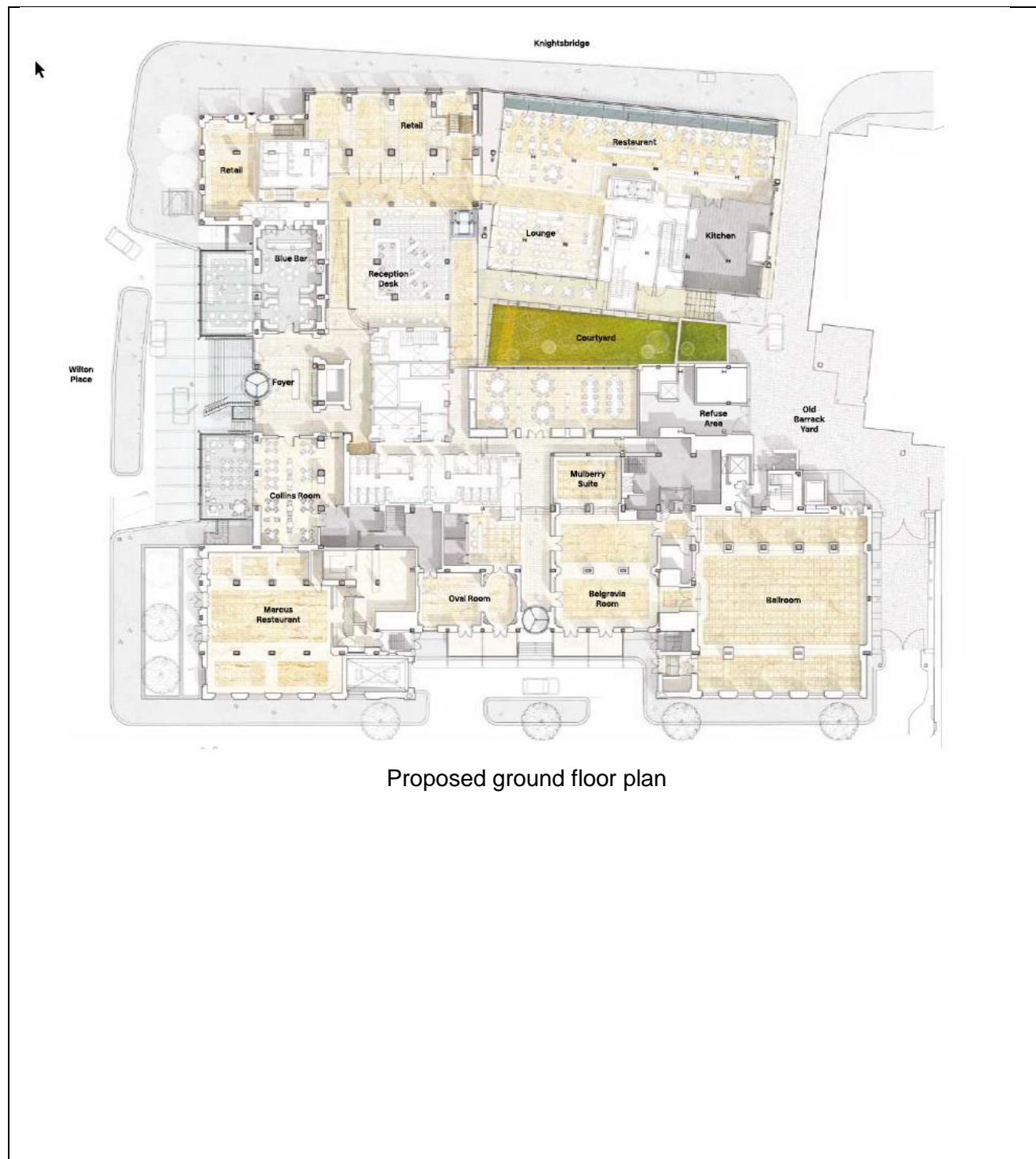
9. BACKGROUND PAPERS

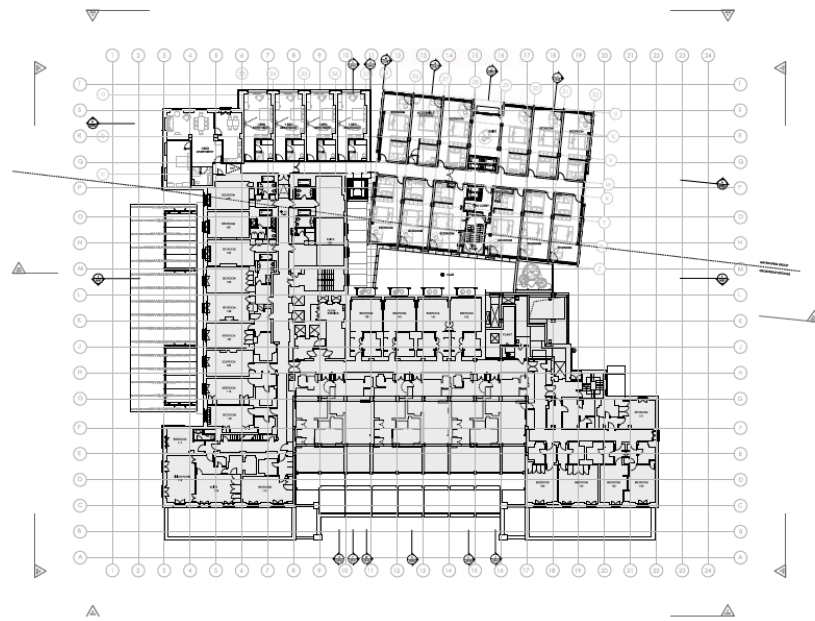
1. Application form
2. Letter and Stage 1 report from Greater London Authority dated 2 October 2017.
3. Response from Historic England (Archaeology), dated 18 August 2017
4. Response from Transport For London - Mayor Categories, dated 25 August 2017
5. Letter from The Knightsbridge Association dated 30 August 2017.
6. Response from Environmental Health dated 22 August 2017.
7. Response from Cleansing Manager dated 14 August 2017 and 12 March 2018.
8. Response from Highways Planning Manager dated 13 March 2018.
9. Response from Arboricultural manager dated 26 October 2017, 6 November 2017 and 23 January 2018.
10. Letter from occupier of 28 Grosvenor Crescent Mews, London, dated 21 August 2017

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

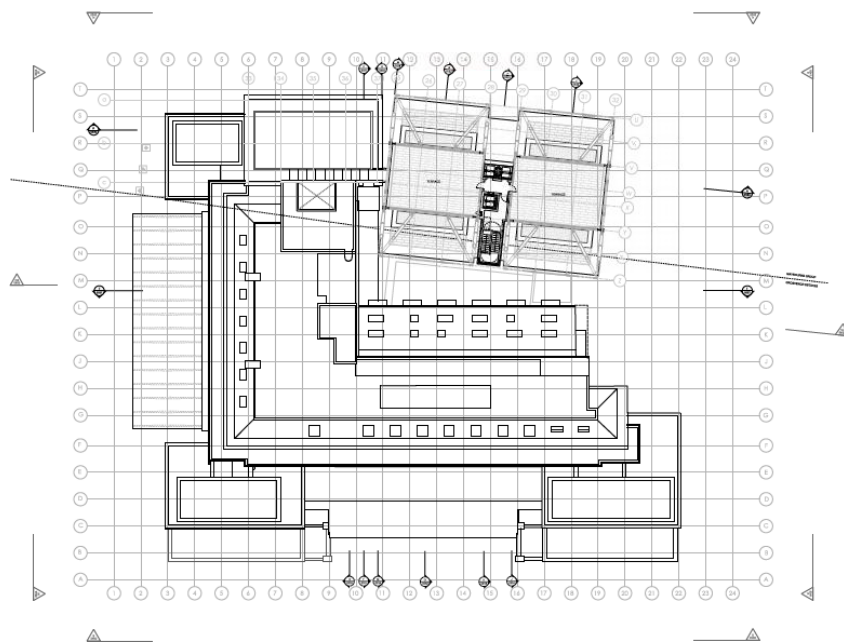
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT jasghar@westminster.gov.uk.

10. KEY DRAWINGS





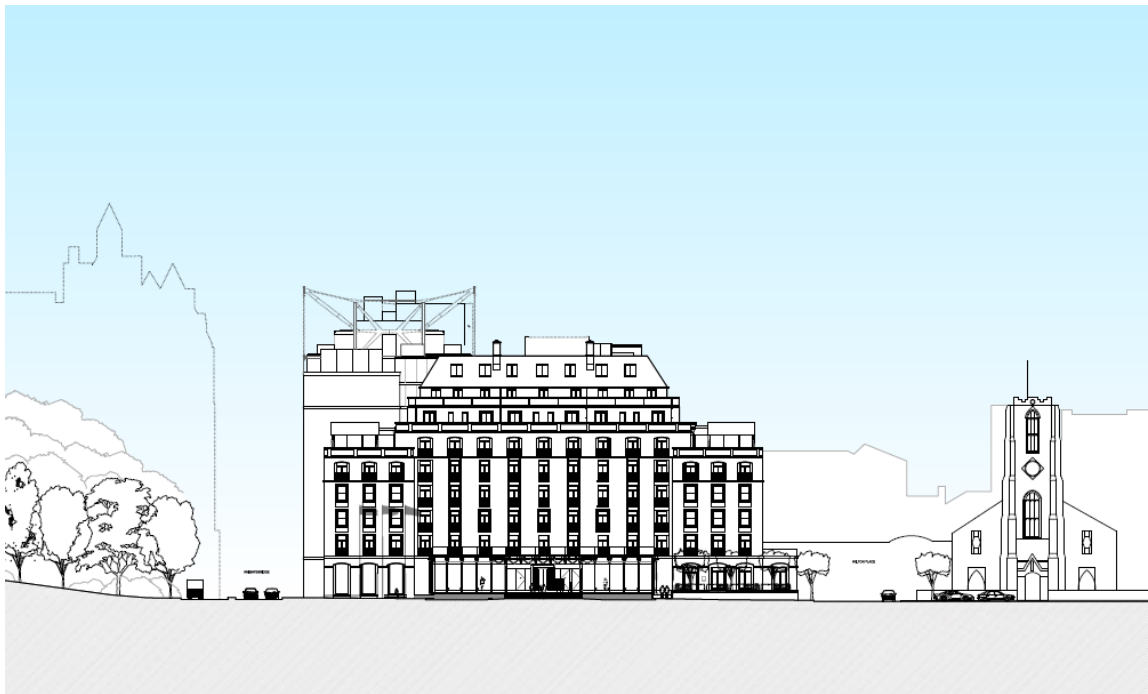
Proposed First Floor



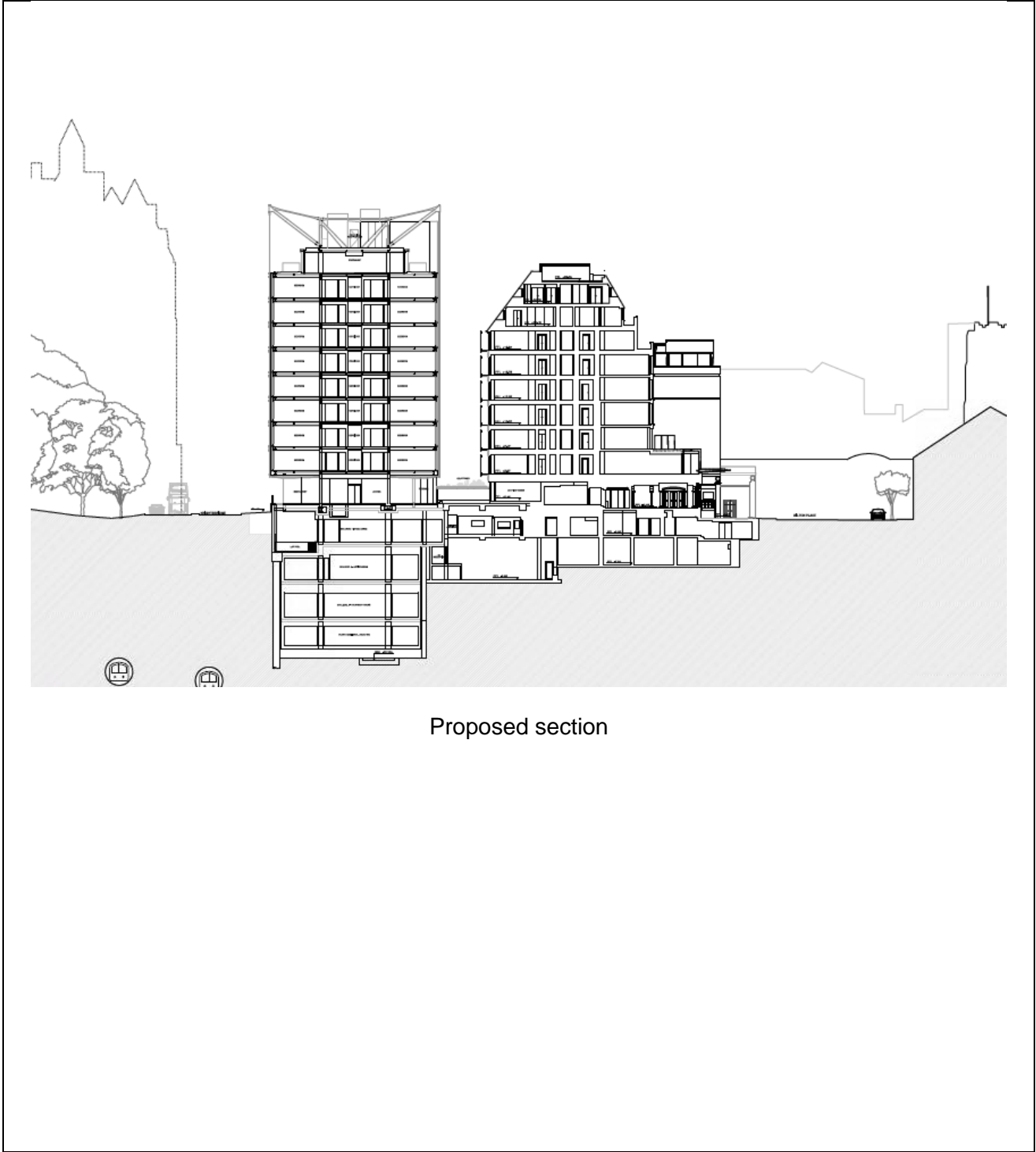
Proposed Roof Plan



Proposed Knightsbridge elevation



Proposed Wilton Place elevation



Proposed section



2008 consented scheme



Proposed scheme



2008 consented scheme



Proposed scheme

DRAFT DECISION LETTER

Address: Berkeley Hotel , 40 Wilton Place, London, SW1X 7RL

Proposal: Demolition and redevelopment of 33-39 Knightsbridge and north (Knightsbridge) wing of Berkeley Hotel to provide buildings of four basements, ground and part nine/part ten upper floors to Knightsbridge frontage and an additional storey to the existing hotel building fronting Wilton Place to provide 59 additional hotel bedrooms with upgraded guest and staff facilities including new restaurant, 13 residential apartments (8 x1-bed, 3 x 2-bed and 2 x 3-bed), retail along Knightsbridge frontage and use of existing NCP car park for hotel and private car parking.

Reference: 17/06350/FULL

Plan Nos: RSHP-A-00-00001-P-XX/01; RSHP-A-00-00006-P-B4/01; RSHP-A-00-00007-P-B3/01; RSHP-A-00-00008-P-B2/01; RSHP-A-00-00009-P-B1/01; RSHP-A-00-00010-P-00/01; RSHP-A-00-00011-P-01/01; RSHP-A-00-00012-P-02/01; RSHP-A-00-00013-P-03/01; RSHP-A-00-00014-P-04/01; RSHP-A-00-00015-P-05/01; RSHP-A-00-00016-P-06/01; RSHP-A-00-00017-P-07/01; RSHP-A-00-00018-P-08/01; RSHP-A-00-00019-P-09/01; RSHP-A-00-00020-P-10/01; RSHP-A-00-00021-P-11/01; RSHP-A-00-00030-S-AA/01; RSHP-A-00-00031-S-FF/01; RSHP-A-00-00032-S-GG/02; RSHP-A-00-00033-S-HH/01; RSHP-A-00-00034-S-JJ/01; RSHP-A-00-00035-S-MM/01; RSHP-A-00-00036-S-OO/01; RSHP-A-00-00037-S-TT/01; RSHP-A-00-00040-E-N/03; RSHP-A-00-00041-E-E/02; RSHP-A-00-00042-E-S/01; RSHP-A-00-00043-E-S/01; RSHP-A-00-00044-E-W/02 and RSHP-A-01-00083-D-XX/02; 615.C.06 and 07; Design and Access Statement dated July 2017; Planning Policy Statement; Landscape Proposal dated November 2017; Tree survey and Impact Assessment by Bradley-Hole Schoenaich Landscape dated November 2017; Historic Environment Assessment by Mola dated June 2017; Daylight and Sunlight Assessment by GIA dated 25.05.2017; Energy and Sustainability Statement by AECOM Revision 2 dated 11 February 2018; Planning Noise Assessment by Cole Jarman dated 26 May 2017; Transport Statement by WSP dated May 2017; Waste Management Strategy by WSP dated June 2017; Air Quality Impact Assessment by AECOM Revision 1 dated September 2017; Technical Note SAP inputs dated 15 February 2018; Construction Management Plan by Andrew Heaver dated June 2017 (for information only) Basement Impact Assessment dated July 2017 (for information only)

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

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 residents. This is as set out in STRA 16, STRA 17 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AB)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing. 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. (C26BB)

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)

- 4 You must apply to us for approval of detailed drawings (1:20, 1:5 and 1:1 as appropriate) of the following parts of the development: , , a. Typical bay details- all elevations and including detail of setting out of stonework showing location and appearance of any expansion joints , b. Windows and frames; , c. Entrance doors, d. Shopfronts; , e. Roof pavilions and glazed lift at roof level, f. Juliette balconies, railings and balustrading; , g. elevations and cross-section of the roof level steelwork; , h. External lighting; , i. Signage strategy - showing extent and intended locations, j. Photovoltaics. , , 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 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)

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

Reason:

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

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balconies or roof terraces. (C26OA)

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 put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 8 **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)

- 9 You must apply to us for approval of detailed drawings of the design, construction and insulation of the

whole ventilation system and any associated equipment. 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. You must not change it without our permission. (C13BB)

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)

- 10 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 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. (C14AB)

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)

- 11 (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 STRA 17 of our Unitary Development Plan that we adopted in January 2007, 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.

- 12 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 13 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.

- 14 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.

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.

- 15 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.

- 16 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 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:

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.

- 17 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14 and 15 of this permission. You must not start work on this part of the development until we have approved what

you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 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 You must provide the waste store shown on drawing RSHP-A-00-00009-P-B1/01 and RSHP-A-00-00010-P-00/01 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the development. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in STRA 35 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BC)

- 20 Waste management for the development shall be carried out in accordance with the Waste Management Strategy by WSP dated June 2017, unless otherwise agreed in writing by us.

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)

- 21 No waste shall be left or stored on the public highway outside collection times.

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)

- 22 You must provide at least one parking space for each of the residential flats in the development. The parking spaces reserved for residents must be clearly identified. (C22CA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 23 You must provide a minimum of 14 cycle parking spaces for the residential units and 17 cycle parking spaces for the hotel and retail units.,

Reason:

To provide cycle parking spaces for people in the residential and hotel parts of the development as set out in TRANS 10 of our Unitary Development Plan.

- 24 You must apply to us for approval of one disabled car parking space for the hotel part of the development. You must not occupy the hotel extension until we have approved what you have sent us. You must then permanently provide the disabled car parking space. (C26DB)

Reason:

To provide disabled car parking for hotel visitors.

- 25 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 STRA 21, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AB)

- 26 You must apply to us for approval of an Operational Management Plan prior to occupation of the hotel extension. The plan should identify a clear process for managing coaches, taxis and private hire vehicles. You must not occupy the hotel extension until we have approved what you have sent us. The Operational Management Plan must thereafter be maintained and followed by the occupants for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in 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)

- 27 You must provide 20% active and 20% passive electric vehicle charging points in the basement car park prior to the occupation of the residential accommodation and hotel extension and thereafter manage and maintain them for the lifetime of the development.

Reason:

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

- 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 until we have approved what you have sent us, unless otherwise agreed in writing by us. You must then carry out the landscaping and planting within one 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 5 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 the area, and to improve its contribution to biodiversity and the local environment. This is as set out in STRA 37, ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BB)

- 29 **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 set out in the Tree Survey report by Bradley-Hole Schoenaich Landscape dated November 2017. 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: 2005. 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 STRA 37, DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AB)

- 30 You must apply to us in writing for permission if you want to remove any trees which you have shown that you were going to keep. If any trees which you have shown that you were going to keep die or become seriously damaged or diseased within five years of you completing the development, you must replace

them. You must plant the replacement trees in the same place or in any other place we agree to in writing. You must apply to us for our approval of the size and species of the replacement trees, and you must plant the replacement trees within 12 months of removing the original tree or trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one that was originally planted. (C31JA)

Reason:

To protect trees and the character and appearance of the site as set out in STRA 37, DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CB)

- 31 You must apply to us for our approval of any work you want to carry out on any trees. You must not start any work on the trees until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To protect trees and the character and appearance of the site as set out in STRA 37, DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CB)

- 32 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the hotel extension or residential part of the development, as set out in your application., , A combined heat and power system, photovoltaics and designed to enable future connection to a district heating system., , You must not remove any of these features, unless we have given you our permission in writing. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application, as set out in STRA 32, STRA 33 and ENV 1 of our Unitary Development Plan that we adopted in January 2007. (R44AA)

- 33 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, in consultation with Transport for London, 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)

- 34 You must apply to us for approval of one disabled car parking space for the hotel part of the development. You must not occupy the hotel extension until we have approved what you have sent us. You must then permanently provide the disabled car parking space. (C26DB)

Reason:

To provide disabled car parking for hotel visitors.

- 35 Notwithstanding what is shown on the approved plans, a minimum of six of the new hotel bedrooms (10%) shall be fully wheelchair accessible.

Reason:

To make sure that there is sufficient choice for people who require an accessible bedroom as set out in policy E10 of the draft New London Plan 2017.

- 36 You must apply to us for approval of details of a drainage strategy detailing surface water attenuation volumes and discharge rates; whether there will be any permanent de-watering resulting in long term pumping of ground water to the sewer; and confirmation that the basement will be safe and resilient in the event of localised surface flood water. You must not start any work until we, in consultation with the Greater London Authority, have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To ensure that sufficient capacity is made available to cope with the development to avoid sewage flooding.

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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 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)
- 8 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)
- 9 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 10 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)
- 11 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is

used for. (I23AA)

- 12 To meet condition 29 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 13 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)
- 14 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 15 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 16 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 17 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.

- 18 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 19 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.
- 20 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.
- 21 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 22 With reference to condition 33 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

- 23 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: , , * An employment and training opportunities strategy during construction and for the hotel use., * Carbon offset payment., * Monitoring costs.
- 24 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)
- 25 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. You should also check whether these features will need planning approval., , You should contact:, David Fisher on 020 8217 3813 or by email docomailbox.ne@met.police.uk, , He is based at:, Lower Ground, Bow Road Police Station , 111-117 Bow Road , London E3 2AN , (I74AA)
- 26 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:, , John Firrell MHCIMA, Secretary - Considerate Hoteliers Association, C/o Wheelwright's Cottage, Litton Cheney, Dorset DT2 9AR , , E-mail: info@consideratehoteliers.com, Phone: 01308 482313, , (I76AA)
- 27 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 28 Condition 17 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 29 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You

are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk

- 30 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.**

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 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	St Martin's Courtyard, (including Units 19, 21, 23, and 25 Slingsby Place and 7 - 9 Mercer Street), London, WC2E 9AB		
Proposal	<p>Application 1: Use of units 19 and 21 Slingsby Place as a Class A3 restaurant and erection of kitchen extract duct at rear.</p> <p>Application 2: Alterations to the Mercer Street entrance to St Martins Courtyard including display of fascia signage.</p> <p>Application 3: Alterations to the Upper St Martin's Lane entrance to St Martin's Courtyard including installation of an illuminated brass entrance canopy with painting of the adjacent ground floor facade.</p> <p>Application 4: Alterations to the Long Acre entrance to St Martin's Courtyard including installation of an externally illuminated flower canopy.</p> <p>Application 5: Alterations to St Martin's Courtyard elevations, including installation of a ground floor colonnade with first floor restaurant terrace and awnings along the south facing elevation of Units 19 – 25 Slingsby Place; new cladding to 23 Slingsby Place at first floor level and to the west facing elevation of 7 - 9 Mercer Street; new lighting in the south western area of the courtyard; new paving; and display of associated signage.</p>		
Agent	Rolfe Judd Planning		
On behalf of	Longmartin Properties Ltd		
Registered Number	Application1: 17/11001/FULL Application 2: 17/11002/FULL & 17/11003/ADV Application 3: 17/11006/FULL & 17/11007/ADV	Date amended/ completed	13 December 2017

	Application 4: 17/11004/FULL & 17/11005/ADV Application 5: 17/10999/FULL & 17/11000/ADV		
Date Application Received	13 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden (Applications 2, 4 and 5)		

1. RECOMMENDATION

Applications 1, 2, 3, 4 and 5: Grant conditional permission.

Applications 2, 3, 4 and 5: Grant conditional advertisement consent.

2. SUMMARY

Site and Surroundings

St Martin's Courtyard is a mixed-use development including retail, entertainment, office, and residential accommodation, which is bounded by Mercer Street, Long Acre, Upper St Martin's Lane and Shelton Street.

The courtyard can be accessed from entrances on Mercer Street, Upper St Martins Lane and Long Acre. The buildings within and around the courtyard are not listed; however the eastern part of St Martin's Courtyard is located within the Covent Garden Conservation Area. The site lies within the Central Activities Zone and the West End Stress Area.

Relevant History

St Martin's Courtyard has been developed following various permissions between 2008 and 2011 for extensions and alterations to provide a mixed-use site of retail, restaurant, office and residential.

Proposals

This report concerns a number of applications submitted by Longmartin Properties Ltd, a consortium of Shaftesbury Plc and The Mercers Company, who wish to enhance the vibrancy, identity and attractiveness of St Martin's Courtyard and make it more inviting to passers-by. The applications relate to Units 19, 21, 23 and 25 Slingsby Place, 7 – 9 Mercer Street, and the entrances on Mercers Street, Upper St Martins Lane and Long Acre.

Application 1 (Units 19 – 21 Slingsby Place):

This proposal seeks a change of use of units 19 and 21 Slingsby Place from A1 retail to A3 restaurant at the ground and basement floors. At roof level and to the rear, a new kitchen extract duct is proposed to serve the new restaurant.

Application 2 (Mercer Street Entrance):

This proposal seeks alterations to the Mercer Street entrance, including a new bay window at first floor level framed by Corian cladding, new signage, and lighting within the underpass leading to the courtyard.

Application 3 (Upper St Martin's Lane Entrance):

This proposal seeks alterations to the Upper St Martin's Lane entrance, including the installation of an illuminated brass entrance canopy, new signage, and painting of the adjacent ground floor facade.

Application 4 (Long Acre Entrance):

This proposal seeks to install an externally illuminated hanging flower canopy, which would be located at first floor level between the flank elevations of buildings on the Long Acre entrance.

Application 5 (Units 19, 21, 23 and 25 Slingsby Place and 7 - 9 Mercer Street):

This proposal seeks to install a ground floor colonnade with first floor restaurant terrace and awnings along the south facing elevation of units 19 – 25 Slingsby Place; new cladding to 23 Slingsby Place at first floor level and also to the west facing elevation of 7 - 9 Mercer Street; new lighting hung around a tree in the south western area of the courtyard; new paving; and display of associated signage.

The key issues with these application are:

- The land use implications arising from the loss of A1 retail and the creation of A3 restaurant floorspace;
- The impact of the proposals of the character and appearance of the area including the Covent Garden Conservation Area;
- The impact of the proposal on the amenity of neighbouring occupiers;
- The impact of the proposals on the surrounding highway network in terms of servicing.

The Covent Garden Community Association (CGCA) raise a number of concerns with the proposals relating to land use, design, amenity, and servicing.

Application 1 (Units 19 – 21 Slingsby Place)

In terms of land use, the basement and ground floors of Units 19 and 21 Slingsby Place were last in use as retail (Class A1) but both are currently vacant. The proposal seeks to amalgamate both units and a change of use to a restaurant (Class A3). The table below sets out the existing and proposed land use floor areas:

Units 19 - 21	Existing GIA (sqm)	Proposed GIA (sqm)
Retail A1	398	
Restaurant A3		398

The CGCA object to the loss of A1 retail and the increase in A3 restaurant floorspace, which they consider will upset the balance between retail and restaurant uses and lead to additional servicing which would harm the amenity of residents.

The loss of existing A1 floorspace (398 sqm) at Units 19-21 Slingsby Place to create a new A3 restaurant is contrary to policy S21 of Westminster's City Plan (November 2016) and SS5 of Westminster's Unitary Development Plan (January 2007), which seek to protect A1 floorspace within the CAZ.

The applicant argues that both units have been vacant for some time. Unit 21 has been vacant for 12 months and Unit 19 recently exercised a break clause in their lease citing poor trading performance as a reason for withdrawing from the tenancy. Given that this is fairly new retail floorspace (created between 2008 and 2011); and also taking into account the period of vacancy and the back land location, it is not considered that the loss of these A1 retail units would significantly harm the attractiveness of the West End as a shopping destination. The proposals are also part of wider plans to enhance the existing courtyard and create a more appealing space for visitors. On balance, it is considered that an additional A3 restaurant is an appropriate use for this location.

The retail units within the courtyard are restricted by conditions on the original planning consents for the redevelopment, restricting opening hours to between 07:30 and 24:00 and servicing to between 07:30 and 11:30.

The Highways Planning Manager acknowledges that an A3 unit would require more servicing but has no objection subject to a condition requiring that all servicing takes place off-street in line with the original permission.

At roof level and to the rear yard area, a new kitchen extract duct is proposed to serve the new restaurant. The extract duct is in a concealed location with limited views and as such is acceptable in design terms.

The kitchen extract duct will discharge at the top of the building and away from the nearest residential dwellings in a manner that should allow sufficient dilution and dispersal of cooking odours and fumes. Environmental health raise no objection subject to the standard noise conditions.

Application 2 (Mercer Street Entrance, Mercer Street)

The Mercer Street entrance falls within the Covent Garden Conservation Area and is in a historic townscape setting with nearby listed buildings. This proposal seeks alterations to the Mercer Street entrance, including a new bay window at first floor level framed by Corian cladding, new signage, and lighting within the underpass leading to the courtyard. The scale, design and materiality of the projecting bay is considered acceptable. The proposal would enliven this façade, whilst respecting the character and appearance of the host building, adjoining terrace, and conservation area.

Within the underpass leading into St Martin's courtyard, it is proposed to install flower bed effect lighting and a mirrored 'ceiling garden' of cut out leaves where light will shine down creating coloured shadows across the floor. The CGCA have no objection to this proposal provided the lighting does not have an impact on the amenity of adjacent residents. It is not considered that the new lighting within the underpass would adversely affect the amenity of the nearest residents who are located at second floor level adjacent to the entrance on Mercer Street. No objections have been received from surrounding residents.

Application 3 (Upper St Martin's Lane Entrance)

This proposal seeks alterations to the Upper St Martin's Lane entrance, including the installation of an illuminated brass entrance canopy. Signage is proposed on top of the canopy, which will be illuminated via single bulbs. The adjacent ground floor façade will be painted in a metallic paint, with a petal design in keeping with the flower theme of the other proposals.

The CGCA object to this proposal on grounds it would harm the character and appearance of the Covent Garden Conservation Area, would not be sympathetic to the listed buildings and structures in the Covent Garden and Seven Dials Conservation Areas, and would detract from the iconic view of the Seven Dials Monument as viewed from Upper St Martin's Lane and Monmouth Street.

The Upper St Martin's Lane entrance is outside a conservation area and set within a largely undistinguished building. The degree of projection at 3.5m is considerable but is not considered to harm street views from north and south. The canopy would not detract from the view of Seven Dials Monument as this only becomes visible beyond the Upper St Martin's Lane entrance. Given the above, there is no design objection to the principle of a projecting canopy as proposed.

Application 4 (Long Acre Entrance)

This proposal seeks to install an externally illuminated hanging flower canopy, which would be located at first floor level between the flank elevations of buildings on the Long Acre entrance. The aim is to enhance and improve the Long Acre entrance and give the entrance identity. The flower canopy would make use of existing wall-mounted hangers, which are positioned on the elevations of the buildings. The flower canopy would be constructed from powder coated fretwork metal, and lit from above and below, to create dappled light effects on the floor. The entrance to St Martin's Courtyard from Long Acre is long, narrow and uninviting. There is no design objection to the proposal, which is considered to add interest and vitality to the entrance.

The CGCA raise concern that the lighting may cause light pollution and request a condition should be included that limits the hours of the lighting and requires the lights to be positioned so they do not shine directly or spill into residential windows. The lights to the Long Acre entrance are mostly downlighters attached to the columns between the windows to shine through the flowers and create dappled light effects on the pavement. Ground floor uplighters are also proposed to shine up onto the flowers.

The uses surrounding the long Acre entrance are mostly commercial although there is some residential on the corner of Long Acre and Slingsby Place at second, third and fourth floor levels. The lighting is generally located away from residential properties within St Martin's Courtyard. The lighting is to be controlled by DMX controller, effectively a remote control, which can adjust the brightness and configuration of the lights, and therefore the lighting can be controlled to be sensitive to any impact on residential windows. An informative is attached to advise the applicants to take into account the impact on neighbouring properties. The applicant has advised that the lighting of the flower canopy would be turned off at 00.30. The extent of lighting proposed is considered relatively modest in nature and unlikely to raise any significant amenity concerns.

Application 5 (Units 19, 21, 23 and 25 Slingsby Place and 7 - 9 Mercer Street)

This proposal seeks to install a ground floor colonnade with first floor restaurant terrace and awnings along the south facing elevation of units 19 – 25 Slingsby Place; new cladding to 23 Slingsby Place at first floor level and also to the west facing elevation of 7 - 9 Mercer Street; new lighting hung around a tree in the south western area of the courtyard; new paving; and the display of associated signage.

In design terms, there is no objection to the proposed works to the interior courtyard. The materials of the colonnade, cladding, and paving would comprise of acrylic stone, Corian cladding, and York stone paving, which are considered acceptable in this location.

The colonnade would extend across the façade of Units 19 – 25 Slingsby Place and would be capable of providing a covered seating area for the ground floor premises. Above the colonnade, a first floor restaurant terrace would provide an additional 81sqm of restaurant area for Unit 23 'Suda Restaurant', which occupies the entire first floor. The terrace would provide 11 tables and 36 chairs.

The CGCA raise concerns regarding potential disturbance to adjacent residents and they recommend that the tables and chairs should only be placed outside the premises until 21.00. Outdoor seating has already been approved elsewhere in the courtyard. The nearest residential properties are on the upper floors of 11 Upper St Martin's Lane, above 'Bills' and 'Jamie's Italian' restaurants, which have outdoor seating on the ground floor. The applicant has agreed to a condition to restrict the use of the first floor restaurant terrace to 22.00, which is considered appropriate in amenity terms.

The new cladding to the first floor south facing elevation and west facing elevation continues with the flower theme with backlit flower petals. Other courtyard enhancements include new lighting hung around a tree in the southwest corner of the courtyard, comprising of hanging mirrored diamonds. These are considered to add vibrancy and visual interest to the courtyard.

Overall, the aims of all the proposals to enhance St Martins Courtyard and the surrounding area to allow for a more vibrant and attractive courtyard are welcomed.

3. LOCATION PLAN



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

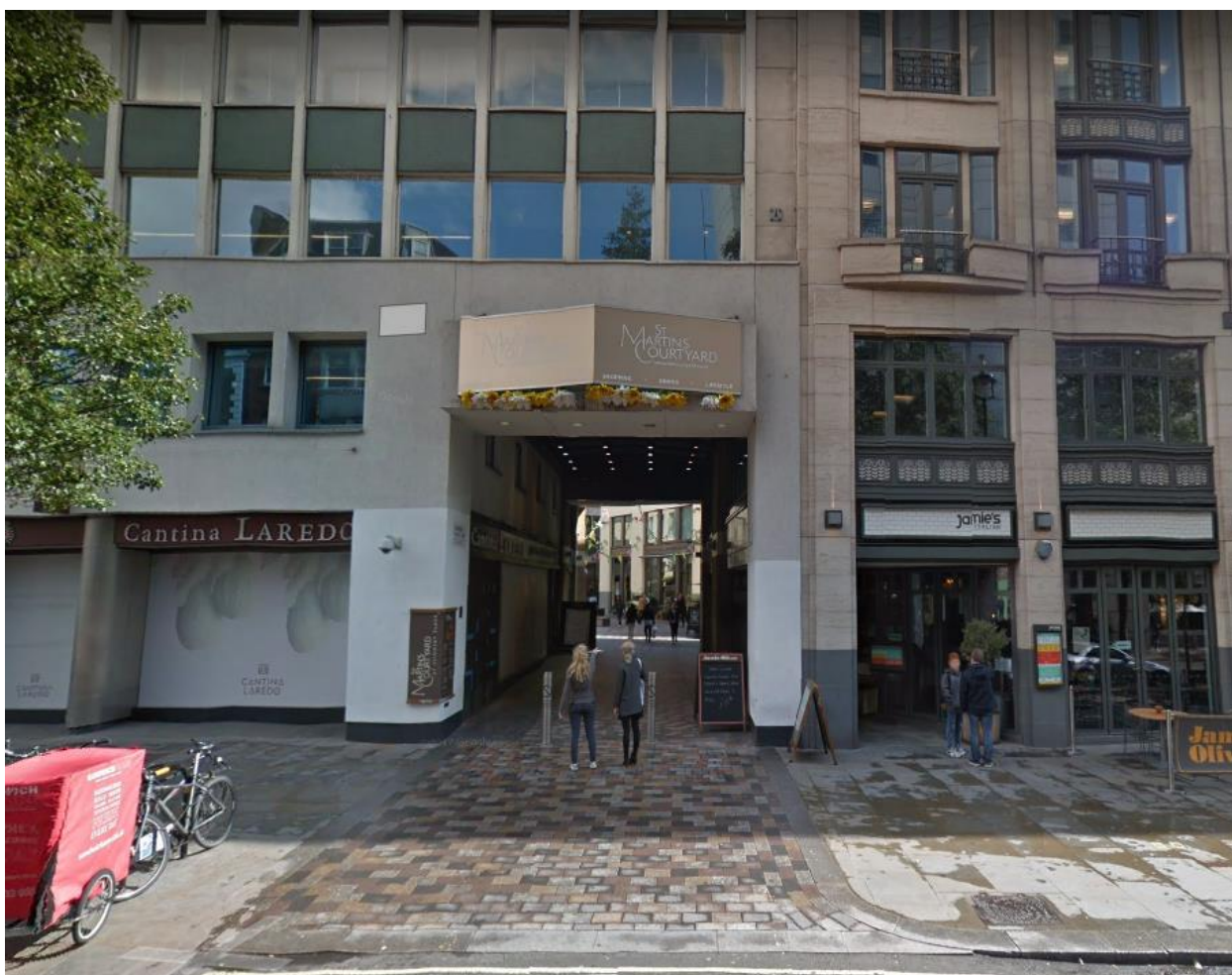
4. PHOTOGRAPHS



Application 1: Units 19 and 21 Slingsby Place, St Martin's Courtyard



Application 2: Mercer Street entrance to St Martins Courtyard



Application 3: Upper St Martin's Lane entrance to St Martin's Courtyard



Application 4: Long Acre entrance to St Martin's Courtyard



Application 5: Units 19 – 25 Slingsby Place and courtyard elevation of 7 - 9 Mercer Street

5. CONSULTATIONS

APPLICATION 1:

Use of units 19 and 21 Slingsby Place as a Class A3 restaurant and erection of kitchen extract duct at rear.

COVENT GARDEN COMMUNITY ASSOCIATION:

Object on following grounds:

- St Martin's Courtyard when approved had an appropriate balance between retail and restaurant uses;
- The loss of A1 and additional A3 would result in the north of the site having five A3 units rather than the three originally permitted to balance with other uses;
- Additional A3 will add to servicing load in courtyard and make it more likely for servicing to occur from surrounding streets;
- If the Council is minded to approve, conditions should be attached to require a glass crushing facility; control noise and disturbance from mechanical plant; and hours of use.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions. The kitchen extract duct will discharge at the top of the building and away from the residential dwellings in a manner that should allow sufficient dilution and dispersal of cooking odours and fumes.

HIGHWAYS PLANNING MANAGER:

Recommends a condition that all servicing takes place off-street.

CLEANSING MANAGER:

Requires further details of waste and recycling storage.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 96

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

APPLICATION 2:

Alterations to the Mercer Street entrance to St Martins Courtyard including display of fascia signage.

COVENT GARDEN COMMUNITY ASSOCIATION:

No objection provided the lighting does not have an impact on the amenity of adjacent residents.

HIGHWAYS PLANNING MANAGER:

The new fascia sign may overhang the highway slightly and will need a highways license which may be unacceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 85

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

APPLICATION 3:

Alterations to the Upper St Martin's Lane entrance to St Martin's Courtyard including installation of an illuminated brass entrance canopy with painting of the adjacent ground floor facade.

COVENT GARDEN COMMUNITY ASSOCIATION:

Object on grounds they would harm the character and appearance of the Covent Garden Conservation Area. The proposals are not sympathetic to the listed buildings and structures in the Covent Garden and Seven Dials Conservation Areas and would detract from the iconic view of the Seven Dials Monument as viewed from Upper St Martin's Lane and Monmouth Street.

HIGHWAYS PLANNING MANAGER:

The new canopy will over sail Upper St Martin's Lane and will need an appropriate highway over sailing license. This should be acceptable as it is 5.1m above the surface.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 40

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

APPLICATION 4:

Alterations to the Long Acre entrance to St Martin's Courtyard including installation of an externally illuminated flower canopy.

COVENT GARDEN COMMUNITY ASSOCIATION:

Raise following concerns about the impact of the illuminated canopy on adjacent residents.

- The maintenance and cleaning of the canopy, may cause noise and disturbance, therefore a condition should be attached that specifies it is serviced during daytime hours only;
- Lighting may cause light pollution therefore a condition should be included that limits the hours of the lighting and requires the lights to be positioned so they do not shine directly or spill into residential windows.

HIGHWAYS PLANNING MANAGER:

No objection, the canopy is not over the highway and is high enough above the ground that it should not be in conflict with servicing vehicles.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 55

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

APPLICATION 5:

Alterations to St Martin's Courtyard elevations, including installation of a ground floor colonnade with first floor restaurant terrace and awnings along the south facing elevation of Units 19 – 25 Slingsby Place; new cladding to 23 Slingsby Place at first floor level and to the west facing elevation of 7 - 9 Mercer Street; new lighting in the south western area of the courtyard; new paving; and display of associated signage.

COVENT GARDEN COMMUNITY ASSOCIATION:

Objection on following grounds:

- The large open air terrace would harm residential amenity, as it is the existing outdoor seating cumulatively causes noise and disturbance, which is exacerbated by the canyon like effect or echoing that occurs in the courtyard;
- Any terrace or balcony should have the ability to be enclosed, particularly after 9pm;
- Increase in entertainment use will add to servicing load and make it more likely for servicing to occur from surrounding streets;
- The CGCA is sympathetic to the applicants desire to increase footfall for commercial activities, but reminds the Council that St Martin's Courtyard is also a residential area with a number of residents living directly above, across and behind this development.

HIGHWAYS PLANNING MANAGER:

No objection. Is satisfied that there will remain spaces in which servicing vehicles will be able to stop off-street and accommodate all servicing within Slingsby Place and the courtyard.

A walkways agreement may need to be amended to take into account that some of the space that was open would be built upon (The applicant has confirmed that the walkway route is not affected by the colonnade/ terrace.)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 114

No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND PAPERS**Application 1 (Units 19 – 21 Slingsby Place) (17/11001/FULL)**

1. Application form
2. Response from Covent Garden Community Association dated 15 January 2018
3. Response from Environmental Health dated 5 January 2018
4. Response from Highways Planning Manager dated 07 February 2018

5. Response from Cleansing Manager dated 05 January 2018

Application 2 (Mercer Street Entrance) (17/11002/FULL & 17/11003/ADV):

1. Application form
2. Response from Covent Garden Community Association dated 15 January 2018
3. Response from Highways Planning Manager dated 07 February 2018

Application 3 (Upper St Martin's Lane Entrance) (17/11006/FULL & 17/11007/ADV):

1. Application form
2. Response from Covent Garden Community Association dated 15 January 2018
3. Response from Highways Planning Manager dated 07 February 2018

Application 4 (Long Acre Entrance) (17/11004/FULL & 17/11005/ADV):

1. Application form
2. Response from Covent Garden Community Association dated 15 January 2018
3. Response from Highways Planning Manager dated 07 February 2018

Application 5 (Units 19, 21, 23 and 25 Slingsby Place and 7 - 9 Mercer Street) (17/10999/FULL & 17/11000/ADV):

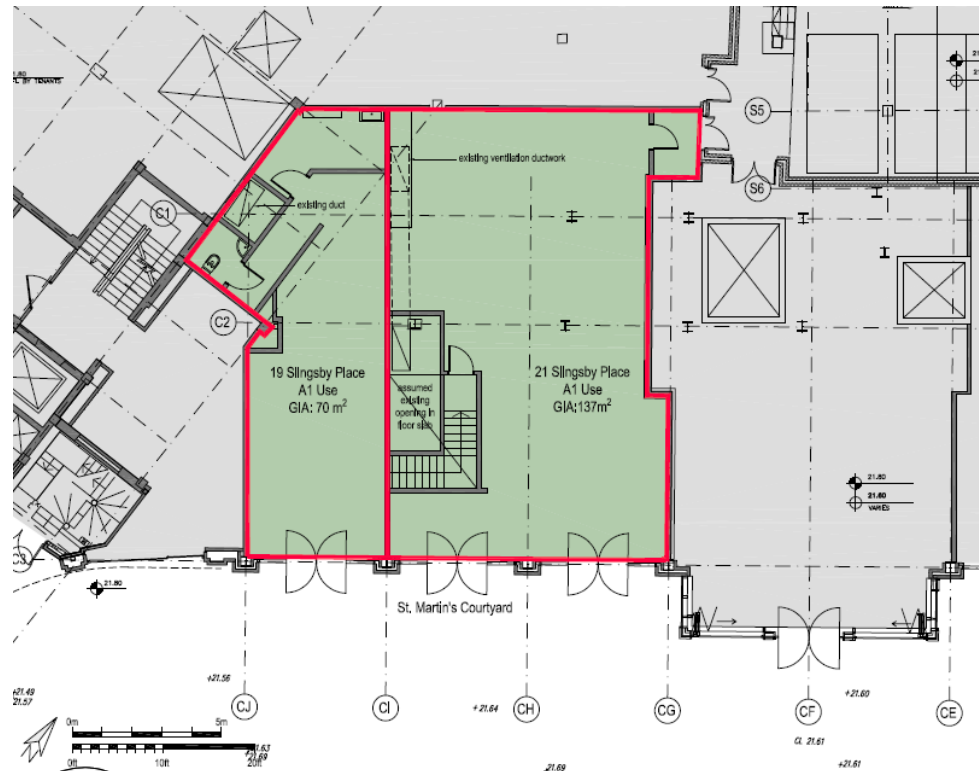
1. Application form
2. Response from Covent Garden Community Association dated 15 January 2018
3. Response from Highways Planning Manager dated 09 March 2018

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

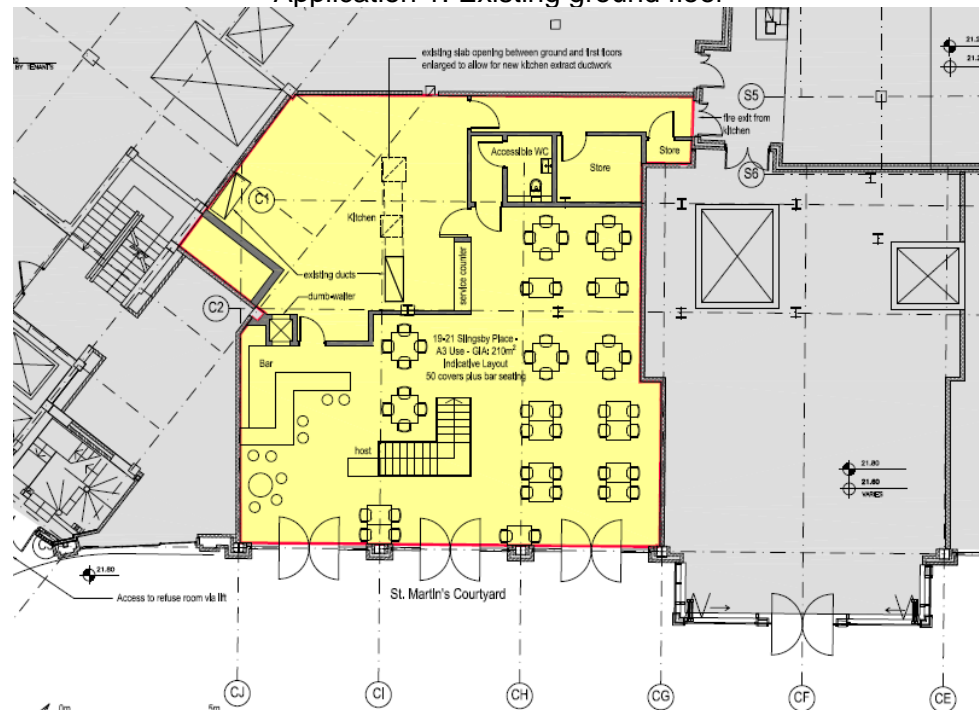
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk.

7. KEY DRAWINGS

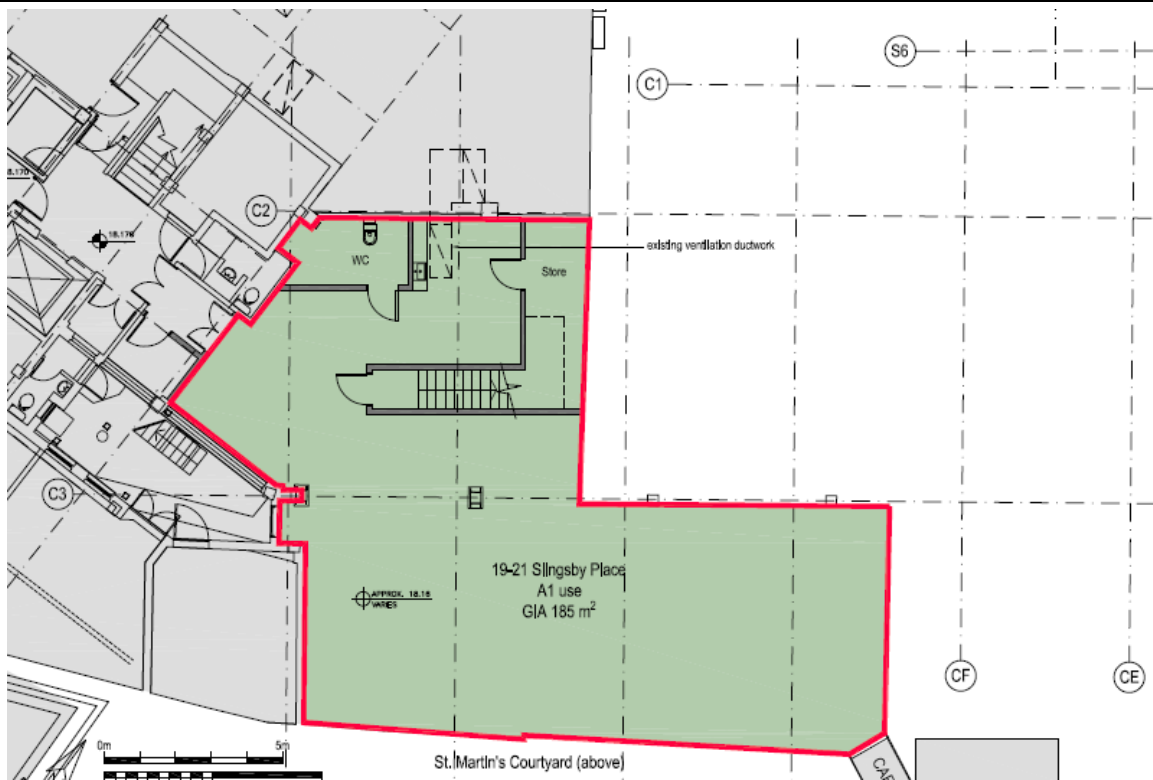
Application 1: Use of units 19 and 21 Slingsby Place as a Class A3 restaurant and erection of kitchen extract duct at rear.



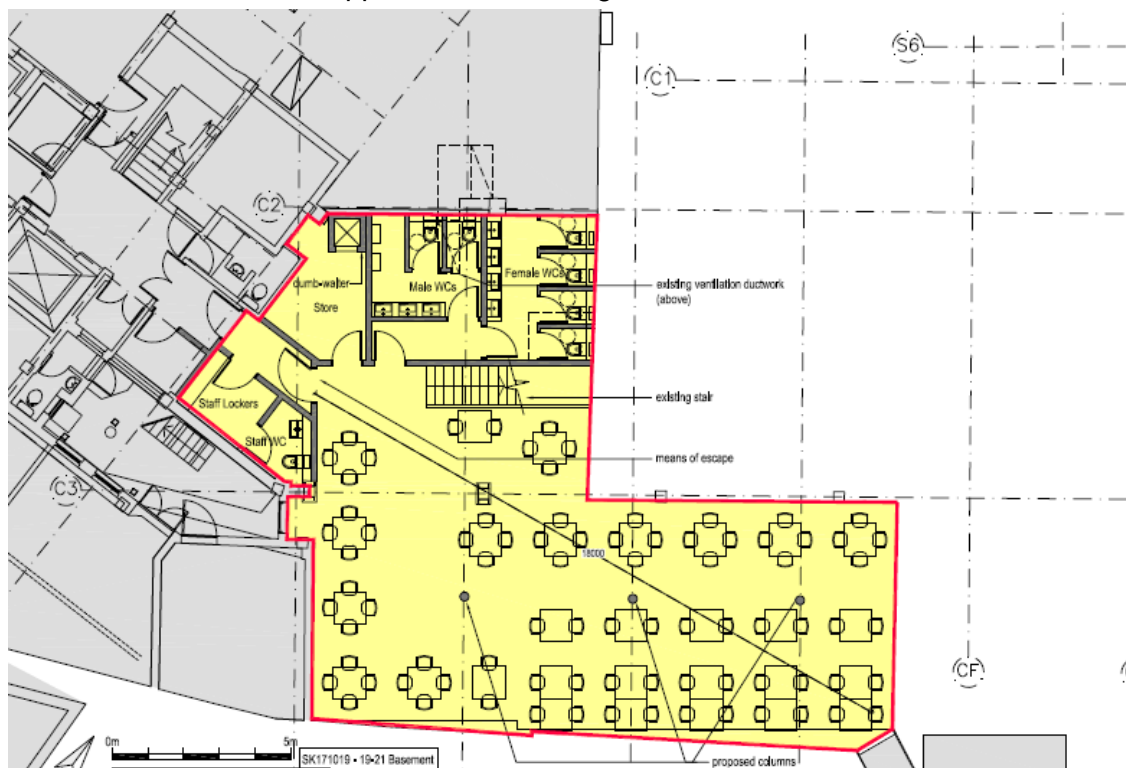
Application 1: Existing ground floor



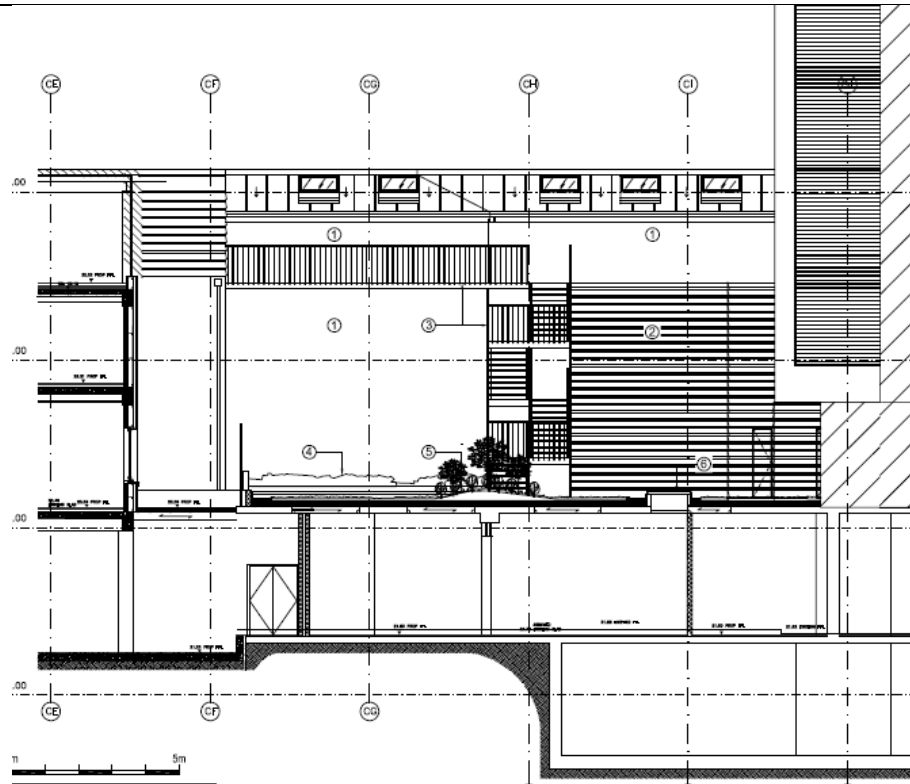
Application 1: Proposed ground floor



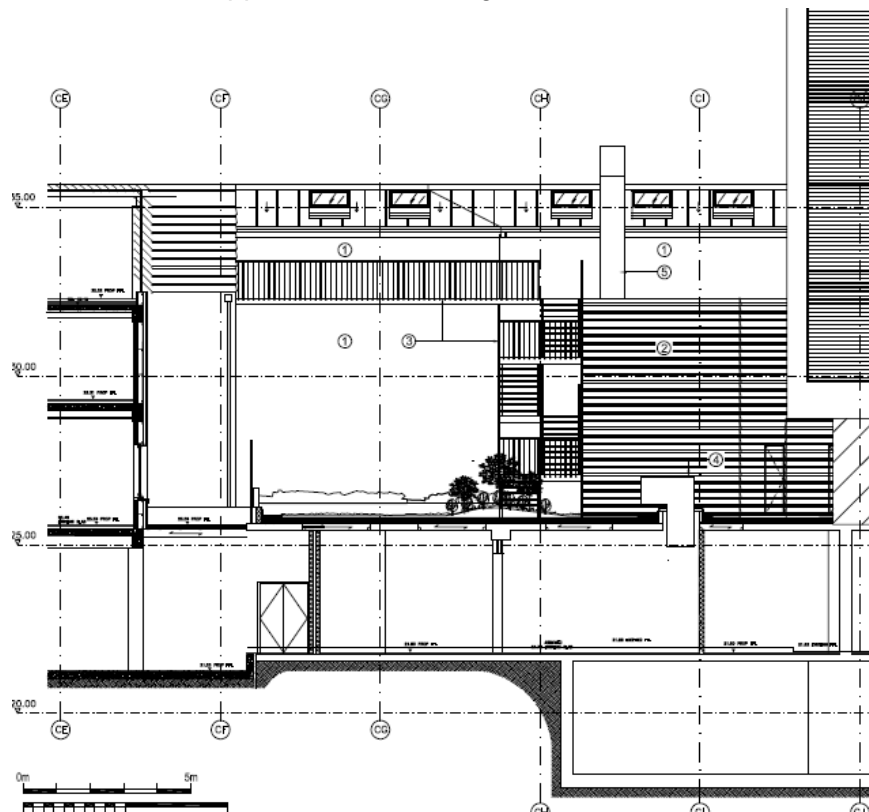
Application 1: Existing basement floor



Application 1: Proposed basement floor



Application 1: Existing rear elevation



Application 2: Proposed rear elevation

Application 2: Alterations to the Mercer Street entrance



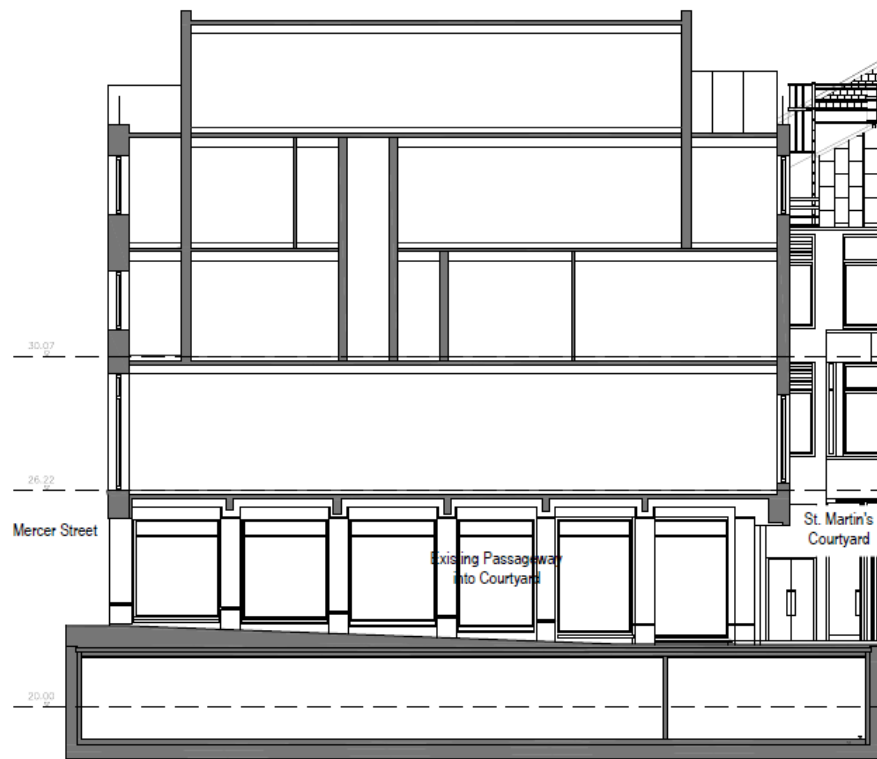
Proposed Mercer Street view



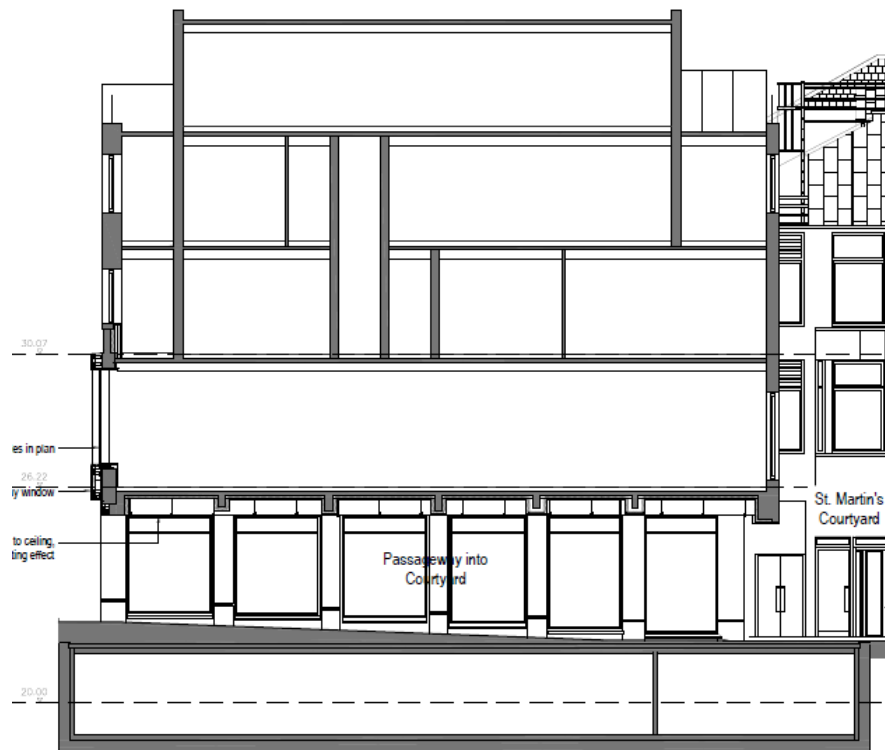
Application 2: Existing Mercer Street elevation



Application 2: Proposed Mercer Street elevation



Application 2: Existing section



Application 2: Proposed section

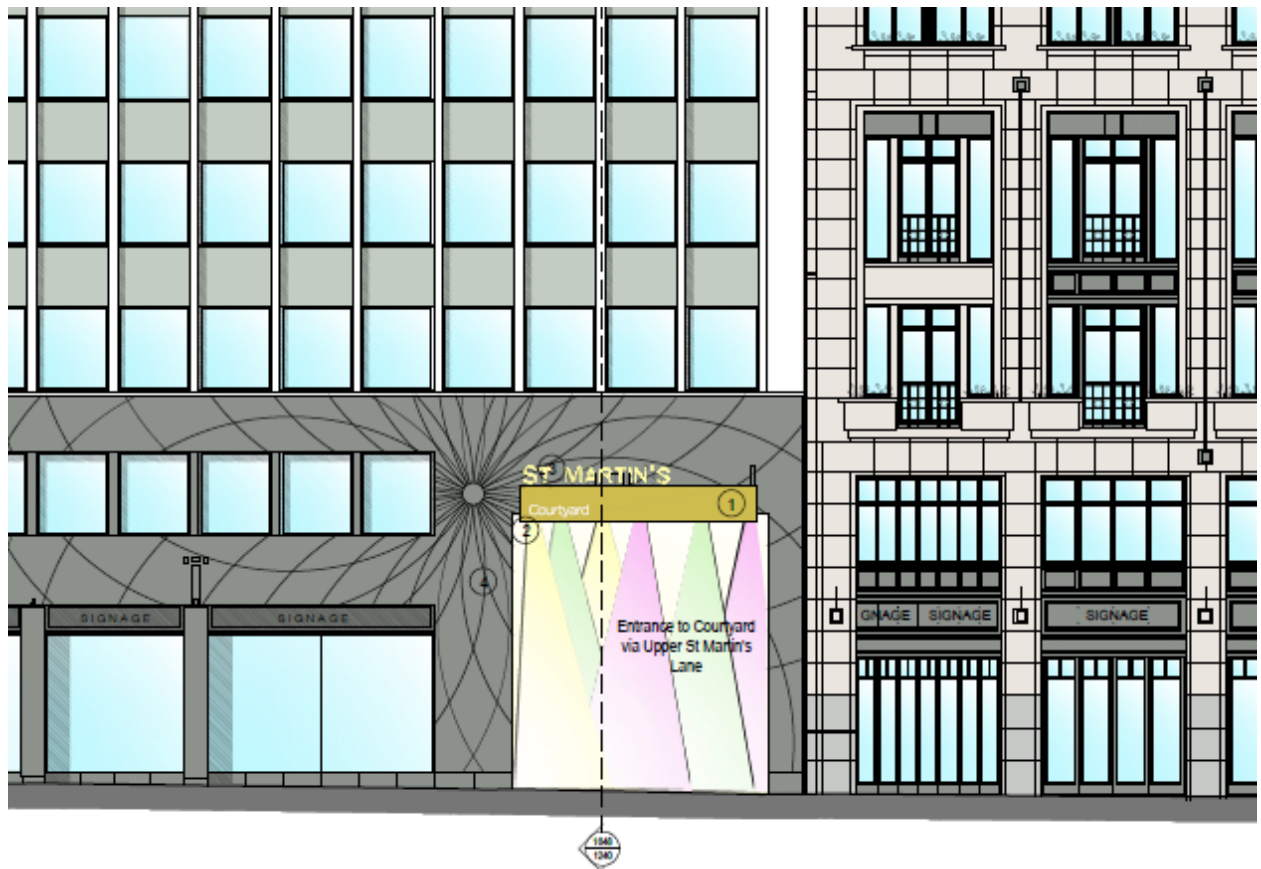
Application 3: Alterations to the Upper St Martin's Lane including installation of an illuminated brass entrance canopy with painting of the adjacent ground floor facade.



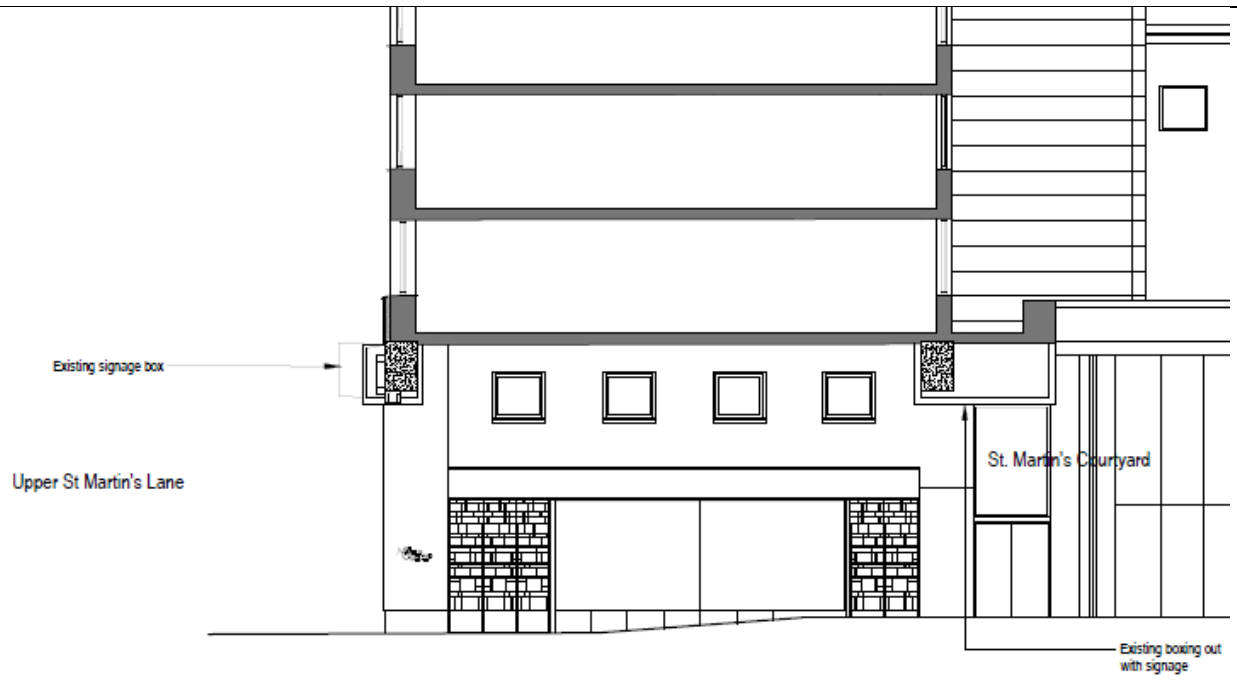
Proposed Upper St Martin's lane view



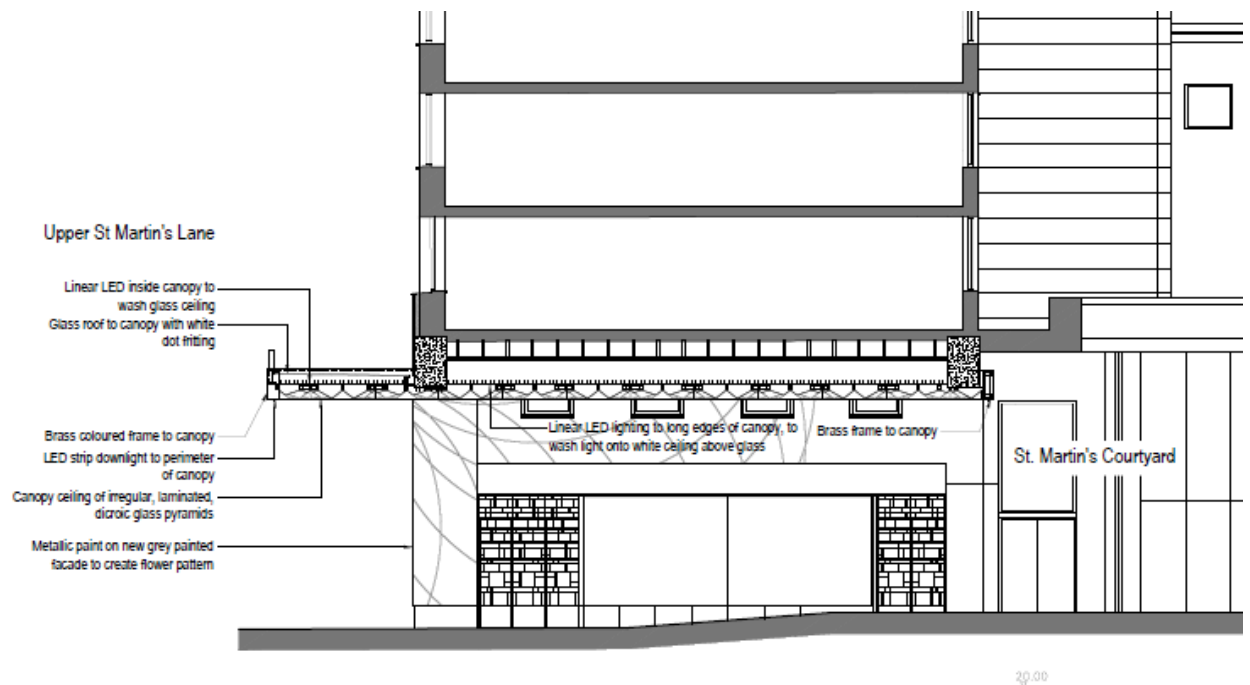
Application 3: Existing Upper St martin's lane elevation



Application 3: Proposed Upper St martin's lane elevation



Application 3: Existing section

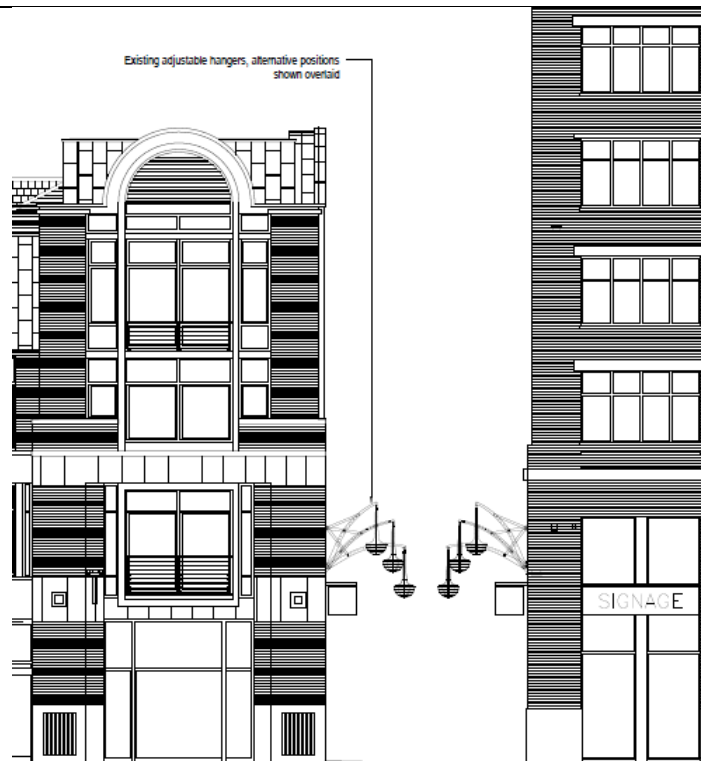


Application 3: Proposed section

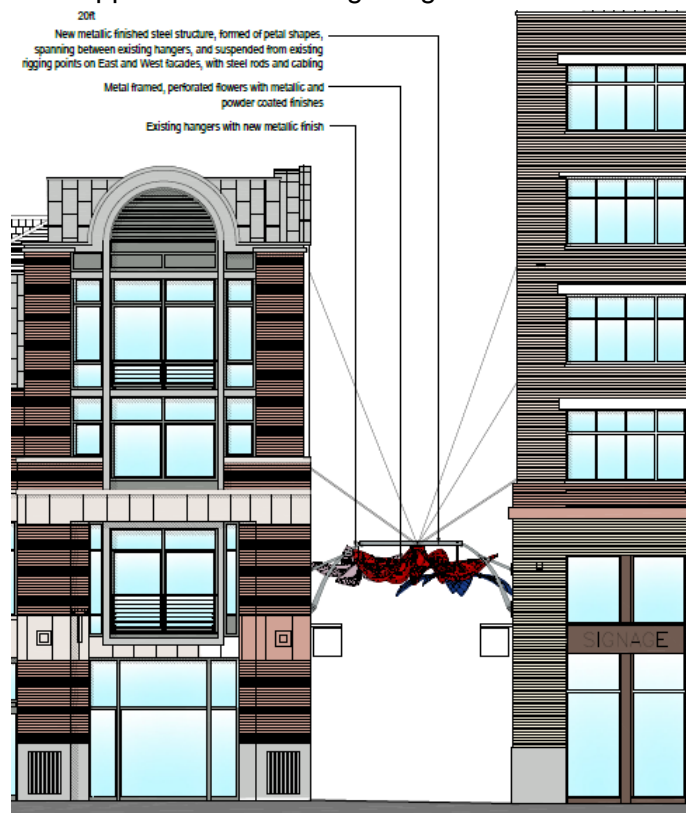
Application 4: Alterations to the Long Acre including installation of an externally illuminated flower canopy.



Proposed Long Acre entrance view



Application 4: Existing Long Acre elevation



Application 4: Proposed Long Acre elevation



Application 4: Existing west elevation

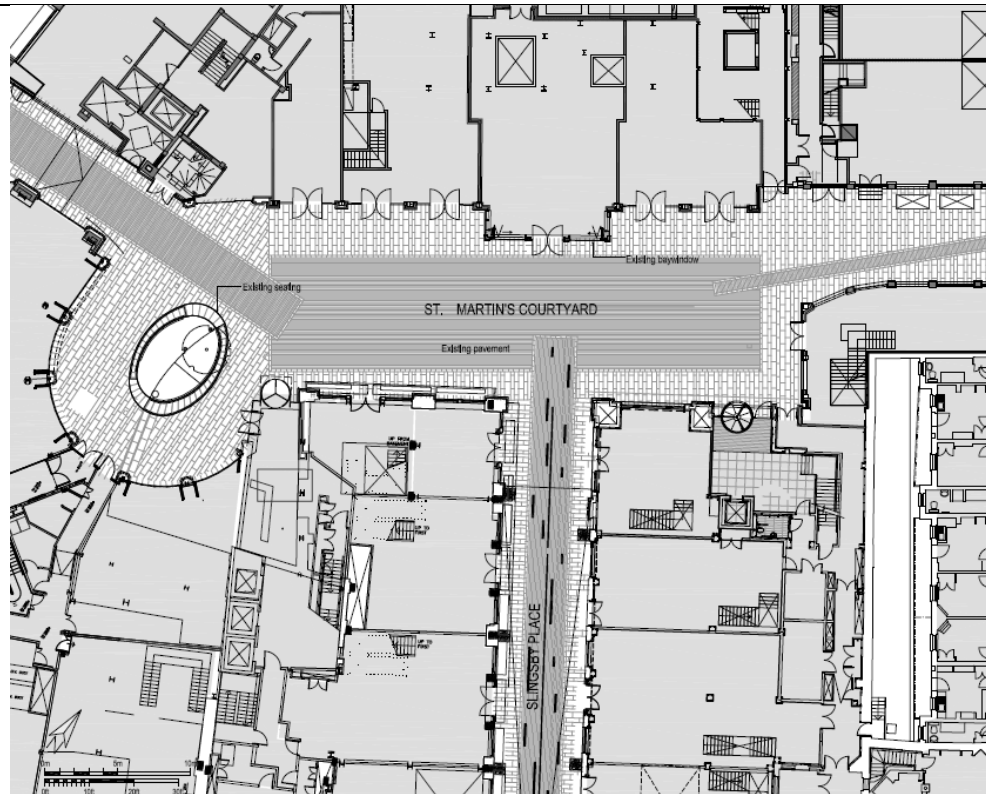


Application 4: Proposed west elevation

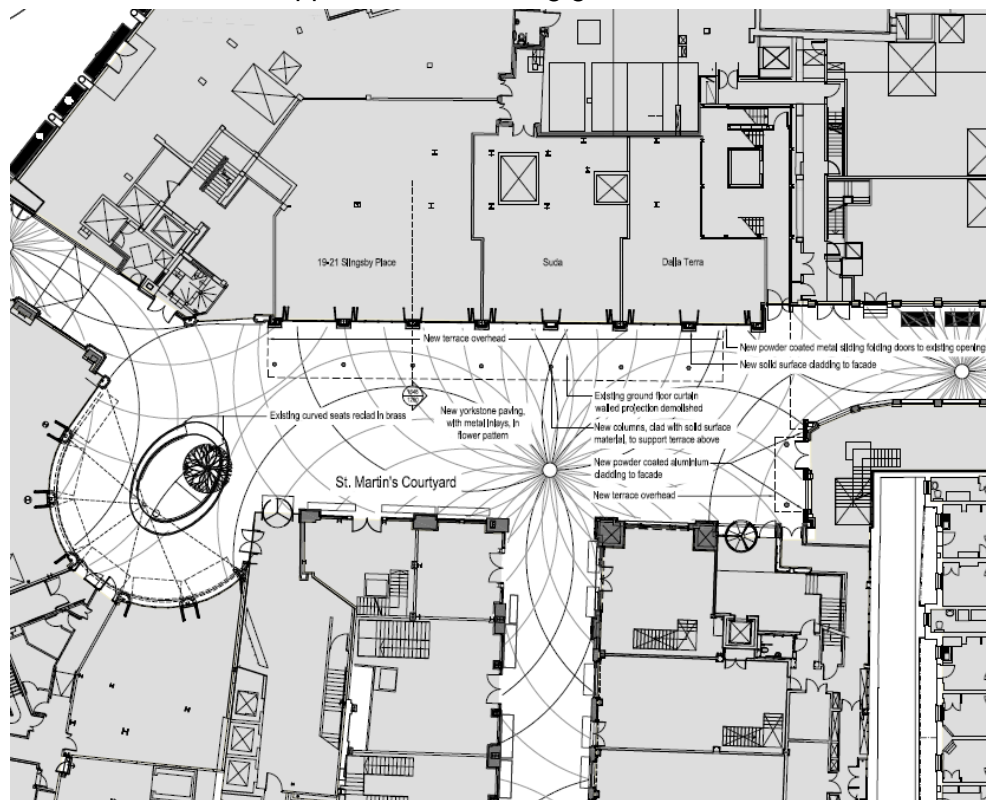
Application 5: Alterations to St Martin's Courtyard elevations, including installation of a ground floor colonnade with first floor restaurant terrace and awnings along the south facing elevation of Units 19 – 25 Slingsby Place; new cladding to 23 Slingsby Place at first floor level and to the west facing elevation of 7 - 9 Mercer Street; new lighting in the south western area of the courtyard; new paving; and display of associated signage



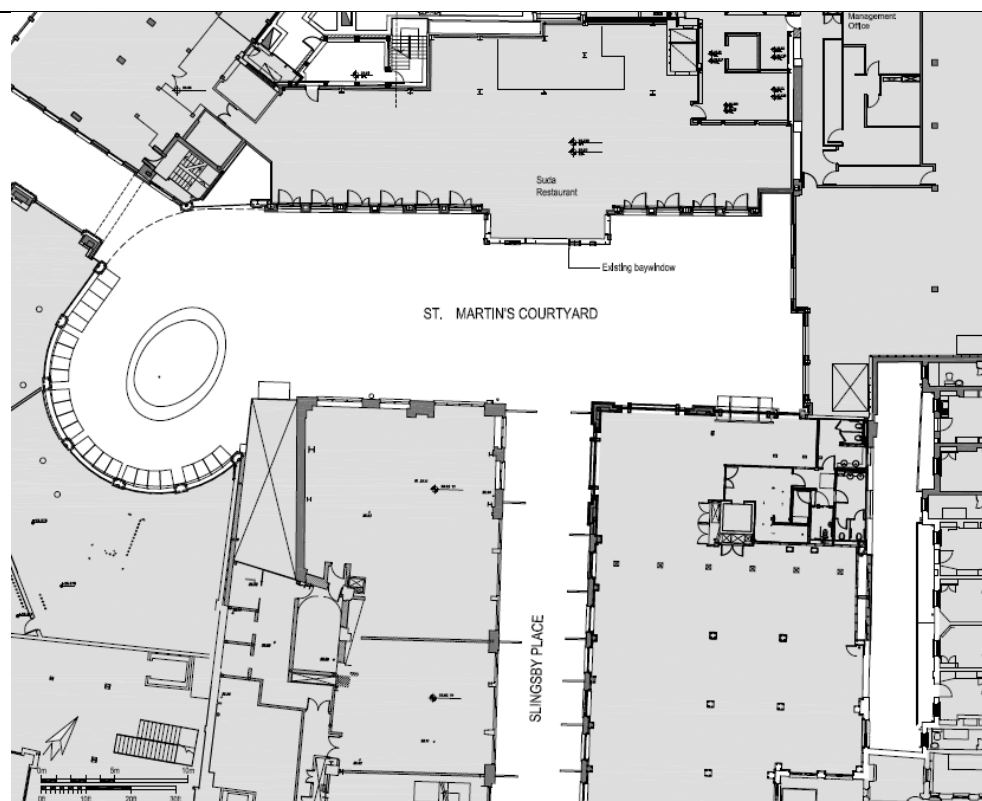
Proposed terrace colonnade view towards Mercer Street entrance



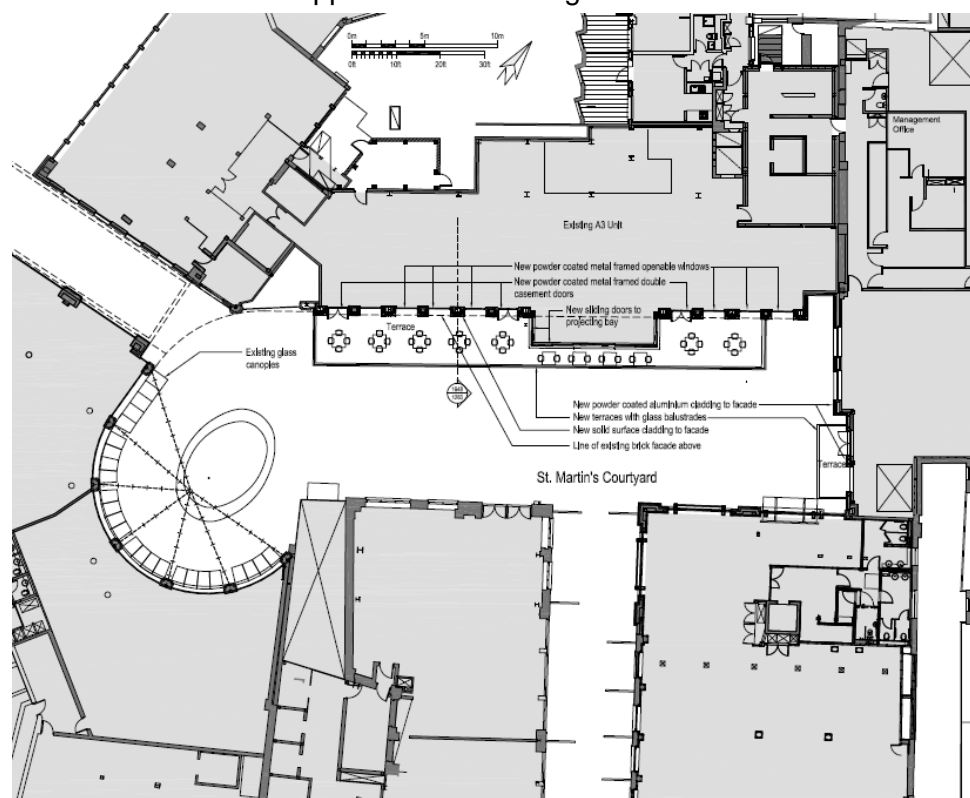
Application 5: Existing ground floor



Application 5: Proposed ground floor



Application 5: Existing first floor



Application 5: Proposed first floor



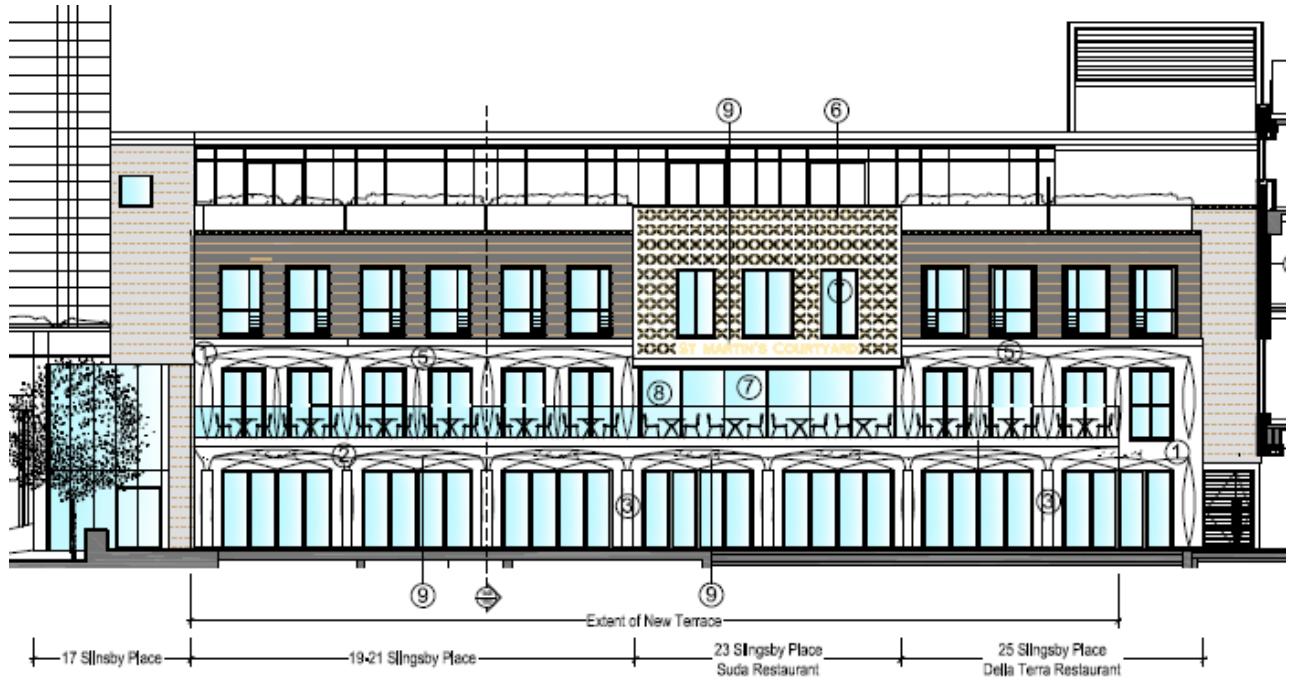
Application 5: Existing courtyard elevation of 7 - 9 Mercer Street



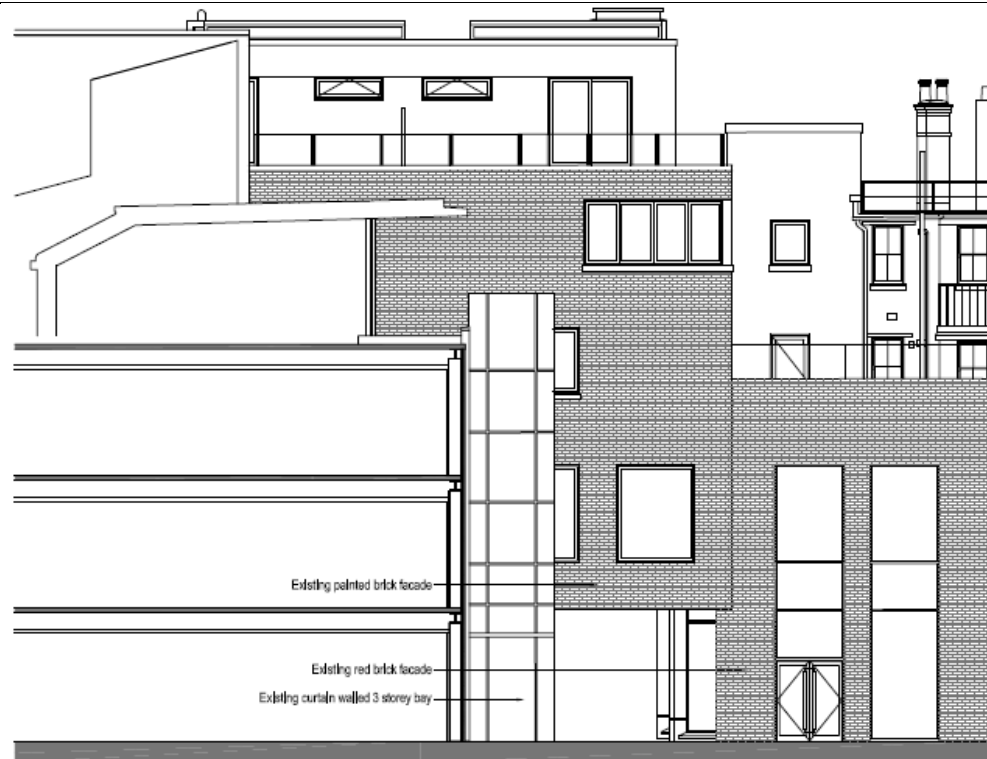
Application 5: Proposed courtyard elevation of 7 - 9 Mercer Street



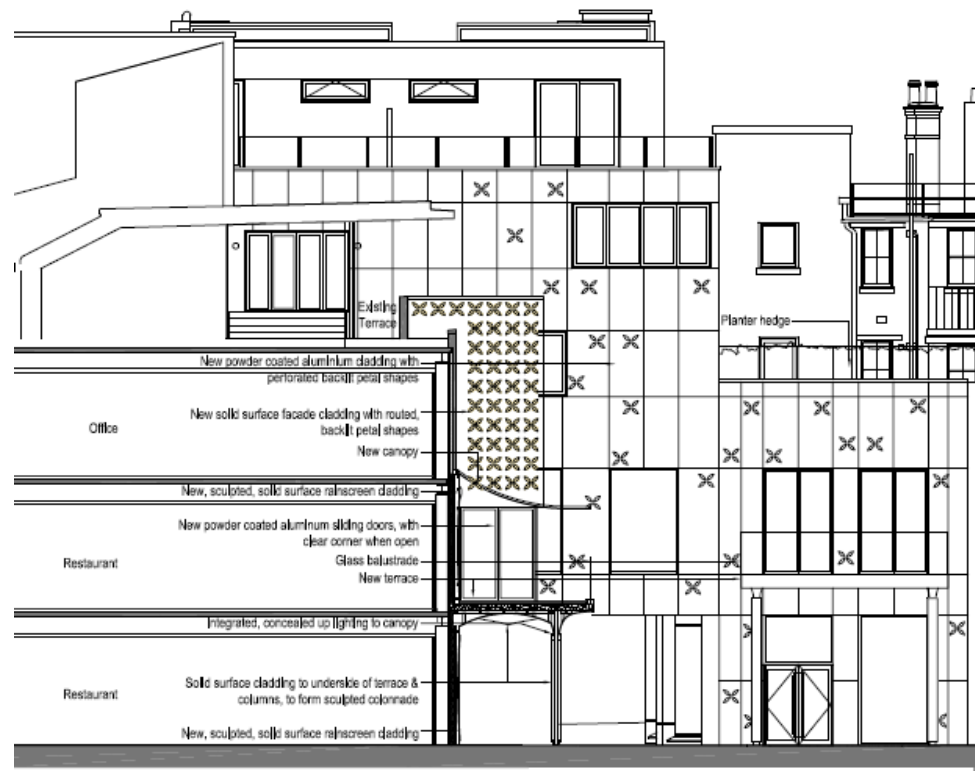
Application 5: Existing courtyard north elevation



Application 5: Proposed courtyard north elevation



Application 5: Existing section



Application 5: Proposed section



Application 5: New lighting around tree in the south western area of the courtyard

Application 1
DRAFT DECISION LETTER

Address: St Martin's Courtyard, Units 19 – 21 Slingsby Place, London, WC2E 9AB

Proposal: Use of units 19 and 21 Slingsby Place as a Class A3 restaurant and erection of kitchen extract duct at rear.

Reference: 17/11001/FULL

Plan Nos: 1648-0001, 1648-0100D, 1648-0101E, 1648-0102D, 1648-0102C, 1648-0104C, 1648-0105C, 1648-0200B, 1648-0201C, 1648-1100C, 1648-1101C, 1648-1102B, 1648-1103A, 1648-1104A, 1648-1105B, 1648-1200, 1648-1201B, 1648-0110A.

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 issued 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;
 - 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;
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.
- Noisy work must not take place outside these hours 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.

Reason:

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

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

Reason:

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

- 4 (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

Item No.
5

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.

- 5 All servicing must take place between 0730hrs on Monday to Saturday and 1130hrs on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 6 Customers shall not be permitted within the Class A3 premises before 0900hrs or after 2400hrs each day. (C12AD)

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 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 7 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 restaurant (Class A3). (C14EC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 8 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C14EC)

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 TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

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.

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.

APPLICATION 2 DRAFT DECISION LETTER

Address: St Martin's Courtyard (Mercer Street Entrance), Mercer Street, London, WC2H 9QJ,

Proposal: Alterations to the Mercer Street entrance to St Martins Courtyard including display of fascia signage, new bay window feature at first floor level, and lighting within the undercroft of the Mercer Street Entrance to St Martins Courtyard/Slingsby Place.

Reference: 17/11002/FULL

Plan Nos: 1648-0032, 1648-0122, 1648-0131, 1648-0231, 1648-0332, 1648-0333, 1648-1131, 1648-1132, 1648-1231, 1648-1332, 1648-1333, 1648-1335.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

- 1 The development permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

- 2 Except for piling, excavation and foundation work, you must carry out any building work which can be heard at the boundary of the property only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturdays; and
 - o not at all on Sundays, bank holidays and public holidays.
 You must carry out piling, excavation and foundation 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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 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)
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

Item No.
5

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.

APPLICATION 3 DRAFT DECISION LETTER

Address: St Martin's Courtyard (Upper St Martin's Lane Entrance), Upper St Martin's Lane, London, WC2E 9AB

Proposal: Alterations to the Upper St Martin's Lane entrance to St Martin's Courtyard including installation of an illuminated brass entrance canopy with painting of the adjacent ground floor facade.

Reference: 17/11006/FULL

Plan Nos: 1648-0041, 1648-0042, 1648-0141, 1648-0142, 1648-0143, 1648-0240, 1648-0241, 1648-0343, 1648-1141, 1648-1142, 1648-1143, 1648-1240, 1648-1241, 1648-1343, 1648-1346.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

- The development hereby permitted shall be carried out in accordance with the drawings and other documents referred to 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.

- 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;
- 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;
- 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.

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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)

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 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)

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.

APPLICATION 4 DRAFT DECISION LETTER

Address: St Martin's Courtyard (Long Acre Entrance), Slingsby Place, London, WC2E 9AB

Proposal: Alterations to the Long Acre entrance to St Martin's Courtyard including installation of an externally illuminated flower canopy.

Reference: 17/11004/FULL

Plan Nos: 1648-0021, 1648-0121, 1648-0122, 1648-0324, 1648-0325, 1648-0326, 1648-1121, 1648-1122, 1648-1324, 1648-1325, 1648-1326.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s)

- 1 The development permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

- 2 Except for piling, excavation and foundation work, you must carry out any building work which can be heard at the boundary of the property:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturdays;
 - o not at all on Sundays, bank holidays and public holidays.
 You must carry out piling, excavation and foundation work only:
 - o between 08.00 and 18.00 Monday to Friday;
 - 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). (C26AA)

Reason:

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

Reason:

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

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 make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

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.

APPLICATION 5 DRAFT DECISION LETTER

Address: St Martin's Courtyard , (including Units 19, 21, 23 and 25 Slingsby Place and 7 - 9 Mercer Street), London, WC2E 9AB

Proposal: Alterations to St Martin's Courtyard elevations, including installation of a ground floor colonnade with first floor restaurant terrace and awnings along the south facing elevation of Units 19 – 25 Slingsby Place; new cladding to 23 Slingsby Place at first floor level and to the west facing elevation of 7 - 9 Mercer Street; new lighting in the south western area of the courtyard; new paving; and display of associated signage.

Reference: 17/10999/FULL

Plan Nos: 1648-0062A, 1648-0161, 1648-0162, 1648-0163, 1648-0164, 1648-0260, 1648-0360, 1648-0361, 1648-1161, 1648-1162A, 1648-1163, 1648-1164, 1648-1260, 1648-1360, 1648-1365, 1648-1361A, 1648-1366.

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 issued 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;
- 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;
- 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.

Reason:

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

Reason:

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

- 4 No customer shall be permitted onto the first floor terrace before 0900 hours or after 2200 hours daily.

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)

- 5 No amplified music shall be played on the external restaurant terrace.

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)

- 6 You can only put out on the first floor terrace 11 tables and 36 chairs shown on drawing 1648-1162A.

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 9 of our Unitary Development Plan that we adopted in January 2007.

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

Item No.
5

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 make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

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.

This page is intentionally left blank

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	157 Edgware Road, London, W2 2HR,		
Proposal	Use of part basement, ground, first and second floors as a hotel (Class C1) and external alterations to front and rear elevations at first and second floor levels to install louvres.		
Agent	MRPP		
On behalf of	Criterion Capital		
Registered Number	18/01075/FULL	Date amended/ completed	13 February 2018
Date Application Received	7 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

For Sub-Committee's consideration:

- Does the Sub-Committee consider that the amended scheme has overcome the reason for refusal of the previous planning application, which was refused on 19 September 2017 (RN: 16/11276/FULL).

2. SUMMARY

This application seeks permission for the use of part of the basement, ground, first and second floors as a hotel (Class C1) and external alterations to the front and rear elevations at first and second floor levels to install louvres to serve mechanical plant located within the envelope of the existing building.

The current application seeks to overcome the reason for refusal of the previous application for hotel use of this premises, which was reported to the Planning Applications Sub-Committee on 8 August 2017. The Sub-Committee resolved to refuse the previous application for the following reason and the decision letter was issued on 19 September 2017:

'Because of the size of the hotel (in terms of its floor area and the number of bedrooms proposed), the facilities for accommodation of vehicles dropping off and collecting hotel guests are inadequate

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

Following the determination of the previous application, the applicant has made an appeal to the Planning Inspectorate against the City Council's decision to refuse permission. The appeal remains in progress with appeal statements from the City Council and the appellant due with the Planning Inspectorate by 29 March 2018. Therefore, the appeal will not be determined prior to the Sub-Committee's consideration of the current application.

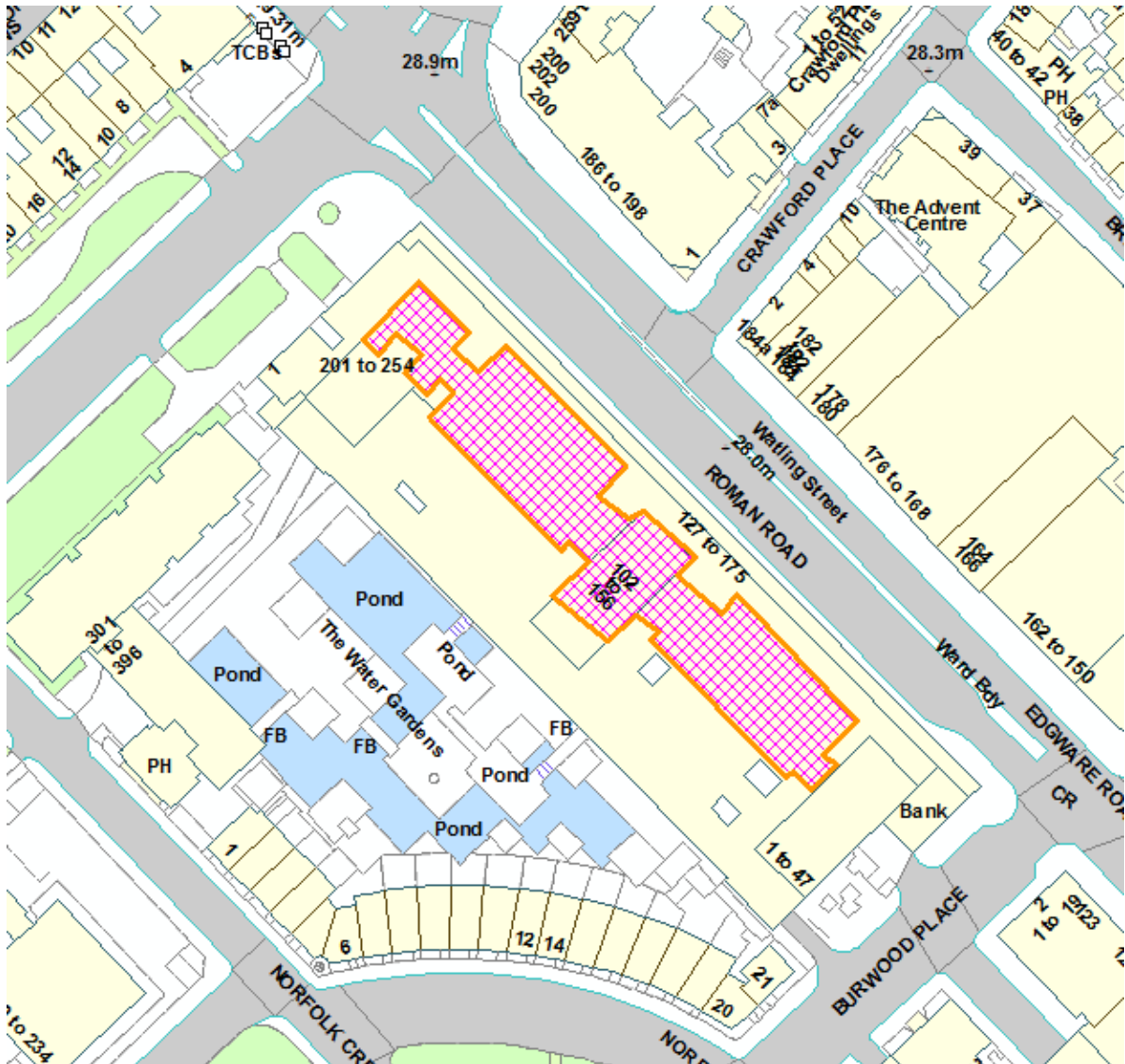
The current application includes a number of amendments relative to the previously refused scheme, with the number of bedrooms proposed reduced from 117 to 94; the location of the entrance moved to the southern end of the Edgware Road frontage of The Water Gardens, closer to Burwood Place; and the mechanical plant on the roof of the second floor has been relocated within the envelope of the building with additional louvres proposed to the front and rear of the building. The application is also supported by additional information in respect of the operation and servicing of the hotel and this is set out and considered later in this report.

The key issues in the case of the current application are:

- * The acceptability of the proposed hotel use in land use terms.
- * The impact of the proposals on the appearance of the building and this part of the City.
- * The impact on the amenity of neighbouring residents.
- * The impact on the operation of the local highway network and the Strategic Road Network along Edgware Road.

In light of the Sub-Committee's previous resolution to refuse permission for the scheme submitted in 2017 on the ground set out above, the Sub-Committee are invited to consider whether the revised scheme that has now been submitted, along with additional supporting information, overcomes its previous concerns in terms of the impact of the proposal in transportation and servicing.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



Edgware Road elevation (top) and Burwood Place frontage (bottom).

5. CONSULTATIONS

WARD COUNCILLORS (HYDE PARK)

Any response to be reported verbally.

HYDE PARK ESTATE ASSOCIATION

Objection. Hotel that appears to be at the lower end of the market does not augur well for an area that has significant issues with sex workers and cheap accommodation. There would be significant traffic and noise pollution issues for the area. The intention to prohibit traffic from turning north on to Edgware Road from Burwood Place would increase traffic in Norfolk Crescent, further downgrading the neighbourhood.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ST. MARYLEBONE SOCIETY

No objection to hotel use, although the lack of shared public space and the number of rooms without windows is deplorable. Impact of façade changes needs consideration as consider the building to be a modern building of considerable architectural interest.

BUILDING CONTROL

No comment as no basement or other significant structural alterations are proposed.

CLEANSING MANAGER

No objection. Waste and recycling stores should be secured by condition.

ENVIRONMENTAL HEALTH

No objection. The proposed mechanical plant would operate below the background noise level in accordance with adopted policy. Recommend conditions and informative to ensure mechanical plant continues to operate in accordance with policy following its installation.

HIGHWAYS PLANNING MANAGER

No objection. Considers number of expected service vehicles (4) to be reasonable given the lack of catering facilities. Unfortunate that Quietway scheme to reconfigure the Burwood Place/ Edgware Road junction would require servicing traffic to use residential streets, but this would be the case with existing office servicing traffic. Use of coaches to deliver/ collect guest from the hotel should be restricted given the lack of coach parking. Noted that if coach parking were provided on street, it could be used by other coaches and not just those servicing the proposed hotel. Considers the nearest existing coach parking bays to be too far from the application site to be practically used for servicing of the proposed hotel. Note that the applicant is offering to accept a condition to prevent use of coaches in connection with the hotel, but that the Sub-Committee previously considered that the use of a condition was not acceptable in this instance. Increase in vehicles associated with the hotel is predicted to be 4 per hour. Taxis can be accommodated in the Edgware Road taxi rank and mini-cabs are able to use parking bays or servicing bays to set down and pick up guests. Cycle parking is welcome and should be secured by condition.

TRANSPORT FOR LONDON

No objection. Subject to the following points, do not consider the proposal would have an unacceptable impact on the Transport for London Road Network (TLRN). Note location on part of the TLRN. The footway and carriageway must not be blocked during construction works. Vehicles associated with the development must park/ stop at permitted locations and within the permitted time periods/ restrictions. No skips or construction materials may be placed on the footway or carriageway. Advice provided on the dimensions of a disabled bay. A Delivery and Servicing Plan to demonstrate how the hotel is to be serviced should be secured by condition and provided prior to occupation of the hotel.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 311; No. of Responses: 7 letters/ emails from 6 respondents.

Seven emails received raising objection on all or some of the following grounds:

Land Use

- Note that the hotel layout indicates that it will be a 2/3 star hotel. There is already a proliferation of such accommodation in the area and on Sussex Gardens and there is no need for further accommodation of this kind in the area.
- Would prefer to see retention of office use or conversion to residential flats.

Design

- Cannot see any details of the proposed louvres to the facades and oppose any alteration that compromises the original design vision of The Water Gardens.
- Louvres would harm the appearance of The Water Gardens.
- Louvres proposed as replacements for windows are obtrusive and out of character with the existing building and wider character of the area. Would also detract from an active frontage along Edgware Road.

Amenity

- Loss of amenity for occupiers of The Water Gardens as a result of budget nature of hotel attracting use by sex workers or the homeless.
- Increased noise disturbance from vehicle drop offs and from idling vehicles waiting for passengers.
- Protection of residential amenity should take precedence over commercial interests.
- Noise from guests entering and leaving the hotel and from noise transference to the second floor flats above rooms 21 to 56.
- Increased noise and air pollution.
- Conditions should be imposed to restrict the opening of the rear windows apart from for maintenance and in emergencies, so as to limit noise disturbance to neighbouring residents.

Highways/ Parking

- No coach parking is provided, contrary to UDP and London Plan policies
- Existing coach parking bays that have been surveyed by the applicant are a significant distance from the application site.
- Survey of coach parking does not allow for seasonal fluctuations.
- Applicant has not assessed the quality and safety of the taxi rank on Edgware Road as a result of the increase in its use.

- Disabled parking bay location in loading bay is unsafe and applicant does not have the ability to provide this space as they only have a right of access to the loading bay.
- Access to the cycle parking at basement level would be inconvenient and not easy for visitors to the hotel to use.
- Pavement adjacent to the proposed entrance and the existing bus stop will become very crowded.
- Applicant does not seem to be aware that the NCP car park has been converted to self-storage and there is increased pressure on on-street parking.
- The alterations proposed to the Burwood Place junction by TfL will increase traffic in Norfolk Crescent.
- Materially adverse impact from increased vehicular and pedestrian traffic.
- Question whether the prevention of coach parking can be adequately controlled by the condition suggested by the applicant. As a minimum, the prevention of coaches should be secured via a planning obligation.

Other Matters

- Note the similarity of the current scheme to that which was refused in September 2017.
- Not all occupiers of The Water Gardens have been consulted.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to The Water Gardens, a mixed use development dating from the 1960s, which is located on the west side of Edgware Road, spanning the length of the street block between Burwood Place and Sussex Gardens. The building currently comprises retail units at basement/ ground floor, offices (Class B1) at first floor level and a mix of offices and residential flats at second floor level. The office accommodation has previously been used for education purposes on a temporary basis, pursuant to the permission/ permitted development rights referred to in section 6.2 of this report. However, this temporary education use by the Minerva Academy has now ceased and the premises has reverted to its lawful use as Class B1 offices.

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

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

6.2 Recent Relevant History

9 August 2013 – Permission granted for use of ground floor entrance and part first floor as a primary school (Class D1) for a temporary 4 year period.

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

26 March 2014 – Notice under Schedule 2, Part 4, Class C of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 that the first and second floors are to be used as a state-funded school for a single academic year commencing on 2 September 2013 (13/10749/TSN).

27 July 2016 – Certificate of Lawful Existing Use or Development application that sought to demonstrate that works had commenced on site to implement application dated 11 November 2013 (RN:13/03354/FULL) for use of part basement, ground, first and second floors as a hotel (Class C1) was withdrawn. The application failed to demonstrate that the 11 November 2013 permission had been implemented at that time.

19 September 2017 – Permission refused for use of part basement, ground, first and second floors as a hotel (Class C1), external alterations to install louvres to the front and rear elevations and installation of mechanical plant within an enclosure on flat roof above second floor level (16/11276/FULL). The application was considered at the Planning Applications Sub-Committee on 8 August 2017. The Sub-Committee resolved that there had been material changes in circumstances since the determination of the previous permission for hotel use of the premises (granted on 11 November 2013), including the increase in bedrooms and the planned amendments to the junction of Burwood Place and Edgware Road, which justified resolving to refuse permission on the following transportation and servicing ground:

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

6 December 2017 – Appeal made to the Planning Inspectorate against the City Council's decision to refuse permission on 19 September 2017. The appeal remains in progress with appeal statements from the City Council and the appellant due with the Planning Inspectorate by 29 March 2018. Therefore, the appeal will not be determined prior to the Sub-Committee's consideration of the current application.

7. THE PROPOSAL

This application seeks permission for the use of part of the basement, ground, first and second floors as a hotel (Class C1) and external alterations to the front and rear elevations at first and second floor levels to install louvres to serve mechanical plant located within the envelope of the existing building.

The current application seeks to overcome the reason for refusal of the previous application for hotel use of this premises, which was reported to the Planning Applications Sub-Committee on 8 August 2017. The Sub-Committee resolved to refuse the previous application for transportation and servicing reason set out in Section 6.2. As also set out in Section 6.2, following determination of the previous application an appeal against that decision has been made to the Planning Inspectorate. The appeal will not be determined prior to the Sub-Committee's consideration of the current application.

The current application includes a number of amendments relative to the previously refused scheme, with the number of bedrooms proposed reduced from 117 to 94; the location of the entrance moved to the southern end of the Edgware Road frontage of The Water Gardens, closer to Burwood Place; and the mechanical plant on the roof of the second floor has been relocated within the envelope of the building with additional louvres proposed to the front and rear of the building. The application is also supported by additional information in respect of the operation and servicing of the hotel and this is set out and considered later in this report.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S1 in the City Plan promotes mixed uses in the Central Activities Zone (CAZ) that are consistent with supporting its vitality, function and character. As in this case the proposal would not result in any increase in office floorspace, the policy does not require the provision of residential floorspace is not required by Policy S1.

Policy S8 (Marylebone and Fitzrovia) advises that Edgware Road is an appropriate location for residential use and a range of commercial uses. Within the Stress Area, new entertainment uses will only be allowed where they are low-impact and would not result in an increased concentration of late night uses.

Policy S23 in the City Plan relates to proposals for new hotels and states that new hotels will be directed to a number of specified areas within the City, including the Named Streets. The policy continues and states that new hotels will be directed to those streets which do not have a predominantly residential character.

In the UDP, Policy TACE2 advises that permission will be granted for new hotels within CAZ Frontages where they would not have any adverse environmental or traffic effects and where there would be adequate on-site facilities incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

Edgware Road is considered to have a mixed commercial and residential character and as such, the principle of providing a hotel in this location, within the CAZ Frontage and on a Named Street is considered to be acceptable in land use terms. There are no policies in the London Plan (March 2016) or in the UDP or City Plan that seek to prevent the loss of the existing office accommodation in this location to another commercial use.

The reasoned justification for Policy S23 in the City Plan states that the policy *'seeks to address the existing over-concentration of hotels'* in residential areas including Bayswater. However, the policy itself does not preclude new hotels in appropriate locations within Bayswater; rather the policy states that *'...the change of use of hotels to residential will be encouraged where the existing hotel is not purpose built and causing adverse effects on residential amenity'*. The intention of the policy is clearly to allow the loss of existing hotels in predominantly residential locations within Bayswater where they cause harm to the amenity of neighbouring residents. The proposed hotel use by contrast would be on the eastern fringe of Bayswater in a busy mixed use street with its entrance at ground floor level within a retail parade, a significant distance from neighbouring residential accommodation at second floor level and above. Were permission to be granted conditions could be used to ensure there would be adequate insulation provided to avoid any noise transference between the proposed hotel bedrooms and the immediately adjacent residential units at second floor level. Accordingly, it is not considered that permission could be withheld on grounds that this is not an appropriate location for a new hotel use.

Concerns have been expressed by the Hyde Park Estate Association, the St. Marylebone Society, the Church Commissioners and objectors in relation to the type and quality of hotel accommodation that is proposed, including the provision of relatively small windowless 'pod' rooms. However, in land use terms, there is no policy basis on which to withhold permission, as the internal layout of the proposed hotel is beyond the scope of adopted land use policy. The hotel would provide short stay accommodation and as such, whilst a source of natural light serving each of the rooms may perhaps be desirable to some, it is not an absolute requirement for short stay visitor accommodation. Indeed, the applicant has advised that the hotel is designed to cater for guests wishing to stay only a few nights at a time.

In terms of the size of the hotel, which was of concern previously given the potential for this to increase the servicing demand that the hotel would generate, this has been reduced from 117 bedrooms in the refused scheme to 94 bedrooms in the current application; albeit there would be no reduction in terms of the overall floorspace of the proposed hotel. The number of bedrooms within the hotel could be controlled by condition if the Sub-Committee considered that this would assist in addressing its concerns regarding servicing (see Section 6.4 of this report).

The point of entry to the proposed hotel at ground level would comprise the existing office entrance, towards the southern end of the parade between Burwood Place and Sussex Gardens, and would be relatively discreet. This entrance location is different to that proposed in the previously refused scheme, but like that scheme, it is not considered that the entrance now proposed would detract from the predominant retail character of the parade within which it would be sited. Accordingly, the proposed hotel

would not have an adverse impact on the retail character of the parade and the Named Street/ CAZ Frontage along Edgware Road.

As per the previously refused scheme, the current application proposes the use of part of the basement for back of house hotel functions, including hot and cold water storage, plant, waste storage and cycle storage. The current lawful use of this floorspace is for retail use and whilst Policies S21 and SS5 seek to protect retail floorspace in this location, the use of part of the basement as hotel floorspace would not prejudice the existing retail uses at ground floor level. Therefore, it is not considered that the scheme would have a detrimental impact on the character and function of the area or the vitality/viability of this part of the CAZ Frontage/ Named Street.

As set out previously, the proposed hotel is intended to be ‘windowless’ and therefore the use of part of the building as a hotel would be unlikely to cause any significant noise disturbance or other amenity issues to neighbouring residential occupiers on the upper floors within the Water Gardens. A condition could be imposed to require the windows to be fixed shut or fitted with restrictors to guard against future use of the hotel floorspace in a configuration that did utilise the windows for guest bedrooms. This would address the concerns expressed on this issue by one of the objectors.

On-site facilities for hotel guests would be more limited than within the previously refused scheme with no communal facilities proposed. The food offer within the hotel has been reduced from a small ancillary café in the previously refused scheme to vending machines within the reception/ seating areas on the two floors of the proposed hotel. As such, no kitchen extraction equipment is proposed. Should the Su-Committee resolve to grant permission, conditions are recommended to prevent primary cooking so that the food offer within the hotel cannot be expanded and cause odour or noise nuisance to neighbours in future.

8.2 Townscape and Design

The current scheme omits the mechanical plant enclosure previously proposed on the roof of the second floor podium element of The Water Gardens. To achieve this and to relocate the mechanical plant into the envelope of the building additional louvres are proposed in the face of the building relative to the previously approved scheme. The louvres above the windows at first floor level remain as per the previously refused scheme, but additional louvres are now proposed above the hotel windows at second floor level and in existing window openings at the base of the central tower to the front elevation at first and second floor level. The louvres within the brown brick elements of the first and second floors, above the existing windows would be discreet given their small size and uniformity, and would be finished in a colour to match the existing windows.

The additional louvres proposed within the base of the tower would potentially be more appreciable in public views, but could be considered acceptable if their detailed design were to be improved. This could be achieved by inserting the louvres within frames that mirror the framing of windows in the rest of the central tower of The Water Gardens. It is considered that refinement of the design of these louvres would address the concerns raised by the Church Commissioner’s in respect of this aspect of the scheme. Therefore, should the Sub-Committee resolve to grant permission, a condition is recommended to

secure improvements to the detailed design of these louvres so that they would maintain the appearance of the existing building.

The formation of an additional fire escape door to the northern side elevation at first floor level would not have any significant impact on the appearance of the building and would mirror a similar existing door in the side elevation of the southern element of the podium structure.

Subject to the recommended conditions, the proposed development is considered acceptable in design terms and would accord with Policy S28 in the City Plan and Policies DES1 and DES5 in the UDP.

8.3 Residential Amenity

The proposed external alterations would be sufficiently distant from neighbouring windows and would not have an adverse amenity impact in terms of loss of light or an increased sense of enclosure.

Objection has been raised on grounds that the proposed use would cause late night activity which would cause noise disturbance to neighbouring residents that would be contrary to Policies S29 and S32 in the City Plan and ENV6 in the UDP. However, the entrance to the hotel would be at ground floor level on Edgware Road, which is a busy thoroughfare. Furthermore, the entrance would be located below the existing canopy over the footway and would be a significant distance from the nearest neighbouring residential accommodation at second floor level. It is considered that in combination, these factors mean that guests arriving at and leaving the hotel would not cause a material increase in noise disturbance to neighbouring residents.

In terms of noise disturbance from mechanical plant, Environmental Health are satisfied that the submitted acoustic report demonstrates that the mechanical plant proposed within the building with external louvred vents at first and second floor levels would not cause noise disturbance to neighbouring residential properties. Should the Sub-Committee resolve to grant permission, conditions are recommended to provide ongoing control of the operational noise and vibration level of the mechanical plant so that it does not cause noise disturbance to neighbouring residents in future.

Subject to the recommended conditions, the proposals are considered acceptable in amenity terms and would accord with Policies S29 and S32 in the City Plan and Policies ENV6, ENV7 and ENV13 of the UDP.

8.4 Transportation/Parking

In transportation terms, the application site is located within an area with excellent links to public transport. Edgware Road is a Red Route forming part of Transport for London's (TfL) Strategic Road Network (TLRN). On Red Routes stopping is not permitted, although there are mixed resident/ pay and display bays and a four bay taxi rank outside the application site.

In resolving to refuse the previous application in August 2017, the Sub-Committee's areas of concern related to the impact of the development as a result of servicing and management of guests arriving at and leaving the proposed hotel. The concerns (as captured in the reason for refusal in Section 6.2 of this report) can be summarised as follows:

- The impact of vehicles dropping off and collecting guests would have on the operation of the local highway network and the TLRN along Edgware Road. The concerns were in relation to the lack of coach parking and the potential for the hotel use to give rise to a significant increase in mini-cabs obstructing the public highway around the application site when setting down/ collecting guests.
- The impact that servicing vehicle trips would have on the local highway network due to the number of trips that would be required (the Sub-Committee concluded this would be greater than the number required for an office use) and as the Burwood Place/ Edgware Road junction alterations would necessitate servicing vehicles utilising Park West Place or Norfolk Place and Porchester Place to return to the TLRN.

The current application has again attracted objection on transportation and servicing grounds from the Hyde Park Estate Association, neighbouring occupiers and the Church Commissioners. The concerns raised include the lack of coach parking and the appropriateness or otherwise of using a condition to prevent use of coaches in conjunction with the operation of the hotel, the quality and safety of the existing taxi rank on Edgware Road and the acceptability of the cycle parking and disabled parking provision.

As set out earlier in this report, the applicants have sought to address these concerns by reducing the number of bedrooms from 117 to 94, provision of an updated Operational Management Plan (OMP) and submission of additional supporting data and information. All of these aspects of the current application are considered in detail in this section of the report.

In terms of the trip generation resulting from the proposed hotel use, the applicant has assessed this using the TRICS (Trip Rate Information Computer System) and this estimates that the trips generated would be as set out in Tables 1A and 2A below. The Highways Planning Manager has confirmed that he is content that the estimated number of vehicle movements are likely to be accurate given the absence of a food offer within the proposed hotel. For comparison, the trips that would be generated by the previously refused scheme are shown in Tables 1B and 2B, also below.

Table 1A – Total number of trips associated with the proposed 94 bedroom hotel scheme.

Mode	AM Peak Hour (08:00-09:00)		PM Peak Hour (17:00-18:00)		Daily Trips (07:00-19:00)	
	In	Out	In	Out	In	Out
Vehicles	5	7	8	5	76	68
OGV's	1	1	0	0	3	3
Taxi	2	6	7	5	45	46
Cyclists	1	0	0	0	7	4
Pedestrians	8	39	31	21	190	222
Public Transport	1	3	6	4	68	62

Table 1B - Total number of trips associated with previously refused 117 bedroom hotel scheme.

Mode	AM Peak Hour (08:00-09:00)		PM Peak Hour (17:00-18:00)		Daily Trips (07:00-19:00)	
	In	Out	In	Out	In	Out
Vehicles	6	8	10	5	88	78
OGV's	1	1	0	0	3	3
Taxi	2	7	8	5	52	53
Cyclists	1	0	0	0	8	4
Pedestrians	9	46	36	23	219	255
Public Transport	1	4	6	5	78	71

Table 2A – Estimated net trip generation of proposed 94 bedroom hotel relative to the existing office use ('Vehicles' includes OGVs, 'Other Goods Vehicles' and taxis).

Mode	AM Peak Hour (08:00-09:00)		PM Peak Hour (17:00-18:00)		Daily Trips (07:00-19:00)	
	In	Out	In	Out	In	Out
Vehicles	+1	+6	+7	+1	+57	+49
Cyclists	-3	0	0	-3	-2	-5
Pedestrians	+4	+37	+31	+16	+105	+128
Public Transport	-20	+2	+3	-29	-53	-38

Table 2B – Estimated net trip generation of previously refused 117 bedroom hotel relative to the existing office use ('Vehicles' includes OGVs, 'Other Goods Vehicles' and taxis).

Mode	AM Peak Hour (08:00-09:00)		PM Peak Hour (17:00-18:00)		Daily Trips (07:00-19:00)	
	In	Out	In	Out	In	Out
Vehicles	+2	+7	+8	+1	+68	+59
Cyclists	-3	0	0	-3	-2	-5
Pedestrians	+5	+44	+35	+18	+133	+161
Public Transport	-20	+3	+3	-29	-44	-29

The applicants conclude that the majority of guests will make pedestrian trips to and from the proposed hotel with the increase in vehicle trips made up of servicing vehicle trips and taxis dropping off and collecting guests. The applicants estimate that 4 service vehicle trips to the site and 4 servicing vehicle trips from the site will be required each day. Comparison with the applicant's trip generation figures for the previously refused scheme demonstrates that the reduction in bedroom numbers would have a proportionate reduction in overall vehicle and pedestrian movements. Service vehicle trips had previously been projected to comprise 4 trips to the site and 5 trips leaving the site in the previously refused scheme. Accordingly, the reduction in bedroom numbers would have a less pronounced impact on servicing trips.

With regard to the impact of the service vehicle trips generated by the proposed hotel, which is proposed to be serviced within the existing basement servicing area accessed from Burwood Place, the applicants have surveyed the existing vehicle movements along Norfolk Place and Park West Place over a week long period in November 2017. The data collected is shown in Table below. The applicants advise that as there is no substantive food offer within the proposed hotel, servicing will be limited to (i) laundry and linen deliveries and collection; (ii) vending machine supplies; and (iii) stationary orders etc., with waste and recycling collections as per the existing office use.

Table 3 – Norfolk Crescent and Park West Place current vehicle usage data.

Road / Highway Link	Direction	Traffic Volumes (Average Day, 24 hours)		
		Total Vehicles	Light Vehicles	Goods Vehicles
Norfolk Crescent	Northbound	451	388	63
	Southbound	1488	1353	136
Park West Place	Southbound	705	583	122

Assuming that the TfL highway works at the junction of Edgware Road and Burwood Place to form part of the cycle 'Quietway' are carried out, necessitating service vehicles exiting the site to use either Park West Place or Norfolk Crescent to return to Edgware Road, the addition of 4 service vehicle trips per day would increase the number of goods vehicles using these routes by 2% in the case of Norfolk Crescent and 3% in the case of Park West Place. When likely servicing of the existing office use is subtracted

(approximately 2 trips per day), the projected increase in goods vehicle trips would fall to increases of 1% and 1.5% respectively.

The applicants have also surveyed the existing vehicle usage of Edgware Road (see data in Table 4) and conclude that all vehicle trips associated with the hotel would only increase the total number of vehicle trips along Edgware Road/ the TLRN by 0.02% and the total number of goods vehicle trips by 0.8%. If existing office servicing is considered, then the increase in goods vehicle trips would be limited to a 0.4% increase.

Table 4 – Edgware Road current vehicle usage data.

Road / Highway Link	Direction	Traffic Volumes (Annual Average Daily Flow, 24 hours)		
		Total Vehicles	Light Vehicles	Goods Vehicles
A5 Edgware Road	Two Way	33568	32553	1015

With regard to coach drop off, as per the previously refused scheme, the current scheme does not propose a coach parking bay. Indeed, given the arrangement of the site, such a facility cannot be provided off street and provision of such a facility is not desirable on street as it would result in the loss of other more heavily used on-street curb side functions (public car parking/ residents' parking/ loading bays/ taxi ranks etc.). As noted by the Highways Planning Manager, the creation of an on-street coach parking bay would result in the formation of a coach parking bay that coaches servicing any nearby short stay accommodation or destination could use (i.e. the provision of a coach parking bay would be likely to encourage coach parking more generally in this location).

The applicant has surveyed the nearest two coach parking bays to the application site (located adjacent to Marble Arch Station and on Park Lane adjacent to the Animals at War Memorial). The applicant's analysis, based on a two day survey, is that there was capacity for coach parking to be accommodated 100% of the time during weekdays and 95% of the time during the weekend across the two coach parking locations. However, these closes coach parking bays are 840m and 1km from the application site respectively, making their use in conjunction with the application site unlikely. Despite undertaking this analysis, the applicants maintain that it is not their intention to attract hotel bookings from coach parties and that they would readily accept an appropriately worded condition to prevent the use of coaches to deliver guests to, or collect them from, the application premises.

In terms of mini-cabs, taxis and other vehicles dropping off guests/ collecting guests from the proposed hotel, the applicants have surveyed the existing four vehicle taxi rank on Edgware Road outside the application site. They advise that their survey, undertaken over two days, indicates that there was always taxi at the rank during the survey period, which could take guests away from the proposed hotel. The applicant's survey indicates that 93% of the time the rank had capacity to accommodate an additional taxi for guests arriving at the hotel.

The Church Commissioners have raised objection on the basis that the applicant has not assessed the quality and safety of the taxi rank having regard to the additional usage

they expect it to receive. However, it is not considered that this ground for objection can be supported as the taxi rank has been designed and laid out by TfL, the highway authority for Edgware Road and is currently operating below capacity. Given the limited hourly increases in vehicular traffic (see above), the number of additional taxis using the rank is unlikely to be so significant so as to exceed the capacity of the rank.

The impact arising from guests arriving at the proposed hotel in mini-cabs (including Uber vehicles) and other vehicular transport is less easy to assess and quantify and the applicant's Transport Assessment does not include assessment of the potential impact of guests using mini-cabs. Mini-cabs can stop in parking bays and servicing bays on the red route, but as these are more limited along the Red Route, it is likely that when such vehicles are used to arrive at and depart the proposed hotel, they would park/ stop curbside in Burwood Place.

The current application is accompanied by a more detailed Operational Management Plan (OMP) than was submitted with the previously refused scheme. The submitted OMP sets out that servicing vehicle trips will be managed to ensure they can be accommodated within the off street servicing yard. The OMP also provides an undertaking to put in place measures to prevent coach party bookings at the booking stage, as per the OMP provided with the previously refused application. A copy of the submitted OMP is provided in full in the background papers.

Cycle parking is proposed within the basement and the quantum proposed would be consistent with the standards set out in the London Plan (March 2016). The Church Commissioners consider that it would be difficult for guests to access the cycle parking. However, it would be accessible by lift from the ground floor entrance to the hotel and the first floor reception. Furthermore, the cycle storage is more likely to be utilised on a regular basis by hotel staff and the proposed store would be readily accessible to them and would provide secure and weatherproof storage. Therefore, should the Sub-Committee resolve to grant permission, a condition is recommended to secure the proposed cycle parking.

The applicant proposes a disabled parking bay within the basement servicing area to which the Church Commissioners object on ground of safety and deliverability. The Highways Planning Manager advises that given hotel uses do not normally generate a requirement for parking provision in general, provision of a disabled parking bay would not normally be required. As such, whilst the proposed space is outside the red line defining planning application boundary, and as such cannot be secured by condition, in this instance this is not a ground on which permission could reasonably be withheld as the parking space is not considered to be required to make the proposal acceptable in parking terms.

In light of the Sub-Committee's previous resolution to refuse the previous application in August 2017, it is asked to consider whether on the basis of the amended application and the expanded evidence base presented by the applicant, the current application is acceptable in servicing and highways impact terms and in accordance with the relevant development plan policies, including Policies TRANS 6 and TRANS20 in the UDP, Policy S42 in the City Plan and Policies 6.3, 6.12 and 6.13 in the London Plan (March 2016), which were referred to in the reason for refusal of the previous application.

8.5 Economic Considerations

The economic benefits that would be generated by the provision of a hotel use are welcomed.

8.6 Access

The current scheme has been amended to relocate the entrance to the proposed hotel to the southern end of the retail parade between Burwood Place and Sussex Gardens. The entrance location now proposed allows applicant to provide step free access to the first floor reception via an existing lift. A further lift within the premises will provide step free access between first and second floor levels. The access arrangements are therefore considered acceptable to be acceptable and would accord with Policies DES1 and TRANS27 in the UDP.

Following amendment, the scheme includes the provision of 10 accessible hotel bedrooms and therefore the proposed hotel use would accord with Policy 4.5(B) in the London Plan (March 2016).

8.7 Other UDP/ Westminster Policy Considerations

A dedicated hotel waste and recycling store is proposed at basement level and the Cleansing Manager considers the store to be acceptable. A condition is recommended in the event that the Sub-Committee resolve to grant conditional permission, requiring the provision of the waste and recycling store.

The Church Commissioners have queried the impact of the louvred plant enclosures in terms of air quality. The mechanical plant proposed largely comprises air handling equipment to provide heating and cooling to the hotel rooms. Consequently, the exhaust air from the proposed plant would not materially worsen existing air quality along Edgware Road. It should also be noted that the proposed mechanical plant is similar to that which was previously proposed in a roof level enclosure in the previously refused scheme. The previously refused scheme was not refused in respect of the impact of the proposed mechanical plant on air quality. As such, the proposed development is compliant with Policy ENV5 in the UDP.

8.8 London Plan

This application does not raise any strategic issues. Where relevant, policies in the London Plan adopted in March 2016 are referred to elsewhere in this report.

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 the proposals are not CIL liable development as no new floorspace would be created.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Concern has been raised that not all occupiers in The Water Gardens have received consultation letters regarding the application. However, the City Council's records demonstrate that consultation letters were sent to all addresses within The Water Gardens. In addition, a site notice was displayed outside the application site and an advertisement was placed in the local newspaper. As such, the statutory requirements for advisement of a planning application have been met and furthermore, the consultation carried out accords with the City Council's Statement of Community Involvement in terms of the undertakings it provides in terms of consultation on all planning applications in Section##

9. BACKGROUND PAPERS

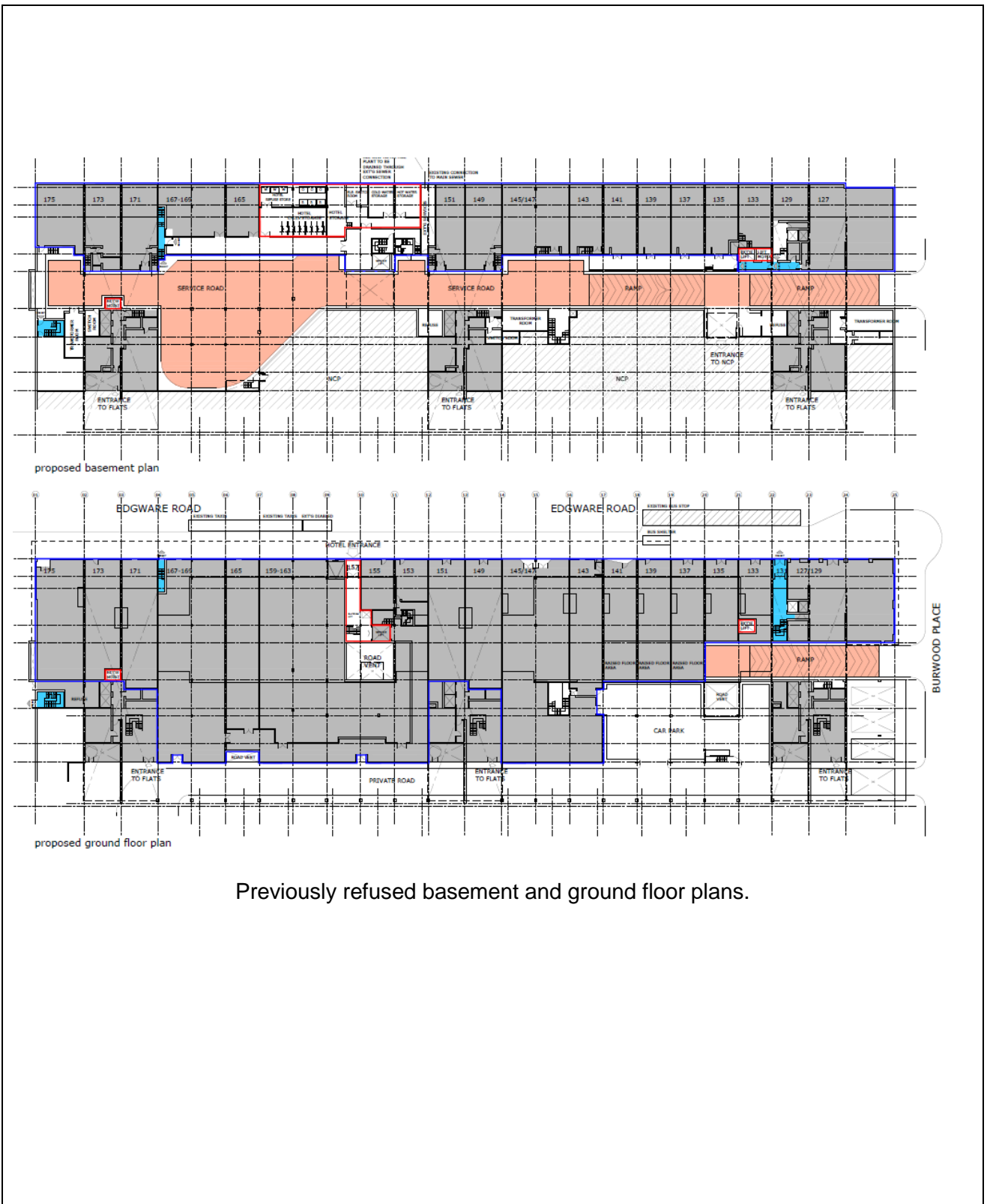
1. Application form.
2. Drawing showing the TfL alterations proposed to the Burwood Place/ Edgware Road Junction related to the Edgware Road to Fitzrovia Quietway cycle route.
3. Copy of applicant's Operational Management Plan dated January 2018.
4. Email from the Hyde Park Estate Association dated 5 March 2018.
5. Email from the St Marylebone Society dated 12 March 2018.
6. Memo from Environmental Health dated 15 February 2018.
7. Email from Building Control dated 3 March 2018.
8. Memo from the Highways Planning Manager dated 15 March 2018.
9. Email from the occupier of 136 The Water Gardens, Burwood Place dated 22 February 2018.
10. Email from the occupier of 151 The Water Gardens, Burwood Place dated 6 March 2018.
11. Email from the occupier of 249 The Water Gardens, Burwood Place dated 7 March 2018.
12. Email from the occupier of 250 The Water Gardens, Burwood Place dated 7 March 2018.
13. Email from the occupiers of 14 Norfolk Crescent dated 9 March 2018 and 12 March 2018.
14. Email from the Church Commissioners dated 16 March 2018.

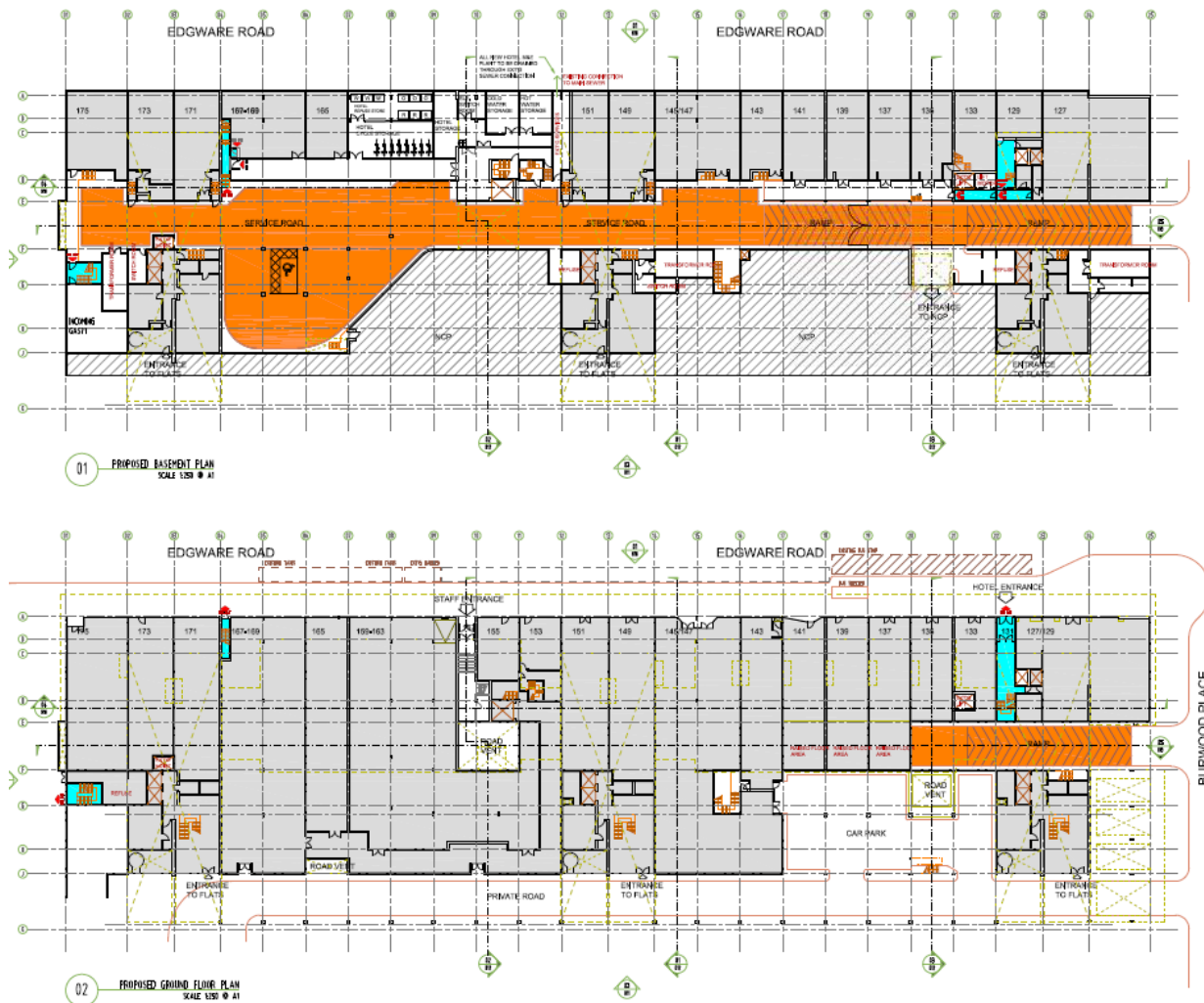
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.
6

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

10. KEY DRAWINGS

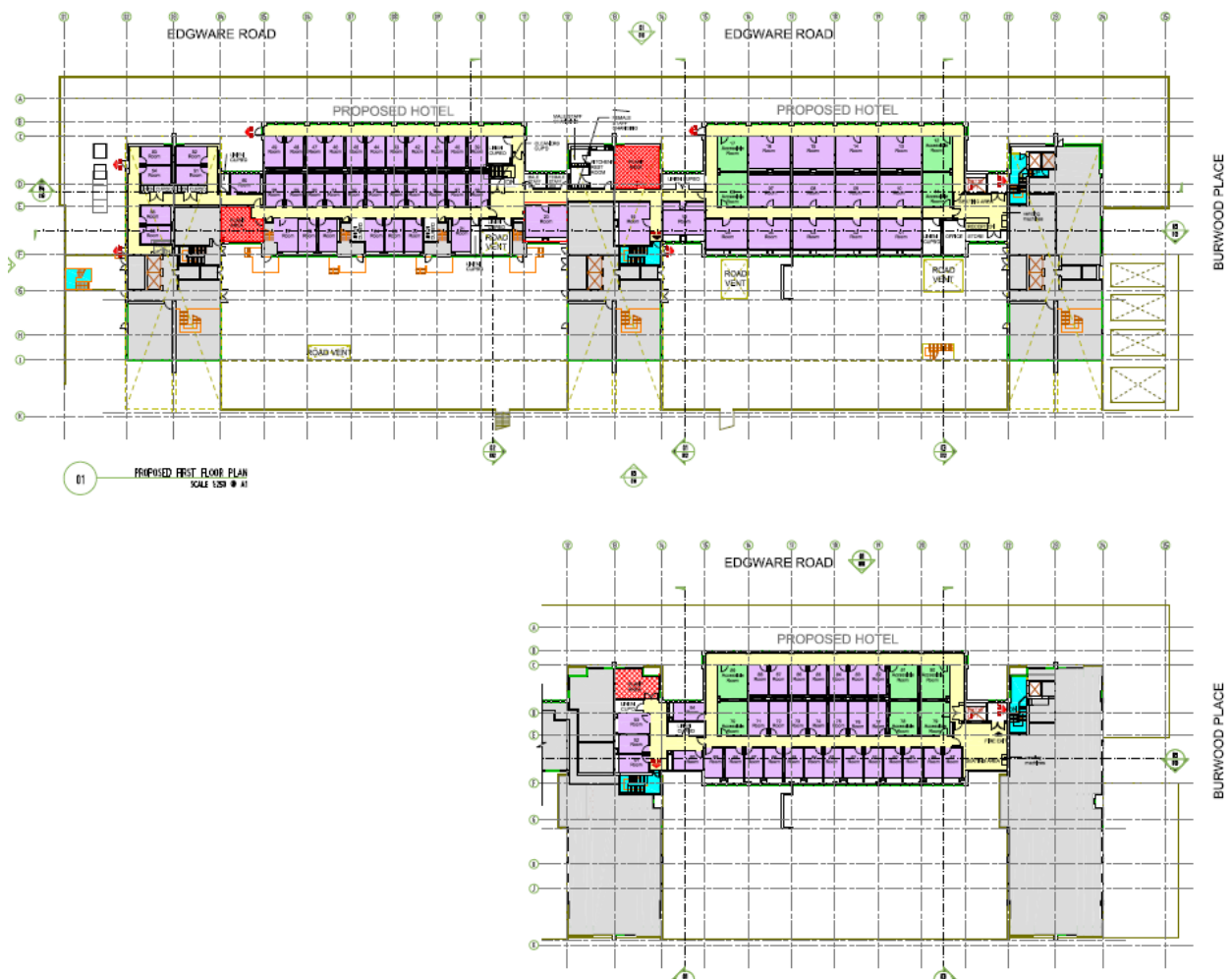




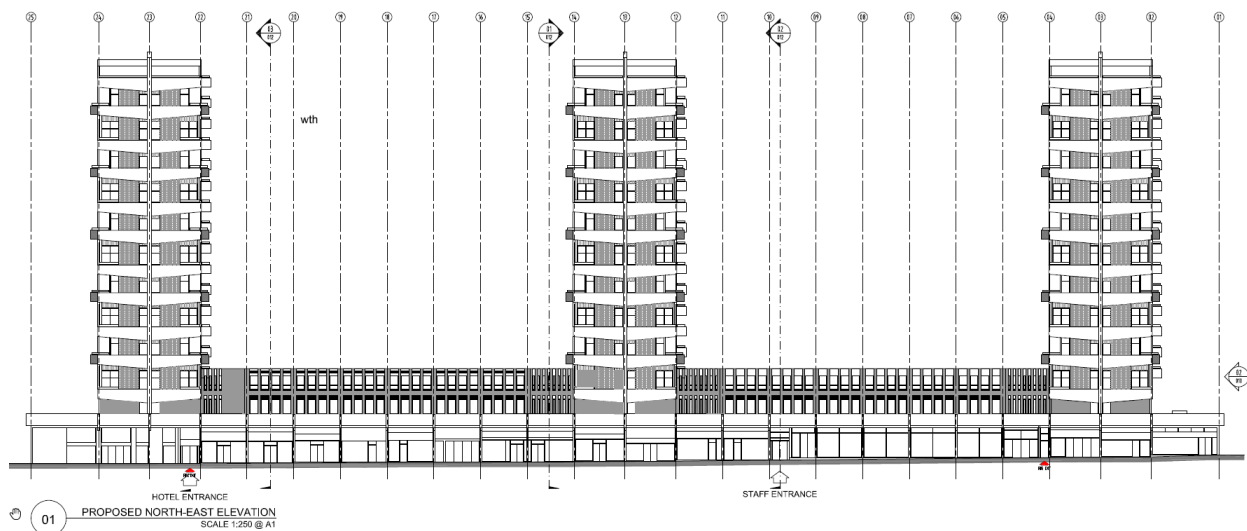
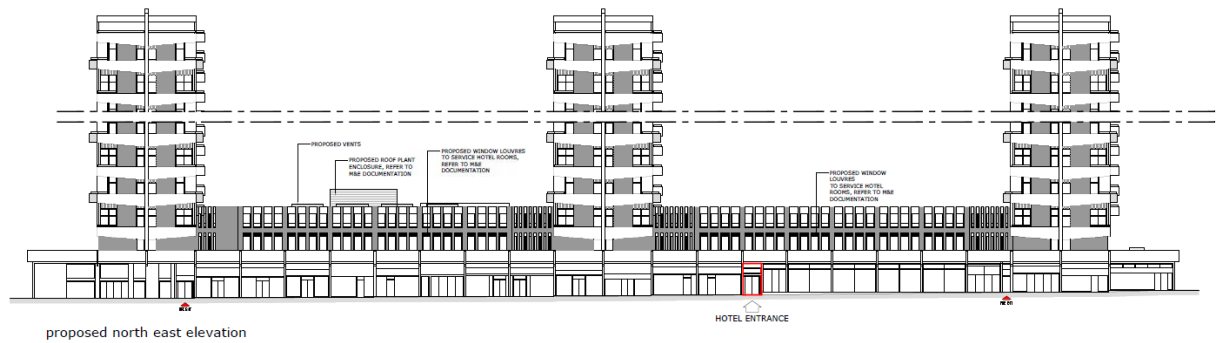
Now proposed basement and ground floor plans.



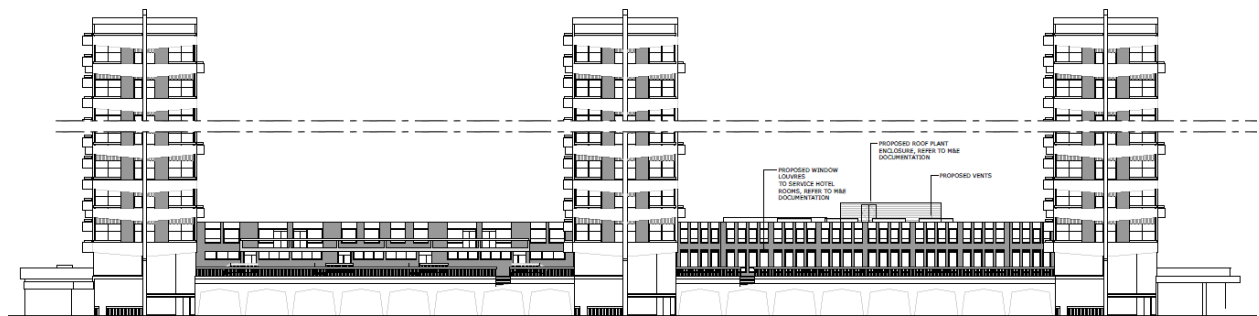
Previously refused first and second floor plans.



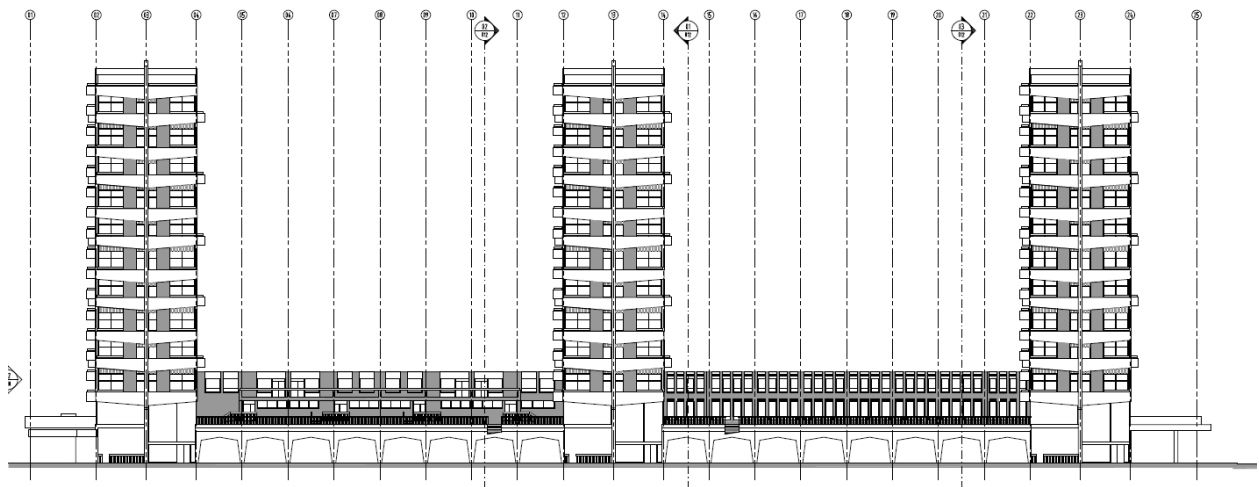
Now proposed first and second floor plans (mechanical plant areas shown in red).



Previously refused Edgware Road elevation (top) and now proposed Edgware Road elevation (bottom).



proposed south west elevation

03 PROPOSED SOUTH-WEST ELEVATION
SCALE 1:250 @ A1

Previously refused rear elevation (top) and now proposed rear elevation (bottom).

DRAFT DECISION LETTER

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

Proposal: Use of part basement, ground, first and second floors as a hotel (Class C1) and external alterations to front and rear elevations at first and second floor levels to install louvres.

Reference: 18/01075/FULL

Plan Nos: 3365-PL-001, 3365-PL-002, 3365-PL-003, 3365-PL-004, 3365-PL-005, 3365-PL-006, 3365-PL-007, 3365-PL-008, 3365-PL-009, 3365-PL-010, 3365-PL-011, 3365-PL-012, 3365-PL-013, Planning Statement dated February 2018, Design and Access Statement dated February 2018, Noise Impact Assessment (Ref: 7929-NIA-02 Rev.A), Transport Statement dated January 2018 (Rev.B), Travel Plan dated January 2018 (Rev.B) and Operational Management Plan dated January 2018 (Rev.B).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

This page is intentionally left blank

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 27 th March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	35 - 50 Rathbone Place, London, W1T 1AA		
Proposal	Modification of S106 agreement dated 11 February 2014 to facilitate amended method for delivery of on site affordable housing.		
Agent	Barton Willmore		
On behalf of	A2Dominion		
Registered Number	18/00179/MOD106	Date amended/ completed	09 January 2018
Date Application Received	09 January 2018		
Historic Building Grade	Unlisted		
Conservation Area	Charlotte Street West		

1. RECOMMENDATION

Agree modification of S106 agreement dated 11 February 2014.

2. SUMMARY

The application site, formerly accommodating a 1950's-built Royal Mail regional office and mail distribution centre, was granted planning permission in 2014 for demolition and rebuilding as a development of mixed residential, shopping and office uses and this is now close to completion.

The delivery of affordable housing as part of the development is achieved in two ways:

- 22 small one-bedroomed flats provided on-site secured as intermediate housing.
- 18 larger off-site flats provided at three separate nearby sites (i.e. nos.46-50 Mortimer Street, 51 Mortimer Street and 88 Great Portland Street) secured as social rented accommodation.

The above affordable housing amounted to 17.1% of the overall floorspace, which was considered the maximum achievable in financial viability terms, against a policy requirement of 25%. The off-site units have been implemented and are now occupied. The on-site units have been built but are not occupied and this report concerns these units.

The 22 on-site units, at 40-45sqm, are within design guide size standards for one-person accommodation but being below 50sqm are not usually considered for two-person households. However, in this scheme the accommodation is not restricted to only one-persons which is a

deliberate intention, agreed by all parties at the time including the Mayor of London to whom the application was referable, as there were concerns about the affordability of the units in this high value area just off Oxford Street if restricted to just one-person household incomes. By allowing two-person household incomes to buy a share of the units, the number of potential purchasers from the Council's waiting list would be increased substantially. This model of affordable housing provision (small unrestricted units) had previously been used in 2010 for Pocket Living's development of 32 one-bedroom flats at 79 Fermoy Road, W9 but it has not been used since in Westminster.

The 22 on-site units have been transferred by the developer to the Westminster-based Registered Provider A2Dominion who have submitted a request to amend the terms of the extant s106 Agreement insofar as it relates to the means of delivering these as affordable housing products, for the given reason that mortgage providers are no longer lending on products of this type, which is explained in more detail below.

In the extant s106 Agreement the 22 units are available to eligible households (i.e. from the Council's waiting list) on a Discounted Market Sale (DMS) basis, which means that the householder(s) can buy a new build property for a percentage of its current value provided that when they come to sell it they receive the same percentage of its value back.

The restrictions on reselling in the extant s106 are such that the units must first be offered to an eligible person within Westminster for the first 4 months; then to an eligible person within London for 2 months; and then to anyone eligible anywhere in the UK thereafter. However, as this does not allow a unit to be sold on the open market in the event of it failing to be sold according to the above criteria, A2Dominion have advised that no lender will take part in the scheme on this basis since an occupier may be stuck with a property they cannot sell, which in turn will lower its value. A2Dominion has provided evidence from many of the major lenders to demonstrate their position on this.

To overcome this obstacle, the proposal is to amend the terms of the s106 Agreement so that after 20 weeks if a unit being resold is not sold to an eligible household, it can then be sold on the open market. Clearly, the issue for the City Council in such circumstances is that the unit would then be lost as affordable housing accommodation, and so to counteract this it is intended to introduce a mechanism for capturing some of the value of the unit, which will then be returned to the City Council for recycling into the Council's affordable housing fund.

An example of how this would work is should the initial purchaser buy a unit at 30% of its market value at the time (therefore with a 70% discount held as a charge by the Council) they could only resell on the basis of this 30%, with the remaining 70% being the Council's interest. So, if the unit is re-sold to a non-eligible household the Council will at this point receive a sum equal to 70% of the unit's re-sale value a contribution to its affordable housing fund. A detailed example would be as follows:

Open Market Value (OMV) of unit at first sale = £750,000.

Eligible buyer is entitled to purchase the property for a sum not exceeding 3.5 times their income.

Eligible buyer's income is £64,286 and therefore they pay a discounted price of £225,000 for the property.

The discounted purchase price offered to eligible buyer is therefore 30% of its OMV.

In these circumstances the Council's interest would be £525,000 (70% of OMV).

If housing price inflation runs at 5% per annum, then the OMV of the property in 3 year's time will be £868,219.

Should the current owner wish to sell their property on after 3 years then the permitted sale price to another eligible household will be:

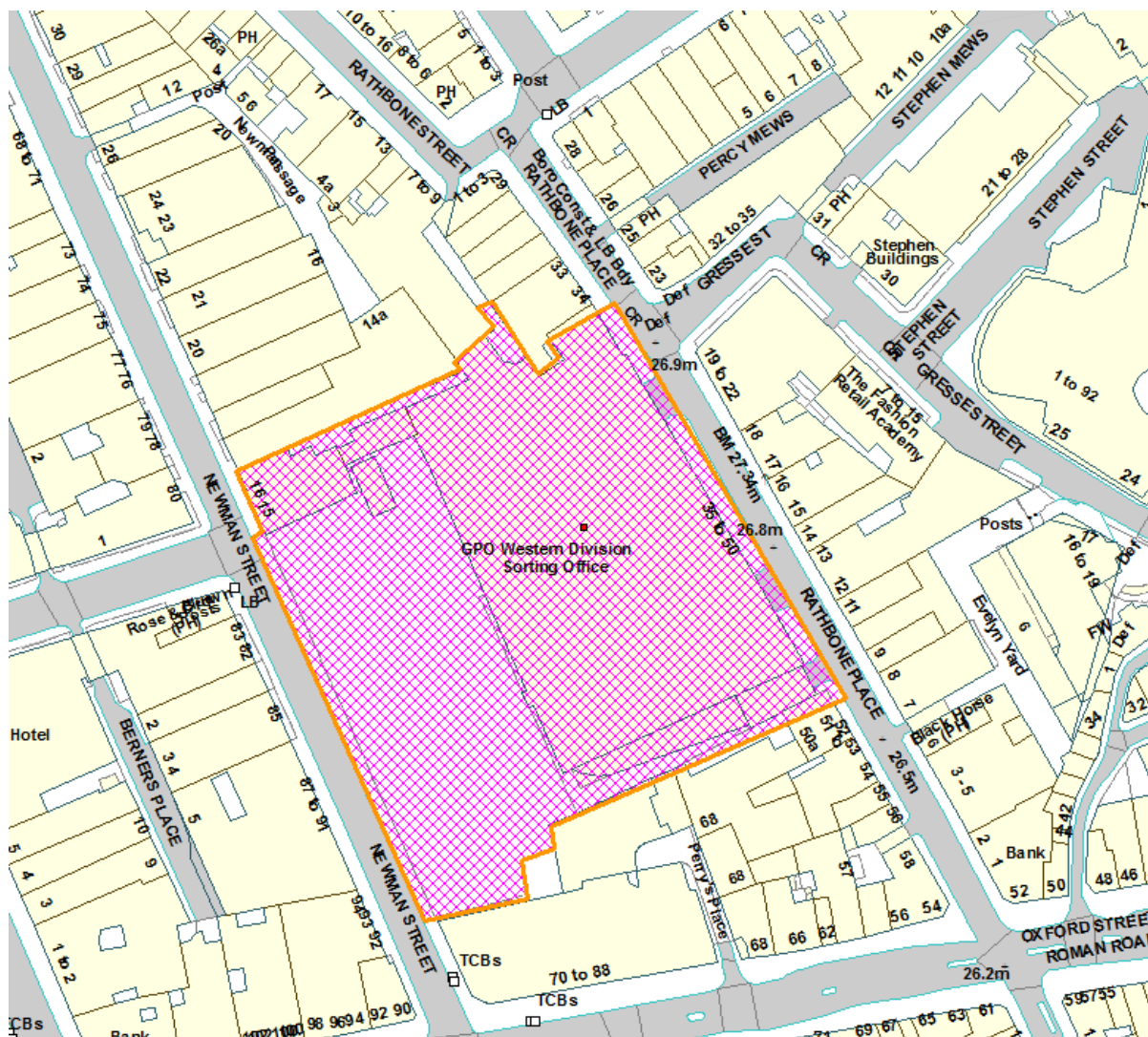
30% of the OMV = £260,466 and the Council's interest will be 70% of the OMV = £607,753

If after 20 weeks, no eligible buyers can be secured by the seller, then the property can be sold on the open market. The seller retains 30% of the achieved open market sale price and the council shall receive 70% of the open market sale price

In reality, this is considered to be partly an academic exercise to unlock lending from mortgage providers, as it is considered that there will still be many eligible households wishing to participate in such a DMS scheme when units come up for resale, but in the unlikely event that this does not happen and a unit is sold on the open market, the Council will be able to receive a sum for recycling into affordable housing provision.

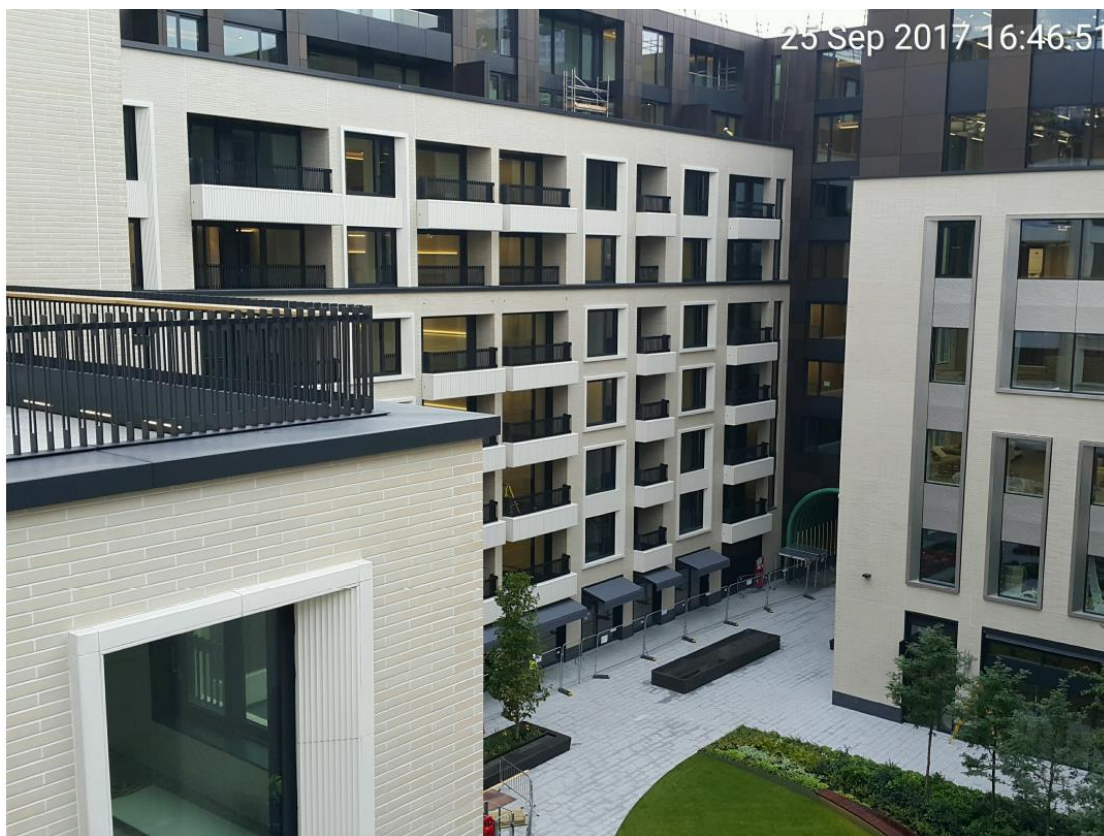
In conclusion, it is therefore considered that the s106 is modified in accordance with the above criteria.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



5. CONSULTATIONS

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 1 (asking for all documents to be made available online, which has been actioned)

6. BACKGROUND PAPERS

1. Applicant's planning consultant's covering letter
2. Applicant's solicitor's letter
3. Applicant's financial adviser's statement

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

CITY OF WESTMINSTER				
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 March 2018		Classification For General Release	
Report of Director of Planning			Ward(s) involved Hyde Park	
Subject of Report	Development site at 5 Kingdom Street, London, W2 6AE,			
Proposal	Details of an updated Operational Statement for 2018 season pursuant to Condition 15 of planning permission dated 7 March 2017 (RN: 16/12331/FULL).			
Agent	Mr A Kindred			
On behalf of	Mr Ed Davenport			
Registered Number	18/00244/ADFULL	Date amended/ completed	12 January 2018	
Date Application Received	12 January 2018			
Historic Building Grade	Unlisted			
Conservation Area	Outside of a designated conservation area			

1. RECOMMENDATION

Approve details.

2. SUMMARY

The site is located 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 (POA).

Permission was granted on 7 March 2017 for a temporary two-year period for the use of the development site at 5 Kingdom Street as a meantime use as 'Pergola', a pop up bar and restaurant space. The development is set over two levels, with a bar adjacent to the entrance on Kingdom Street (podium level) and a number of food kiosks, bar and seating area under a covered roof at lower level (podium -1). A walkway has also been implemented along the northern side of the site, which provides booth seating and a pedestrian link from Kingdom Street to the Harrow Road.

This application has been submitted in order to discharge condition 15 of the temporary consent, which required the submission of an updated Operational Statement to address any issues which have arisen following the first year of operation and to address any concerns raised by residents during consultation.

Objections have been received from residents who mainly raise complaint in relation to patrons leaving the site and causing antisocial behaviour both within Paddington Central and when exiting to Bishops Bridge Road or Paddington Station. Concerns in relation to taxi drop off / pick up have also been raised, and request for the Royal Oak station and side of the site to be utilized (a full summary of objections is available in section 5 below).

The applicant states that the operator of Pergola has kept a log of complaints and introduced measures to tackle issues. Four complainants appear to have been received by the council in the last year, 2 in July and 2 in October, which relate to noise from patrons leaving the site.

Within this application, the operator has put forward four main changes within the updated Operational Statement in order to try to tackle the issues raised:

1. Reduced weekday openings (no longer open Mondays and Tuesdays);
2. Changes to taxi drop off / pick up arrangements. Now to take place next to Pergola at the western end of the campus rather than adjacent to Bishops Bridge Road at the eastern side of the campus;
3. Additional / improved signage;
4. Additional staff.

No changes are proposed to the opening dates of Pergola, which are to remain as previously approved namely:

<i>Summer Season</i>	<i>26th April - 30th September</i>
<i>Re-dress/Closed</i>	<i>1st October - 17th October</i>
<i>Winter Season</i>	<i>18th October- 23rd December</i>

The reduction in the number of opening days is welcomed. In order to reduce any antisocial behaviour across the campus, the operator in conjunction with British Land (the land owner) are implementing a strategy to direct guests who are using taxis away from Sheldon Square and towards the rear of the venue, adjacent to Pergola, where they can be dropped off and collected. A plan has been provided which indicates the route which taxis will take, entering from Bishops Bridge Road, as they would currently, but instead of exiting at the same point, they will be directed through the estate to exit onto the Harrow Road frontage. This means that patrons using taxis can be dropped off and collected at the western end of the site, adjacent to Pergola, away from residents within Sheldon Square.

The Highways Planning Manager has raised concerns in relation to the revised taxi proposals, as while the reasoning for the change is understood, it is unknown if unexpected issues such as taxis arriving from the west (rather than from Bishops Bridge Road) which has highways restrictions and if the allocated area is sufficient for purpose. As such he has recommended that a temporary period until the end of the summer season is conditioned so that any changes in this new strategy can be incorporated. While these comments are noted it is not considered that such a review could be undertaken as there is only 17 days between the summer and winter season, which would not provide enough time for such a review to be considered. Given that the permission expires at the end of 2018 and the amenity benefits of moving the taxi activity to the other end of the site to reduce the number of patrons walking through the campus, the proposals amendments are considered acceptable.

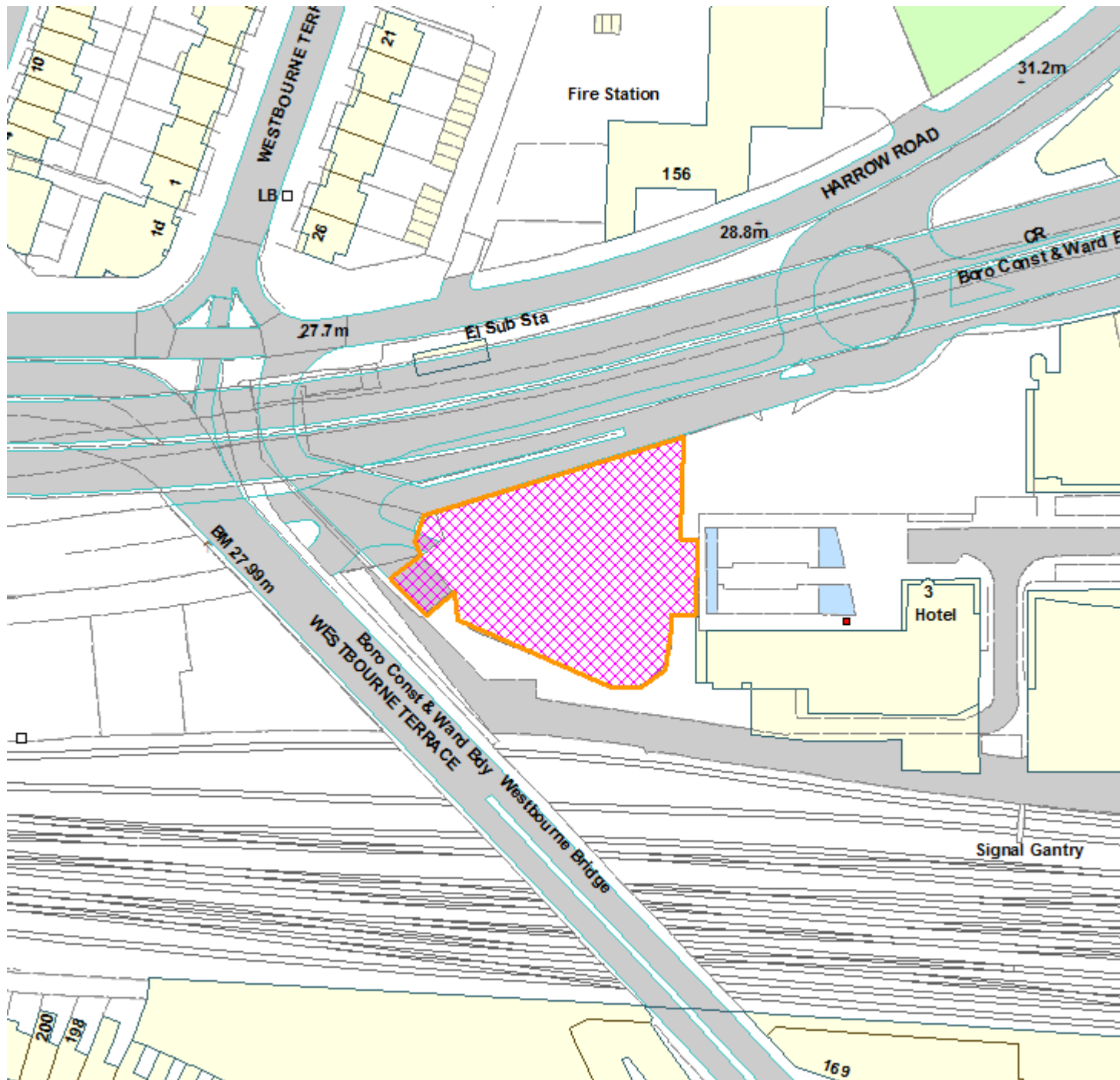
In addition to this the applicant notes that the majority of people arrive by public transport. Additional

staff and cleaners are to be provided throughout the estate and signage to point out that Royal Oak tube station is an alternative tube station located to the west of the site and to reduce litter. This will further help to spread activity to the west and east.

Objections have also been received on various grounds which do not relate to this application, such as affordable housing, redevelopments to provide new buildings, electric charging points and school catchments. Such considerations are not relevant to this approval of details application.

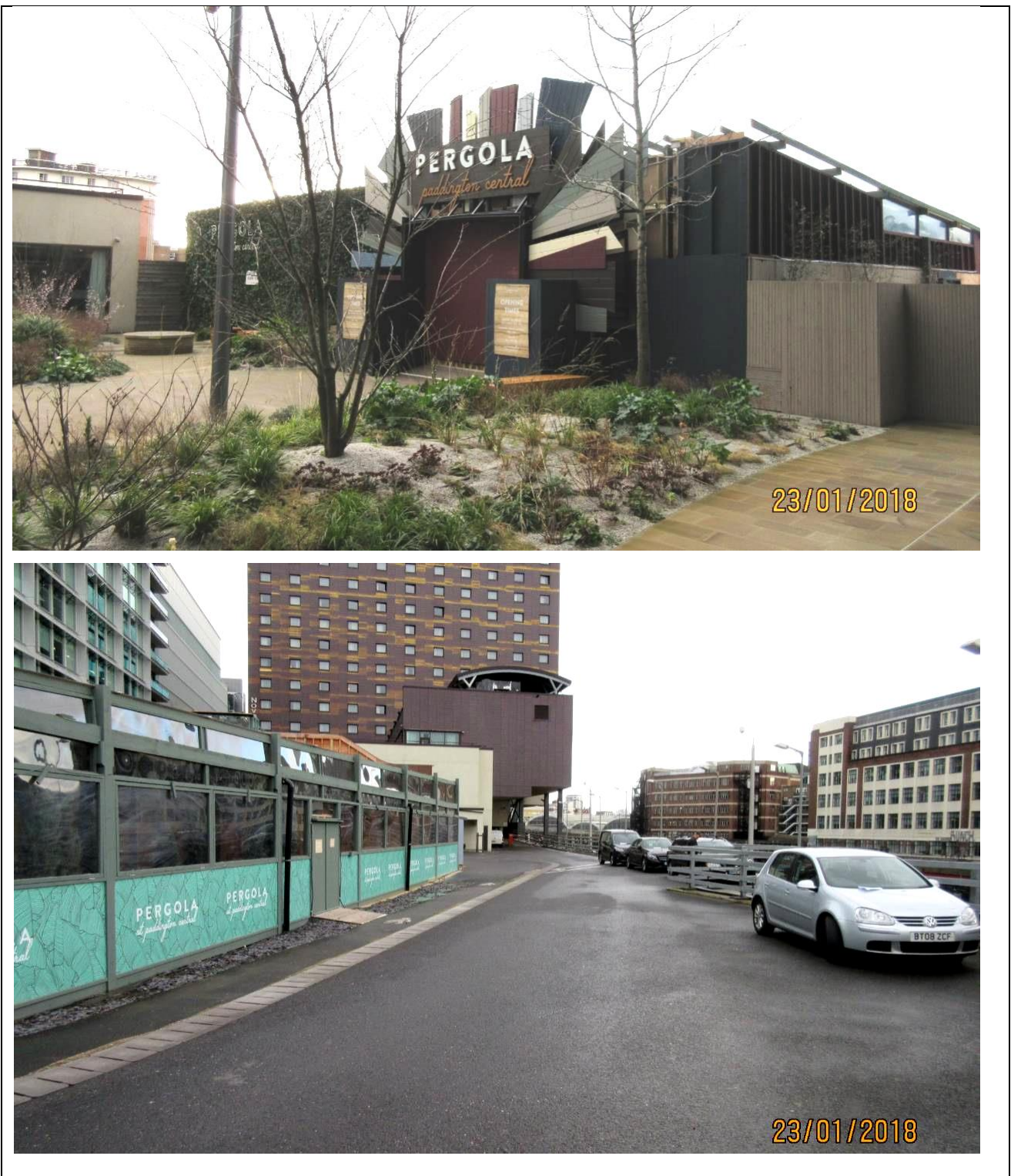
Subject to amendments as put forward by the applicant, the updated Operational Statement is considered acceptable to allow the use to continued for another year. The application is accordingly recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Top: Front entrance on Kingdom Street
Bottom: View from rear service area



5. CONSULTATIONS

WARD COUNCILLORS FOR HYDE PARK

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Recognise the steps taken by the applicant to address complaints, and whilst they support this renewal for 12 months, they would like to see the impact monitored and any necessary adjustments made. Also request for neighbours views to be taken into consideration.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

CROSSRAIL STRATEGIC SCHEME

Any response to be reported verbally.

DESIGNING OUT CRIME

Any response to be reported verbally.

NETWORK RAIL

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Concerns are raised around the management of the new taxi/private hire arrangement and the impact on the surrounding highway. Recommend that the current Operational Management Plan (OMP) is reviewed prior to the commencement of the winter season.

CLEANSING MANAGER

No objection raised.

ENVIRONMENTAL HEALTH:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1075

Total No. of replies: 5

No. of objections: 4

No. neutral: 1

The comments raise the following points:

Amenity:

- Considerable antisocial behaviour from patrons leaving to Bishops Bridge Road and Paddington Station.

- Security is undermanned to deal with antisocial behaviour across the campus.

Highways:

- Request that patrons are redirected to Royal Oak after 9pm.
- Request that no taxi's, traffic or parking restrictions are directed north as this would negatively impact residential amenity.

Other:

- Request for the development of glass buildings to stop in the area.
- Oppose the building of the hotel on the existing management office on various grounds.
- Oppose applications in general for retail units not in keeping with the area.
- Residents have never met with Pergola managers as stated would happen in the previous OMP.
- Pergola management have not made efforts to ensure positive local relationships with residents as promised.
- Comments in relation to affordable and intermediate rent housing in the area.
- Request for electric car charging infrastructure, street greening and alterations to state school catchment areas.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

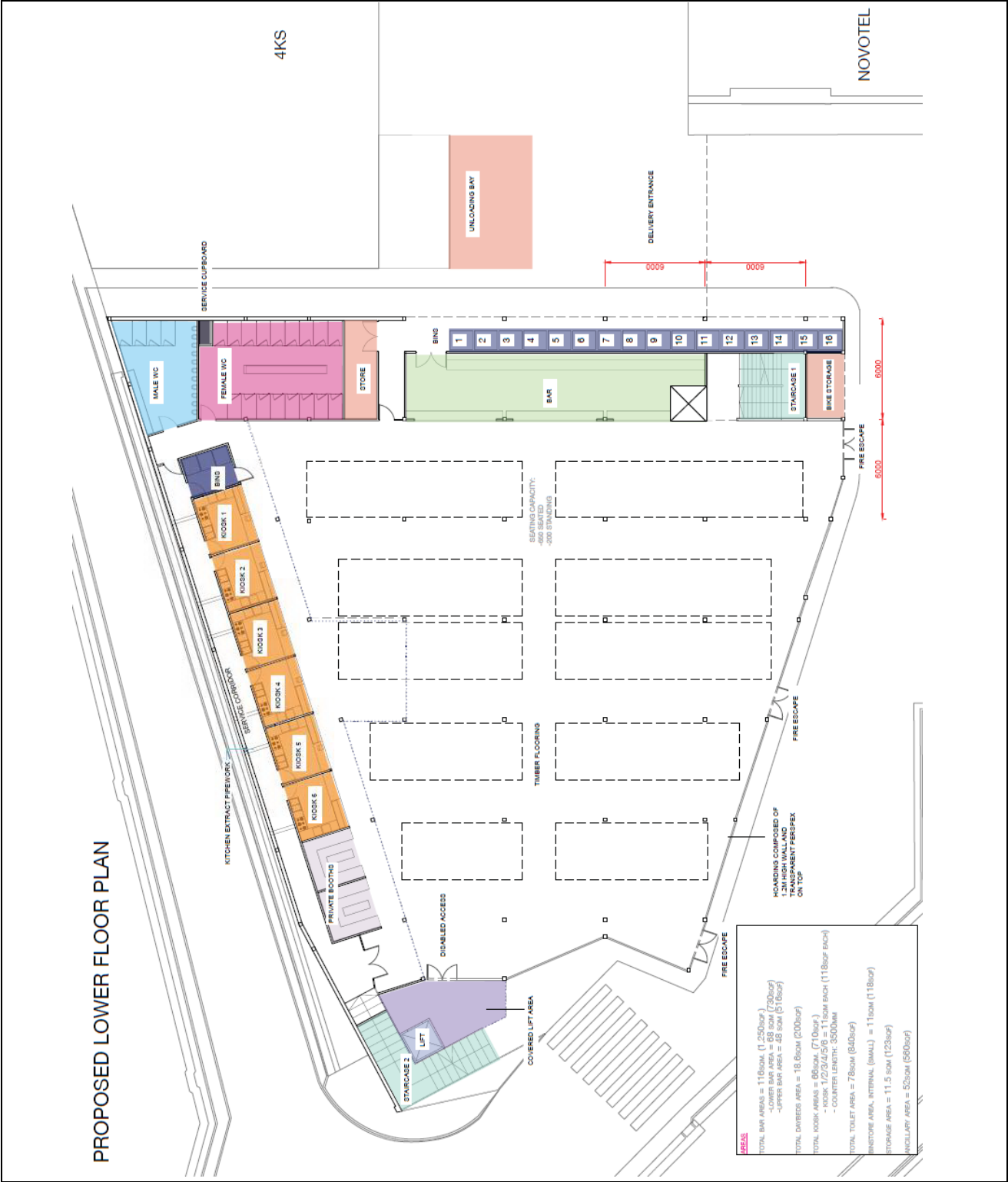
6. BACKGROUND PAPERS

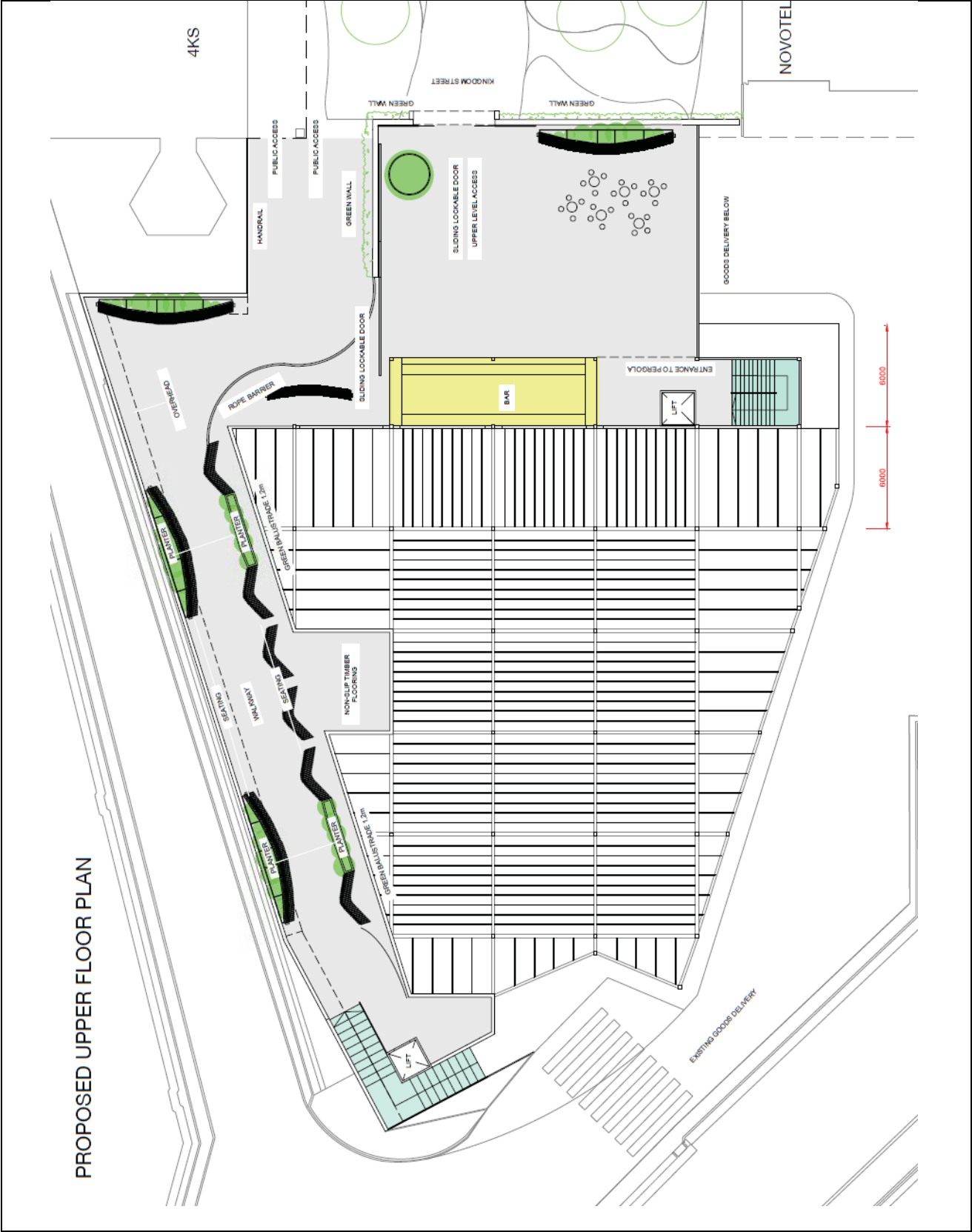
1. Application form
2. Access and Taxi Map
3. Response from Paddington Waterways & Maida Vale Society, dated 23 January 2018
4. Response from Highways Planning, dated 23 January 2018
5. Response from Cleansing, dated 24 January 2018
6. Letter from occupier of 26 Westbourne Court, Orsett Terrace, dated 21 January 2018
7. Letter from occupier of Sheldon Square, London, dated 22 January 2018
8. Letter from occupier of Apartment 6, 27 Sheldon square, dated 24 January 2018
9. Letter from occupier of 16 Westbourne Terrace Road, London, dated 3 February 2018
10. Letter from occupier of 7C Westbourne Terrace Road, London, dated 4 February 2018

(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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

7. KEY DRAWINGS





DRAFT DECISION LETTER

Address: Development Site At, Kingdom Street, London, W2 6AE,

Proposal: Details of an updated Operational Statement for 2018 season pursuant to Condition 15 of planning permission dated 7 March 2017 (RN: 16/12331/FULL).

Reference: 18/00244/ADFULL

Plan Nos: 98 B; Operational Statement dated January 2018; Pedestrian and taxi map document titled 'Pergola Paddington Central'; Letter dated 12 January 2018 from CBRE

Case Officer: Rupert Handley **Direct Tel. No.** 020 7641 2497

Recommended Condition(s) and Reason(s)**Informative(s):**

- 1 This permission fully meets condition(s) 15 of the planning permission dated 7 March 2017. (I11AA)

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.