CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date	Classification	
COMMITTEE	19 May 2015	19 May 2015 For General Release	
Report of		Wards involve	ed
Director of Planning		West End	
Subject of Report	Site At 2-8 Trebeck Street, 2-5 Hertford Street, 35 Shepherd Market And 20 Shepherd Street, London, W1J 7JQ		
Proposal	Use of part first floors, set use in connection with the Alterations to the fenestr of new window openings third floor levels; alteration over the terrace at third floor levels.	e existing private memb ation of the property to in creation of new plant a ons to the roof form and	ers club (sui generis). nclude the introduction reas at second and installation of an awning
Agent	GVA		
On behalf of	5 Hertford Street Ltd		
Registered Number	14/12430/FULL 14/12431/LBC	TP / PP No	TP/8297
Date of Application	16.12.2014	Date amended/ completed	16.12.2014
Category of Application	Other		
Historic Building Grade	Grade II Listed Building		
Conservation Area	Mayfair		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Premises licence		

1. RECOMMENDATION

- 1. Grant conditional permission, subject to a S106 legal agreement to secure the provision of residential at either 33 St James's Square, or 79 Pall Mall, or Hudson House Tavistock Street prior to occupation of the extended private members club.
- 2 If the S106 legal agreement has not been completed within six weeks of the application being reported to the Committee, then:
- a) The Director of Planning shall consider whether 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; however, if not

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- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete a S106 legal agreement within an 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.
- 3. Grant conditional listed building consent.
- 4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.



City of Westminster

Data Source:

20 Metres 0 5 10



SITE AT 2-8 TREBECK STREET, 2-5 HERTFORD STREET, 35 SHEPHERD MARKET AND 20 SHEPHERD STREET, W1

2. SUMMARY

In July 2012, 5 Hertford Street Private Members Club opened, occupying the majority of the lower floors of a street block bounded by Shepherd Market, Trebeck Street, Shepherd Street and Hertford Street. The site was previously occupied by Tiddy Dol's restaurant and had been derelict for a number of years.

The club has been operating successfully and is considered to be an appropriate use that adds to the character of Mayfair and this part of the Central Activities Zone. The current applications for permission and listed building consent will enable an expansion of the club into the whole of the first to third floors excluding a single third floor flat at No.20 Shepherd Street. With the exception of this flat and two retail units on Trebeck Street the club would occupy the whole of the street block. Expansion of the club into floorspace at first to third floors involves the loss of nine residential flats. To offset this loss of residential the proposal is to link the development to three sites within St James's, one of which would be used as a land use swap.

The key issues in this case are:

- The acceptability of the proposed land use swap.
- The impact of the proposed private members club on the character and function of the area and on residential amenity.

All three potential donor sites will provide a better quantum and quality of residential than at the application site and subject to a legal agreement that requires the new residential to be provided prior to the club use being extended, this aspect of the application is considered acceptable. Significant support has been received for the scheme from both residents and businesses in the area that the existing club is well run and greatly enhances the area. On the basis that the enlarged club will operate in accordance with the existing Operational Management Plan the use is considered acceptable as it would be neither harmful to the character and function of the area or residential amenity. The proposal is in accordance with adopted policies in the Unitary Development Plan and City Plan.

3. CONSULTATIONS

COUNCIL FOR BRITISH ARCHAEOLOGY No objection.

RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S No objection.

ENVIRONMENTAL HEALTH
Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 224; Total No. of Replies: 45.

One letter of objection to initial scheme to loss of residential at Flat 3, 20 Shepherd Street.

44 letters of support commenting that the existing club has enhanced Shepherd Market and the expansion is welcomed.

ADVERTISEMENT/SITE NOTICE: Yes

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4. BACKGROUND INFORMATION

4.1 The Application Site

This site in Shepherd Market includes a block of listed buildings (2-8 Trebeck Street, 2-5 Hertford Street, 35 Shepherd Market and 20 Shepherd Street). The buildings, with the exception of 5 Hertford Street, which is Edwardian, are Georgian. All the buildings comprise basement, ground and three upper floors.

The whole of the basement, ground and first floors (excluding 6-8 Trebeck Street), and the second and third floors of 4 and 5 Hertford Street are occupied as a private members' club (known as "5 Hertford Street"). The lawful use of the remainder of the street block are retail shop units at No's 6 and 8 Trebeck Street and 10 residential flats on the remainder of the first, second and third floors.

The application site includes the whole street block except the ground floor shop units at 6 and 8 Trebeck Street and the third floor of 20 Shepherd Street.

The buildings are located within the Central Activities Zone (CAZ) and the Mayfair Conservation Area, where the local character derives from a mix of uses, including shops, restaurants and public houses on the lower floors and offices and flats on the upper floors. This mix of uses gives Shepherd Market a distinctive character. There are a number of residential properties in the streets in and around Shepherd Market, and some of these are very close to the application site, particularly at Lombard House directly to the north of the site and Carrington House and Garrick House to the south.

4.2 Relevant History

16 September 2010: Permission and listed building consent granted for alterations in connection with the use of the basement and part ground to part third floors as a private members' restaurant (Class A3), use of part ground floor for retail purposes (Class A1) and use of part first to part third floors as seven flats (Class C3).

15 September 2011: Permission was granted for the use of the basement, part ground and part first, second and third floors as a private members' club, comprising dining rooms with associated lounge, bar areas and dance floor (sui generis) (ref 11/05480/FULL).

10 July 2013: Permission granted for the variation of Conditions 1 and 2 of planning permission dated 15 September 2011 for the use of the basement, part ground and part first, second and third floors as a private members' club, comprising dining rooms with associated lounge, bar areas and dance floor (sui generis); namely to allow a reconfiguration of the basement and bar areas (RN 13/03933/FULL).

29 April 2014: Permission granted for variation of Condition 4 of permission dated 10 July 2013 for the use of the basement, part ground and part first, second and third floors as a private members' club to vary the opening hours of the ground and first floors (RN14/01743/FULL).

Under the terms of the previous permission, the hours of opening of the publically accessible areas of the club, at basement, ground and first floors, were restricted by condition, the basement having slightly later opening hours than the ground and first floors. This permission extended the permitted opening hours of the ground and first floor to match those of the basement, allow opening

between 07.00 and 01.30 the following morning on Mondays, Tuesdays between 07.00 and 02.30 the following morning on Wednesdays

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between 07.00 and 03.00 the following morning on Thursdays, Fridays and Saturdays between 12.00 and 00.30 the following morning on Sundays and between 12.00 and 03.00 the following morning on Sundays immediately prior to bank holidays.

5. THE PROPOSAL

Permission and listed building consent are sought for alterations to facilitate the expansion of an existing private members club into part first, second and third floors of the street block. This will involve the loss of 965m2 of residential accommodation in the form of nine flats. The club would be increased in size from 1524m2 to 2489m2. The new accommodation would provide "back of house" facilities as well as additional dining and lounge areas.

The loss of residential is contrary to the Council's adopted strategic land use policies. It is therefore proposed that the scheme would be linked to developments at either 33 St James's Square, or 79 Pall Mall or Hudson House Tavistock Street, which will be converted from commercial offices to residential to offset the loss of residential at this site.

Proposed works include:

Alterations to the roof to accommodate ductwork and plant rooms including new dormer windows and increasing the size of a false chimney.

Opening up of blind window openings and the installation of timber sash windows at second floor level and new balustrade at third floor level at 2 Hertford Street.

Internal alterations including changes to the width of internal openings and relocation of existing plant rooms.

Listed building consent was initially sought for the removal of a staircase between the second and third floors at 8A Trebeck Street, However, further to discussions with officers and concerns that this may be an original staircase, this no longer forms part of the scheme.

6. DETAILED CONSIDERATIONS

6.1 Land Use

i) Loss of residential floorspace

The application initially proposed the loss of 10 flats at the site, which would be converted to club use. Further to an objection from the leaseholder of a flat at third floor level of 20 Shepherd Street this flat has been deleted from the scheme and is no longer part of the proposal. As revised, the scheme will result in the loss of 965m2 of residential floorspace, in the form of nine flats. Seven of these flats were permitted in 2010, plus two additional units (at 8A Trebeck Street and the second floor of 20 Shepherd Street).

Of the nine residential units, three are fitted out (6 Trebeck Street, 8A Trebeck Street and Flat 2, 20 Shepherd Street) and six are shell units. The overall mix of residential accommodation is as follows

3 x studios, 4 x 1 bed, 1 x 3 bed and 1 x 4 bed units.

Existing residential floorspace is protected under UDP Policies H3 and S14 of the City Plan and this loss would not normally be acceptable in isolation.

Under UDP Policy COM3, permission will be granted for the relocation of uses between sites

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where the swap is between lawful commercial and residential accommodation between sites which are in the vicinity of each other, the mixed use character of the locality is maintained, at least the equivalent amount of residential floorspace is provided and the new residential accommodation is of a higher standard than the existing in terms of quality and amenity.

It is proposed that the residential at the site will be swapped with one of three sites either a) 33 St James's Square, b) 79 Pall Mall or c) Hudson House Tavistock Street. All three sites involve the conversion of office buildings to residential. The residential that will be provided comprises

- a) 33 St James's Square, 6578m2 23 residential units.
- b) 79 Pall Mall, 1510m2 8 units
- c) Hudson House Tavistock Street, 2169m2 -10 units.

Permission was granted for the residential schemes at 33 St James's Square and 79 Pall Mall on 21 April 2015. It was however clear at the time of submission that the new residential may be used to offset the loss of residential at this site. The scheme at Hudson House Tavistock Street is yet to be determined.

In all three cases the proposed replacement residential accommodation would provide a better quantum and quality of residential than currently exists at the application site. The replacement residential will be secured by S106 legal agreement which would require residential at one of the three sites to be provided and ready for occupation prior to the club occupying the additional floorspace.

ii) Extension of existing private members' club

The existing private members' club occupies a substantial part of the street block, the total floospace is 1524m2. The proposals would extend the club by a further 965m2. This would comprise back of house facilities and additional dining and lounge areas.

Given the size of the existing club, UDP Policy TACE 10 is applicable. In recognition of the fact that large entertainment uses can impact on the environment and can be harmful to residential amenity, the policy states that new large entertainment uses, including extensions to existing large premises, will only be granted in exceptional circumstances. Policy S24 of the City Plan re-enforces this and states that new large scale late night entertainment uses will generally not be appropriate.

In this case, the principle of a large entertainment use is already established on the site. The club has been operated successfully without complaint since it opened in July 2012. The club adheres to a detailed Operational Management Plan. Apart from an initial objection to the loss of residential from a long leaseholder of a third floor flat at 20 Shepherd Street to the loss of this residential accommodation there have been no objections to the application. In response to consultations there has been significant support from local residents, businesses and club members. The respondents comment that the club is extremely well run and is a real asset to the area.

In view of this overwhelming local support it is not considered that the expansion of the club would have an adverse impact upon the character and function of this part of the Mayfair Conservation Area and, subject to appropriate operational controls, the extension of the existing use is considered acceptable in land use terms. The impact of the club expansion upon the amenities of neighbouring occupiers and local environmental quality is considered in Section 6.3 below.

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6.2 Townscape and Design (including listed building issues where relevant)

The proposals involve alterations to windows in street facades and at roof level, and internal alterations. On Shepherd Market it is proposed to add doors and a small glazed structure on the existing roof terrace. A low balustrade is added to the parapet. These will have a limited visual impact from street level and are considered acceptable. Other changes at roof level include raising the roof slightly and increasing the size of a false chimney stack to incorporate more plant ventilation. These works comply with Unitary Development Plan Policy DES 6 and are acceptable.

On Hertford Street it is proposed to install sash windows at second floor level in place of existing blind windows. These blind windows are likely to be an original Georgian feature and there is a presumption to retain them. Georgian rooms do not normally have windows on more than one side. The room already has three windows on the Shepherd Market façade. The loss of the blind windows would be harmful to the special interest of the listed building, contrary to Policy DES 10 and the City Council's supplementary planning guidance, 'Repairs and Alterations to Listed Buildings'. It is recommended that this be subject of a condition removing this work from the permission. Retaining these windows as blind windows would not prevent the continued use of this room as a lounge.

The internal alterations include new openings in the party wall between 4 and 6 Trebeck Street. This is to be done using jib doors and is considered acceptable in historic building terms.

6.3 Amenity

6.3.1 Impact of the proposed club use

The existing private members club has a maximum customer capacity of 500. With the exception of a third floor flat at 20 Shepherd Street the expansion of the club as proposed would mean that the club would occupy the whole of the upper floors of the site. The additional floorspace providing additional back of house facilities, customer toilets, lounge, dining areas and a small outside terrace. In total this will increase the club's capacity by an additional 200 customers including a maximum of 25 customers on the third floor terrace.

Areas of the new public accommodation will be separated into those areas where alcohol will only be served with food, and those where alcohol can be served without food (although substantial food will be available in these areas, at all times). The terrace may be used by diners and non-diners.

The use of the proposed additional floors will generally end earlier than the main existing club.

The applicant has requested that the new accommodation on the first, second and third floors is open to customers between the following times:

12 noon on Mondays to Fridays until 01.30 the following morning;

17.00 on Saturdays until 01.30 the following morning;

and 12.00 noon on Sundays until 00.30 the following morning.

The terrace would only be used until 23.00 hours.

The applicant has submitted a noise report which considers the impact of the use and the dispersal of additional customers and use of the terrace. The report concludes that as the proposed opening times of the new customer accommodation would be less than the existing

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club (currently 02.30 the following morning on Wednesdays, 03.00 the following morning on Thursdays, Fridays and Saturdays and 00.30 the following morning on Sundays), that the impact of this additional capacity would be limited, as customer leaving times would be staggered.

However, although unlikely, there is potential that all 700 customers could leave the premises at these earlier times. However, based upon existing use patterns, the submitted Transport Assessment estimates that the number of customers arriving at/departing from the club during its busiest hours on a Saturday (between midnight and 01.00) is likely to increase from 273 to 382. Notwithstanding this, there is no record of complaints regarding noise associated with customers leaving the existing club. The existing club operation is governed by an Operational Management Plan (OMP) which includes measures to deal with customer dispersal, which appear successful. The current application is supported by an updated OMP, which includes similar measures to deal with the increased capacity. Subject to adherence to this OMP, it is not considered that the increased customer capacity is likely to have a significant adverse impact upon neighbours' amenities.

The proposed terrace would provide external amenity space for a maximum of 25 club customers, diners and non-diners, all of whom would be seated. The applicant has confirmed that no music will be played on the terrace. It is proposed that all customers will vacate the third floor terrace by 23.00 hours.

The noise report also considers the impact of the use of this terrace upon the amenities of neighbouring residents. The report concludes that this use would have a "negligible impact" and the applicant contends that the impact is not likely to be "subjectively perceptible". The noise generated by customers occupying external dining/drinking areas is obviously subject to peaks and is largely down to good management practices to ensure that the amenities of neighbouring occupiers are safeguarded. It is noted that there is already external seating along the Shepherd Market frontage of the buildings, which has to be vacated by 23.00 under the terms of the existing planning permission. Permissions have been renewed several times, and there is no record of any complaints having been received in relation to the use of these areas. In these circumstances, it is not considered that the use of the third floor terrace by a maximum of 25 customers, until 23.00 hours, would have a significant additional impact upon residents' amenities.

The club's current OMP was approved by the Council on 29 May 2013 and covers areas such as managing late night arrivals and departures, car parking, access control, use of the courtyard, and management of waste and recycling including the disposal of empty bottles.

It is evident that with the OMP in place there have been no problems arising from the operation of the club. A condition is recommended that requires an updated OMP which will cover the additional floorspace. On this basis it is considered that the proposed expansion of the club would not have an adverse impact upon the amenities of neighbouring occupiers.

6.3.2 Plant operation

Policy ENV7 requires that any new plant installations are designed to safeguard the amenities of neighbouring noise sensitive properties.

The application includes the provision of new plant rooms to serve the extended club. An acoustic report has been submitted which concludes that the operation of the plant will be within the Council's normal noise criteria. It is recommended that the normal conditions are imposed to ensure that the plant operates within the required parameters. The proposal is considered acceptable in terms of Policies ENV 6, ENV 7 and S31.

6.4 Transportation/Parking

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The application is supported by a Transport Statement which assesses the impact of the proposed extension in terms of additional customer movements and increased servicing demands.

This report concludes that the increased capacity would have limited impact in respect of customer vehicular movements (generally taxis or chauffer driven cars). All members and guests arriving in cars will be diverted to South Audley Street car park. The club's valet parking system will also operate from this car park.

The Transport Assessment concludes that the additional deliveries, and waste and recyclable collections, generated by the club's expansion will be consolidated within existing deliveries/collections and will not result in any increase in the frequency of deliveries to, or collections from, the club.

Additionally, the report considered the impact of staff movements, with the maximum number of staff working on the premises at any one time increasing by 46 (to160). As most staff are likely to use public transport, and as shift patterns will remain unchanged, the extra movement generated are unlikely to have a significant impact on local amenities.

The Highways Planning Manager concurs with these findings and the proposals are therefore considered acceptable in highways terms.

6.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

6.6 Other UDP/Westminster Policy Considerations

None

6.7 London Plan

The applications do not raise any strategic issues.

6.8 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

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6.9 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc are detailed in the Council's Supplementary Planning Guidance on Planning Obligations.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The current application involves the relocation of existing residential floorspace to alternative donor sites. This would be secured by legal agreement and is considered to meet the above tests.

6.10 Environmental Assessment including Sustainability and Biodiversity Issues

The proposals are of insufficient scale to require an environmental assessment. The fact that both proposals involve works to, and the use of, existing listed buildings places considerable constraint on the potential to provide renewable energy or add to the biodiversity of the area.

6.11 Conclusion

The scheme will result in a significant expansion of an existing private members club. The increase in capacity of an existing large entertainment use would in many circumstances be contentious as it is contrary to the general aims of UDP Policy TACE 10 and City Plan Policy S24. In this case however, the existing club is well run and has been successfully operating without complaints since the use commenced in July 2012. This is evident from the significant support received for the scheme. The club has proved a welcome addition to the area and subject to the enlarged use continuing to operate in accordance with the detailed Operational Management Plan the use is considered appropriate.

The loss of residential at the site is considered acceptable as it will be replaced as part of a land use swap on a site in the vicinity. This will be secured by a legal agreement.

BACKGROUND PAPERS

- 1. Application forms
- 2. Letter from the Council for British Archaeology dated February 2015
- 3. Letter from the Residents' Society of Mayfair and St James's dated February 2015
- 4. Letter from the occupier 5 Trebeck Street received 2 February 2015
- 5. Letter from the occupier 3 Shepherd Market dated 5 February 2015
- 6. Letter from the occupier 8 Shepherd Market dated 23 January 2015
- 7. Letter from the occupier 16 Shepherd Market received 9 February 2015
- 8. Letter from the occupier 16 Shepherd Market received 9 February 2015
- 9. Letter from the occupier 18 Shepherd Market dated 5 February 2015
- 10. Letter from the occupier 3 Shepherds House, Shepherd Street dated 29 January 2015
- 11. Letter from the occupier 5 Shepherd Street received 9 3 February 2015
- 12. Letter from the occupier 8 Shepherd Street dated February 2015

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- 13. Letter from the occupier Flat 3 (20) Shepherd Street dated 30 January 2015
- 14. Letter from the occupier 32 Shepherd Street dated 26 January 2015
- 15. Letter from the occupier 46 Shepherd Street dated 4 February 2015
- 16. Letter from the occupier 1 Curzon Street dated 4 February 2015
- 17. Letter from the occupier Flat 2, 9a Curzon Street dated 5 February 2015
- 18. Letter from the occupier Flat 5, 36 Curzon Street dated 6 February 2015
- 19. Letter from the occupier 442/43 Curzon Street dated 26 January 2015
- 20. Letter from the occupier 101 Carrington House, Hertford Street dated 21 January 2015
- 21. Letter from the occupier 201 Carrington House, Hertford Street dated 27 January 2015
- 22. Letter from the occupier 702 Carrington House, 6 Hertford Street dated 28 January 2015
- 23. Letter from the occupier 9 Hertford Street dated 4 February 2015
- 24. Letter from the occupier 9 Hertford Street dated 4 February 2015
- 25. Letter from the occupier 18 Hertford Street dated 3 February 2015
- 26. Letter from the occupier 51-52 Hertford Street dated 2 February 2015
- 27. Letter from the occupier 1 White Horse Street dated 26 January 2015
- 28. Letter from the occupier 36 Tavistock Street dated 3 February 2015
- 29. Letter from the occupier 41-46 Piccadilly dated 4 February 2015
- 30. Letter from the occupier 6 Stratton Street dated 5 February 2015
- 31. Letter from the occupier 40 Berkeley Square dated 4 February 2015
- 32. Letter from the occupier 10a Market Mews dated 25 January 2015
- 33. Letter from the occupier 10a Market Mews dated 25 January 2015
- 34. Letter from a local resident (no address) received 9 February 2015
- 35. Letter from Tim Steel (no address) received 9 February 2015
- 36. Letter form occupier Flat 203 Carrington House dated 6 February 2015
- 37. Letter from occupier 20 Charles Street dated 11 February 2015
- 38. Letter from occupier 45a Curzon Street dated 11 February 2015
- 39. Letter from Edward Cowen (no address) dated 5 February 2015
- 40. Letter from occupier Flat 14/15 36 Curzon Street dated 11 February 2015
- 41. Letter from occupier 48 Hertford Street dated 27 February 2015
- 42. Letter from occupier 100 Carrington House Hertford Street undated
- 43. Letter from IGasEnergy PLC 7 Down Street dated 17 February 2015
- 44. Letter from occupier 34a Shepherd Market dated 9 February 2015
- 45. Letter from occupier 15 Shepherd Market dated 9 February 2015
- 46. Letter from occupier Flat 12 Shepherd House 5 Shepherd Street dated 5 February 2015
- 47. Letter from occupier 13a Shepherd Market dated 27 January 2015
- 48. Letter from occupier Flat 3 20 Shepherd Market dated 21 January 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2518 OR BY E-MAIL – mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address:

Site At 2-8 Trebeck Street, 2-5 Hertford Street, 35 Shepherd Market And, 20

Shepherd Street, London, W1J 7JQ

Proposal:

Use of part first floors, second and third floors as a private members club use in connection with the existing private members club (sui generis). Alterations to the fenestration of the property to include the introduction of new window openings; creation of new plant areas at second and third floor levels; alterations to the roof form and installation of an awning over the terrace at third floor level. Internal alterations at all floor levels.

Plan Nos:

1496-P-2-100-100,1496-P-01-3-090-102 rev C,1496-P-01-3-100-102 rev C,1496-P-

01-3-110-202 rev D,1496-P-01-3-120-203 rev D,

1496-P-01-3-130-203 rev D,1496-P-015-3-130-203 rev D,1496-P-20-3-140-100 revC,1496-P-21-3-100-100 revB,.1496-P-21-3-120-100 revB,1496-P-21-3-130-100 revC,1496-P-22-2-021-100, 1496-P-22-2-021-200, 1496-P-22-3-043-200, 1496-P-22-3-101-100

rev B, 1496-P-22-3-102-100 rev A,

Case Officer:

Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s):

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 not allow more than 700 customers into the premises at any one time.

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S2 and S 32 of the City Plan: Strategic Policies that we adopted in November 2013.

You must not open the existing private members club to customers and you must not allow customers in the premises outside the following times:

between 07.00 and 01.30 the following morning on Mondays Tuesdays between 07.00 and 02.30 the following morning on Wednesdays between 07.00 and 03.00 the following morning on Thursdays, Fridays and Saturdays between 12.00 and 00.30 the following morning on Sundays and between 12.00 and 03.00 the following morning on Sundays immediately prior to bank holidays.

and the extended private members club at part first, second and third floors hereby permitted outside the following times

between 12.00 and 01.30 the following morning on Mondays to Fridays between 17.00 and 01.30 the following morning on Saturdays and between 12 and 00.30 the following morning.on Sundays

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S2 and S 32 of the City Plan: Strategic Policies that we adopted in November 2013.

You must apply to us for approval of a 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. You must not use the part first, part second and part third floors (hereby approved) as part of the private members club a 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 extended club is operating.

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S2 and S 33 of the City Plan: Strategic Policies that we adopted in November 2013.

You must not play live or recorded music within the area identified on the approved drawings as main entrance to club.

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S2 and S 32 of the City Plan: Strategic Policies that we adopted in November 2013.

No servicing shall take place outside the hours of 07.00-23.00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

7 All windows from the kitchens facing into the internal courtyard shall be kept closed and permanently fixed shut.

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 S 32 of the City Plan: Strategic Policies that we adopted in November 2013.

- (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 5 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 10 dB below the minimum external background noise, a 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) 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: Strategic Policies adopted November 2013, 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.

9 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 (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.

The third floor terrace as shown on drawing number 1496-P-01-3-130-203 rev D shall only be open to customers between the hours of 07.00 and 23.00 daily

Reason:

To make sure that this does not cause a nuisance for people in the area. This is as set out in TACE 10 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S2 and S 32 of the City Plan: Strategic Policies that we adopted in November 2013.

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

12 Despite the details shown on the drawings hereby approved, the existing blind windows on the Hertford Street façade at second floor level shall not be replaced by sash windows, and shall remain blocked up.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

13 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

14 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: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 15 You must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Informative(s):

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: Strategic Policies adopted November 2013, 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.

DRAFT DECISION LETTER

Address:

Site At 2-8 Trebeck Street, 2-5 Hertford Street, 35 Shepherd Market And, 20

Shepherd Street, London, W1J 7JQ

Proposal:

Alterations to the fenestration of the property to include the introduction of new window openings; creation of new plant areas at second and third floor levels; alterations to the roof form and installation of an awning over the terrace at third

floor level. Internal alterations at all floor levels

Plan Nos:

1496-P-2-100-100,1496-P-01-3-090-102 rev C,1496-P-01-3-100-102 rev C,1496-P-

01-3-110-202 rev D,1496-P-01-3-120-203 rev D,

1496-P-01-3-130-203 rev D,1496-P-015-3-130-203 rev D,1496-P-20-3-140-100 revC,1496-P-21-3-100-100 revB,.1496-P-21-3-120-100 revB,1496-P-21-3-130-100 revC,1496-P-22-2-021-100, 1496-P-22-2-021-200, 1496-P-22-2-043-200, 1496-P-22-3-021-100, 1496-P-22-3-021-200, 1496-P-22-3-043-200, 1496-P-22-3-101-100

rev B, 1496-P-22-3-102-100 rev A,

Case Officer:

Mike Walton

Direct Tel. No. 020 7641 2521

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.

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 (R27AC)

3 Despite the details shown on the drawings hereby approved, the existing blind windows on the Hertford Street façade at second floor level shall not be replaced by sash windows, and shall remain blocked up.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

Informative(s):

SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



















