

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

1. RECOMMENDATION

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

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

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

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

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

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

2. SUMMARY

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

The key issues for consideration are:

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

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

GREATER LONDON AUTHORITY

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

TRANSPORT FOR LONDON

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

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THE ROYAL PARKS

Any response to be reported verbally

KNIGHTSBRIDGE ASSOCIATION

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

KNIGHTSBRIDGE NEIGHBOURHOOD FORUM

Any response to be reported verbally

HISTORIC ENGLAND (ARCHAEOLOGY)

Archaeology condition recommended.

DESIGNING OUT CRIME

Any response to be reported verbally

ENVIRONMENT AGENCY (THAMES REGION)

Any response to be reported verbally.

FRIENDS OF HYDE PARK & KENSINGTON GARDENS

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

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

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

BUILDING CONTROL

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

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

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

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

CLEANSING

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

ARBORICULTURAL MANAGER

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

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

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 216

Total No. of replies: 1

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

Design

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

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

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

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

6.2 Recent Relevant History

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

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

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

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

The Berkeley Hotel (40 Wilton Place)

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

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

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

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

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

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

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

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

33-39 Knightsbridge

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

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

7. THE PROPOSAL

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

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

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

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

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

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

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

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

Applicant calculations

Proposed Hotel Use

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

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

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

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

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

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

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

Increase in commercial floorspace

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

Proposed residential Use

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

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

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

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

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

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

Retail element

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

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

8.2 Townscape and Design

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

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

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

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

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

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

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

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

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

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

8.3 Residential Amenity

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

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

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

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

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

Plant

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

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

8.4 Transportation/Parking

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

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

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

Car Parking

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

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

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

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

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

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

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

Servicing

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

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

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

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

Highway Works

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

8.5 Economic Considerations

The economic benefits associated with the development are welcomed.

8.6 Access

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

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

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

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

Trees/Landscaping

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

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

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable design and inclusive design and architecture. Policy S39 states that major development should be designed to link to and extend existing heat and energy networks in the vicinity, except where the City Council considers that it is not practical or viable to do so. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

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

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

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

8.8 London Plan

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

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

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

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

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction impact

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

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

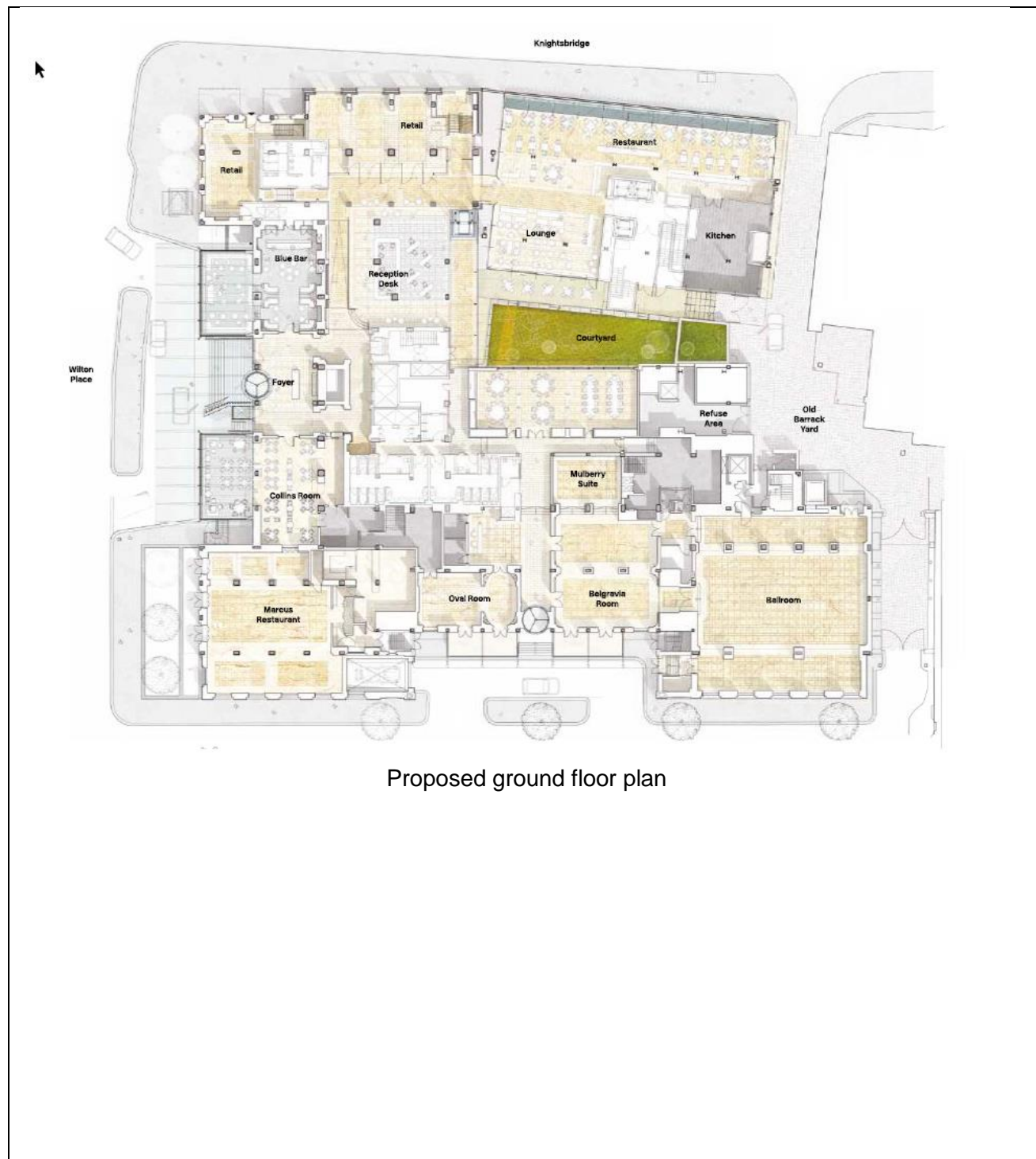
9. BACKGROUND PAPERS

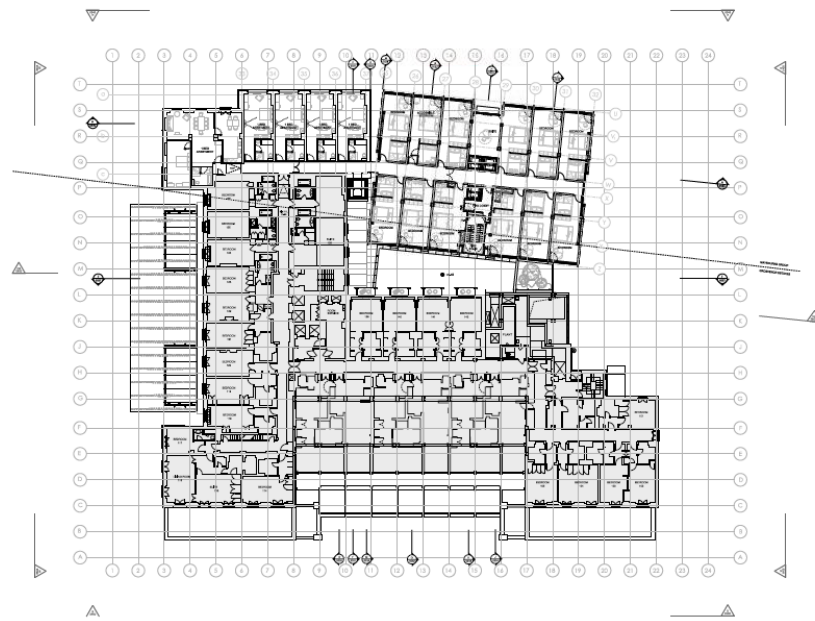
1. Application form
2. Letter and Stage 1 report from Greater London Authority dated 2 October 2017.
3. Response from Historic England (Archaeology), dated 18 August 2017
4. Response from Transport For London - Mayor Categories, dated 25 August 2017
5. Letter from The Knightsbridge Association dated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

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

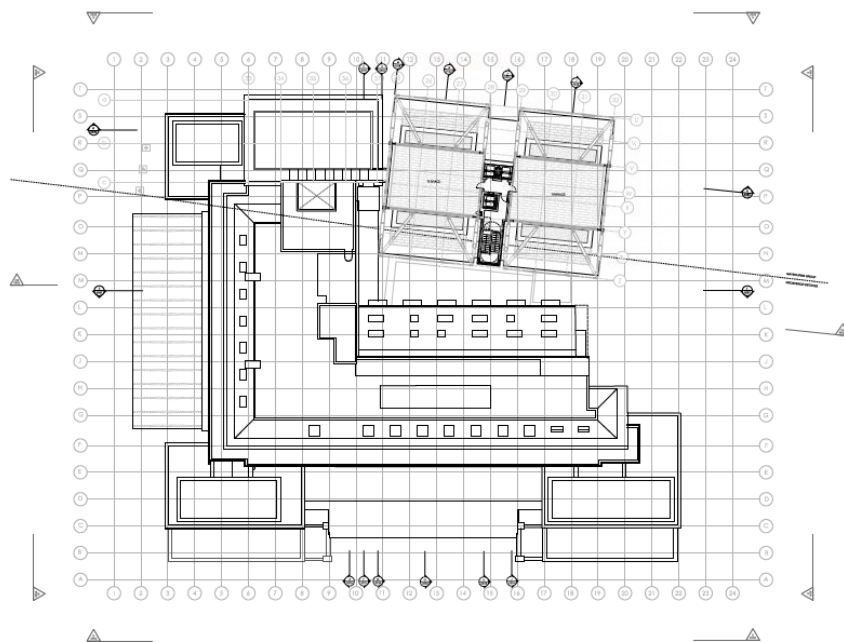
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT jasghar@westminster.gov.uk.

10. KEY DRAWINGS





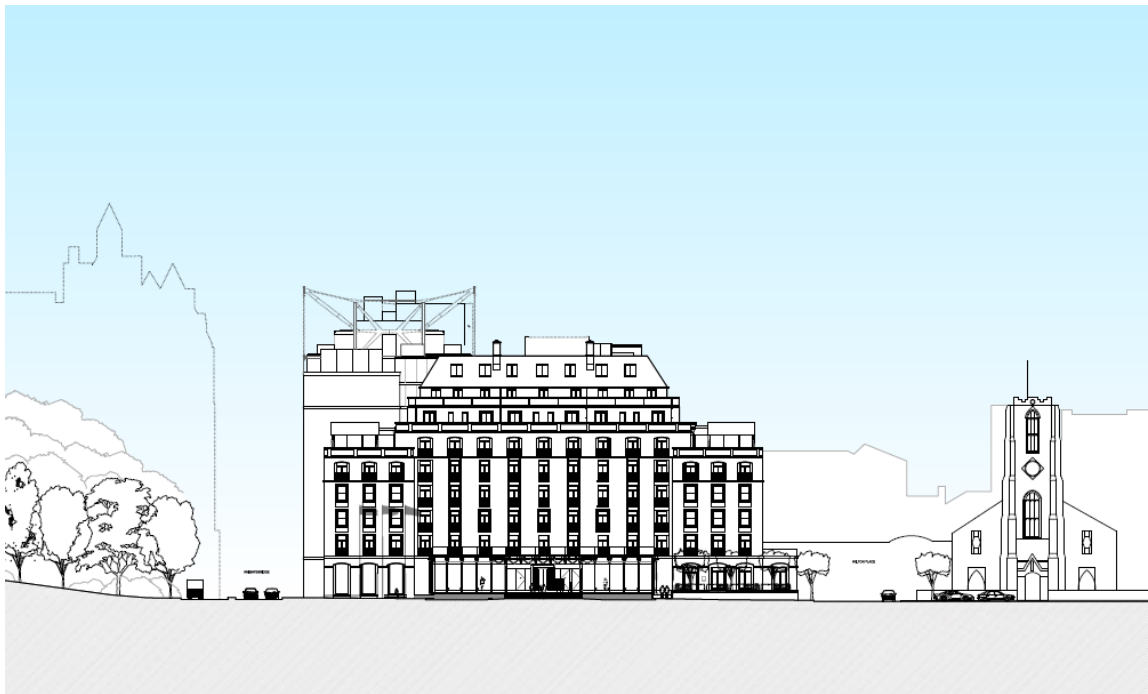
Proposed First Floor



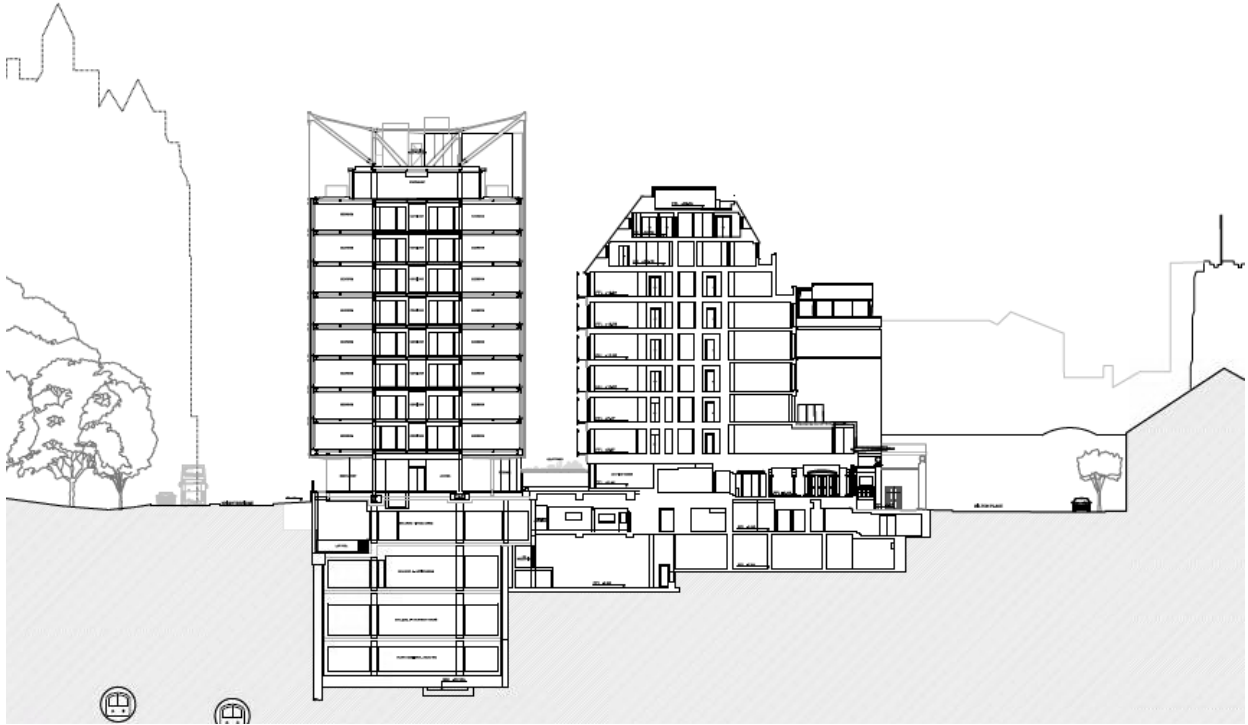
Proposed Roof Plan



Proposed Knightsbridge elevation



Proposed Wilton Place elevation



Proposed section



2008 consented scheme



Proposed scheme



2008 consented scheme



Proposed scheme

DRAFT DECISION LETTER

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

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

Reference: 17/06350/FULL

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

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BB)

Reason:

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

- 4 You must apply to us for approval of detailed drawings (1:20, 1:5 and 1:1 as appropriate) of the following parts of the development: , , a. Typical bay details- all elevations and including detail of setting out of stonework showing location and appearance of any expansion joints , b. Windows and frames; , c. Entrance doors, d. Shopfronts; , e. Roof pavilions and glazed lift at roof level, f. Juliette balconies, railings and balustrading; , g. elevations and cross-section of the roof level steelwork; , h. External lighting; , i. Signage strategy - showing extent and intended locations, j. Photovoltaics. , , You must not start any work on these parts of the development until we have approved what, you have sent us. , , You must then carry out the work according to these drawings. , , ,

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 8 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

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

whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 10 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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

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

proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in STRA 17 of our Unitary Development Plan that we adopted in January 2007, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure

and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

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

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

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

Reason:

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

- 18 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To provide disabled car parking for hotel visitors.

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in STRA 21, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AB)

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

Reason:

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

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

Reason:

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

- 28 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work until we have approved what you have sent us, unless otherwise agreed in writing by us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in STRA 37, ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BB)

- 29 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as set out in the Tree Survey report by Bradley-Hole Schoenaich Landscape dated November 2017. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in STRA 37, DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AB)

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To provide disabled car parking for hotel visitors.

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 9 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 10 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 11 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is

used for. (I23AA)

- 12 To meet condition 29 the minimum protection we normally expect is plywood boarding at least 1.2 metres high. The boarding should go around the tree at a distance from the trunk which will keep machinery away from the branches. If this is not possible there should be at least two metres between the trunk of the tree and the boarding. (I33AA)
- 13 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 14 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 15 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: , , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 16 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 17 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible

Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 18 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 19 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 20 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 21 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 22 With reference to condition 33 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management

Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk. , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

- 23 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: , , * An employment and training opportunities strategy during construction and for the hotel use., * Carbon offset payment., * Monitoring costs.
- 24 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 25 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. You should also check whether these features will need planning approval., , You should contact:, David Fisher on 020 8217 3813 or by email docomailbox.ne@met.police.uk, , He is based at:, Lower Ground, Bow Road Police Station , 111-117 Bow Road , London E3 2AN , (I74AA)
- 26 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:, , John Firrell MHCIMA, Secretary - Considerate Hoteliers Association, C/o Wheelwright's Cottage, Litton Cheney, Dorset DT2 9AR , , E-mail: info@consideratehoteliers.com, Phone: 01308 482313, , (I76AA)
- 27 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 28 Condition 17 requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)
- 29 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You

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

- 30 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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