

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	25 - 26 Albemarle Street, London, W1S 4HX,		
Proposal	Dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor and roof levels with associated screening and installation of a high level extract duct and gas flues on the rear elevation.		
Agent	Daniel Rinsler & Co		
On behalf of	Winter Restaurants		
Registered Number	17/06539/FULL	Date amended/ completed	26 July 2017
Date Application Received	21 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

25-26 Albemarle Street comprises basement, ground and four upper floors located in the Mayfair Conservation Area and the Core Central Activities Zone but outside of any designated stress areas. The basement and ground floors are currently vacant having last been in use as a hairdressers (Class A1) the upper floors are offices (Class B1).

Permission was granted on the 17th January 2017 for the use of the ground and basement floors as a restaurant (Class A3), including new plant at rear first floor and roof levels, with a full height rear extract duct.

Permission is now sought for the dual / alternative use of the basement and ground floor as a restaurant (A3) and the first floor as offices (Class B1) or use of the basement to first floors as a private members club (sui generis). The option to create a private members club includes the creation of a rear first floor roof terrace with associated visual screening and an awning. Both options (restaurant and offices or private members club) include new plant on part of the first floor flat and at main roof level

with associated screening and a high level extract duct and gas flues on the rear elevation.

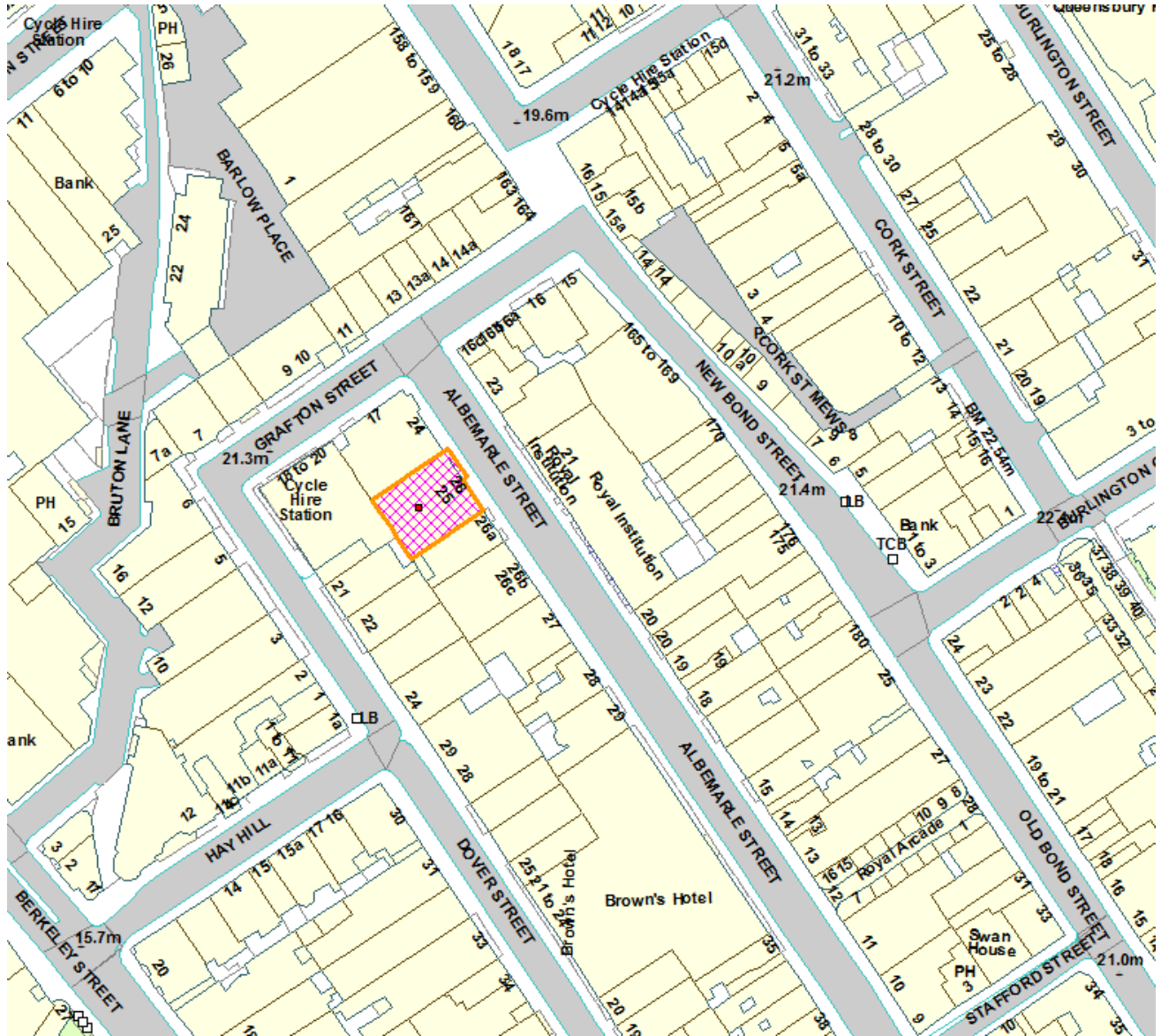
The key issues are:

- The loss of existing retail accommodation, and impact of the proposed restaurant and private members club in land use terms
- The impact on residential amenity, including the impact of using part of the rear 1st floor flat roof area as a terrace for the proposed private members club.

The permission granted in January 2017 for a restaurant establishes the principle of the loss of retail. The permission is extant and restaurant use is again considered acceptable. The option to use the basement to 1st floors as a private members club is also considered acceptable in land use terms. A significant element of club use would be dining. Subject to appropriate conditions including limiting the capacity to 180 covers and requiring the club to operate in accordance with an Operational Management Plan the use is considered acceptable. It is recommended that use of the 1st floor rear terrace is restricted to between the hours of 10:00 and 20:00 and is limited to a temporary period of 1 year in the first instance, to enable its impact to be fully assessed.

The application complies with relevant adopted Unitary Development Plan (UDP) and City Plan policies and is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S
Any response to be reported verbally.

ENVIRONMENTAL HEALTH
No objection subject to conditions.

HIGHWAYS
No objection subject to conditions.

CLEANSING
No objection subject to conditions.

MAYFAIR RESIDENTS CLUB
Support the application and are confident the operation will not negatively impact upon residential amenity.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 35
Total No. of replies: 27
No. of objections: 1
No. in support: 26

Objection received on the following grounds:

Landuse:

- The proposal is contrary to Policy S2 of the City Plan with regard the Mayfair Special Policy Area.

Amenity:

- Overlooking and noise from the terrace.
- Difficulties in enforcing the closing time of the terrace.
- Potential air quality implications with regard smokers on the terrace.

Letters of support on the following grounds:

- Proposal will result in increased viability and vitality of this section of Albemarle Street.
- Confidence that the establishment will be well managed with no detriment to residential amenity.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

25-26 Albemarle Street is located on the western side of Albemarle Street at the northern end near the junction with Grafton Street. The building comprises basement, ground and

four upper floors. The basement and ground floors are vacant having previously been in use as a hairdressers the upper floors are in use as offices (Class B1). The area is mixed use in character.

The building is unlisted located in the Mayfair Conservation Area and the Core Central Activities Zone. The property is located outside of the designated stress areas and the West End Special Retail Policy Area

Recent Relevant History

Planning permission was granted on the 17th January 2017 for the 'Use of the ground and basement floors as a restaurant (Class A3), installation of plant at rear first floor level and roof level with a high level extract duct on the rear elevation. Installation of two high level gas flues on the rear elevation and a replacement rooflight at rear first floor level.'

7. THE PROPOSAL

Permission is sought for the dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. The option to use the lower floors as a private members club includes use of a rear 1st floor flat roof as a terrace. Both options include the installation of a high level extract duct to serve the kitchen with gas flues to serve internal fires on the rear elevation of the property. Plant with associated screening is proposed at rear first floor level and at main roof level.

The tables below set out the floor space figures for the respective uses at basement to 1st floor levels.

Use	Existing GEA (sqm)	Proposed GEA (sqm)	+/-
Office	266	266	0
Retail	634	0	-634
Restaurant	0	634	+634
Total	900	900	0

The following table demonstrates the floor space figures if the private members club use is implemented:

Use	Existing GEA (sqm)	Proposed GEA (sqm)	+/-
Office	266	0	-266
Retail	634	0	-634
Private Members Club	0	900	+900
Total	900	900	0

	Proposed restaurant	Proposed private members club
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Total A3 Floorspace (m ²)	634m ²	900m ²
No. of covers	120	180
Hours of Operation	10.00 to 00.00 Monday to Thursday, 10.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday, 12.00 to 23.00 on Sundays.	
Ventilation arrangements	Full height kitchen extract duct and associated plant	
Refuse Storage arrangements	To be stored within separate refuse and recycling storage areas at basement level.	

8. DETAILED CONSIDERATIONS

8.1 Land Use

An objection has been received on behalf of the occupier of 21 Grafton Street stating that Policy S2 of the City Plan encourages the provision of art galleries within the Mayfair Special Policy Area and this should be the priority use for the site. Whilst it is noted the site is located within the Mayfair SPA, Policy S2 seeks to protect existing art galleries and antiques traders and encourage new galleries. This policy is not relevant to the current proposal where the existing uses are a hairdressers and general office accommodation and the City Council could not insist the premises was used as an art gallery, the objection on these grounds is not therefore considered sustainable.

Loss of retail accommodation

The existing retail premises at basement and ground floor is currently vacant but was previously occupied by Michael John hairdressers until they vacated on 19th July 2016

Policy S21 of the City Plan states that 'existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long term vacancy despite reasonable attempts to let'. The supporting text advises that this approach will ensure that the needs of customers and retailers across the city are met through the retention of the number of shops and overall amount of retail floorspace.

Policy SS5 of the UDP also seeks to resist the loss of retail floorspace within the Central Activities Zone; outside of the Prime Shopping Frontages the policy aims to encourage a balanced mix of appropriate street level activities, whilst maintaining and safeguarding residential communities.

In granting permission for a restaurant use in January 2017 the City Council accepted the applicants argument that a number of former restaurants in Albemarle Street had recently changed to retail accommodation using permitted development rights resulting in a lack of entertainment facilities to complement the retail provision in the vicinity. Further that the lightwell at the front of the property prohibits the unit having a 'traditional' shopfront as required by certain retailers and this has also been noted in some of the letters of support for the application. Whilst this argument is of some merit, in this location popular with luxury, 'destination' retailers it is not considered a 'traditional shopfront' would be essential to enable a viable retailer to occupy the unit.

The unit is located at the northern end of Albemarle Street, close to the junction with Grafton Street, this part of the street does not have such a strong retail character compared to the southern end of the street which is closer to Piccadilly, and a large part of the frontage on the opposite side of Albemarle Street is dominated by the Royal Institution. The adjoining property to the north is a retail jewellery store on the junction with Grafton Street, the neighbouring property to the south is in use as residential flats, and this adjoins a restaurant. Browns Hotel is further south along Albemarle Street on the western side and also takes up a large part of the street frontage which further breaks up the retail character and function at this end of the street.

It is acknowledged that the proposal would result in three consecutive ground floor premises on the western side of Albemarle Street in non-A1 use, contrary to Part C of Policy SS5. However, Policy SS5 does allow for some flexibility for the introduction of a non-A1 use where it would not be detrimental to the character or function of the area. This justification was accepted in relation to the January 2017 consent which permitted the loss of retail. As set out above, given its location, it is not considered that the loss of the unit would undermine the character and function of the area. Permission has previously been granted for the loss of retail and this is again considered to be acceptable.

Loss of office use

The first floor of the property has lawful use as office accommodation, being within the Core CAZ the City Council has no policies which prevent offices being changed to another commercial use. The loss of offices is therefore considered acceptable in this instance.

Proposed restaurant / private members club use

The dual / alternative nature of the application means that the proposal will either result in the creation of a new restaurant premises at basement and ground floor levels measuring 634m² or a private members club over basement, ground and first floor levels measuring 900m². Both of these uses are 'entertainment uses' and must therefore be considered against the relevant entertainment policies in the UDP and City Plan. Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m² (GEA), will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP is also applicable and this states that entertainment uses over 500m² will only be permissible in exceptional circumstances'.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings in use as office accommodation on the upper floors and retail / restaurants on the lower floors. The nearest residential accommodation are the five flats in the adjoining building to the south (No. 26A) as well as a single family dwelling within 21 Grafton Street to the west

(rear) of the site. A letter of support has been received from one occupier within 26A Albemarle Street whilst a letter of objection has been received from the occupier of 21 Grafton Street.

As stated the principle of restaurant use has been established by the permission granted in January 2017. The applicant argues that there are exceptional circumstances to permit the private members club, namely:

- the site lies within Core Caz but not a designated stress area;
- the use will have a high degree of management;
- there are few residential properties in the area

Operational Management Plans have been submitted with respect to both the restaurant and private members club uses. The key points in the OMP's are:

- that there would be a qualified doorman present at all times the premises are open,
- customers will be encouraged to leave the premises quickly and quietly and to ensure no vehicles are left idling in the street or parked inappropriately,
- staff will also seek to ensure taxis are booked prior to customers leaving the premises.

The proposed restaurant has a capacity of 120 the private members club 180. The proposed hours of operation for both uses are 10:00 till 00:00 Monday to Thursday, 10:00 till 00:30 Friday, Saturday (and Sundays before a Bank Holiday) and 12:00 till 23:00 on Sundays. These similar too and no later than opening hours for other licensed premises in the area.

The basement will house a large wine cellar and a concept of both the entertainment uses is the introduction of new wines with some wine tasting sessions. The applicant advises that the wine cellar could accommodate up to ten people for informal wine tasting before lunch or dinner as people choose a wine to have with their meal. In both cases it is proposed to have supplier/producer sampling sessions with 30-50 participants, which would take place either before lunch or dinner approximately 10 times in a year. The scale of the wine tasting events is considered to be ancillary to the main proposed function as a restaurant (Class A3) or as part of the private members club.

In both cases the proposed uses would not operate a takeaway or home service delivery service which might result in increased vehicular movements. It is recommended that this is secured by condition.

It is acknowledged that both the potential restaurant premises and the private members' club would constitute large entertainment premises. The number of covers proposed are relatively modest, and the hours of use accord with the City Council 'core hours'. A condition is also recommended that would prevent any music being played in the premises being audible externally or within adjacent premises. Subject to these conditions and a condition requiring the uses to be carried out in accordance with the OMP's it is considered the uses would not have a detrimental impact on the character and function of the area or on residential amenity.

Environmental Health consider the proposed high level extract duct (terminating within a screened plant area at main roof level) is suitable to enable the discharge of cooking odours without detriment to neighbouring residential amenity.

8.2 Townscape and Design

The building currently has a large flat topped mansard with air handling units and a large water tank towards the front, the latter of which is visible from street level. Planning permission has previously been granted for an extract duct and flues to the rear elevation and roof, clad in GRP to match the appearance of the existing brickwork and slate. The current proposal shows the duct terminating within the proposed plant enclosure and no changes are proposed to the approved design of the flues or duct fixed to the rear elevation. This element of the proposals is still uncontentious in design terms subject to the imposition of a condition requiring the flue and duct to be clad in GRP.

The proposed plant enclosure is large at 2.2m high and encompasses almost the full width of the existing flat roof, which will be visible from high level private vantage points. The adjacent building to the south at no. 26a is a storey higher than the proposal site. Following negotiations, the design of the enclosure has been amended to be pitched on all sides, in order to soften its appearance from high level views. In this context, and given that the plant is screened and set well back from the front and rear, the roof level proposals are considered acceptable.

The existing condenser units and water tank are to be retained in their existing positions, outside of the plant enclosure. Negotiations seeking to relocate these items from the front of the roof into the proposed enclosure have been unsuccessful. However, given that the existing condenser units were shown on a previously approved drawing, the principle of refusing the application on these grounds is considered unsustainable.

The rear of the building has been modernised and the existing first floor roof area is of little design interest, with a variety of plant equipment. The proposed partially enclosed terrace and canopy will increase the perception of the mass of this area, but the works are at a low level on a building which is surrounded by much taller structures. The proposed alterations to the fenestration are uncontentious in design terms. Subject to the imposition of a condition requiring details of the proposed canopy, the proposed terrace and first floor plant are considered to be acceptable in design terms.

A gas fire flue is proposed at first floor level to the rear of the proposed terrace. The flue is positioned in a prominent, central position and will be visible from private views to the rear. However, providing the flue is suitably screened, refusal is considered unsustainable on this basis. The imposition of a condition requiring details of the flue, which should be clad in brickwork to resemble the appearance of a chimney and chimney pot, is recommended, in order to minimise the visual impact. The imposition of a condition requiring the proposed greenery to the rear of the terrace to be planted and maintained, will also serve to soften the appearance of the proposed gas fire flue.

Valences are also proposed to the front elevation. Following negotiations, these have been limited to ground floor level and are of a retractable design, typical of this part of the conservation area. This element of the proposals is therefore considered acceptable.

Overall, the proposals are considered compliant with DES 5, DES 6 and DES 9 of the Council's UDP and subject to the relevant conditions the proposal is acceptable in design terms.

8.3 Residential Amenity

Plant

The application has been considered in the context of Policies ENV6 and ENV7 of the UDP and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant.

An acoustic report has been submitted in relation to the installation of the high level extract duct at the rear of the property and the plant items proposed at rear first floor level and at main roof level, with regard the potential noise and vibration impacts of the operation. The nearest residential windows affected by the first floor plant are at first floor level in 26a Albemarle Street, whilst the windows affected by the roof level plant are at fourth floor level in 26a. Background noise levels have been measured in both locations to allow accurate design criteria to be measured. It has been demonstrated that noise from the plant equipment is likely to be compliant with the City Council requirements at these windows and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant and the installation of the specified associated acoustic mitigation measures.

The acoustic report demonstrates that the ducting is compliant with the City Council noise criteria over a 24 hour period and as some of this is used for ventilation / refrigeration it is not considered appropriate to condition the hours of use of the plant as the report demonstrates compliance with the City Council criteria over the 24 hour time period.

1st floor roof terrace

Permission is sought for the use of the rear flat roof area at first floor level as a terrace associated with the private members club use. The terrace includes the installation of an 'acoustic trellis' running along the western edge of the roof with planted vegetation to a height of 2.2m above the proposed terrace level. The terrace would be accessed by new French doors installed within the existing rear window openings. An awning is also proposed which would extend over the top of the terrace when there was inclement weather. The terrace would have capacity for 16 people and the applicant has requested the use of the terrace until 21:00 in the evenings.

An objection has been received to the proposal from the occupier of 21 Grafton Street, a single family dwelling situated directly to the rear of the proposed terrace. They have expressed concern the rear is relatively quiet with only plant audible. The creation of a roof terrace would introduce a significant new noise source and voices would be audible at the rear windows of 21 Grafton Street which serve the kitchen, study and bedrooms.

The City Council places a strong emphasis on the protection of residential amenity, Policy S29 of the City Plan and ENV13 of the UDP seek to ensure that new developments do not

result in an 'unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

It is acknowledged that the proposed terrace will result in a potential new noise source within the rear area in close proximity to the residential premises at No 21 Grafton Street. The objection received included an acoustic assessment of potential noise from the terrace which has been reviewed by Environmental Health. Environmental Health advise that provided that the capacity of the terrace is restricted to 16 persons and the hours the terrace is used are also restricted the proposed terrace is likely to be compliant with the City Council policies in relation to noise. A letter of support has been received from a resident at No 26a Albermarle Street situated to the south of the application premises. Subject to conditions requiring an 'acoustic trellis' to be installed and limiting the hours that the terrace can be used to between 10:00 and 20:00 daily, it is considered that the terrace is likely to be acceptable in noise terms. It is also recommended that the provision of the terrace is restricted to 1 year to enable the position to be reviewed.

The objection received raises concerns how patrons will be made to leave the terrace at the required time. The recommended condition will clearly state that patrons will need to leave the terrace at 20:00 in the evening and the French doors will need to be closed from this time. The applicant has also agreed to this condition and the City Council will be able to take appropriate enforcement action if this is not adhered to.

The objector has also expressed concern about people smoking on the terrace which could impact upon air quality if rear windows are open. As detailed above the capacity of the terrace is restricted to 16 customers and whilst it is accepted some of these may be smoking, given the small capacity of the terrace and the relatively large area at the rear of the terrace it is not envisaged people smoking on the terrace would detrimentally impact upon the air quality of neighbouring residents.

The objector is also concerned with regard potential overlooking. To overcome any potential overlooking it is proposed to install planting to a height of 2.2m above the level of the terrace on the western edge. This would prevent any direct overlooking from the terrace to living accommodation directly opposite and any views of the bedrooms / bathrooms on the upper floors will be very oblique. With safeguarding conditions in place relating to the installation and maintenance of the planting as shown on the submitted drawings the application is considered acceptable with regard overlooking of surrounding properties.

Sense of enclosure

The proposed acoustic trellis and planted vegetation along the western side of the first floor roof terrace will be closer to the rear first floor windows of the single family dwelling at 21 Grafton Street. However, these windows currently look into an enclosed area surrounded by taller buildings and the introduction of the planting will only impact on the first floor rear windows of the large single family dwelling. Taking this into account it is not considered the proposal would result in an unacceptable material loss of amenity such that the proposal would be contrary to the relevant policies of the UDP and City Plan to warrant refusal.

8.4 Transportation/Parking

A Servicing Management Plan has been submitted in support of the application with regard the potential servicing of both the restaurant and the private members' club. These reports have been reviewed by the Highways Planning Manager and deemed acceptable. Conditions are recommended to ensure that the respective uses operate in accordance with servicing management plans.

The application indicates that four cycle parking spaces would be provided in the basement for staff. The cycle parking will be reserved by condition.

8.5 Economic Considerations

The economic benefits of the scheme are welcomed.

8.6 Access

Currently there is no level access to the property and despite being informed that the City Council would welcome the installation of a permanent ramp over the lightwell to allow for level access to the property the applicant has declined to provide this. They consider ramped access would look unsightly and is unsuitable for a 'prestigious venue', instead the applicant proposes the provision of a portable ramp in the property which could be temporarily installed to provide level access. Whilst clearly this would prove an added inconvenience for anyone in a wheelchair the application could not be reasonably refused on these grounds alone.

A disabled accessible toilet is provided at ground floor level.

8.7 Other UDP/Westminster Policy Considerations

Waste / Recycling

Following negotiation sufficient provision is now shown on the drawings for the provision of waste (including food waste) and recycling materials. A condition is proposed to ensure these facilities are provided and retained if the permission is implemented.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application and as the application is for a change of use without additional floor area, the proposal will not require a CIL payment.

8.11 Environmental Impact Assessment

Not applicable for a scheme of this scale.

9. BACKGROUND PAPERS

1. Application form and Operational Management Plan
2. Responses from Environmental Health dated 3 August 2017 and 27 September 2017
3. Response from the Cleansing Manager dated 9 October 2017
4. Response from the Highways Planning Manager dated 10th October 2017
5. Letter from occupier of Cerno Capital, 34 Sackville St, dated 10 August 2017
6. Letter from occupier of 24 Hanover Square, 3rd Floor, dated 10 August 2017
7. Letter from occupier of Conde Nast International, 6th floor, 25 Maddox Street, dated 11 August 2017
8. Letter from occupier of 61 Conduit Street, London, dated 17 August 2017
9. Letter from occupier of Fabergé, 14A Grafton Street, Mayfair, dated 10 August 2017
10. Response from the Mayfair Residents Club dated 10 August 2017
11. Letter from occupier of Penthouse 8 and 9, 33 Savile Row, dated 14 August 2017
12. Letter from occupier of Summit Partners, 3 Old Burlington St, 3rd Floor, dated 14 August 2017
13. Letter from occupier of Boodles, 178 New Bond Street, dated 22 August 2017
14. Letter from occupier of 1 Meridian South, Meridian Business Park, dated 23 August 2017
15. Letter from occupier of Lombard Odier, Queensbury House, dated 25 August 2017
16. Letter from occupier of 14 St George Street, London, dated 29 August 2017
17. Letter from occupier of 6 Albemarle Street, London, dated 4 September 2017
18. Letter from the occupier of 21 Grafton Street, London, dated 8 September 2017
19. Letter from occupier of 36 Dover Street, Castleforge Partners, dated 12 September 2017
20. Letter from occupier of Flat 1 Cornerstone , 47 Princes Gardens, dated 12 September 2017
21. Letter of support from an unknown address dated 12 September 2017
22. Letter from the occupier of 10 Bruton Street, London dated 18 September 2017
23. Letter from occupier of Flat 8, 39 New Cavendish Street, London, dated 21 September 2017
24. Letter from occupier of 24 Albermarle Street, London, dated 26 September 2017
25. Letter from occupier of 76-77 Eaton Square, Flat 3, dated 27 September 2017
26. Letter from occupier of 17 Clifford Street, London, dated 3 October 2017
27. Letter from occupier of 17 Albemarle Street, London, dated 3 October 2017
28. Letter from occupier of 26 Albemarle Street, London, dated 3 October 2017
29. Letter from occupier of 28-29 Albemarle Street, London dated 3 October 2017
30. Letter from occupier of Bond Street House, 14 Clifford Street, dated 3 October 2017
31. Letter from occupier of 13 Albemarle Street, London, dated 4 October 2017
32. Letter from occupier of Ritz Hotel, 150 Piccadilly, St James's, dated 4 October 2017

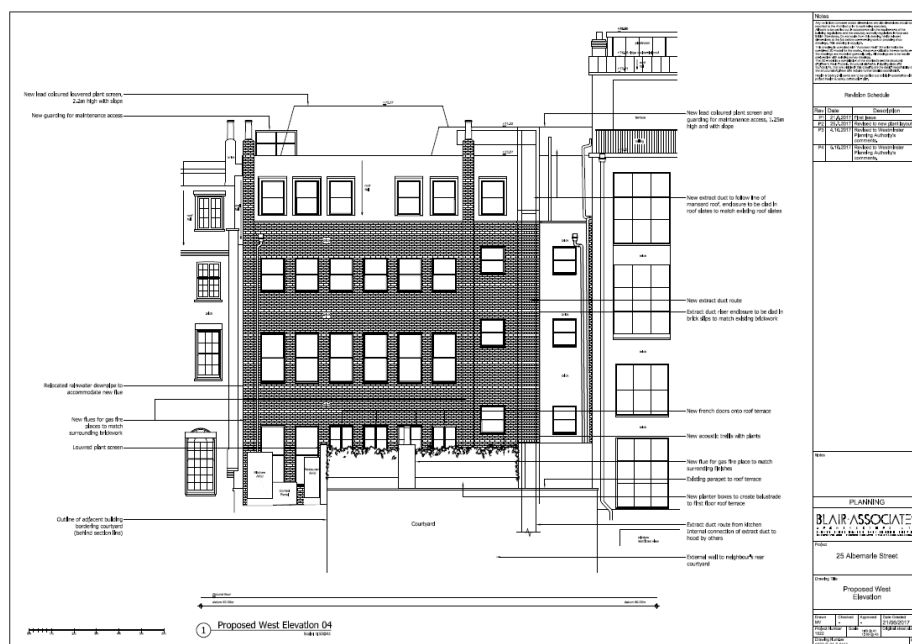
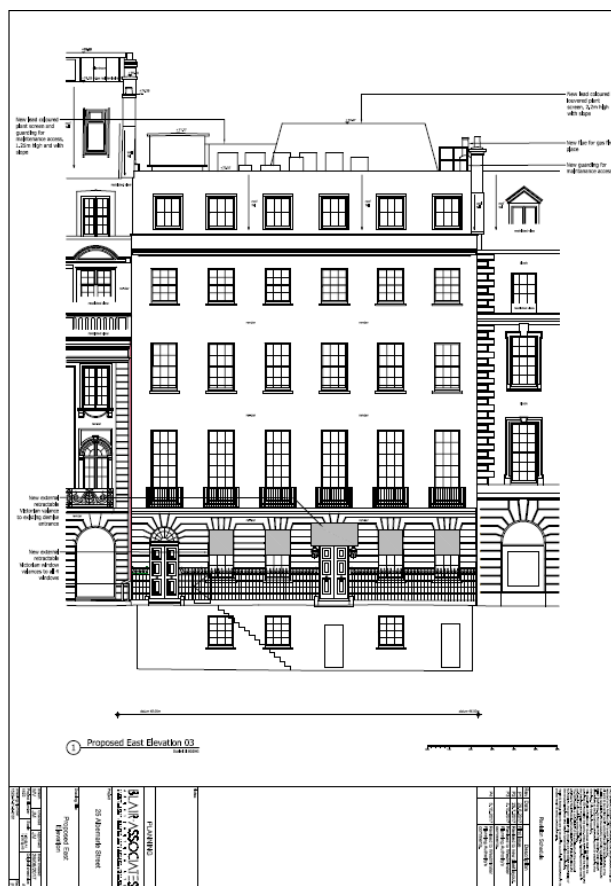
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

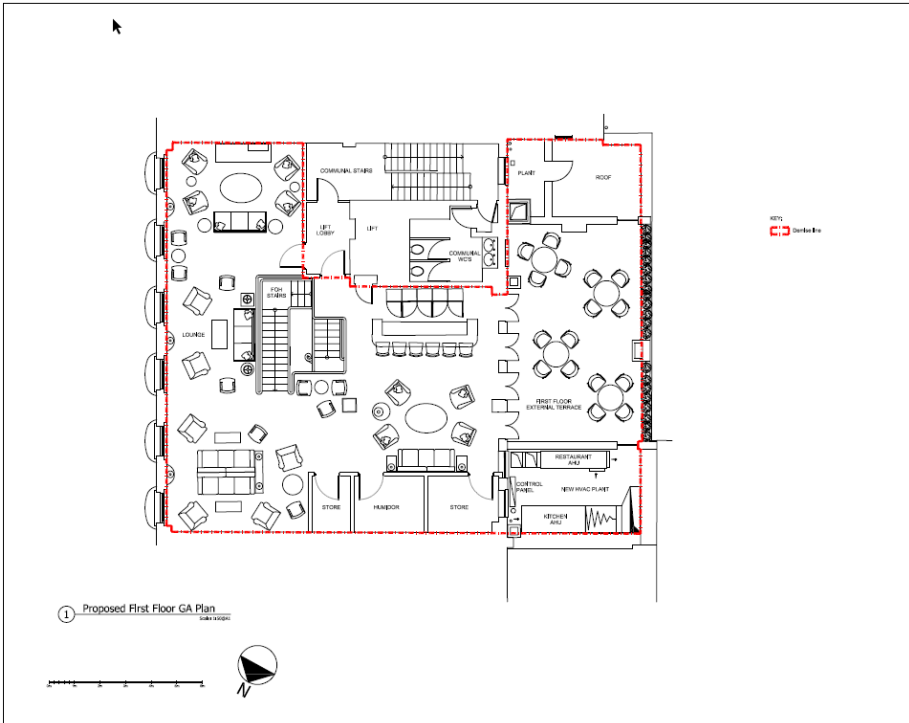
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

Item No.

4

10. KEY DRAWINGS





Notes

Revision Schedule

Rev	Date	Description
PT	10/20/17	Prepared for Review
PT	10/20/17	Revised for Review
PT	10/20/17	Revised for Review

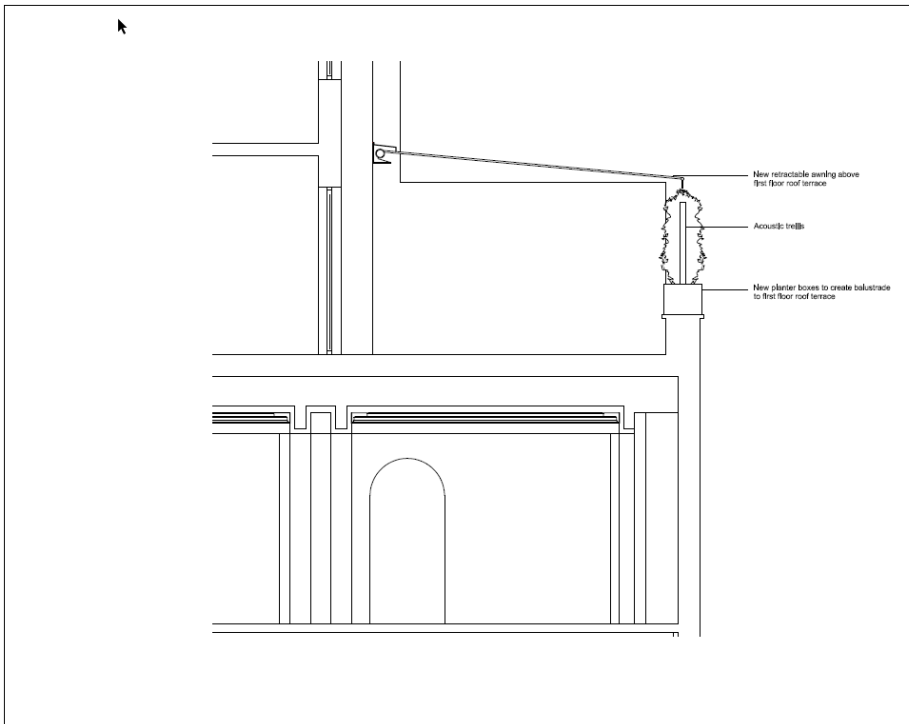
PLANNING

BLAIR ASSOCIATES

25 Albemarle Street

Project No: Proposed First Floor General Arrangements Plan - Option 4

Rev	Date	By	Check	Appr
PT	10/20/17			
PT	10/20/17			



Notes

Revision Schedule

Rev	Date	Description
PT	10/20/17	Prepared for Review

PLANNING

BLAIR ASSOCIATES

25 Albemarle Street

Project No: Proposed First floor roof terrace Section

Rev	Date	By	Check	Appr
PT	10/20/17			

DRAFT DECISION LETTER

Address: 25 - 26 Albemarle Street, London, W1S 4HX,

Proposal: Dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor level and roof level with associated screening and installation of a high level extract duct and gas flues on the rear elevation of the property.

Reference: 17/06539/FULL

Plan Nos: Servicing Management Plan dated July 2017, Operational Management Plan for Oswald's Private Members' Club, Operational Management Plan for Robin Birley's Private Members' Restaurant, Servicing Management Plan for Robin Birley's Private Members' Restaurant, Acoustic Report dated 24th July 2017, Additional Acoustic Information dated 25th September 2017, Drawings: 1522-P-20-3-0111 RevP3, 1522-P-20-3-0100 RevP3, 1522-P-22-3-0100 RevP1, 1522-P-21-3-0101 RevP4, 1522-P-27-3-0121 RevP4, 1522-P-21-3-0111 RevP4, 1522-P-20-3-0090 RevP6.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed

a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 5 You must install the acoustic mitigation measures as detailed in the approved acoustic report at the same time as the plant is installed. These mitigation measures must thereafter be retained in place for as long as the plant is in operation.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R41BB)

- 6 You must not sell any take-away food on the premises, even as an ancillary part of the primary Class A3 or private members' club use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 If you choose to implement the restaurant use at basement and ground floor levels you must not allow more than 120 customers into the property at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must not play live or recorded music within the restaurant or private members' club premises that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 9 The high level extract ducting shown on the approved drawings shall be fully installed before either the restaurant or private members' club use commences and thereafter maintained for as long as the use is in operation.

Reason:

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

- 10 You must not open the restaurant or private members' club use to customers, and you must not allow customers on the premises, outside the hours: 10.00 to midnight Monday to Thursday, 10.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday; and, 12.00 to 23.00 on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 11 If you choose to implement the restaurant use hereby approved, the use must be operated in accordance with the submitted Servicing Management Plan dated July 2017.

Reason:

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

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

Reason:

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

- 13 If you choose to implement the restaurant use hereby approved, the use must be operated in accordance with the stipulations of the Operational Management Plan for Robin Birley's Private Members' Restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1522-P-20-3-0090 Revision P6. You must clearly mark them and make them available at all times to everyone using the premises. (C14FB)

Reason:

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

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

Reason:

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

- 16 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

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

- 17 Any external plant that is to be removed must be removed along with associated pipework and fixtures / fittings before the plant hereby permitted is installed.

Reason:

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

- 18 The rear extract duct and gas flues shall be clad in brick or slate slips to match the existing adjoining brickwork and roofslates, as appropriate. The brick/slate slips shall be installed at the same time as the flues / duct are installed and maintained in situ for as long as the plant remains in place.

Reason:

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

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

Reason:

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

- 21 You must apply to us for approval of detailed drawings of the following parts of the development:, , 1. Canopy to rear terrace (1:20), 2. Screening of gas fire flue on first floor terrace (1:20), , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 22 The louvred roof plant enclosure shall be installed at the same time as the roof level plant is installed and maintained in situ for as long as the plant remains in place.

Reason:

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

- 23 The gas fire flue to the first floor terrace shall be screened, in accordance with the details approved pursuant to condition 21 of this planning permission. The screening shall be installed at the same time as the roof level plant is installed and maintained in situ for as long as the flue remains in place.

Reason:

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

- 24 If you choose to implement the private members' club use at basement, ground and first floor levels you must not allow more than 180 customers into the property at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 25 If you choose to implement the private members' club hereby permitted the use must be operated in accordance with the submitted Servicing Management Plan for Oswald's Private Members' Club.

Reason:

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

- 26 If you choose to implement the private members' club use hereby approved, the use must be operated in accordance with the stipulations of the Operational Management Plan for Oswald's Private Members' Club.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 Before you use the approved first floor terrace for sitting out or for any other purpose, you must install the 'acoustic trellis' and plant the hedge as shown on the approved drawings. The hedging must thereafter be maintained in situ to the height shown on the approved drawings in perpetuity.

Reason:

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

- 28 The terrace area hereby approved at rear first floor level can only be used between the hours of 10:00 and 20:00 (Monday to Sunday) and when the terrace is not in use the doors to the terrace must be closed. You cannot use the terrace area outside of these hours other than in the case of an emergency. The use of the terrace can continue for one year from first occupation of the first floor. After this time you must not use any part of the roof for sitting out or for any other purpose unless permission has been granted. You can however use the roof to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 29 Only 16 customers are allowed on the rear first floor terrace at any one time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk, It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Kitchen Extract Informative - The kitchen extract ducts should be designed to discharge vertically

at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen. A scheme of odour reduction will need to be incorporated together with full height discharge if there are surrounding premises that are between 20 m - 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen - All odour producing processes/cooking must be placed under the extract canopy hood in the kitchen to avoid low level odour escape from kitchen windows and doors - All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance at approximately 3 metre intervals and also complying with the H & S safe access standards (Informative 180CB).

- 8 With regard to Condition 28, it is considered appropriate to allow the use of the flat roof area at rear first floor level as a terrace for a trial period of one year from date of first occupation of the first floor, to ascertain the potential impact on the amenity of neighbouring residents. You are advised to keep a record of when use of the terrace commences and to apply to vary the condition shortly before the end of the one year trial period (with evidence of when its use began) if you wish to continue the use.
- 9 You are advised that the described level and function of wine sampling / tasting at the property is considered to be ancillary to the proposed restaurant or private members' club functions, however, if this described operation were to fluxuate in the future to place greater emphasis on wine sampling / tasting then it may be considered that a change of use of the premises has occurred for which planning permission would be required. The City Council will take appropriate enforcement action to prevent any unauthorised change of use of the premises.

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