

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 December 2015	Classification For General Release	
Report of Director of Planning	Wards involved West End		
Subject of Report	45 Berkeley Square/45 Hay's Mews, London, W1J 5AS		
Proposal	Alterations including the excavation of a part one, part two storey basement extension and erection of a single storey glazed extension within the central courtyard, creation of external terraces at first and third floors. Associated internal alterations all in connection with use of the buildings as a private members club (sui generis).		
Agent	Proun Architects		
On behalf of	Berkeley Square Investments Limited		
Registered Number	14/01621/FULL 14/01622/LBC	TP / PP No	TP/11550
Date of Application	21.02.2014	Date amended/ completed	14.04.2014
Category of Application	Major		
Historic Building Grade	Grade I and Grade II Listed Buildings		
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 Core Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

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

a) Provision of £2,143,464 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development).

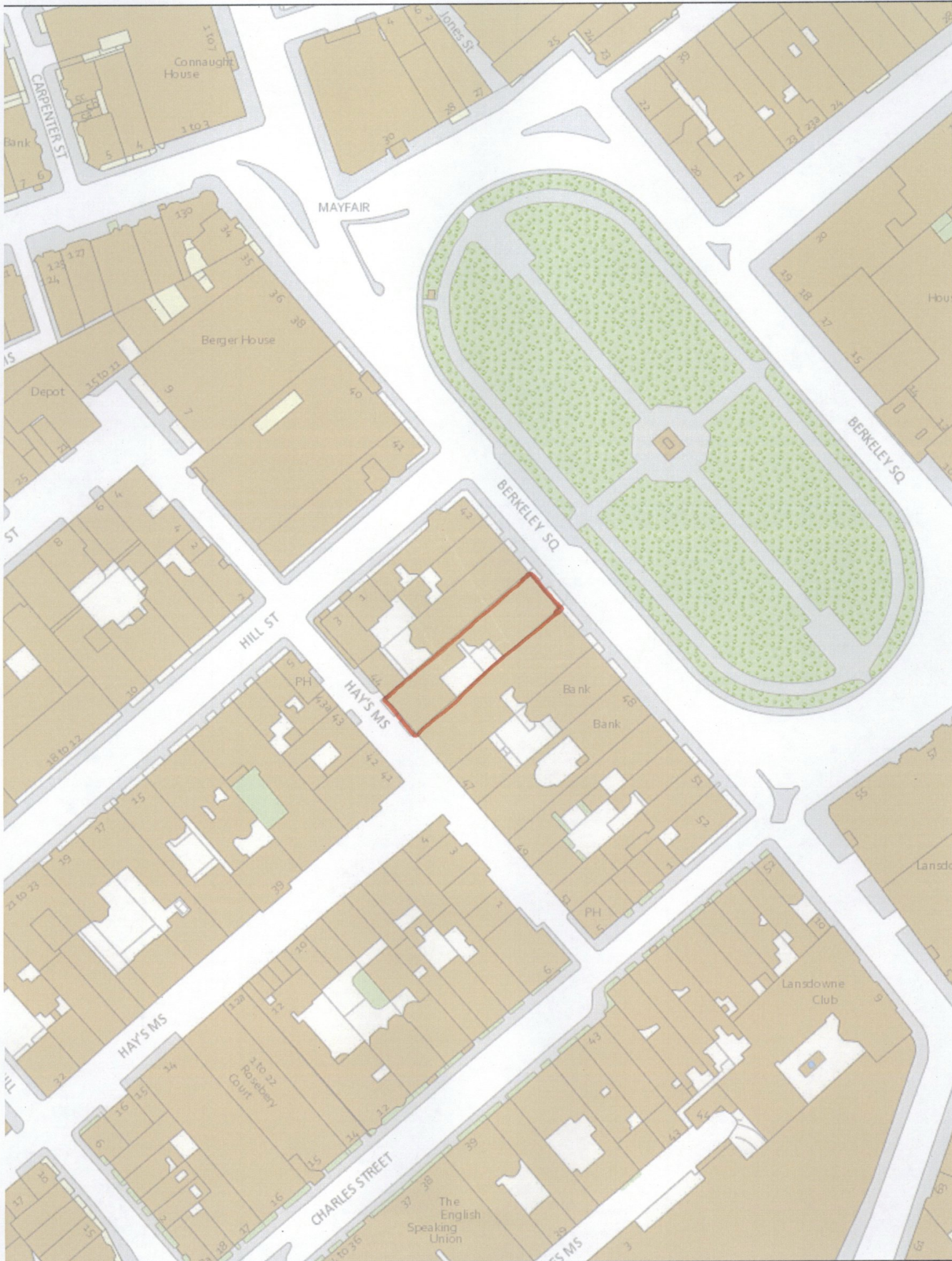
2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

(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.

3. Grant conditional listed building consent.

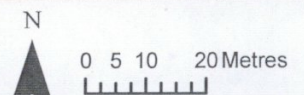
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.



City of Westminster

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationary Office.
 © Crown copyright and/or database right 2013.
 All rights reserved. Licence number LA 100019597

Data Source:
 Date: 26/11/2015





45 BERKELEY SQUARE AND 45 HAY'S MEWS, W1

2. SUMMARY

The application premises is an office building on the western side of Berkeley Square that is linked to 45 Hay's Mews to the rear. 45 Berkeley Square is a Grade I listed building, 45 Hay's Mews is Grade II listed. The buildings are linked at lower ground and ground floor levels by pavilion structure.

Permission and listed building consent are sought for alterations including excavation beneath the whole of the site to create a two storey basement and the erection of a single storey glazed extension within a central courtyard in connection with the use of the buildings as a private members club.

The key issues for consideration are:

- The impact of the proposed use on the character and function of the area and on residential amenity
- The impact of the works on the listed buildings

The extensions would result in an increase of 1134 m² in commercial floorspace. In accordance with the Council's mixed use policies to offset this increase in commercial floorspace, the applicant has offered a policy compliant financial contribution of £2,143,464 towards affordable housing. This will be secured by a S106 legal agreement.

Subject to appropriate conditions controlling the operation of the members club, the use is considered acceptable, appropriate to this part of Mayfair. The works are considered acceptable and would not detract from the listed buildings. The proposal would comply with policies set out in the adopted Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).

3. CONSULTATIONS

ENGLISH HERITAGE

Authorisation received.

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

Objection that construction of basements would result in noise nuisance to residents and structural damage, and noise transfer once constructed.

BUILDING CONTROL

No objection.

HIGHWAYS PLANNING MANAGER

No objection, subject to the use operating in accordance with an approved servicing management plan and adequate cycle parking being provided.

CLEANSING MANAGER

No objection.

ENVIRONMENTAL HEALTH

Holding objection, request that a detailed acoustic report and details of ventilation duct are provided.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 156; Total No. of Replies: 0

4. BACKGROUND INFORMATION

4.1 The Application Site

The site is located on the western side of Berkeley Square which is within the Core Central Activities Zone and the Mayfair Conservation Area. No 45 Berkeley Square, the principal building, comprises lower ground, ground and four upper floors. The building is Grade I listed. 45 Hay's Mews (situated to the rear of 45 Berkeley Square) comprises basement, ground and two upper floors. The building is Grade II listed. The buildings are linked at basement and ground floor level by a pavilion structure.

The existing principal building is described in its listing as being of 'exceptional interest' and is generally well preserved. The buildings have been vacant offices for a number of years further to extensive refurbishment in January 2009.

Berkeley Square is commercial in character comprising primarily offices, although the Clermont Club and Annabels are located immediately to the north of the site. At the rear, Hay's Mews is a mix of offices (Class B1) and residential (Class C3).

4.2 Relevant History

None directly relevant.

5. THE PROPOSAL

Permission and listed building consent are sought for alterations and extensions in connection with the use of the buildings as a private members club (sui generis). The main works are the provision of a two storey basement across the whole of the site and the erection of a glazed infill extension in the central courtyard at lower ground floor level. The scheme includes the provision of small terraces at rear first and third floor levels.

6. DETAILED CONSIDERATIONS

6.1 Land Use

6.1.1 Loss of offices (Class B1)

The Council has recently changed its policy approach with regards to the loss of offices within the Core CAZ. A statement from the Deputy Leader on 22 July 2015 redefined what the Council considers to be sustainable development in the context of office losses. The statement by the Council acknowledges the need to safeguard Westminster's role as the most significant business centre in the UK, with the need to meet the borough's considerable housing needs. The new policy approach seeks to redefine what is considered to be sustainable development in the context of the loss of offices. The statement sets out this new policy approach to the loss of offices, in which the loss of offices within CAZ would only be considered acceptable where a developer can demonstrate that the benefits of a proposal, taken as a whole, outweigh the loss of the office floorspace. The change in policy approach is, however, only applicable to applications submitted after 1 September 2015. As the application pre-dated this changed policy approach the loss of offices is considered acceptable in this instance.

6.1.2 Proposed Private Members Club (sui generis)

The applicant who has a long leasehold interest in the property seeks to change the use to a private members club (sui generis). The proposal is speculative with no specific operator identified. The applicant states that the intention is to provide a club that will offer a very high quality range of facilities, befitting of the Grade I listed status of 45 Berkeley Street. The aim being to embrace the buildings heritage status and make use of the grand state rooms for entertaining as would have been the original purpose.

The scheme will create a double height ballroom at sub-basement level. A mezzanine level of the basement extension provides staff and ancillary accommodation along with a gallery bar to the west overlooking the ballroom. The main building would be used as primarily lounges (including a poker and backgammon lounge) with dining in a small lower ground floor dining room and the lower ground floor winter garden. The mews building would be used as kitchens, back of house facilities a cinema room and spa facilities

In total the proposed members club (sui generis) would comprise 3802m² an increase of 1134 m². The total capacity of the club is 550 the proposed opening hours are 08.00 to 04.00 the following morning daily.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. City Plan Policy S24 requires proposals for new and extension to existing entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, and relationship to any existing concentrations of entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. The application needs to be assessed against UDP Policy TACE 10.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

This area of Mayfair is predominantly a commercial location. There are no residential properties on the western section of Berkeley Square in which the application premises is located. There are some residential properties to the rear on the western side of Hay's Mews.

The member's entrance to the premises will be from Berkeley Square which is remote from the residential uses. The entrance from Hay's Mews adjacent to residential uses at the rear of the site will be used for the staff entrance, deliveries and servicing. Deliveries and refuse collection will be restricted to between 07.00 and 17.00 as part of a servicing management plan (SMP) to avoid nuisance to residential uses.

Although the application is speculative with no club operator identified, an operational management plan (OMP) has been submitted which seeks to demonstrate a commitment to minimising the noise impact of the proposal. The OMP covers measures to prevent noise breakout, the management of customers arriving and departing, car parking, access control, use of staff entrance in Hay's Mews and management of waste and recyclable material for disposal and collection including disposal of empty bottles

The normal policy presumption would be to resist such a large speculative entertainment use.

However, given that members clubs form part of the longstanding character of Mayfair, and that implementation of the proposal would bring the building back into active use, subject to the imposition of appropriate conditions (including adhering to a robust management plan) the use is considered acceptable in principle, as it would be neither harmful to the character and function of the area or residential amenity.

6.1.3 Mixed Use Policies

UDP Policies CENT3 and Westminster's City Plan Strategic Policy S1 aim to encourage mixed use developments within Central Westminster, requiring any increase in commercial development to be matched by residential provision. The scheme involves an increase in commercial floorspace of 1134m² without an equivalent increase in residential floorspace.

It is recognised that it is sometimes impractical and/or inappropriate to provide housing on-site in certain circumstances. Where it is accepted that residential cannot reasonably be provided either on or off site the policy adopts a 'cascade' approach in which acceptable alternative uses may be provided or an appropriate financial contribution may be made towards the City Council's affordable housing fund. Based on the increase in commercial floorspace (1134m²) a policy compliant payment would be £2,143,464

Given that these are listed buildings the applicants argument that it is not practical to provide residential as part of a mixed use scheme is of merit. Furthermore the applicant does not own any alternative premises that could be used as residential. In the circumstances the proposed payment towards affordable housing is considered acceptable.

6.2 Townscape and Design

The two main issues are the impacts of the proposed sub-basement and the infill in the rear garden area, at lower ground floor level.

This is a large listed building and the proposed new basement will not have a significant impact on its internal hierarchy. There is little fabric of special architectural and historic interest in the existing basement and so the associated demolition works are acceptable. Furthermore, the proposal is not considered likely to result in structural problems in the main building. The proposed sub-basement is considered acceptable in historic building terms.

A glazed infill extension is proposed in the rear area, at basement level, between the party wall to the south and the existing rear wing to the north. A small lightwell is retained adjacent to the rear wall of the main house. This will not have an adverse impact on the plan form or appearance of the building, given its low level location and its lightweight, glazed design. The special interest of the listed building will not be harmed; the character and appearance of the conservation area will be preserved.

6.3 Amenity

Policy ENV 13 of the UDP states that the City Council will normally resist proposals which result in a material loss of amenity to neighbouring properties in respect of the levels of daylight and sunlight received, and any loss of privacy or increased sense of enclosure to neighbouring windows. City Plan Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

The proposed lower ground floor glazed extension would be contained below boundary walls. The addition would have no impact on neighbouring buildings.

The provision of rear first floor and third floor terraces would not result in significant overlooking and a loss of privacy to the occupants of the adjacent commercial properties.

6.4 Transportation/ Parking

6.4.1 Car Parking

No car parking can be provided given the constraints of the site. Given the nature of the proposal and that site has a high level of public transport accessibility the proposal will have no significant impact on on-street car parking in the area.

6.4.2 Servicing

All servicing will take place at the rear of the site on Hay's Mews. The Highways Planning Manager has requested that further details of the expected number of vehicles and their expected length of stay should be provided to make a proper assessment upon the impact on the mews. It is recommended that permission is subject to a condition which requires a servicing management plan (SMP) indicating how servicing will be managed to minimise the impact on the highway, in accordance with City Plan Policy S42 and UDP Policy TRANS20.

6.4.3 Cycle Parking

The application refers to the provision of six cycle parking spaces, although the location of the cycle parking spaces is not shown on the submitted floorplans. It is recommended that the number and location of the cycle parking spaces is reserved by condition. .

6.4.4 Waste

Refuse will be stored internally within a designated store at lower ground floor within the Hay's Mews building. Separate storage will be provided for general refuse and recyclables. Refuse would then be collected at street level in Hay's Mews.

6.5 Economic Considerations

Any economic benefits generated are welcomed.

6.6 Other UDP/Westminster Policy Considerations

6.6.1 Noise and ventilation

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 requires disturbance from noise and vibration to be contained.

Under Policy ENV6, new developments are expected to incorporate design features and operational measures to minimise and contain noise levels in order to protect noise sensitive properties. Where developments adjoin other buildings, the applicant is required to demonstrate that, as far as reasonably practicable, schemes will be designed and operated to prevent the transmission of audible noise or vibration through the fabric of the building.

Plant is retained in the existing vaults and roof space of the mews building. The kitchen extract vent will be located within the enclosed plant area on the roof of the mews property. Additional plant will be located in the new lower basement. Environmental Health has

objected that an acoustic report has not been submitted to demonstrate that the operation of the plant would comply with the normal noise conditions and details of the kitchen ventilation should be provided. The proposal will not result in the provision of a new external plant enclosure. Conditions are recommended to ensure that the plant operates within acceptable limits, including requiring an acoustic report to demonstrate that the operation of plant complies with the normal noise criteria.

6.6 London Plan

The proposal does not raise any strategic issues and is not referable to the Mayor of London.

6.7 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.

6.8 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 makes 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 applicant has offered a policy compliant financial payment of £2,143,464 towards the City Council's affordable housing fund in lieu of on-site provision (index lined and payable upon commencement of development).

The planning obligation is considered to meet the tests outlined above and would be secured by a S106 legal agreement

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

The existing buildings will be retained and alterations are limited to those necessary to achieve the change of use to a private members club. The historic fabric is retained. The relatively new existing building services and plant will be retained and modified to accommodate the proposed use.

6.10 Other Issues

Structural issues relating to basement excavation

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 (NPPF) 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.

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.

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.

The submitted structural 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 through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

An objection has been received from the local amenity society that the excavation of a basement would result in a lengthy construction process and potentially could damage adjacent properties. The structural issues have been covered in the proceeding section of this report. With regards to potential nuisance given that the scheme proposes significant works it is recommended that permission is subject to a condition that requires the development to be carried out in accordance with a Construction Management Plan (CMP).

7. CONCLUSION

The buildings have been vacant offices since being refurbished in early 2009. The proposed members club will bring the buildings back into active use and allow a wider audience to enjoy the grandeur of the Grade I listed building. In design terms, the alterations and extensions are considered acceptable and would not be harmful to the listed buildings. Subject to the imposition of appropriate condition, the use as a club is considered acceptable in land use terms as the use accords with the character and function of this part of Mayfair.

BACKGROUND PAPERS

1. Application forms
2. Memorandum from Building Control dated 24 April 2014
3. Memorandum from Residents Society of Mayfair and St James's dated 19 May 2014
4. Memorandum from Environmental Health dated 9 May 2014
5. Memorandum from Highways Planning Manager dated 24 September 2014

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MIKE WALTON ON 020 7641 2521 OR BY E-MAIL – mwalton@westminster.gov.uk

Address: 45 Berkeley Square/45 Hays Mews, London, W1J 5AS

Proposal: Alterations including the excavation of a part one, part two storey basement extension and erection of a single storey glazed extension within the central courtyard, creation of external terraces at first and third floors. Associated internal alterations all in connection with use of the buildings as a private members club (sui generis).

Plan Nos: 2545/P/11 REV A, 2545/P12 revA, 2545/P13 rev A, 2545/P14/ rev A, 2545/P18/ rev A, 2545/P21/ rev A, 2545/P22/ rev A, 2545/P23/ 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.

Reason:

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

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

Reason:

To 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 You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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

New balustrades

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 protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

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)

- 6 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: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 7 Customers shall not be permitted within the Members Club before 08.00 or after 04.00 the following morning 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: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 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: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 9 You must provide the waste store shown on drawing 2545/P/12 revA before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the Members Club. 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 of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 You must provide details of cycle parking prior to occupation of the building. Thereafter the cycle parking 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 TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 12 (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: 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.

- 13 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 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

As set out in 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 14 You must provide details of a servicing management plan prior to the use commencing. The use must then be carried out in accordance with the approved plan.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of an Operational Management Plan for the members club (Sui Generis). This shall include details of the capacity for the unit and arrangements to show how you will prevent customers who are leaving the restaurant/bar from causing nuisance for people in the area, including people who live in nearby buildings. You must not open the Members Club until we have approved what you have sent us. Thereafter you must manage the members club restaurant or bar in accordance with the approved plan.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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: 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: 45 Berkeley Square/45 Hay's Mews, London, W1J 5AS

Proposal: Alterations and extensions, including excavation to create a sub-basement extension and erection of a single storey glazed extension within the rear courtyard. Associated internal alterations.

Plan Nos: 2545/P/11 REV A, 2545/P12 revA, 2545/P13 rev A, 2545/P14/ rev A, 2545/P18/ rev A, 2545/P21/ rev A, 2545/P22/ rev A, 2545/P23/ 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.

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

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

1. Glazed structure at the rear
2. Balustrades to terraces

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 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 You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

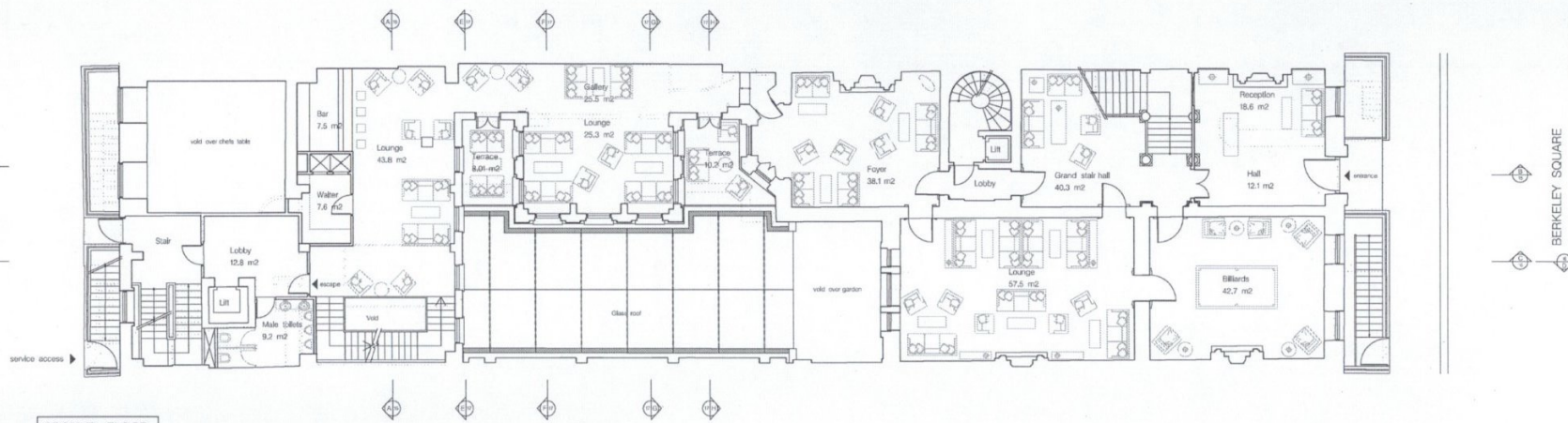
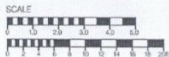
Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

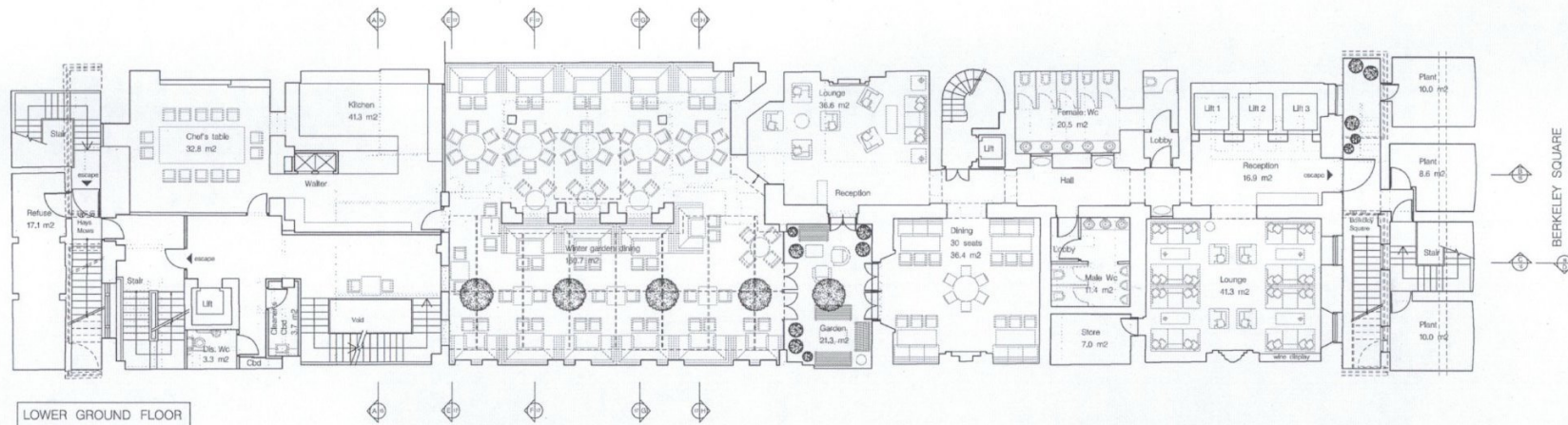
- 5 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)



GROUND FLOOR

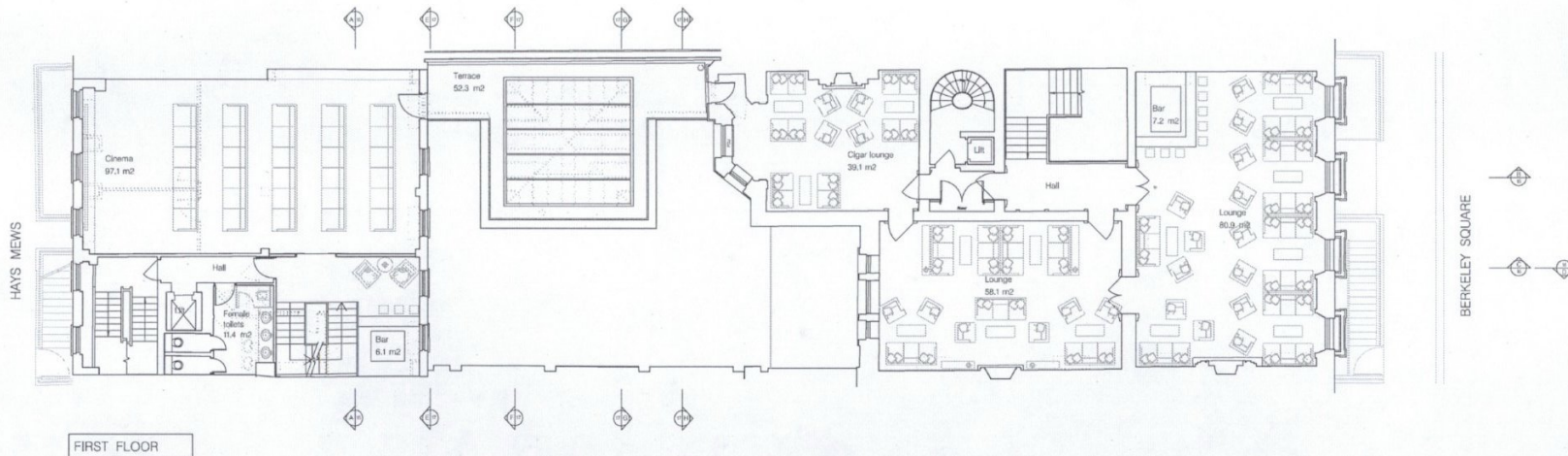
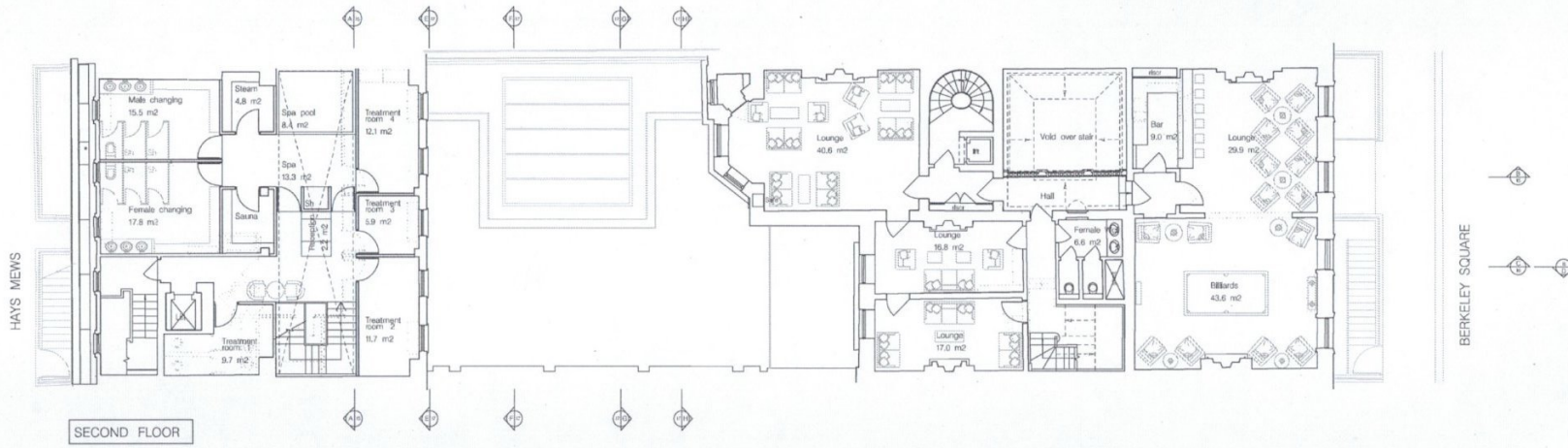
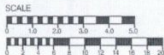


LOWER GROUND FLOOR

A		Flooring Application	15-03-14
REV.	DESCRIPTION	DATE	
PROJECT			
45 BERKELEY SQUARE LONDON W1J 5AS			
DRAWING TITLE			
PROPOSED FLOOR PLANS			
SCALE	1:500	A1	DATE FEBRUARY 2014
	1:200	A3	
DRAWING NO.	2545 / P / 10	REV.	A
<small>It is the client's responsibility to ensure that the drawings are used in accordance with the intended purpose and that any necessary modifications are made to the drawings to reflect any changes to the project.</small>			
40 BONDURGH HIGH STREET LONDON SE1 1LJ			
ARCHITECTS DESIGNERS PLANNERS			



NORTH



A	Planning Application	13-03-14
NO.	DESCRIPTION	DATE

PROJECT	
45 BERKELEY SQUARE LONDON W1J 5AS	
PROPOSED FLOOR PLANS	
SCALE	DATE
1:500 (SHEET A1)	14th FEBRUARY 2014
1:200 (SHEET A2)	
DATE	NO.
13-03-14	A

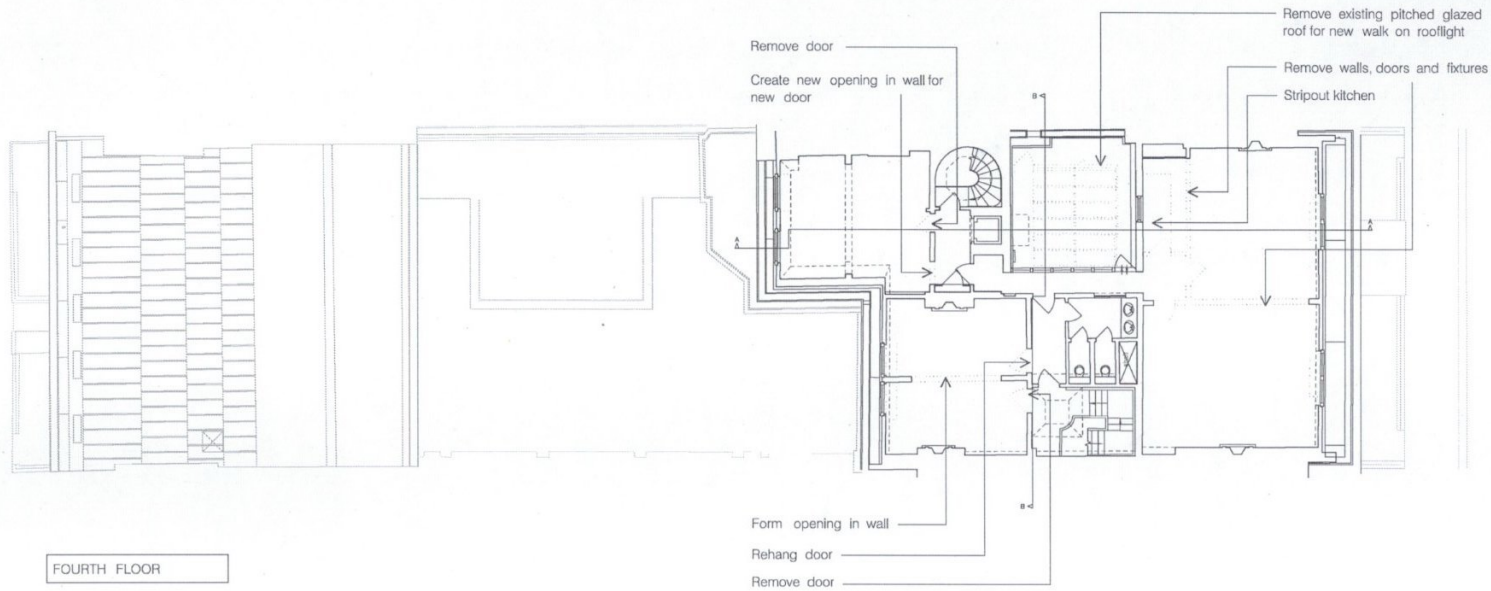
90 ROXBOROUGH HIGH STREET
LONDON SE1 4LL

PROUN

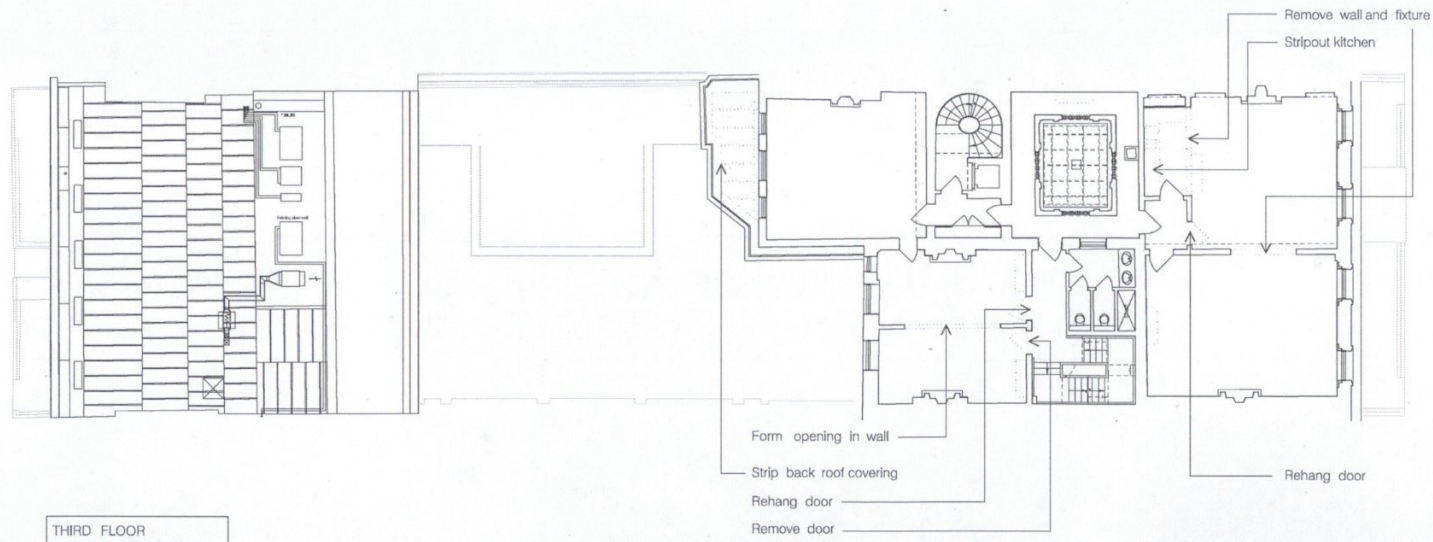
ARCHITECTS DESIGNERS PLANNERS

HAYS MEWS

HAYS MEWS



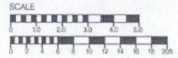
FOURTH FLOOR



THIRD FLOOR



NORTH



BERKELEY SQUARE

BERKELEY SQUARE

A	PLANNING APPLICATION	Scale: 1:100
REV.	DESCRIPTION	DATE

PROJECT
45 BERKELEY SQUARE
LONDON W1

STRIPPING AND
DEMOLITION
THIRD FLOOR AND
FOURTH FLOOR

DATE: 13/09/21
SCALE: 1:200 (SEE A3)
DATE: 14/09/2022

PROJECT NO: 2545 / P / 23
REV: A

50 BONDSTREET, HIGH STREET
LONDON, SE1 1L
Tel: 020 7493 4000
www.proun.co.uk

PROUN
ARCHITECTS DESIGNERS PLANNERS