



City of Westminster

Committee Agenda

Title: **Planning Applications Committee (1)**

Meeting Date: **Tuesday 16th August, 2016**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Robert Davis (Chairman)
Susie Burbridge
David Boothroyd
Richard Beddoe

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|--|------------------------------|
| 1. 25 - 31 WELLINGTON STREET, LONDON, WC2E 7DD | (Pages 7 - 52) |
| 2. DEVELOPMENT SITE AT 3-5, 11-19, 25-27
ECCLESTON PLACE, 115A EBURY STREET, LONDON
SW1 | (Pages 53 - 80) |
| 3. DEVELOPMENT SITE AT 117 - 125 BAYSWATER
ROAD, 2 - 6 QUEENSWAY, CONSORT HOUSE AND 7,
FOSBURY MEWS, LONDON | (Pages 81 -
110) |
| 4. 49 CHARING CROSS, LONDON, SW1A 2DX | (Pages 111 -
140) |
| 5. 30-31 LEINSTER SQUARE, LONDON, W2 4NQ | (Pages 141 -
162) |
| 6. OLD QUEBEC STREET, LONDON | (Pages 163 -
174) |
| 7. 12 MELINA PLACE, LONDON, NW8 9SA | (Pages 175 - |

- | | | |
|------------|---|---|
| 8. | 74 - 76 CHILTERN STREET, LONDON, W1U 5AA | 212)
(Pages 213 - 230) |
| 9. | 39-44 GROSVENOR SQUARE, LONDON, W1K 2HP | (Pages 231 - 250) |
| 10. | 39-44 GROSVENOR SQUARE, LONDON, W1K 2HP | (Pages 251 - 264) |

Charlie Parker
Chief Executive
8 August 2016

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Agenda Item

CITY OF WESTMINSTER
 PLANNING APPLICATIONS COMMITTEE – 16th August 2016
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN NO(s) : 16/03534/FULL St James's	25 - 31 Wellington Street London WC2E 7DD	Redevelopment behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) with works of repair and refurbishment of the listed buildings and other associated works (Site includes: 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street)	
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) a Site Environmental Management Plan (SEMP) ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works iii) an employment and training opportunities strategy iv) an Operational Management Plan for the hotel, private members club and restaurants v) necessary highway works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions. The works to be carried out prior to the occupation of the hotel. vi) alterations to the TfL cycle hire docking station on Tavistock Street. The works to be carried out prior to the occupation of the hotel. vii) costs of monitoring. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <ul style="list-style-type: none"> a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. <p>3. Grant conditional listed building consent</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				

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Item No	References	Site Address	Proposal	Applicant
2.	RN NO(s) : 16/03582/FULL Warwick	Development Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury Street London SW1	Use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street.	
Item No	References	Site Address	Proposal	Applicant
3.	RN NO(s) : 15/10671/FULL Lancaster Gate	Development Site At 117 - 125 Bayswater Road, 2 - 6 Queensway, Consort House And 7 Fosbury Mews London	Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) and/or car showroom (sui generis) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House.	

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)
- b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);
- c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);
- d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);
- f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;
- g) Dedication of Highway at no cost to the City Council prior to occupation;
- h) The costs of monitoring the S106 legal agreement.

3.If the S106 legal agreement has not been completed within six weeks ~~from~~ of the date of the Committee's 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; however, if not

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

Item No	References	Site Address	Proposal	Applicant
4.	RN NO(s) : 15/07397/FULL 15/07398/LBC St James's	49 Charing Cross London SW1A 2DX	Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets.	
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure:</p> <p>i) A financial contribution towards affordable housing of £3,336,000 (index linked and payable on commencement of development);</p> <p>ii) Lifetime car club membership (25 years) for future residential occupiers.</p> <p>iii) Monitoring costs.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Planning shall consider whether the permission can be issued with additional conditions</p>				

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SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not.</p> <p>b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>			
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Item No	References	Site Address	Proposal	Applicant
5.	RN NO(s) : 15/10884/FULL 15/10885/LBC Lancaster Gate	30-31 Leinster Square London W2 4NQ	Use of building as 8 residential flats (Class C3) with associated alterations including renovation of external facades, alterations to windows, minor increase in height to parapets, new rear infill extensions at lower ground and ground floors with associated lightwells, Internal alterations including lowering of the pavement vaults and installation of a lift.	

Recommendation

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

a) Provision of £125,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);

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

a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Refuse listed building consent.

Item No	References	Site Address	Proposal	Applicant
6.	RN NO(s) : 16/03443/TCH Bryanston And Dorset Square	Old Quebec Street London	Use of the public highway for the placing of 158 outdoor seats, 40 tables, 26 canvas barriers, 16 small planters and 9 tree planters in two areas measuring 4.63m x 37.2 (western side) and 3.45m x 36.6m (eastern side) in association with the Cumberland Hotel and three ground floor restaurant/cafe units (western side) and the Sportsman Casino and the City of Quebec Public House (eastern side) of Old Quebec Street.	

Recommendation
 Grant conditional permission.

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Item No	References	Site Address	Proposal	Applicant
7.	RN NO(s) : 16/01380/FULL Regent's Park	12 Melina Place London NW8 9SA	Erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
8.	RN NO(s) : 16/02830/ADFULL Marylebone High Street	74 - 76 Chiltern Street London W1U 5AA	Details of proposed restaurant operation, including the internal layout of the unit (showing the areas to be used for public drinking/dining and back of house functions), details of the opening hours, capacity, hours of plant operation and serving hours pursuant to condition 42 of planning permission dated 19 August 2015 (RN 15/01247/FULL).	
	Recommendation Approve details subject to no new substantive issues being raised prior to the end of the consultation period on 19 August 2016			
Item No	References	Site Address	Proposal	Applicant
9.	RN NO(s) : 15/07731/FULL West End	39-44 Grosvenor Square London W1K 2HP	Alterations including removal of roof level plant, erection of an 8th floor extension and relocation of plant to new roof level; erection of rear 3rd floor level extensions either side of main tower fronting onto Adams Row, provision of new terraces at 3rd and 7th floor levels in connection with the refurbishment of an existing hotel.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
10.	RN NO(s) : 15/07087/FULL West End	39-44 Grosvenor Square London W1K 2HP	Alterations on Adams Row frontage ; namely infilling vehicular entrance and use of hotel storage to create 2 x retail units (Class A1), changes to the highway to create a new vehicular drop off for the existing hotel.	
	Recommendation Grant conditional permission.			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	25 - 31 Wellington Street, London, WC2E 7DD,		
Proposal	Redevelopment behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) with works of repair and refurbishment of the listed buildings and other associated works (Site includes: 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street)		
Agent	Gerald Eve LLP		
On behalf of	Capital & Counties CG Limited		
Registered Number	16/03534/FULL 16/03536/LBC	Date amended/ completed	11 April 2016
Date Application Received	8 April 2016		
Historic Building Grade	Burleigh House, 22 Tavistock Street, 14 Burleigh Street and 15 Exeter Street are all Grade II listed		
Conservation Area	Covent Garden		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) a Site Environmental Management Plan (SEMP) ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works iii) an employment and training opportunities strategy iv) an Operational Management Plan for the hotel, private members club and restaurants v) necessary highway works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions. The works to be carried out prior to
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the occupation of the hotel.

vi) alterations to the TfL cycle hire docking station on Tavistock Street. The works to be carried out prior to the occupation of the hotel.

vii) costs of monitoring.

2. If the S106 legal agreement has not been completed within two months of the date of this resolution then:

a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent

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

2. SUMMARY

The site is bounded by Wellington Street, Tavistock Street, Exeter Street and Burleigh Street and consists of a group of six buildings Wellington House, 25-31 Wellington Street/24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street. Three of the buildings are Grade II listed.

Planning and listed building consent applications have been submitted for demolition and redevelopment behind the retained facades plus extensions to the unlisted buildings and refurbishment and alterations (including a new roof structure on 22 Tavistock Street) of the listed buildings to provide a new boutique hotel with 83 guest rooms plus spa, restaurant, retail, private members club and office.

Three letters of support, one objection from a neighbouring resident and a letter raising issues of concern on behalf of the Lyceum Theatre have been received.

The key issues for consideration in this case are:

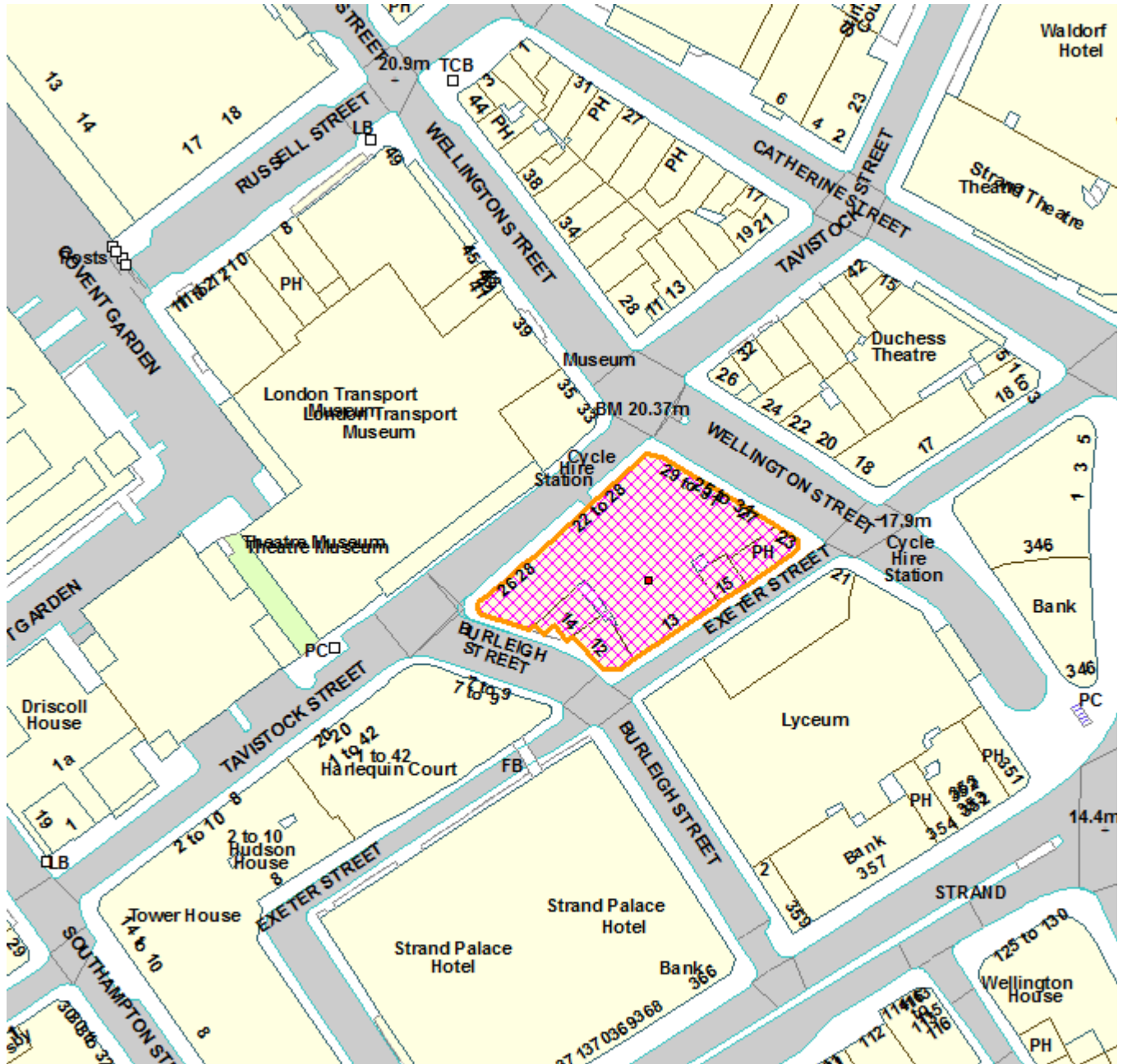
- Impact of the new building on the significance of designated heritage assets, the character and appearance of the Covent Garden conservation area and townscape views
- Impact of the hotel, restaurant and private members club on residential amenity, the local

environment and traffic

- management of the demolition and construction of the development to minimise disruption to and nuisance to the Lyceum Theatre

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies Consolidated Draft Version dated June 2016.

3. LOCATION PLAN



4. PHOTOGRAPHS



25-31 Wellington Street WC2

5. CONSULTATIONS

HISTORIC ENGLAND: Do not wish to offer any comments.

HISTORIC ENGLAND (ARCHAEOLOGY): Any archaeological survival would be limited to the western third of the site where the impact of the proposed development would not be extensive. An archaeological watching brief secured by condition would be the most appropriate mitigation strategy.

COVENT GARDEN COMMUNITY ASSOCIATION: do not object to a 'high-end' hotel in this location and welcome the employment opportunities for local people. However, have the following concerns: height of the building would be visible from the Piazza; design of new roof to Burleigh House; more details needed re: proposals for 15 Exeter Street; servicing and delivery requirements of hotel – detailed servicing and delivery plan required; impact of the hotel and of the private members club in 14 Burleigh Street on local amenity; impact on daylight to adjacent residential properties in Wellington Street.

COVENT GARDEN AREA TRUST: do not object to a high quality hotel in this location, welcome the refurbishment and re-use of the buildings and the new business and employment opportunities. However some Trustees have expressed concerns about the height of the building, the design of the new roof to Burleigh House and the potential impact on views from the Piazza and on the conservation area; detailed servicing and delivery plan required.

HIGHWAYS PLANNING MANAGER: significant concern is raised regarding i) the location of the hotel entrance on Tavistock Street; the relocation of the TfL cycle hire docking station (funded by the hotel developer) prior to the commencement of the hotel use would reduce these concerns; ii) the on-street loading bay on Exeter Street which when in use will block pedestrian use of the northern footway and could cause local congestion as larger vehicles are unlikely to be able to pass when a vehicle is stopped, servicing the hotel; given the existing situation a robust Servicing Management Plan secured by condition should ensure that obstruction to other highway users is minimised. Appropriate measures for dealing with coaches should be secured in the Servicing Management Plan. Changes to on-street restrictions will be subject to a Traffic Management Order with all associated costs to be borne by the hotel developer; the cost of all essential highway works including the creation of the on-street loading facility on Exeter Street to be secured by S106 legal agreement.

CLEANSING: no objection to waste and recyclable storage arrangements provided the Highways Planning Manager agrees the new loading bay on Exeter Street.

ENVIRONMENTAL HEALTH: no objections following the submission of additional information i.e. an air quality neutral report and amended acoustic report to include assessment of the hotel terrace areas subject to conditions controlling plant noise, controlling hours of opening and noise from the commercial activities, requiring an Operational Management for the hotel, private members club and restaurants, requiring an air quality assessment of the CHP and that the spa remains ancillary to the hotel use. In addition the development should be covered by a Site Environmental Management

Plan (SEMP); the estimated cost of monitoring this for the duration of the development by the Environmental Inspectorate is £105,000 both of which should be secured by S106 legal agreement.

THAMES WATER UTILITIES: no objection with regard to sewerage or water infrastructure capacity. Advice provided with regard to surface water drainage to ensure that storm flows are attenuated or regulated and to ensure that the developer installs a non-return valve or similar to avoid the risk of backflow from the sewerage network during storm conditions. Request that piling method statement is secured by condition.

METROPOLITAN POLICE (DESIGN OUT CRIME UNIT): no objection. Have had positive meetings with the architects and are satisfied that the development will proceed with security as its forefront.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 111; Total No. of replies: 5:

3 letters of support, 1 letter raising issues of concern and 1 objection on the following grounds:

LAND USE

- no need for additional hotel facilities in this area which suffers from too many tourist activities

DESIGN

- height of building – will spoil views from the Piazza

AMENITY

- noise nuisance from servicing and deliveries on Exeter Street
- noise and disturbance from private members club in 14 Burleigh Street
- loss of daylight/sunlight, over-shadowing and increased sense of enclosure to Lyceum Theatre offices on Exeter Street

HIGHWAYS

- dropping off/collection from hotel entrance will cause traffic congestion/obstruction on Tavistock Street
- new servicing and delivery bay on Exeter Street will cause congestion and conflict with servicing/deliveries to other businesses including the Lyceum Theatre

OTHER

- impact of demolition and construction on the Lyceum Theatre

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is bounded by Wellington Street, Tavistock Street, Exeter Street and Burleigh Street and consists of a group of six buildings Wellington House, 25-31 Wellington Street/24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street.

The 'Be @ One' at 23 Wellington Street, on the corner of Exeter Street and Wellington Street, is outside the applicant's ownership and does not form part of the proposed development. The ground floor of 22 Tavistock Street currently occupied by Charles H Fox is also not included in the development and will remain.

Wellington House is comprised of two buildings, 24-28 Tavistock Street which was built in 1912 and 25-31 Wellington Street built in the 1930s. The building comprises basement, lower ground and ground floor Class A3 restaurant premises and B1 offices on first to fifth floors.

13-14 Exeter Street was built in 1912 as a warehouse. The ground, lower ground and basement levels are occupied for Class A3 restaurant purposes. The two upper floors are used as B1 offices. The building is connected at ground and first floors to Wellington House.

12 Burleigh Street is a late C19th building consisting of lower ground, ground and four upper floors and is used as B1 offices.

14 Burleigh Street is a Grade II listed Victorian Gothic building which was constructed as a rectory in 1859-60 and is a vacant dwelling house.

15 Exeter Street is a Grade II listed Georgian townhouse, currently used as Class A1 retail on ground and basement floors with offices on first to third floors above.

Burleigh House, 22 Tavistock Street is also Grade II listed and is occupied as a retail shop (by Charles H Fox) on ground and basement floors with offices on the first to third floors above.

The buildings are all located within the Covent Garden Conservation Area and within the Core Central Activities Zone (CAZ), West End Special Retail Policy Area and West End Stress Area. The Grade II* listed Lyceum Theatre is located immediately to the south of the application site on the corner of Wellington Street and Exeter Street.

6.2 Recent Relevant History

Planning permission and listed building consent were granted on 31.03.2016 for a development encompassing virtually the entire street block (with the exception of the existing restaurants on the basement, lower ground and ground floors of the buildings, 14

Burleigh Street and 23 Wellington Street) and consisted of two sets of applications; one for the buildings known as the Wellington Block (14/05337/FULL & 14/05336/LBC) and the other for Burleigh House, 22 Tavistock Street (14/05338/FULL & 14/05339/LBC):

25-31 Wellington Street, 24-28 Tavistock Street/13-14 Exeter Street, 15 Exeter Street & 12 Burleigh Street (collectively referred to as the Wellington Block)

Use of the upper floors of 25-31 Wellington Street, 24-28 Tavistock Street and 13-14 Exeter Street as 23 residential units (Class C3); alterations to the ground floor facades to provide residential entrances at 25-31 Wellington Street and 24-28 Tavistock Street; alterations in connection with creation of a single dwelling house at 15 Exeter Street; use of ground floor of 12 Burleigh Street as a (Class A1) retail unit and the upper floors as four residential units (Class C3); associated plant at roof level; creation of new raised courtyard and terrace area to rear subject to a S106 legal agreement securing:

- a financial contribution of £2,250,000 towards the City Council's affordable housing fund
- free lifetime (minimum 25 years) car club membership for residents of the development
- an Operational Management Plan for the raised central courtyard

Burleigh House, 22 Tavistock Street

Use of first to third floors of Burleigh House, 22 Tavistock Street as three residential units (Class C3) and associated alterations including installation of plant at roof level and cycle and refuse storage at lower ground floor subject to a S106 legal agreement securing:

- free lifetime (minimum 25 years) car club membership for residents of the scheme

These permissions/consents have not been implemented.

Other relevant planning history for the individual buildings which make up the street block is as follows:

25-31 Wellington Street & 24-28 Tavistock Street/13-14 Exeter Street

March 1936 – permission granted for erection of new building on site of 25-31 Wellington Street as an extension to 24-28 Tavistock Street & 13-14 Exeter Street (wholesale florist warehouse)

5.6.1964 – permission granted for use of part 5th floor of 25 Wellington Street as offices.

2.1.1976 WCC letter – 1st and 2nd floors of 26 Tavistock Street appear to have established use rights as offices.

13.08.1976 – permission granted for conversion of lower ground floor of 27 Wellington Street/13 Exeter Street to restaurant and theatrical rehearsal studio.

7.04.1978 EUC issued for use of 2nd, 3rd, 4th floors of 25-31 Wellington Street as offices.

30.11.1979 – permission granted for use of lower ground floor of 27 Wellington Street as restaurant (COU from theatrical rehearsal studios – use which had not commenced)

29.02.1988 – permission granted for erection of an extension at 2nd and 5th floor levels of 25 Wellington Street for office use; erection of new lift shaft and installation of plant at roof level.

30.03.1989 – permission granted for refurbishment and extension for office use on 1st, 2nd, 3rd floors and retail use on basement and ground floors of 22-28 Tavistock Street, including a two storey side extension, mansard storey and plant room (N.B. decision letter erroneously includes 22 Tavistock Street – correct site address is 24-28 Tavistock Street).

12 Burleigh Street

9.9.1981 – EUC issued for use of entire property (basement to fourth floors) as offices.

14 Burleigh Street

18.03.2004 – listed building consent granted for internal alterations in connection with continued use as a dwelling house.

15 Exeter Street

9.10.1962 – permission granted for change of use of basement/ground and first floors from builders yard and office to restaurant (second/third floors residential).

8.4.1963 – permission granted for change of use of ground floor to betting office.

29.9.1970 – EUC issued for use of first floor as offices.

16.3.1977 – permission granted for use of ground floor as retail shop for sale of printed stationery and basement for printing workshop and storage.

Burleigh House, 22 Tavistock Street

24.7.1975 – permission granted for use for limited period (until 30.07.82) of basement and ground floors for film editing, library and studios.

20.08.1981 – WCC letter confirming that on cessation of time limited film editing use, use of basement and ground floors for wholesaling of theatrical make up and sale/hire of theatrical costumes/accessories (Charles H Fox Ltd) would not require permission.

13.10.2000 – permission granted for erection of two storey extension at third and fourth floor level to rear in the angle between the Wellington Street/Tavistock Street wings.

19.07.2001 – permission granted for erection of a fifth floor roof extension with roof top plant enclosure to the Tavistock Street frontage to provide additional office accommodation.

7. THE PROPOSAL

Planning and listed building consent applications have been submitted for the redevelopment behind the partially retained facades of the non-listed buildings (25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street) excluding 12 Burleigh Street which is to be retained and refurbished; repair and refurbishment of the listed buildings (Burleigh House, 22 Tavistock Street, 14 Burleigh Street and 15 Exeter Street) to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as a luxury boutique Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis) and Office (Class B1) with works of repair and refurbishment of the listed buildings and a replacement roof at Burleigh House, 22 Tavistock Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed scheme is for a luxury boutique hotel comprising 83 bedrooms with ancillary spa, restaurants, retail, a private members club and office arranged around a central courtyard conservatory. The hotel operator will be BD Hotels (BDH) in partnership with Robert De Niro. BD Hotels started in 1985 and is a leading hotel operator in the United States with 26 hotels including their flagship The Greenwich Hotel in New York.

Summary Table of Land Uses (sqm)

	Existing	Proposed	Net Change
Residential	399	0	-399
Offices	4,961	114	-4,847
Retail	120	212	+92
Restaurant	2548	890	-1658
Hotel	0	8,936	+8,936
Sui Generis (Private members club)	0	399	+399
TOTAL	8,028	10,551	+2,523

Loss of office use

The majority of the existing B1 office accommodation (4,847sqm) will be replaced by hotel use. A small amount (114sqm) of new B1 office accommodation will be provided at ground floor level of 15 Exeter Street (equivalent to lower ground floor level in the scheme as a whole). Policy S20 of Westminster's City Plan (July 2016) resists the loss of offices to residential use but there is no policy that resists the loss of existing office space to hotel use (which is another employment-generating use) in this location. The

loss of the existing office accommodation which the applicants consider to be of poor quality is therefore acceptable in principle.

Hotel Use and spa

Policy S23 of the City Plan states that new hotels will be directed to the Core CAZ and that existing hotels will be protected where they do not have significant adverse effects on residential amenity and proposals to improve the quality and range of hotels will be encouraged. Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

The application site is located within Core CAZ and so the introduction of a new hotel use in this location is acceptable in principle.

The nearest residential properties to the site are located above the public house at Be@One, 23 Wellington Street, the upper floors above the restaurants and shops of 20-26 Wellington Street, 28 Wellington Street and Harlequin Court, on the corner of Burleigh Street/Tavistock Street. The primary land uses on the surrounding streets are the London Transport Museum, the Lyceum Theatre, the Strand Palace Hotel and various restaurant and shops. It is therefore considered that this site in Covent Garden is an appropriate location within the CAZ for a new high class hotel development.

The hotel will provide 83 rooms of a variety of sizes and two restaurants; one at ground floor level with a capacity of up to 150 covers (seated) and an overflow dining room with capacity for a further 120 covers and the second, at lower ground floor accessed from Exeter Street with capacity for up to 100 (seated). There will also be a spa with treatment rooms and swimming pool open to residents and non-residents of the hotel.

The hotel will be open 24 hours a day, seven days a week. The basement and ground floor spaces would be open to the public, whilst the upper floors would be for hotel guests and their visitors only. It is proposed that the public facilities would be open as follows: the restaurants – 0700-0130 hours Monday to Saturday and 0730-0000 Sundays and Bank Holidays; the spa/swimming pool – 0600-2200 every day.

It is proposed that the operation and management of the various facilities within the hotel and the restaurants and the private members club are controlled via an agreed Operational Management Plan (OMP) to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded. The applicants and hotel operator have submitted a draft OMP at this stage; it is recommended that a final version is secured by S106 legal agreement. It is not considered necessary nor appropriate to restrict the use of the spa to hotel guests only, as suggested by Environmental Health, given the proposed terminal hour of 2200 hours and the fact that the hotel restaurants are open to non-hotel guests until 0130 hours Monday to Saturday and 0000 (midnight) on Sundays and Bank Holidays.

Loss of residential use

It is proposed to convert 14 Burleigh Street, last occupied as residential, into a private members club. The loss of 399sqm of residential floorspace is contrary to Policy H3 of the UDP and Policy S14 of the City Plan. However the practicalities of retaining a single residential unit in the middle of a street block otherwise occupied as a hotel i.e. ensuring an adequate standard of residential amenity whilst not compromising the operation of the hotel is acknowledged. Furthermore, the applicant (CapCo) who own a large number of properties in Covent Garden, are committed to providing a mix of uses across their Estate and realise the importance of the residential population to the vitality of the area. To this end, CapCo's Kings Court development (Carriage Hall, Kings Court and Kings Street) which is currently under construction provides an 'overprovision' of +8,796sqm of residential floorspace. The new residential accommodation at Kings Court will be self-contained and of a higher quality than that at 14 Burleigh Street. CapCo are proposing a land use swap in line with UDP policy COM3 secured by S106 or condition to ensure the re-provision of residential from 14 Burleigh Street in line with Policy S14, but officers do not consider this necessary or appropriate given that Kings Court is already under construction.

Restaurant (Class A3) and Private Members Club (Sui Generis)

The site is located within the West End Stress Area. The proposal results in an overall loss of restaurant floorspace of 1,658sqm. Each of the two new restaurants will be less than 500sqm and the private members club is also less than 500sqm and therefore these need to be assessed against Policy TACE 9 of the UDP.

Policy TACE 9 of the UDP states that permission may be granted for new entertainment uses of between 150-500sqm within the CAZ and the Stress Areas provided the proposed use has no adverse effect on residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic, and no adverse effect on the character and function of the area. Policy S24 of the City Plan also states that new entertainment uses will need to demonstrate they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The main restaurant will provide an ancillary function to the hotel in terms of serving meals to hotel guests but will also be open to non-hotel guests. The main restaurant dining area (200 sqm) provides for 150 covers and an overflow area (120 sqm) that can provide a further 120 covers. The second restaurant provides 100 covers in approximately 140 sqm and is accessed from Exeter Street.

The private members club located in 14 Burleigh Street measures 399 sqm and provides for 64 covers. The private members club will be serviced by the hotel but will be members only and not for general use by hotel guests. People will not be able to join on the day and the club will have an application and vetting process. The private members club will provide an all-day food and drinks menu and there will be a small kitchen in the basement.

The hotel would be open and accessible to guests 24 hours a day, seven days a week. The basement and ground floor spaces will open to the public, whilst the upper

floors will be reserved for hotel guests and their visitors only. The proposed hours of operation for the restaurants and private member's club are 0700-0130 Monday – Saturday and 0730-0000 Sunday and Bank Holidays. The spa and swimming pool would be open between 0600-2200 daily.

A draft Operational Management Plan submitted with the application sets out the measures and demonstrates the Hotel operator's commitment to ensure that the restaurants and private member's club, as well as the hotel, will not have a detrimental impact on residential amenity or the quality of the local environment. It is recommended that the submission of a detailed/final version of the OMP and the requirement for the hotel, restaurants and private member's club to operate in accordance with an agreed OMP is secured by S106 legal agreement. In addition, conditions are recommended restricting the restaurants to sit-down waiter-only service and no takeaway facility, limiting the number of covers and controlling the hours of operation.

Retail

Policy S6 of the City Plan states that retail is encouraged throughout the Core CAZ. Policies S7 and S21 of the City Plan provide support for retail within the West End Special Retail Policy Area and protect existing retail. Policies SS4 and SS5 of the UDP seek to protect and maintain A1 retail uses in the Central Activities Zone (CAZ).

The proposed development will result in an increase in Class A1 retail floorspace of 92sqm on the ground and lower ground floor levels of 12 Burleigh Street. The existing retail space on the ground and lower ground of 22 Tavistock Street occupied by Charles H Fox is to be retained.

8.2 Townscape and Design

The site includes No.'s 15 Exeter Street, 14 Burleigh Street and 22 Tavistock Street which are Grade II listed buildings. The site also lies within the Covent Garden Conservation Area.

This application proposes the redevelopment of the site behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street and the repair and refurbishment of the listed buildings including a replacement roof at 22 Tavistock Street and associated works.

Paragraph 132 of the NPPF states that '*when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation*'. In this case the designated heritage assets affected are the listed buildings within the application site, the character and appearance of the Covent Garden Conservation Area and the setting of the surrounding listed buildings, located outside of the application site. The listed buildings are to be retained and renovated, including minor alterations and the existing non-listed buildings are to be retained, albeit altered. The areas where demolition is proposed are in general modern and/ or positioned within the centre of the site and therefore cannot be seen. As such the significance of the heritage assets within and outside of the application site and the character and appearance of the Covent Garden Conservation Area is considered to be retained.

Paragraph 133 of the NPPF states *'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss ...'*. Paragraph 134 goes on to state that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. In both instances the public benefits of the scheme are essential. In this case the impact of the proposal is not considered to be substantial and whilst it is recognised that the proposals will form some degree of harm, the benefits of the scheme are considered to be considerable, leading to numerous job opportunities and other benefits to the public.

Policy DES 1 'Principles of Urban Design and Conservation', is the Council's overarching development policy. Paragraph 10.7 of the supporting text states *'New development is necessary to adapt the fabric of the City to present and future needs and to ensure the economic wellbeing of Central London as a whole. New development is encouraged in areas where it is beneficial'*. The proposed scheme pushes the boundaries of development on the site and has been designed to maximise the use of the land available. This increase in the site's peak use allows for the greatest possible public benefit to be provided.

Policy DES 4 'Infill Development' states *'Infill development ... will be permitted as long as its design has regard to the prevailing character and quality of the surrounding townscape ... and in particular, conforms to or reflects the following urban design characteristics ... : (A) established building and boundary lines and local scale of development, (B) prevailing overall heights, storey heights and massing of adjacent building'*. The main hotel is greater in height than its immediate neighbours; however the proposed height is not completely alien to the surroundings. Furthermore as the proposals reuse existing buildings and the building line does not alter.

Redevelopment – The main hotel redevelopment is to reuse the existing building façade on Exeter Street, Tavistock Street and Wellington Street. The proposals seek to erect a further three storeys on the Wellington Street elevation, two on Exeter Street and two on Tavistock Street.

On the Wellington Street façade the height is increased. This increase highlights the corner of the site (the junction of Wellington Street and Tavistock Street), which provides an architectural opportunity to create interest within the street scene. The proposed massing is greater than the buildings on either side of the development, however in a wider context the proposed height is not considered out of keeping. The orientation of the proposals on Wellington Street and the angles at which it can be viewed all aid the scale of the development. Furthermore, the Exeter Street return forms an interesting stop to the development, which helps to break up the massing of the proposal, whilst also respecting the character and appearance of the area and the listed building adjacent.

On the Tavistock Street façade the upper storey is to be removed and replaced with a further two storey mansard, which follows the design intent of the Wellington Street elevation. This façade is not as prominent as Wellington Street and the step in the proposed building height is considered to aid this secondary character.

The Exeter Street façade has a completely different character to that of the other streets. It is, and was traditionally, a service road. The proposals introduce a predominately glass and metal structure to the roof. This concept leads on from the service nature of the street, providing an industrial warehouse type design.

15 Exeter Street – At basement level, WCs and a kitchen are to be installed. At lower ground the floor plan is retained with minor alterations to remove modern features. At ground floor minor alterations are proposed to the partitions within the rear room with the repositioning of two doorways. At first floor the connection to the main hotel is made, which involves the removal of one window to form a doorway, a WC is also to be installed within the rear room at first floor level. Below, the connection the lightwell is to be infilled to create additional space within the main hotel. At second floor a new door is proposed to link the front and rear rooms with the existing partitions in the rear room reordered. At roof level a new hatch is proposed and a new slate covering installed. The works balance the harm to the character of the building with other alterations to improve the layout. As such the harm is considered to be outweighed by the benefits to the building and the scheme as a whole.

14 Burleigh Street – At basement and ground floor the modern fitted furniture is to be removed and the rear doors replaced. On all floors a dumb waiter is proposed. At first floor a new opening is proposed between the front and rear rooms and a new WC installed at the front of property. At second floor the existing partitions at the front of the building are to be removed and the existing opening between the front and rear enlarged. At third floor the works are similar to at second, although the opening between the front and rear rooms is to be formed and an unsightly ensuite removed. No alterations are proposed at roof level. The new openings throughout the building allow for the new use and whilst of limited harm they are balanced by the removal of other existing harmful partitions. As such the harm is considered to be outweighed by the benefits to the building and to the scheme as a whole.

22 Tavistock Street – No changes are proposed at lower ground floor. At ground floor the entrance door is to be replaced, a new wall installed and an opening made into the main hotel. At first and second the floor layouts are completely revised. At third floor level the existing non-original mansard is removed and a new doomed roof installed, consisting of a third and fourth floor. The doomed roof is of a traditional form and whilst it may be slightly larger than would normally be considered ideal it will add vibrancy to the street scene and replaces the existing, rather apologetic mansard. The works to the building are considered a balance between harm and benefit. The new doomed roof replaces an existing poorly proportioned addition. Internally no historic fabric or features remain and therefore the works are not considered to harm the character of the building. As such the harm is considered to be outweighed by the benefits to the building and the scheme as a whole.

8.3 Amenity

Daylight and Sunlight/Increased Sense of Enclosure

City Plan Policy S29 seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist

proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking.

The Lyceum Theatre have expressed concern about the possible loss of daylight and sunlight and increased sense of enclosure to the offices occupied by Disney to the rear of the theatre on Exeter Street.

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). The BRE report advises that daylight levels should be assessed for main habitable rooms (kitchens, living rooms and dining rooms) in neighbouring residential properties. It is common practice to only test residential properties and other 'light sensitive' uses such as schools and hospitals. Sunlight analysis is undertaken for the main windows of rooms which face within 90 degrees of due south.

The residential properties tested were 20-26 Wellington Street, 28 Wellington Street and Harlequin Court, 7-13 Burleigh Street/20 Tavistock Street. With the exception of one window (4th floor of 24 Wellington Street where the reduction in daylight would be slightly in excess of the recommended standard – i.e. 20.56%) there will be no material impact on daylight and sunlight to neighbouring residential properties.

There is a two storey increase in height on Exeter Street (above 13-14 Exeter Street) in the form of a stepped predominantly glass and metal structure. There is no increase in height above 15 Exeter Street. With regard to concerns expressed on behalf of the Lyceum Theatre about potential loss of light to their offices on Exeter Street, the BRE guidelines advise that, unless the 25 degree angle from the mid-point of a window is breached by the new development, further detailed analysis is not required; this was the case in this instance. Furthermore, sunlight analysis on the theatre office windows is not required because they are north facing and therefore do not currently receive any direct sunlight. Whilst the additional height of the new building on Exeter Street will be visible from the theatre office windows, it is not considered that, given the form of the proposed roof extension on Exeter Street, this will result in a significant increased sense of enclosure for the offices occupiers.

Noise

Noise from the proposed new plant will be subject to conditions requiring compliance with the City Council's standard noise criteria. A further condition will be imposed prohibiting amplified music on the external hotel terraces – as recommended by Environmental Health. The latter will also form part of the Operational Management Plan.

8.4 Transportation/Parking

Servicing and deliveries

The existing buildings currently have no vehicular access and no off-street parking. Servicing and refuse collection is currently undertaken on-street. Waste is collected from Wellington Street daily Monday to Sunday and recyclable material is collected once a week, currently on Wednesday.

Although UDP policy TRANS20 requires the provision of off-site servicing arrangements in new developments, it is accepted that this is not possible as part of this scheme which does not involve comprehensive redevelopment of the site.

Given that the existing offices at the site and most of the existing restaurant floorspace will be replaced by a hotel with relatively modest capacity (83 rooms), significantly reduced restaurant floorspace and a private members club, it is likely that notwithstanding the increase in overall floorspace the frequency of delivery vehicles to the site will decrease. The applicant's transport consultant estimates that daily visits by vehicle will reduce from 57 to 24 per day. Even so, the proposals attempt to improve on the existing servicing situation by providing a dedicated on-street loading bay on Exeter Street, 20m in length and capable of accommodating two large vehicles. This will be close to the servicing access point in the proposed new building and it is proposed by the applicant that this, in association with a servicing management plan, which will ensure that deliveries are timed and coordinated to minimise the period that any vehicle is stationed at the loading bay, will be an improvement on current servicing arrangements.

The Highways Planning Manager has raised concerns that the on-street loading bay will result in the removal of footway to the detriment of pedestrian movement when service vehicles are occupying it. It is acknowledged that it is not an ideal solution, but given the current uncontrolled servicing arrangements for the existing uses at the site and the fact that the development is likely to result in a reduction in visits by servicing vehicles, it is considered that planning permission could not reasonably be withheld on servicing grounds.

It is considered that a hotel of this type and modest capacity would not generate significant arrivals or pick-ups by coach and it is accepted that Tavistock Street could in any event accommodate them if necessary. This will be covered in the servicing management plan and operational management plan.

The hotel entrance is located on Tavistock Street. It is estimated that even at peak times there would be a maximum of only 5 trips by taxi per hour generated by the development. This can be satisfactorily accommodated on the highway provided that the existing TfL cycle docking station on Tavistock Street is repositioned prior to the occupation of the hotel. TfL are agreeable in principle; the cost of doing this will be borne by the hotel developer and secured by the S106 Agreement.

Cycle parking

18 secure cycle parking spaces are to be provided at basement level accessed via a lift, in compliance with the City Council's standards, but further details are required by condition regarding access to these for office and shop employees.

Waste storage

Satisfactory provision is made within the scheme for the storage of waste and recyclables. Composting facilities will also be provided.

8.5 Economic Considerations

The economic benefits associated with the creation of a new high-class hotel are welcomed. Once operational, the proposed development will support between 150 and 230 jobs (between 135 and 205 full-time equivalents) directly on site, mainly in hospitality and retail employment and would support further employment through supply chain impacts and expenditure of both hotel guests and workers. Further job opportunities will be created by the contractor during the construction phase of the development. It is anticipated that during the three year construction phase, 255 annual jobs or 75 FTEs would be created. CapCo is already involved in the Covent Garden Recruit London initiative which aims to help unemployed Westminster residents get back into work. Almost all of the jobs will be advertised locally and CapCo will seek to prioritise local employment. An employment and training opportunity strategy for the development is to be secured by S106 legal agreement.

8.6 Access

Given the emphasis on retaining the built heritage at the site, including minimum intervention in the listed buildings, level access to and within the site cannot be as comprehensive as in a completely new development, but improvements will be achieved compared to the existing situation.

8.7 Other UDP/Westminster Policy Considerations

Archaeology

There is limited potential for archaeological finds at the site given that much of the site has already been excavated to accommodate existing basement levels. In these circumstances, it is considered appropriate to impose the City Council's standard archaeological conditions requiring a programme of archaeological work to be undertaken including a watching brief.

Flood Risk

The site lies within the Flood Risk Zone 1 area and a flood risk assessment has been submitted with the application to assess the proposals and suggest appropriate mitigation measures. The report confirms that the site is at low risk from flooding, but to mitigate against this risk it is proposed to incorporate a cavity drainage management system to prevent the ingress of groundwater into the basement.

Sustainability and Biodiversity

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. 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 NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires

developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

In this case there are acknowledged constraints to providing sustainability measures as much of the historic building fabric at the site is to be retained and the listed buildings safeguarded intact. This significantly limits the opportunities for appropriate systems for renewable energy, for instance, as it would not be satisfactory to provide roof level photovoltaic panels for heritage reasons.

Nonetheless, it is estimated that for the whole site the proposal will achieve an overall total carbon reduction of 36.6% for a refurbishment project, through the use of better performing building fabric and energy systems – the main aspect of which would be a combined heat and power (CHP) plant. The targeted BREEAM score is 'Very Good' and given the constraints of the site, as outlined above, the overall sustainability considerations of the scheme are acceptable.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. No biodiversity measures are proposed as there are no opportunities for green or brown roofs given the limited amount of open horizontal areas achievable in the scheme. Given the overriding aim to conserve as much of the historic building fabric as possible, it is acknowledged that benefits to biodiversity are constrained by the nature of the site.

8.8 London Plan

The London Plan supports the provision of additional hotel accommodation in Central London.

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

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

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and

any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016.

The applicant has offered to enter into a S106 legal agreement to secure the following:

- i) a Site Environmental Management Plan (SEMP)
- ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works
- iii) an employment and training opportunities strategy
- iv) an Operational Management Plan for the hotel, private members club and restaurants
- v) financial payment to cover cost of essential highways works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions.
- vi) financial payment to cover cost of relocating the TfL cycle hire docking station on Tavistock Street
- vii) costs of monitoring

The estimated Westminster CIL payment is £600,000 and the Mayor of London's CIL payment for Crossrail is £126,000.

8.11 Environmental Impact Assessment

The City Council issued a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 on 23 February 2016 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA).

8.12 Other Issues

Construction Management

Rolfe Judd on behalf of the Ambassador's Theatre Group have expressed concern about potential noise and disruption caused by the demolition and construction works. The applicant has submitted an indicative Construction Management Plan indicating how the environmental impact of the demolition and construction of the development will be managed and how potential noise and nuisance to the Lyceum Theatre and surrounding residents and businesses will be mitigated. The submission of a detailed Site Environmental Management Plan (SEMP) prior to the commencement of works and the cost (£105,000) of the Council's Environmental Protectorate monitoring this for the duration of the development (three years) will be secured through a S106 legal agreement. This SEMF will include a schedule of noisy works restrictions, agreed with the Lyceum Theatre, to ensure there is no disruption to theatre performances e.g. Wednesday matinees. CapCo's commitment to establishing a community liaison group to keep local residents and businesses informed throughout the construction process, will also form part of the detailed SEMF.

Statement of Community Involvement

The applicant has submitted a Statement of Community Involvement which summarises the consultation process they have carried out with stakeholders and neighbours prior to submitting the application. The applicant had meetings with various individuals and stakeholder groups between December 2015 and April 2016 and sent out 731 letters to local residents and businesses inviting them to a three day public exhibition held on 26, 27 and 29 February 2016 at CapCo's offices at 10 Bedford Street. The exhibition was attended by 31 people, 5 of whom completed and returned feedback forms.

9. BACKGROUND PAPERS

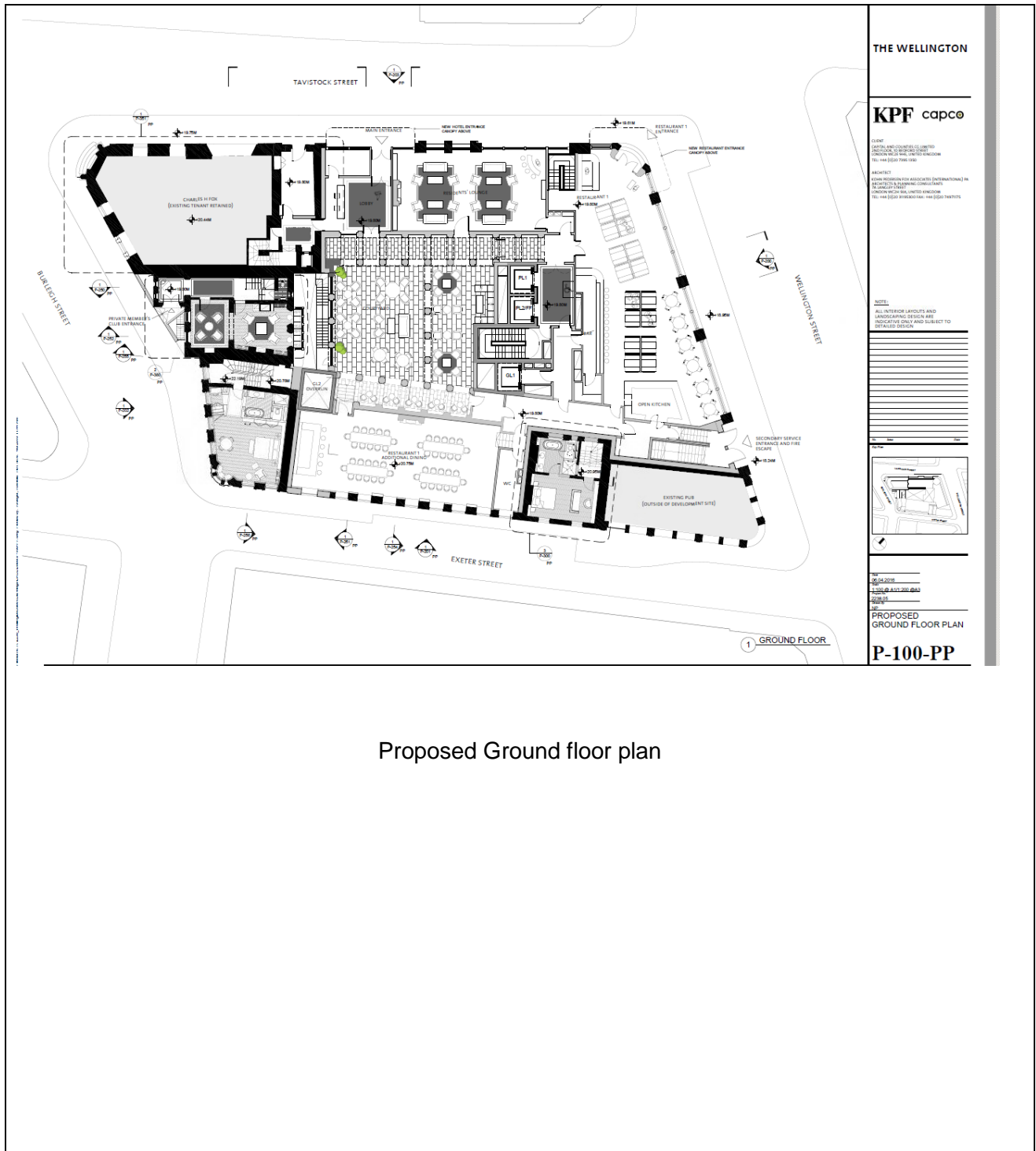
1. Application form and letter from Gerald Eve dated 8 April 2016
2. Historic England letter dated 4 May 2016
3. Historic England (Archaeology) letter dated 15 March 2016
4. Covent Garden Community Association on-line response dated 25 May 2016
5. Covent Garden Area Trust on-line response dated 27 May 2016
6. Highways Planning Manager memorandum dated 26 July 2016
7. Cleansing memorandum dated 23 May 2016
8. Environmental Health memoranda dated 20 May, 26 May and 11 July 2016
9. Thames Water email dated 3 May 2016
10. Metropolitan Police Service Design Out Crime Unit email dated 10 May 2016
11. Rolfe Judd on behalf of Ambassadors Theatres Group letter dated 10 June 2016
12. Flat 41, Harlequin Court, 20 Tavistock Street on-line response dated 22 May 2016
13. CEO of London Film Museum, 45 Wellington Street on-line response dated 17 June 2016
14. The Mercers' Company letter dated 5 July 2016
15. The Northbank BID letter dated 5 July 2016

Selected relevant drawings

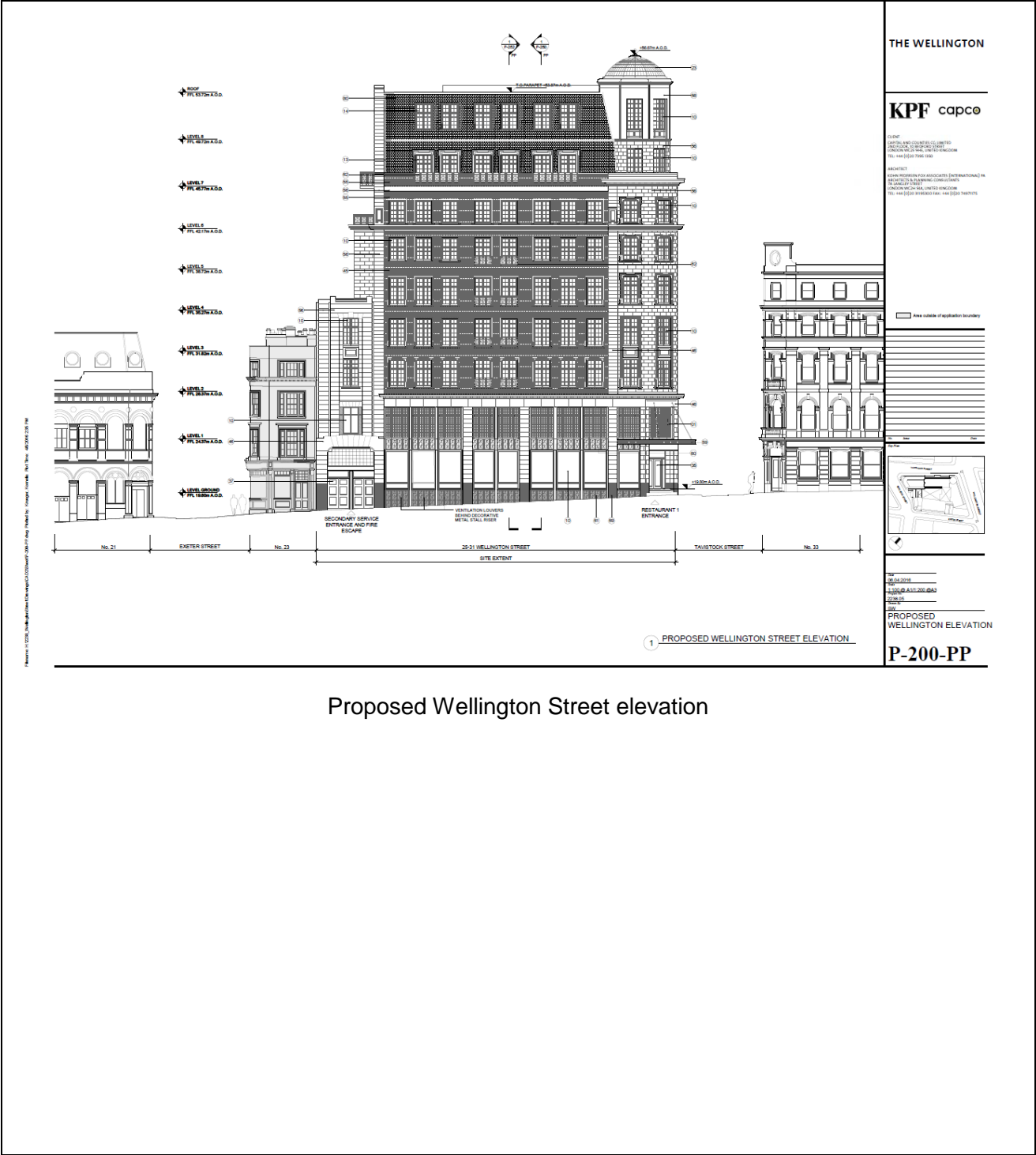
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk .

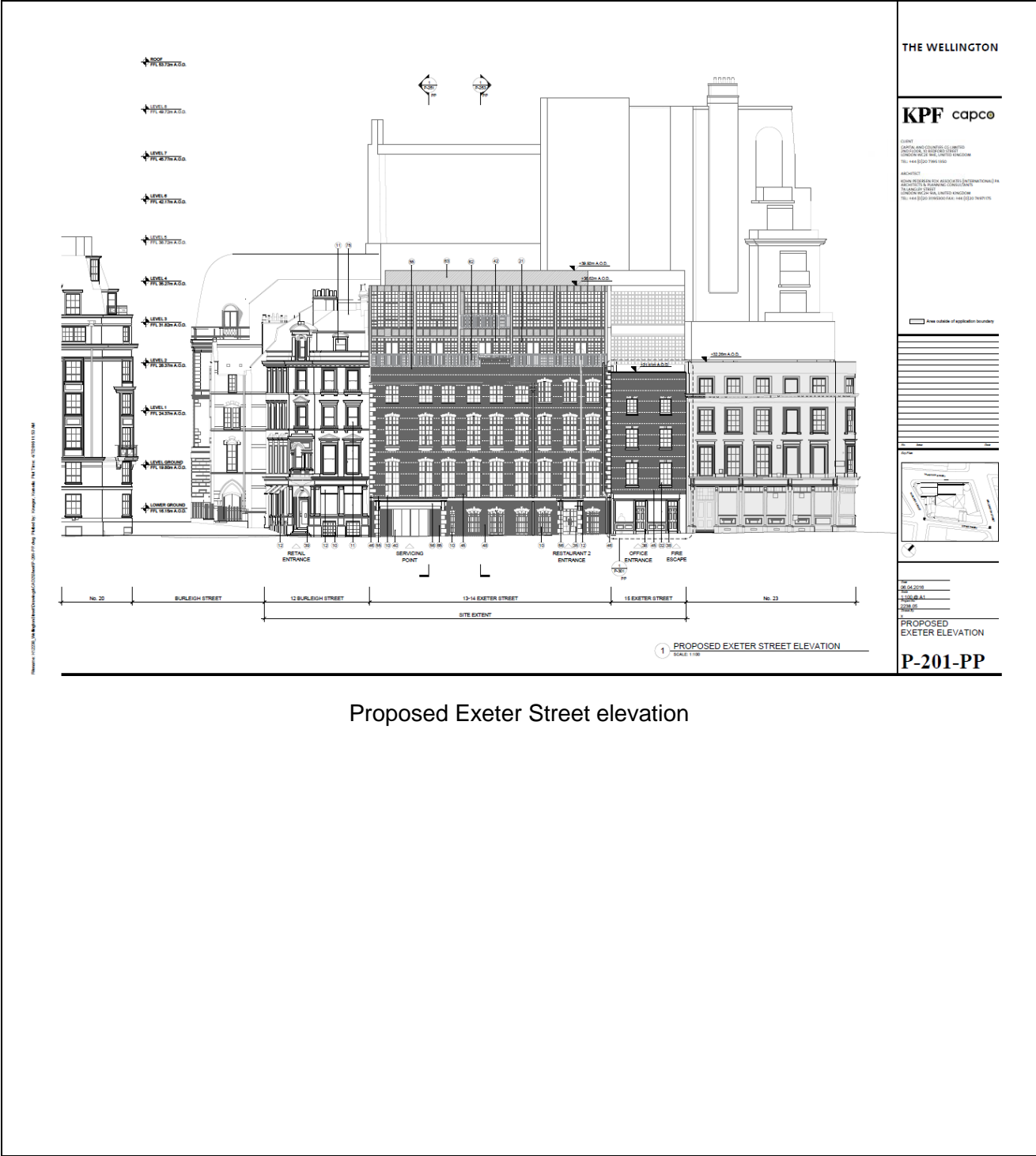
10. KEY DRAWINGS



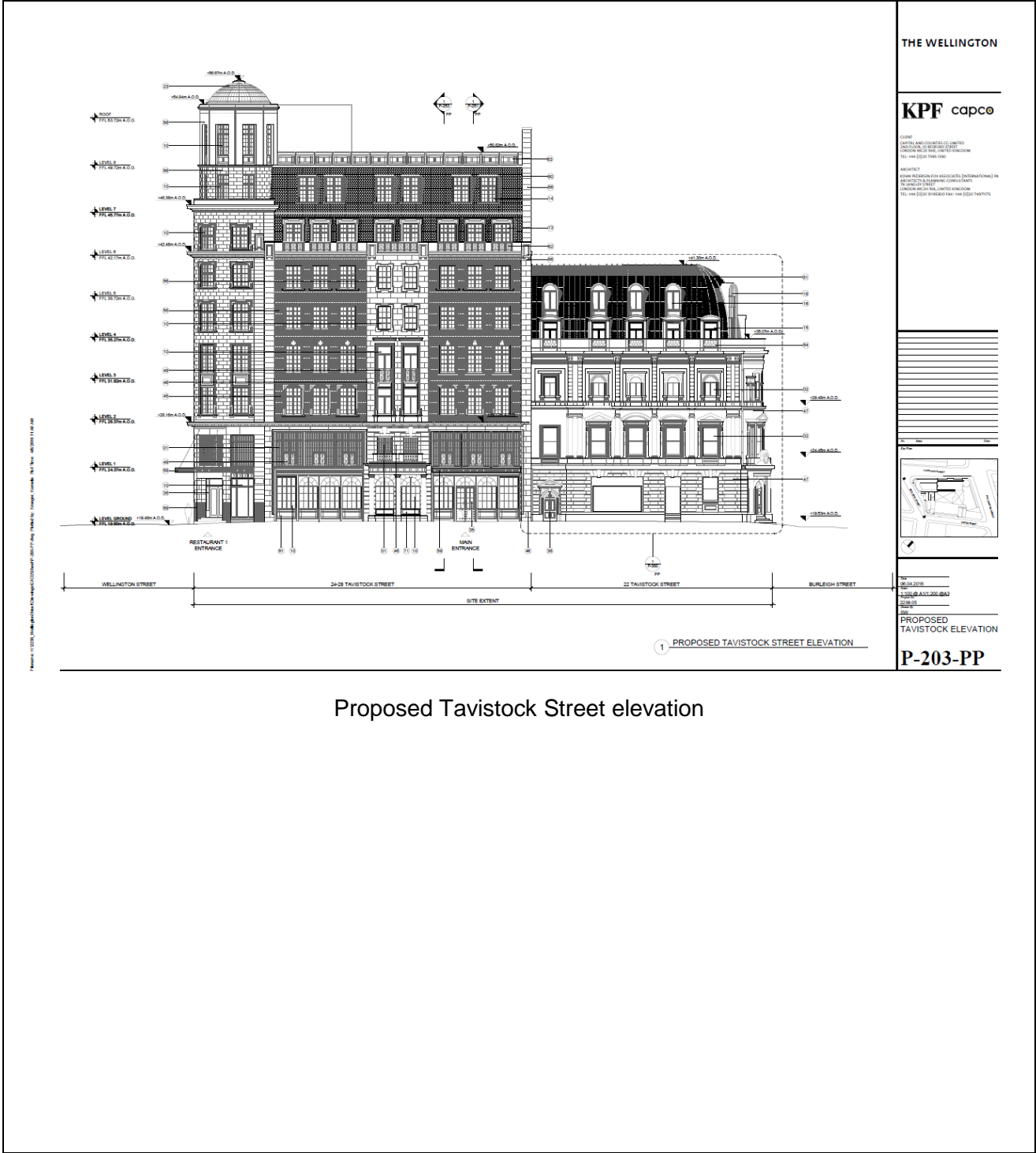
Proposed Ground floor plan



Proposed Wellington Street elevation



Proposed Exeter Street elevation



Proposed Tavistock Street elevation



PROPOSED VIEW FROM BOW STREET

Artists Impression of the new hotel

DRAFT DECISION LETTER

Address: 25 - 31 Wellington Street, London, WC2E 7DD,

Proposal: Redevelopment behind the partially retained facades of the non-listed buildings excluding 12 Burleigh Street which is retained and refurbished to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) with works of repair and refurbishment of the listed buildings and other associated works (Site includes: 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street)

Plan Nos: Gerald Eve letter dated 8 April 2016 and Planning Statement April 2016; KPF Design and Access Statement April 2016; Peter Stewart Consultancy Townscape and Visual Impact Assessment April 2016 and Heritage Assessment April 2016; Museum of London Archaeology Historic Environment Assessment April 2016; WSP Transport Statement April 2016; Sandy Brown Acoustic report June 2016; Delva Patman Redler Daylight and Sunlight Assessment May 2016; WSP Parsons Brinkerhof Energy Statement July 2016 and Sustainability Appraisal April 2016; AECOM Air Quality Assessment V3 April 2016 and Technical Note 15.6.16; WSP Parsons Brinkerhof Waste Management Strategy April 2016; Heyne Tillet Steel Flood Risk Assessment April 2016 and Surface Water Management report April 2016; Volterra Economic Statement April 2016; David Bonnett Associates Access Statement April 2016; Four Communications Statement of Community Involvement April 2016; FOR INFORMATION PURPOSES ONLY: Heyne Tillet Steel Structural Methodology Statement April 2016; McLaren Construction Management Report April 2016; CapCo and BD Hotels Draft Operational Management Statement July 2016; As existing drawings: P-010-EX, P-011-EX, P-020-EX, P-021-EX, P-024-EX, P-030-EX, P-031-EX, P-098, 099, 100, 101, 102, 103, 104, 105, 150-EX, P-200-EX, P-201-EX, P-202-EX, P-203-EX, P-250, 251, 252, 253-EX, P-300, 301, 302-EX, P-350, 351, 352, 353, 354, 355, 356-EX, 360, 361, 362, 363-EX, P-380, 381, 382, 383, 384-EX.

As proposed drawings: P-020-PP, P-021-PP, P-024-PP, P-097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 150-PP, P-160-PP, P-200, 201, 202, 203-PP, P-250, 251, 252, 254, 255, 256-PP, P-300, 301, 302-PP, P-350, 351, 352, 353, 354, 355, 356, 360, 361, 362, 363-PP, P-380, 381, 382, 383, 384-PP, P-400, 401, 402, 403, 404-PP, P-410, 411, 412-PP, P-450, 451, 452, 453-PP.

Case Officer: Amanda Jackson

Direct Tel. No. 020 7641 2934

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the

City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 You must submit detailed drawings at a scale of 1:10 of the following parts of the development:
- i) 13-14 Exeter Street extension detailed design,

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works according to the approved plans.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to the wider redevelopment (details relating to the listed buildings are covered elsewhere):

- i) Windows,
- ii) Doors,
- iii) Roof dome,
- iv) Courtyard roof,
- v) Canopies/ awnings,
- vi) Ventilation grills/ louvres,
- vii) Balconies/ railings,

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works according to the approved plans.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 14 Burleigh Street:

- i) Basement level courtyard door,

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works according to the approved plans.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 7 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 22 Tavistock Street:

- i) Windows including glazing,
- ii) Typical dormer types,
- iii) Entrance door,

- iv) Domed roof construction,
- v) Reconstructed balustrade,
- vi) Roof level plant,

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works according to the approved plans.

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 Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 9 The Class A3 restaurants shown on the approved drawings at ground and lower ground floor levels shall only be used as sit-down restaurants with waiter service. You must not use any part of the restaurants as a separate bar, or for any other purpose, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 10 You must not allow more than 270 customers in restaurant 1 on the ground floor, no more than 120 customers in restaurant 2 on lower ground floor and no more than 64 customers in the

private members club as shown on the approved drawings at any one time.

Reason:

We cannot grant planning permission for unrestricted use because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies Consolidated Draft Version June 2016 and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 11 No music shall be played in the hotel, restaurant or private members club such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 No amplified music shall be played on the external hotel terraces.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 13 The public areas of the hotel shall only be open to non-hotel guests between 0700-0130 Monday to Saturday and between 0730-0000 (midnight) on Sundays and Bank Holidays; the restaurants and the private members club shall only be open between 0700-0130 Monday to Saturday and between 0730-0000 (midnight) on Sundays and Bank Holidays; the spa and swimming pool shall only be open between 0600-2200 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 14 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 15 You must apply to us for approval of details of the ventilation system to get rid of fumes, 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. (C14BB)

Reason:

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

- 16 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 (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 17 (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 (July 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.

- 18 (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 (July 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.

- 19 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.

- 20 (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 (July 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.

- 21 An air quality assessment of the CHP must be submitted to us for approval. You must not commence development on the relevant part of the development until we have approved what you have sent us. You must then install the CHP according to the approved details and thereafter retain it.

Reason:

To ensure that the development satisfies air quality standards.

- 22 You must provide the waste store shown on drawing 098-PP before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel, restaurants, retail, offices & private member's club. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 24 You must apply to us for approval of a Servicing Management Plan prior to occupation. The plan should identify process, internal storage locations, scheduling of deliveries, staffing and a clear process for managing coach party arrivals and departures. You must not commence the hotel, restaurant and private members club use until we have approved what you have sent us. The SMP 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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 25 Any structure (including awnings, canopies and signage) over the footway (highway) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the existing kerb edge.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of

Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 26 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 27 Notwithstanding what is shown on the submitted drawings, no external tables and chairs on the highway are approved as part of this application.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 28 **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 (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 29 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method

statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. You are advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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 (July 2016), Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 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 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)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 The term 'clearly mark' in condition 22 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 5 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)

- 6 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)
- 7 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)
- 8 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)
- 9 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)

- 10 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.

- 11 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.

- 12 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 13 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 14 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 15 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 16 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. You will be required to demonstrate what measures you will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.
- 17 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i) a Site Environmental Management Plan (SEMP)
 - ii) a financial contribution of £105,000 to the Council's Environmental Inspectorate to monitor compliance with the SEMP for the duration of the demolition and construction works
 - iii) an employment and training opportunities strategy
 - iv) an Operational Management Plan for the hotel, private members club and restaurants
 - v) necessary highway works including the creation of an on-street loading bay in Exeter Street and changes to on-street parking and loading restrictions. The works to be carried out prior to the occupation of the hotel.
 - vi) alterations to the TfL cycle hire docking station on Tavistock Street. The works to be carried out prior to the occupation of the hotel.
 - vii) costs of monitoring

DRAFT DECISION LETTER

Address: 25 - 31 Wellington Street, London, WC2E 7DD,

Proposal: Repair and refurbishment of 14 Burleigh Street, 15 Exeter Street and Burleigh House, 22 Tavistock Street; replacement roof to Burleigh House all in connection with the redevelopment behind the partially retained facades of 25-31 Wellington Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street to provide a ground plus part 8 storey, part 7 storey, part 4 storey, part 3 storey, part 2 storey building plus two basement levels for use as a Hotel (Class C1) with ancillary spa, Restaurants (Class A3), Retail (Class A1), Private Members Club (Sui Generis), and Office (Class B1) (Site includes 25-31 Wellington Street, 22 Tavistock Street, 24-28 Tavistock Street, 13-14 Exeter Street, 12 Burleigh Street, 14 Burleigh Street and 15 Exeter Street.)

Plan Nos: Gerald Eve letter dated 8 April 2016 and Planning Statement April 2016; KPF Design and Access Statement April 2016; Peter Stewart Consultancy Townscape and Visual Impact Assessment April 2016 and Heritage Assessment April 2016; Museum of London Archaeology Historic Environment Assessment April 2016; WSP Transport Statement April 2016; Sandy Brown Acoustic report June 2016; Delva Patman Redler Daylight and Sunlight Assessment May 2016; WSP Parsons Brinkerhof Energy Statement July 2016 and Sustainability Appraisal April 2016; AECOM Air Quality Assessment V3 April 2016 and Technical Note 15.6.16; WSP Parsons Brinkerhof Waste Management Strategy April 2016; Heyne Tillet Steel Flood Risk Assessment April 2016 and Surface Water Management report April 2016; Volterra Economic Statement April 2016; David Bonnett Associates Access Statement April 2016; Four Communications Statement of Community Involvement April 2016; FOR INFORMATION PURPOSES ONLY: Heyne Tillet Steel Structural Methodology Statement April 2016; McLaren Construction Management Report April 2016; CapCo and BD Hotels Draft Operational Management Statement July 2016; As existing drawings: P-010-EX, P-011-EX, P-020-EX, P-021-EX, P-024-EX, P-030-EX, P-031-EX, P-098, 099, 100, 101, 102, 103, 104, 105, 150-EX, P-200-EX, P-201-EX, P-202-EX, P-203-EX, P-250, 251, 252, 253-EX, P-300, 301, 302-EX, P-350, 351, 352, 353, 354, 355, 356-EX, 360, 361, 362, 363-EX, P-380, 381, 382, 383, 384-EX.

As proposed drawings: P-020-PP, P-021-PP, P-024-PP, P-097, 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 108, 150-PP, P-160-PP, P-200, 201, 202, 203-PP, P-250, 251, 252, 254, 255, 256-PP, P-300, 301, 302-PP, P-350, 351, 352, 353, 354, 355, 356, 360, 361, 362, 363-PP, P-380, 381, 382, 383, 384-PP, P-400, 401, 402, 403, 404-PP, P-410, 411, 412-PP, P-450, 451, 452, 453-PP.

Case Officer: Amanda Jackson

Direct Tel. No. 020 7641 2934

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of a sample of the following parts of the development - roof slate on 15 Exeter Street. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 15 Exeter Street:
 - i) Second floor wc design and installation,
 - ii) Floor strengthening,
 - iii) Works to vaults,

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works according to the approved plans.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 14 Burleigh Street:

- i) Basement level courtyard door,
- ii) Secondary glazing,
- iii) Dumb waiter design and location,
- iv) Service penetrations,
- v) Floor strengthening,

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works according to the approved plans.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

7 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development in relation to 22 Tavistock Street:

- i) Windows including glazing,
- ii) Typical dormer types,
- iii) Entrance door,
- iv) Domed roof construction,
- v) Reconstructed balustrade,
- vi) Roof level plant,
- vii) Secondary glazing,

viii) Floor strengthening,

You must not start works on these parts of the building until we have approved what you have sent us. You must then carry out the works according to the approved plans.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 With regard to Condition 7iii) you are advised that the proposed glazing should be of minimal dimensions. Standard double glazing may not be considered acceptable. A 'sandwiched' pane that is constructed of two panes bonded together is recommended.
- 3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Warwick	
Subject of Report	Development Site At 3-5, 11-19, 25-27 ECCLESTON PLACE AND 115A EBURY STREET, LONDON, SW1		
Proposal	Use of ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis use); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street.		
Agent	Justin Quiney		
On behalf of	Grosvenor Estate		
Registered Number	16/03582/FULL	Date amended/ completed	20 April 2016
Date Application Received	20 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

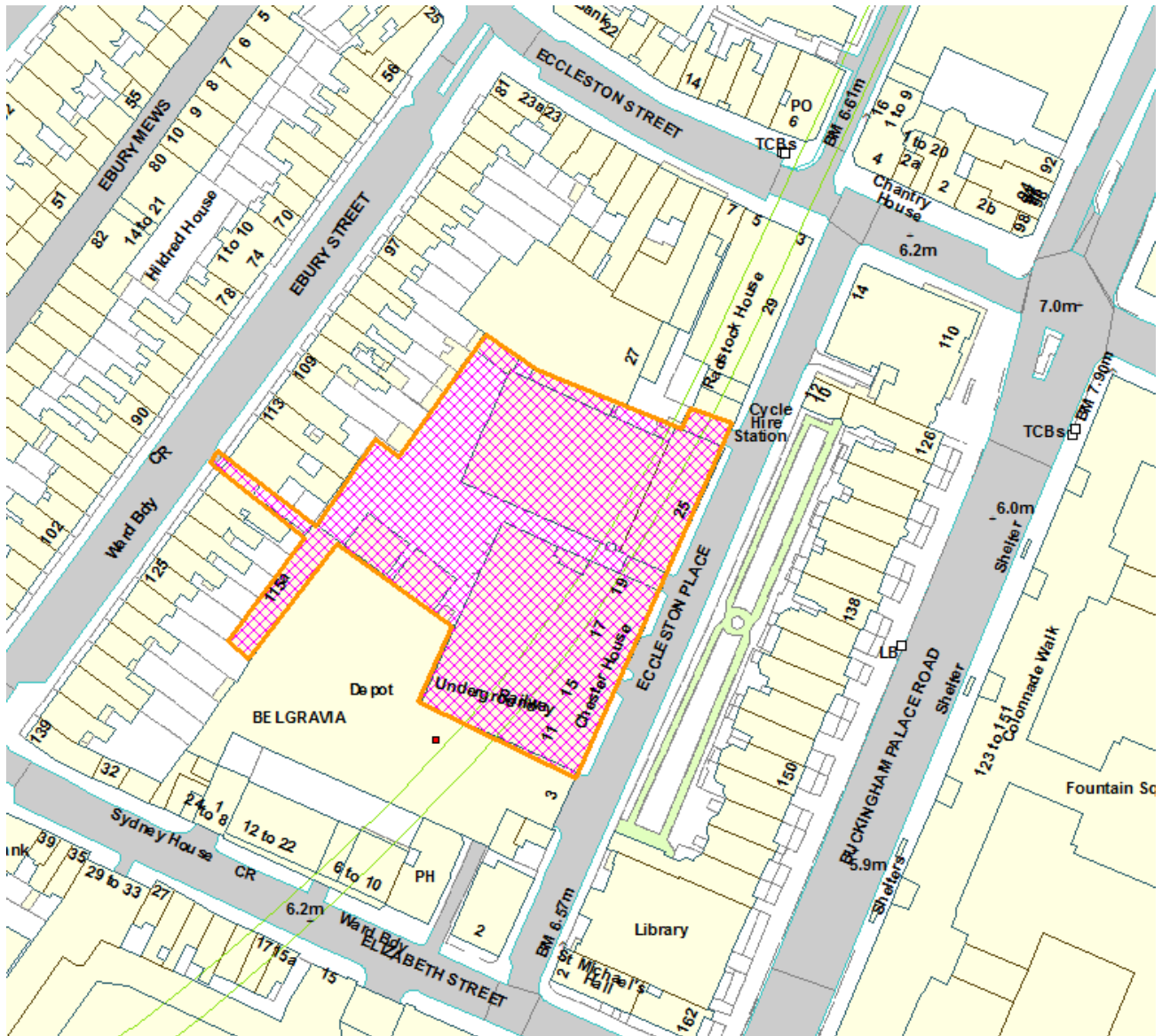
Grant conditional permission.

2. SUMMARY

The site comprises a group of buildings and commercial parking area bounded by Eccleston Place, Victoria Coach Station and the rear boundary of properties on Ebury Street. The proposals involve the creation of a new 'courtyard' space (from the car parking area) surrounded by retail and restaurant uses, with pedestrian access from Eccleston Place and Ebury Street. New retail units are also proposed along Eccleston Place.

Whilst the application has attracted objections on amenity grounds, it is considered acceptable in land use, design and amenity terms. The recommended conditions are considered to impose sufficient control on the land uses to reduce the impact on the amenity of local residents.

3. LOCATION PLAN



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4. PHOTOGRAPHS



25 Eccleston Place (with Chester House to far left)



Chester House



Proposed entrance to courtyard (between 25 Eccleston PI and Chester Hse)



View of rear car park (to be converted to courtyard – giraffe sheds to left)



From car park looking towards entrance from Eccleston Place



Rear of 25 Eccleston Place

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

BELGRAVIA SOCIETY

In general no objection in principle, but concern about the amenity of nearby residents. Deliveries should not be permitted before 8am; all premises should be required to shut by midnight. The security proposals are inadequate – there should be 24 hour CCTV and security guards to ensure that there is no anti-social behaviour. Public seating should be designed to discourage rough sleepers. Suitcases/trolleys should be banned from the courtyard, suggest a left luggage space is made available at the site. They suggest a series of conditions in relation to security, rubbish collection, smoking, street furniture, servicing and access, plant, licensing and luggage (please see full response in the representations for detail).

CROSS LONDON RAIL LINKS

No comment.

LONDON UNDERGROUND LTD

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to recommended conditions.

CLEANSING

No objection in principle, further detail required on location of each bin.

HIGHWAYS PLANNING MANAGER

No objection in principle, however requires amendments to the cycle parking and clarification regarding servicing hours.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 322

Total No. of replies: 2

No. of objections: 1

No. in support: 2

The letter of objection from a nearby resident raises amenity issues in relation to the potential noise and disturbance from entertainment uses in the courtyard in close proximity to rear bedrooms on Ebury Street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises a group of buildings in the ownership of the Grosvenor Estate, with their main frontage to Eccleston Place and includes a car park/courtyard which abuts the rear gardens of several properties on Ebury Street. The site is within the Belgravia conservation area and comprises the following buildings:

25 Eccleston Place – to the northern boundary of the site, an attractive red brick Victorian building built in 1880 for the Westminster Electric Supply Company. It comprises 3 storeys of offices. It has a later 20th century extension to the rear.

Chester House – an early 20th Century building over 4 storeys comprising office and commercial car parking at ground/lower ground levels with part residential/part office at first floor and residential at second and third floors. Chester House was originally built to accommodate workers from the Westminster Electricity Supply Company. It also contains a substation.

Courtyard – a backland area of hardstanding currently used as commercial car parking which also contains several semi-open structures known as ‘Giraffe Sheds’ to the site’s southern boundary with Victoria Coach station. These sheds are not in any use at present. This area is currently accessed from Eccleston Place between Chester House and no. 25.

115A Ebury Street – a single storey building sitting to the rear of residential properties on Ebury Street, accessed via a passageway beneath 117 Ebury Street. It’s last known use was a printing workshop (Class B1c) but is currently being used as a site office by the applicant in connection with works on another site.

Victoria Coach Station is immediately to the south of the site, and the surrounding area is very mixed in character, with predominately commercial uses at ground floor with either offices or residential on upper floors. To the rear of the site lies Ebury Street, which is largely residential in use. With the exception of 115A Ebury Street, the rest of the site lies within the Victoria Opportunity Area and Core Central Activities Zone as defined by the City Plan.

6.2 Recent Relevant History

There have been various permissions on each building for minor works.

Of note, a planning permission in 1994 granted an unrestricted office use for the entire building at 25 Eccleston Place. The last permission relating to 115A Ebury Street was for it’s use for the storage and repair of printing machinery in 1975.

July 2016 – permission was granted at Radstock House (Eccleston Place) for a restaurant and retail use at ground floor level.

7. THE PROPOSAL

The proposals involve forming an active retail frontage along Eccleston Place, and bringing the ‘courtyard’ area into use by forming retail/restaurant units in the Giraffe Sheds and converting the other buildings surrounding the courtyard into active use in the form of retail units, a gym and a restaurant. A new pedestrian access to the courtyard area is

proposed from Ebury Street by opening up the boundary wall to 115A which enables the existing access to 115A to be linked to the courtyard. It is also proposed to form a new 'events' space on the ground floor of Chester House. Vehicular access is maintained as existing from Eccleston Place for servicing purposes, but the primary aim is to maintain the courtyard as a pedestrian destination.

The physical works proposed are relatively light-touch and include new shopfronts to Eccleston Place and the elevations surrounding the courtyard, as well as works to the courtyard itself to improve the pedestrian environment. The Giraffe Sheds will effectively be enclosed by installing glazed 'shopfronts' and will each have a mezzanine level set 1.5m back from the shopfront.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed disposition of uses is as follows:

25 Eccleston Place: Two new retail (A1) units are formed to the Eccleston Place frontage either side of the existing office entrance. On the return elevation on the passageway leading to the courtyard, three retail (A1) units are formed with entrances from the passage. To the rear of the building a new gym is proposed with access from the rear (courtyard).

Chester House – the Eccleston Place frontage is reconfigured to provide 5 new A1 retail units, one with access from the passageway and the remaining 4 accessed from Eccleston Place. A new A3 restaurant is proposed at the rear of the building with a long frontage to the courtyard. In the central ground floor space currently occupied by the commercial parking, a new events space (sui generis) is proposed. It has access from Eccleston Place and the passageway but no street frontage.

Giraffe Sheds – these are converted to a flexible (dual) A1 or A3 use.

115A Ebury Street and adjacent single storey structure – this is converted to an A1 retail unit.

Summary table (Gross External Area in square metres):

Use	Existing	Proposed	Net change
Office and light industrial (B1 and B1c)	3679	1312	-2367
Retail (Class A1)	0	1453	+1453
Restaurant (A3)	0	393	+393
Flexible A1/A3 – 'Giraffe Sheds'	0	322	+322
Gym (Class D2)	0	490	+490
Event space (sui generis)	0	662	+662

Commercial car parking (sui generis)	719	0	-719
Plant	0	76	+76
Substation	78	38	-40
Total	4476	4746	+270

In land use terms, policies S1, S4, S6, S18, S20 and S24 of the City Plan are most relevant. S1 relates to mixed use in the Central Activities Zone, stating that within CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted. S4 specifically relates to the Victoria Opportunity Area, stating that there should be a mix of uses on all development sites, including active frontages at ground floor level. S6 (Core CAZ) notes that retail is encouraged throughout Core CAZ. S18 relates specifically to commercial development, which is encouraged and directed to Opportunity Areas and the Core CAZ. S20 supports office growth, but makes it clear that the change of use of offices to other commercial uses is acceptable in principle. Policy S24 sets out the Council's strategic planning policy in relation to new entertainment uses. New uses must be appropriate in terms of the type and size of use, scale of activity and relationship to any existing concentrations of entertainment uses. They should not negatively impact amenity, health and safety, the character and function of the area or local environmental quality. UDP Policies TACE8, 9 and 10 provide detailed guidance according to their location and size.

Offices

The loss of the B1 office and light industrial floorspace is acceptable as the City Plan does not protect it in this location provided it is replaced by other suitable commercial uses.

Retail

The proposed retail units are welcomed and supported by all policies outlined above. They will provide an active frontage to this part of the Core CAZ which currently does not provide any animation or activity at street level. The retail operating hours are proposed to be 10.00 – 18.00 Monday to Friday and 10.00 – 16.00 Sunday.

Entertainment uses

The proposed restaurant unit to the rear of Chester House bordering the courtyard comprises 393 square metres, whilst the units contained in the Giraffe sheds could potentially add another 322 square metres, totalling 715 square metres in restaurant use if all the Giraffe Sheds were to be used for restaurant purposes. In addition, the proposed 'events space' within Chester House comprises 662 square metres. This is a significant amount of floorspace potentially dedicated to entertainment type uses.

The proposed operating hours are as follows:

0900 – 23.30 Monday to Wednesday.
 0900 – midnight Thursday to Saturday.
 1000 – 2230 Sunday.

The principal 'anchor' restaurant to the rear of Chester House is considered an appropriate use to animate the courtyard and will provide an attractive place to sit and appreciate the new open space. It is set some distance away (approximately 30m) from

the boundary with the properties on Ebury Street. The main shopfront to this restaurant is shown as being openable; it is recommended a condition is attached requiring the shopfront to be fixed shut after 2300 hours, and for patrons to use the entrance/exit onto the Eccleston Place passageway.

Turning to the Giraffe Sheds, the potential for them all to be used for restaurant purposes is considered to over-intensify the entertainment use of the site and would potentially increase noise and disturbance to residents given they are in closer proximity to the rear of the Ebury Street properties than the other entertainment uses on site. A condition requiring a maximum of two of the 'giraffe shed' units to be used as A3 restaurants at any one time is recommended, to reduce the potential amenity impact on neighbouring properties during the evening.

The events space is accessed from the passageway leading onto Eccleston Place. It is beneath some of the residential units in Chester House, but the first floor offices do provide a 'buffer' between this space and the majority of flats in this building. The applicants state that the number of patrons using the event space would never exceed 150. Given that this space is slightly removed from the courtyard (and therefore a significant distance from residential properties on Ebury Street) and would be accessed from the passageway, it is not considered that the proposed events space would have an unacceptable impact on the amenity, character or function of the area. The space is acceptable in policy terms subject to the recommended conditions restricting the number of patrons (maximum 150), hours of operation and operational management plan.

There is no reason to presume that, with suitable management procedures in place, the new uses would result in littering or pollution of the public realm. A condition is recommended requiring the applicant to provide an updated detailed Operational Management Statement to be agreed with the City Council before any of the units are occupied. The management statement will need to include arrangements for external tables and chairs, maintenance, cleansing and public access to the public realm area, measures to reduce impact on local residents, smoking, taxis and security arrangements.

It is accepted that there would be a degree of impact on amenity of existing residents in terms of introducing greater activity from comings and goings to and from the restaurants during the evening. The restaurants in particular would result in increased pedestrian movements in the evening which contrasts with typical patterns associated with the current land uses across the site. Existing residents overlooking the site from Ebury Street in particular are likely to notice the change. That said, however, there are considered to be sufficient measures in place in terms of restricting the hours of operation, requiring an updated operational management plan, closing the Ebury Street pedestrian entrance after 2300 hours, and restricting the number of Giraffe Sheds that can potentially be used as restaurants. It is not considered that the proposed arrangement would result in significant social harm that would be contrary to the overarching principle of the NPPF to promote sustainable development. There is considered to be public benefit in the creation of a new courtyard with uses which benefit the surrounding community, and as such the application is considered acceptable in terms of policies S24 and TACE10.

Gym

The proposed gym is located to the rear of 25 Eccleston Place, accessed via the courtyard. It comprises 490 square metres (GEA). As well as policy S18, policy S34 of

the City Plan is also applicable, stating that new social and community uses will be encouraged throughout the City. SOC 1 of the UDP is also relevant, requiring community facilities to be located as near as possible to the residents they serve, not to harm the amenity of the surrounding area and be easy to reach on foot, cycle and public transport. The proposed gym is considered to be an appropriate use for this part of the site and will provide an easily accessible facility for residents and local workers alike. The proposed operating hours are 0600 – 2000 Monday to Friday, 0700 – 2000 Saturday and 0800 – 2000 Sunday.

It is recommended that conditions are imposed restricting its hours of operation, capacity and to restrict its use as a gym within Class D2 (i.e. not permitting a change to other D2 uses such as a cinema or concert hall which may not be appropriate in terms of their impact on the area and amenities).

8.2 Townscape and Design

None of the buildings within the site are listed, but no. 25 Eccleston Place and Chester House are both identified as unlisted buildings of merit in the Draft Belgravia Conservation Area Audit. Both properties have attractive facades to Eccleston Place, though their rear and return elevations are less distinctive with plain architectural detailing and little architectural merit. The other buildings are confined to the central, backland part of the site and are generally undistinguished architecturally.

The proposed alterations to the facades within the central part of the site surrounding the courtyard are considered to be improvements in terms of their design quality and the contribution they make to the new central open space, which has the potential to be an attractive space in its own right. The alterations to the street façade of 25 Eccleston Place and Chester House are primarily to allow for the introduction of retail units which will provide a more active frontage than presently exists. The brick arches on the northern and southern ends of the Eccleston Place façade of no. 25 will be opened to form two new retail shopfronts. The alterations to Chester House involve the removal of the unsightly garage doors and brick infill to the ground floor and replacement with new “period style” shopfronts that are appropriate to both the building style and local conservation area context.

In design and conservation terms the proposal is considered to be an enhancement to the character of the buildings and the character and appearance of the Belgravia Conservation Area.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

There are several residential properties on Ebury Street that have rear windows overlooking the site, with rear gardens backing onto the north side of the courtyard. There are also residential flats on the upper floors of Chester House (also owned by the applicant), as well as on the corner of Eccleston Place and Eccleston Street.

There are no alterations proposed which would have any impact on existing residents in terms of loss of light or sense of enclosure.

The proposed retail, restaurant and gym uses surrounding the courtyard are largely contained at ground floor level and it is not considered that this would cause any sense of 'overlooking' to the rear of neighbouring properties on Ebury Street given the height of the boundary wall. The first floor mezzanine level within the giraffe sheds is considered to be sufficiently set back within the units and is at an oblique angle to the rear boundaries of the Ebury Street properties. It is not considered that this would present an opportunity for overlooking.

The main issue in terms of the impact of the proposals on surrounding residents is the increased activity within the courtyard and the impact of the activity associated with the entertainment uses, particularly during the evening, as well as servicing in the early morning. As discussed in section 8.1 of this report, the proposed uses are considered acceptable in amenity terms. The suggested conditions impose control over the operation of entertainment uses, and are considered to be as far as we can reasonably go in protecting the amenity of local residents.

8.4 Transportation/Parking

Access

Pedestrian access to the courtyard is via Eccleston Place and Ebury Street, the intention being to have open access during the day but gated and closed at night. There will be no vehicular access via Ebury Street and the gates will close by 23.00 daily. The Eccleston Place access is wide enough for servicing vehicles (transit type vans) and the proposal is to allow vehicular access between 0700 to 1000 for servicing and pedestrian access all day. The Eccleston Place gates are intended to close at midnight. These arrangements are acceptable and will be controlled by conditions.

Car Parking

No car parking is proposed, in line with our policies. The highways planning manager does not have any objection to the loss of the existing commercial parking either in the courtyard or the area of Chester House intended for the flexible events space.

Cycle Parking

The applicant states that 50 cycle parking spaces are provided in line with London Plan (2016) requirements, which are more stringent than the standards set out in our UDP. The plans indicate that the bulk of this is provided in the courtyard, though there is little detail. The applicant states that there will also be cycle parking available opposite the site in 110 Buckingham Palace Rd (also owned by them). All cycle parking should be provided on site. An amending condition is recommended to this effect and to require further detail on the cycle parking within the courtyard.

Servicing and deliveries

Servicing is the main issue for this site in highways terms. Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street.

The proposals involve a combination of servicing from the courtyard and on-street from Eccleston Place. Servicing from the courtyard is proposed between the hours of 0700 to 1000 (revised from 0600 to 0900). No servicing will take place from Ebury Street.

The Highways Planning Manager welcomes the use of the courtyard for servicing, though there is concern that the relatively narrow access will mean that fewer vehicles will be able to enter and leave than is currently estimated by the applicant, and consequently there will be more on-street servicing than envisaged in the Transport Assessment. There is, however, considered to be sufficient single yellow line space on Eccleston Place to allow sufficient space for servicing. In all, provided there is a detailed servicing management plan in place, it is considered that the development could successfully be serviced through a combination of on-street and courtyard servicing. As discussed in Section 8.3, the earliest servicing should take place is 7am due to the potential amenity impact on surrounding residents.

It is acknowledged that it would be difficult to accommodate off-street servicing alongside a new pedestrian route and courtyard whilst maintaining a suitable environment for pedestrians walking through from Eccleston Place to Ebury Street or seeking the quiet enjoyment of the courtyard area itself. As such, it is recommended courtyard servicing is restricted to between 0700 to 1000. In terms of the proposed retail units, it is considered that a supermarket in this location is likely to generate servicing of increased frequency/dwell times than allowed for in the Transport Assessment, and it is considered reasonable to restrict the occupation of the retail units to non-food retailers. It is recommended the servicing management plan is secured by condition.

8.5 Economic Considerations

The application prompts a Mayoral CIL payment of approximately £10,900.

8.6 Access

Level access is provided to all the proposed units. Due to level changes to the rear of 25 Eccleston Place, a platform lift will be provided internally to the 3 retail units accessed from the passageway.

8.7 Other UDP/Westminster Policy Considerations

Plant

There is heating/cooling plant and extraction proposed with the application to serve the commercial units. A plant enclosure is proposed on the roof of Chester House, and at 25 Eccleston Place on the west and south east sides of the roof. Environmental Health officers are satisfied with the details provided subject to appropriate conditions and hours of operation to ensure the amenity of nearby residents is protected. The application is considered to comply with ENV 6 and 7 in this respect.

Refuse /Recycling

A centralised refuse/recycling store is provided at the rear of Chester House. The cleansing manager is satisfied with the size and location of the store, though has requested bins are marked up on the drawings.

Trees, landscaping and biodiversity

There are no protected trees on site, though there is a tree in the rear garden of no. 115 Ebury Street which slightly overhangs the site – the agreement of the City Council and the owner of the land will need to be sought for any pruning to the tree. The drawings show a green wall to the boundary of the site with the Ebury Street properties. This is welcomed from a biodiversity perspective but there is little detail provided with the application; it is recommended conditions are attached requiring details. The detailed landscaping of the courtyard is also reserved by condition as there is little information provided with the application.

Sustainability

The application is considered to have a fundamentally sustainable approach in that the existing buildings are re-used. The applicants state that the fit out will include high performance insulation and thermally efficient windows. No on-site renewables are proposed, however it is acknowledged that the configuration of the buildings and roof space may make this difficult. There are already photovoltaics to the roof of Chester House. Given the overall energy efficiencies and the retention of existing buildings as well as the opportunities provided for improving biodiversity/greening of the site, the application is acceptable in this respect.

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

The application does not trigger any planning obligations.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an environmental assessment pursuant to the 2011 EIA regulations. Other environmental matters have been dealt with in Section 8.7.

8.12 Other Issues

Crime and security

The courtyard will be a private space managed by the applicant, though publicly accessible during the retail/restaurant operating hours. The gates to both entrances are intended to be closed overnight (Ebury Street entrance closed from 2300 and Eccleston Place entrance closed after midnight). There will be a central security office operating when the courtyard is open. The comments of the Belgravia Society regarding the extent of security controls are noted, however it is considered that some of the measures suggested fall beyond the bounds of planning control. The recommended conditions are considered necessary and reasonable in enabling the development to be acceptable in planning terms.

9. BACKGROUND PAPERS

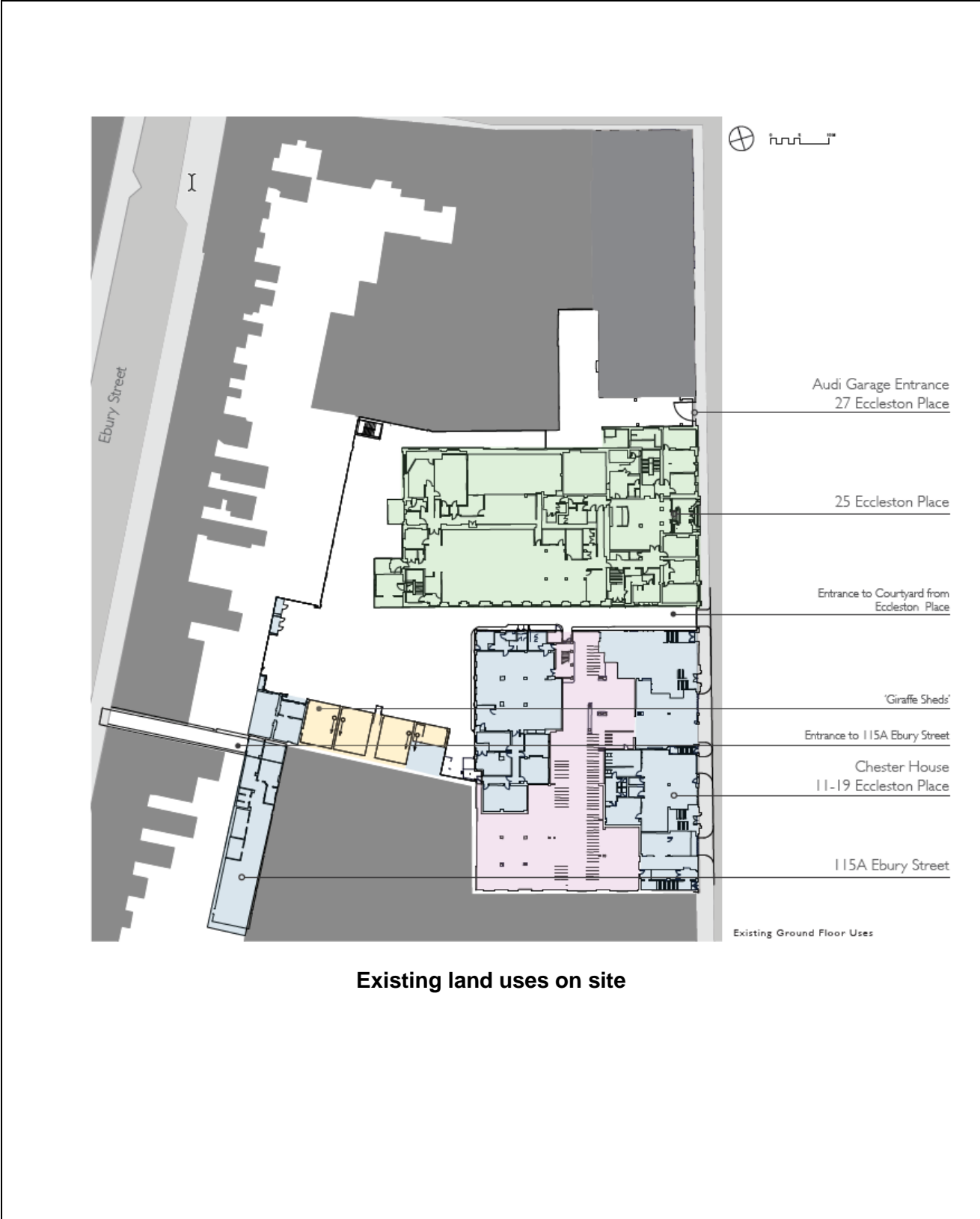
1. Application form.
2. Letter from Crossrail dated 26 May 2016.
3. Letter from occupier of 28 Mount Street, London W1K 2RU, dated 3 June 2016
4. Letter from the Belgravia Society, dated 15 June 2016.
5. Response from the occupier, 105 Ebury Street dated 8 July 2016.
6. Letter from Victoria BID dated 22 July 2016.
7. Memorandum from Environmental Health dated 16 May 2016.
8. Memorandum from Cleansing dated 9 May and e-mail dated 27 June 2016.
9. Memorandum from Highways Planning Manager dated 22 July 2016.

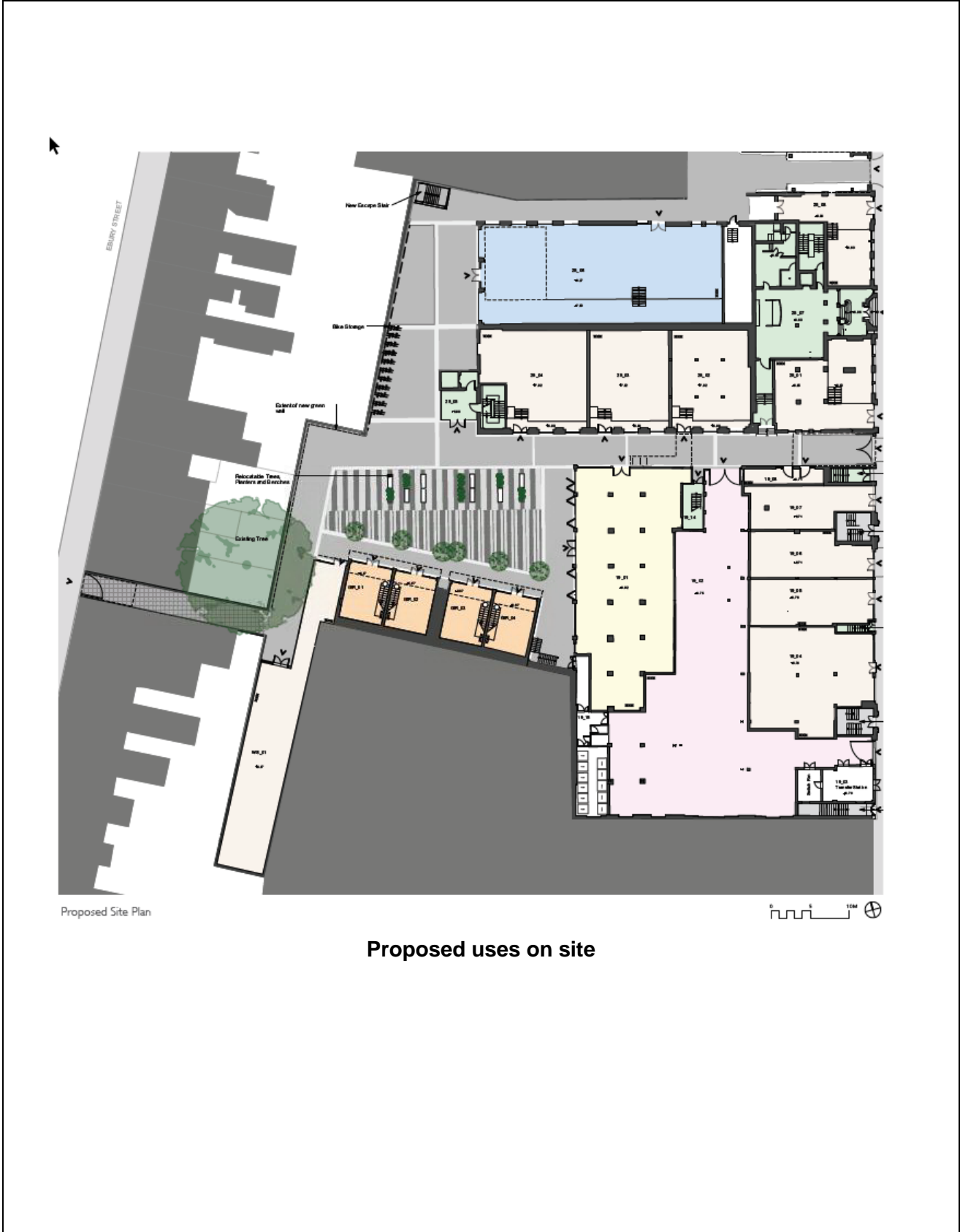
Selected relevant drawings

(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 MATTHEW MASON BY EMAIL AT southplanningteam@westminster.gov.uk

10. KEY DRAWINGS





Proposed uses on site



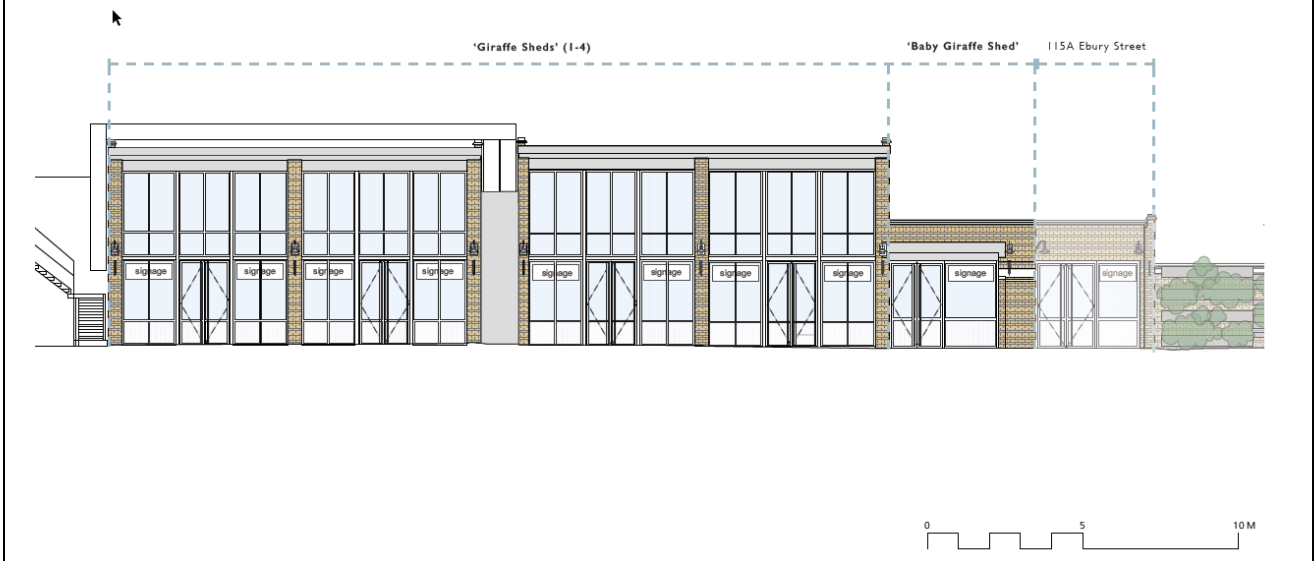
25 Eccleston Place proposed elevation



Chester House proposed elevation



Proposed rear elevation of 25 Eccleston Place (gym entrance)



Proposed 'giraffe sheds' elevation

DRAFT DECISION LETTER

Address: Development Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury Street, London SW1, ,

Proposal: Use of the ground floor of 25 Eccleston Place for retail purposes (Class A1) and fitness centre (Class D2); use of ground floor of Chester House (11-19 Eccleston Pl) for retail purposes (Class A1), restaurant use (Class A3) and indoor flexible event space (Sui Generis); associated physical works at ground floor level and creation of shopfronts; relocation of substation; change of use of the courtyard 'giraffe sheds' to provide flexible retail / restaurant uses at ground and mezzanine levels (flexible Class A1 / A3) and associated physical works including shopfronts; change of use at 115A Ebury Street to provide retail use (Class A1) and associated physical works, shopfronts and provision of access to the inner courtyard via 115A Ebury Street.

Plan Nos: 961_LP_01A; 961_GIR_DE_E_01A; E_02A; E_03A; E_04A; P_GFA; 961_25_DE_E_01A; E_02A; E_03A; E_04A; P_GFA; 961_19_DE_E_01A; E_02A; E_03A; P_GFA; P_01A; 961_GIR_EE_01A; EE_02A; EE_03A; EE_04A; EX_GFA; EX_RFA; EX_WLA; 961_25_EE_01A; EE_02A; EE_03A; EE_04A; EX_GFA; EX_RFA; 961_19_EE_01A; EX_01A; EX_GFA; EX_RFA; 961_GIR_GE_01A; GE_02A; GE_03A; GA_GFA; GA_RFA; GA_WLA; ED_01A; 961_25_GE_01A; GE_02A; GE_05A; GE_06A; GA_GFA; ED_01A; ED_02A; 961_19_GE_01A; GE_02A; GE_03A; GE_04A; GA_01A; GA_GFA; GA_RFA; ED_01A; ED_02A; 961_SP_02A; Acoustic Report (EEC April 2016); Vent Extraction Statement (Edward Pearce, April 2016). Supporting documents - Transport Statement and Delivery and Servicing Plan (JMP, April 2016); Design and Access Statement (Buckley Gray Yeoman, April 2016); Energy Statement (Sturgis Carbon Profiling, April 2016); Operational Management Plan, Statement of Community Involvement.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 You must apply to us for approval of drawings of the following parts of the development;
- i) any new windows at a scale of 1:10
 - ii) any new gates/doors at a scale of 1:10
 - iii) the vertical fins
- 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 works according to these details.

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 Belgravia Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 5 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 on the relevant part of the development until we have approved what you have sent 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 three 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 S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 6 You must only use the part of the property (rear ground floor of 25 Eccleston Place as labelled on

drawing 961_25_GA_GF rev A) we have approved as a gym for that purpose. You must not use it for any other purposes, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class D2 because it would not meet SOC1 and ENV6 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 7 Customers shall not be permitted within the Class D2 gym premises before 0600 or after 2200 hours each day.

Reason:

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

- 8 Customers shall not be permitted within the Class A1 retail premises before 0800 or after 2000 hours each day.

Reason:

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

- 9 Customers shall not be permitted within the Class A3 restaurant uses or the event space (sui generis)
before 0900 or after 23.30 Monday to Wednesday
before 0900 or after midnight Thursday to Saturday.
before 1000 or after 2230 Sundays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 The Class A3 restaurants shown on the approved drawings at ground and basement level shall only be used as sit-down restaurants with waiter service. You must not use any part of these as a separate bar, or for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (July 2016) and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 11 Prior to the occupation of any parts of the development, you shall submit and have approved in writing by the local planning authority, a detailed Operational Site Management Plan and you must then carry out the measures included in your Plan at all times unless as otherwise agreed in writing by the City Council as local planning authority.

The plan shall include arrangements for external tables and chairs, maintenance, cleansing and public access to the public realm area, measures to reduce impact on local residents, smoking, taxis and security arrangements.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 The courtyard shall be open to pedestrians and have public access between the hours of 0700 to midnight daily. The Ebury Street entrance shall be closed by 2300 hours and the Eccleston Place entrance closed by midnight.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007.

- 13 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a supermarket).

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing.

You must not occupy any part of the buildings until we have approved what you have sent us.

The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

(R23AC)

- 15 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 16 All servicing from the courtyard must take place between 0700 to 1000 on Monday to Saturday and 0800 to 1000 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

- 17 You must apply to us for approval of details of secure cycle storage for each use hereby approved. 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.

- 18 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the development. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 19 There shall be no vehicular access to the courtyard from Ebury Street.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

20 All vehicles must enter and exit the site in forward gear.

Reason:

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

21 (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 (July 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.

- 22 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.

- 23 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.

- 24 You must apply to us for approval of the ways in which you will protect the tree to the rear of 115 Ebury Street. 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.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 25 Any external tables and chairs provided in the courtyard for patrons of the retail, restaurant, events space or gym shall only be in place between the hours of 0800 to 2300.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 26 The shopfront to the Class A3 restaurant unit to the rear of Chester House shall be fixed shut after 2300 each day, and customers shall use the entrance from the passageway to enter and leave the restaurant after this time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 27 At least two of the four units contained in the 'giraffe sheds' must be in A1 retail use at any one time.

Reason:

To ensure a suitable mix of uses is maintained across the site in line with the aims of S1, S4 and S6 of Westminster's City Plan (July 2016) and to prevent an over-concentration of entertainment uses which would be contrary to S24 of Westminster's City Plan (July 2016) and TACE10 of our Unitary Development Plan (January 2007).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 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 In submitting details in relation to condition 5, full details of the 'green wall' should also be included.
- 3 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.

- 4 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. (182AA)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 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.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	Development Site At 117 - 125 Bayswater Road, 2 - 6 Queensway, Consort House And 7, Fosbury Mews, London.		
Proposal	Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House.		
Agent	Mr Nick Delaney, GVA		
On behalf of	Bayswater Road (Holdings) LTD		
Registered Number	15/10671/FULL	Date amended/ completed	4 December 2015
Date Application Received	9 November 2015		
Historic Building Grade	Unlisted		
Conservation Area	Queensway Adjacent to Bayswater and Royal Parks Conservation Areas.		

1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee agree to a phased payment of the affordable housing contribution triggered by the sale or occupation of numbers of residential units (whichever is the earliest) and a delay in the provision of public art.
2. Subject to 1.above, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
 - a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :
 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)
 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the

completion of the sale of the 20th residential unit (whichever is the earliest)

3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)

4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)

b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);

c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);

d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);

f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;

g) Dedication of Highway at no cost to the City Council prior to occupation;

h) The costs of monitoring the S106 legal agreement.

3.If the S106 legal agreement has not been completed within six weeks from of the date of the Committee's 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; however, if not

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

2. SUMMARY

This planning application for the redevelopment of the site was reported to the Planning Applications Committee on 12th April 2016. Due to the nature of the officer's recommendation to Committee, a draft decision notice was not reported. Committee resolved that planning permission be granted subject to conditions, a S106 legal agreement and the concurrence of the Mayor. Furthermore, it was agreed that draft conditions and heads of terms be agreed with the Chairman under delegated powers.

The report to committee dated 12th April 2016 and officer's subsequent delegated report detailing conditions and heads of terms were sent to the Mayor seeking his concurrence to the City Council's resolution (stage 2 referral). Following negotiations between the Mayor and the applicant a revised financial contribution of £11m as a payment in lieu of affordable housing was offered by the applicant. Subsequently the Mayor in his letter of 18th July 2016 has given his agreement for the City Council to determine the application itself.

Following discussions on the S106 legal agreement, the applicant has now requested that consideration be given to a phased payment of the affordable housing contribution and a delay in the provision of public art. Our usual trigger is to require full payment on commencement of the development and provision of public art before occupation. The applicant is seeking to pay the affordable housing contribution in four phases and to delay the provision of public art, as set out under a) and c) below.

S106 Heads of Terms

The following are proposed to be secured through a S106 legal agreement. Parts a) and c) are shown as proposed in bold.

a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :

- 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)**
- 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 20th residential unit (whichever is the earliest)**
- 3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)**
- 4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)**

b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);

c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);

d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);

f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;

g) Dedication of Highway at no cost to the City Council prior to occupation;

h) The costs of monitoring the S106 legal agreement.

Apart from the proposed phased payment of affordable housing contribution and delay in provision of public art, no other changes are proposed to the proposed heads of terms set out.

The applicant's justification for this request is that there has been a number of changes in circumstances since committee's resolution to grant permission in April 2016, as set out below:-

- The City Council has introduced its Community Infrastructure Levy (CIL) which it is estimated will require a contribution of £4,052,000.
- The Mayoral Crossrail charge has risen due to indexation to £680,000.
- The increase in affordable housing contribution from £8.5m to £11m
- Uncertainties in the financial and debt markets due to Brexit.

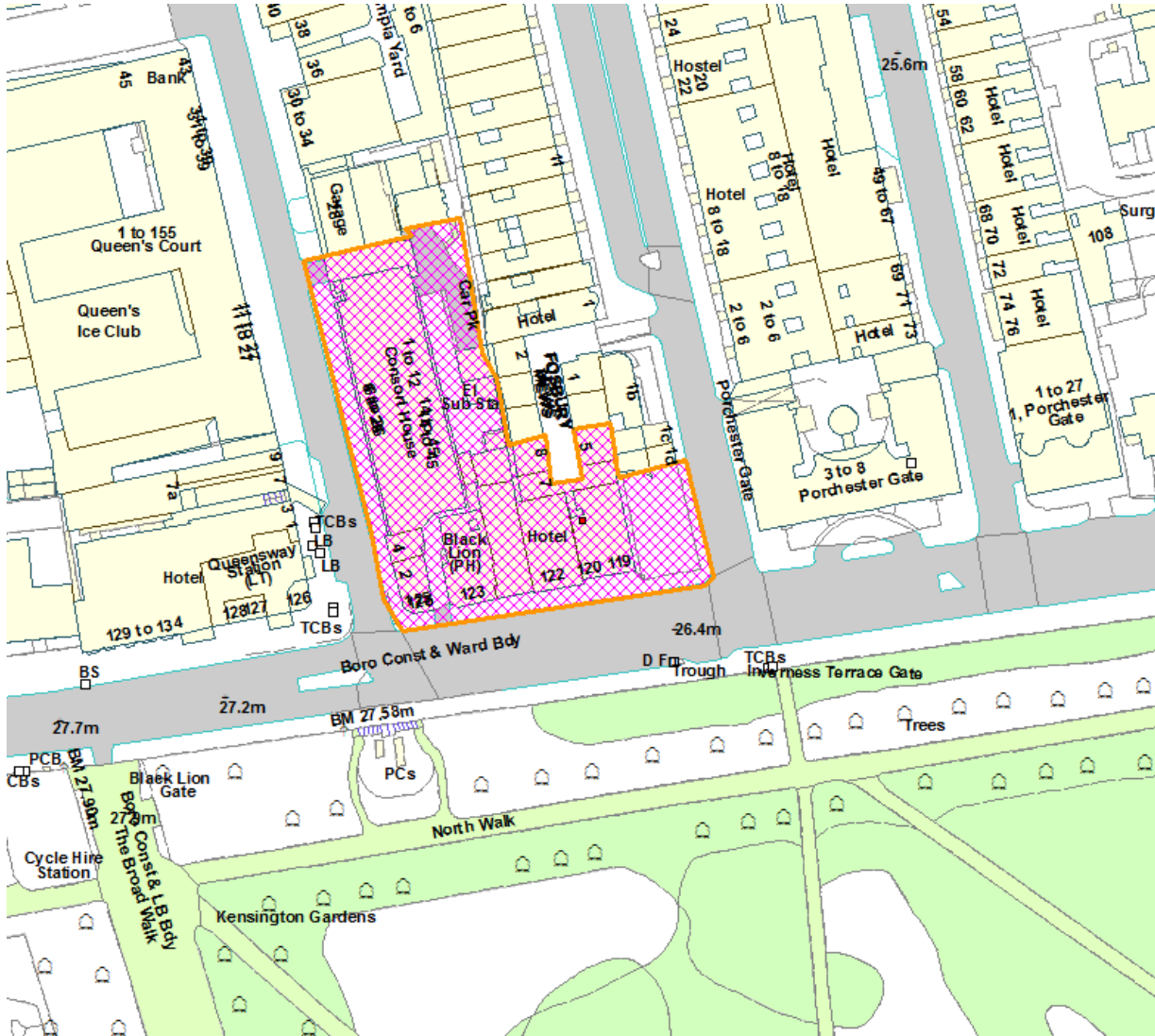
Given the above changes, the combined financial contributions (both S106 and Cil) equate to approx £18.45m. At the time of reporting the application to committee in April, which was prior to Westminster adopting its Cil, the City Council's independent advisor had advised that £8.5m was the maximum viable amount of affordable housing that the scheme could afford. Given the scheme now includes an additional affordable housing contribution of £2.5m and a Cil requirement of over £4m it is considered reasonable to consider the phased payment of affordable housing, which the applicant has indicated, would enable their holding costs to reduce slightly (to fund these additional costs) and deliver the scheme and public benefits.

This phased arrangement would still see the £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project as well as the £4m (approx.) Westminster Cil, paid on commencement of the development. Furthermore the first phased affordable housing contribution of £3m would be paid prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest). In summary these payments equate to £9.5m paid early in the development process.

As a consequence of the delay to the provision of public art an amendment to the related draft condition (No.27) is also proposed. This condition will now require the detailed scheme of public art (including a Tom Harris memorial) to be submitted and approved by the City Council prior to commencement of development, but with its provision prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest) to tie in with the S106.

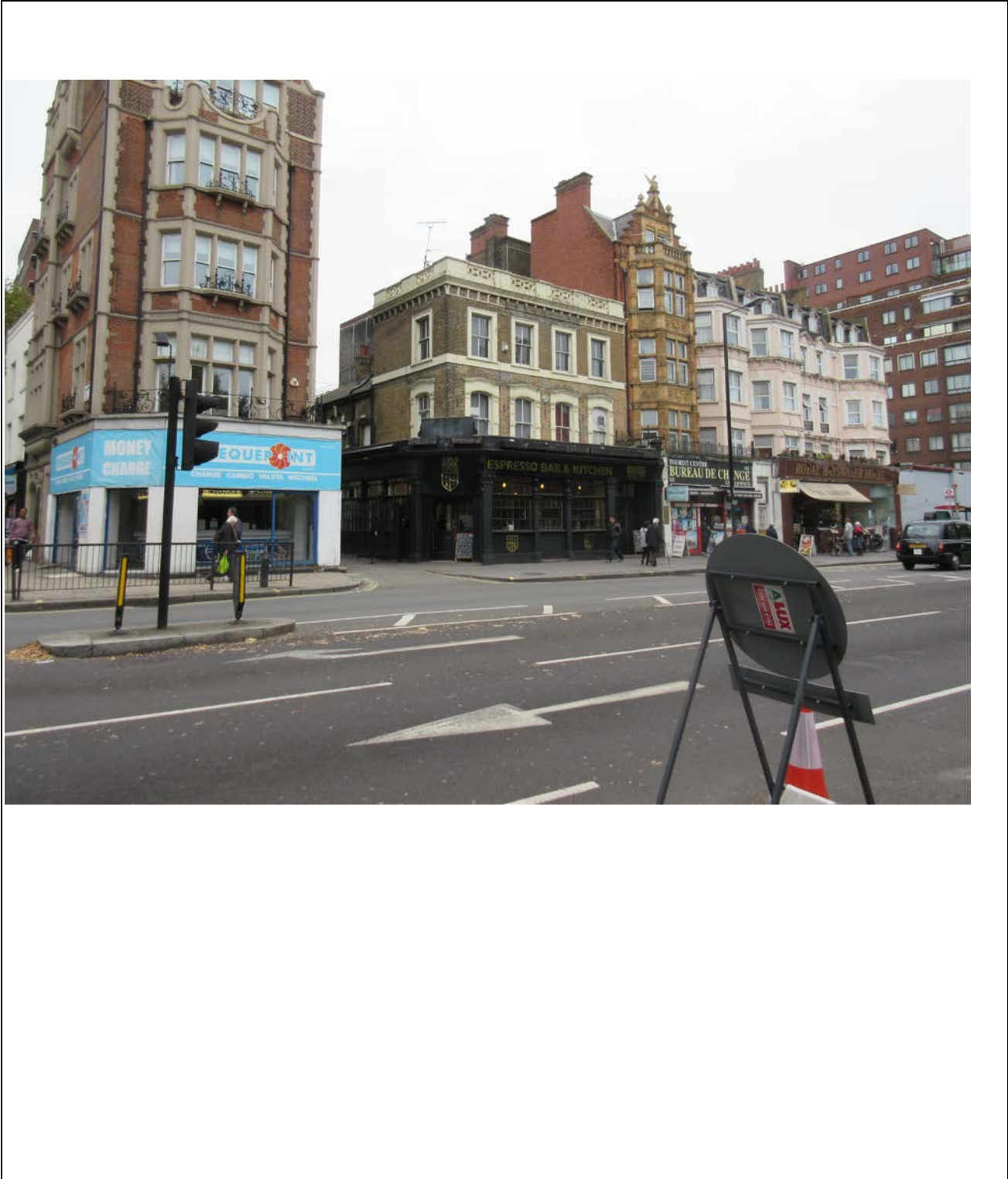
The Mayor has confirmed that it is not necessary for this application to be referred back to him. The application is therefore reported back to committee for members consideration.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

Greater London Authority- No need to refer application back.

6. BACKGROUND PAPERS

1. Report to Planning Applications Committee dated 12th April 2016 and associated minutes
2. Delegated Report and draft decision letter.
3. Mayor of London Stage II Referral letter dated 18th July 2016.
4. Email from Mayor dated 04.08.2016

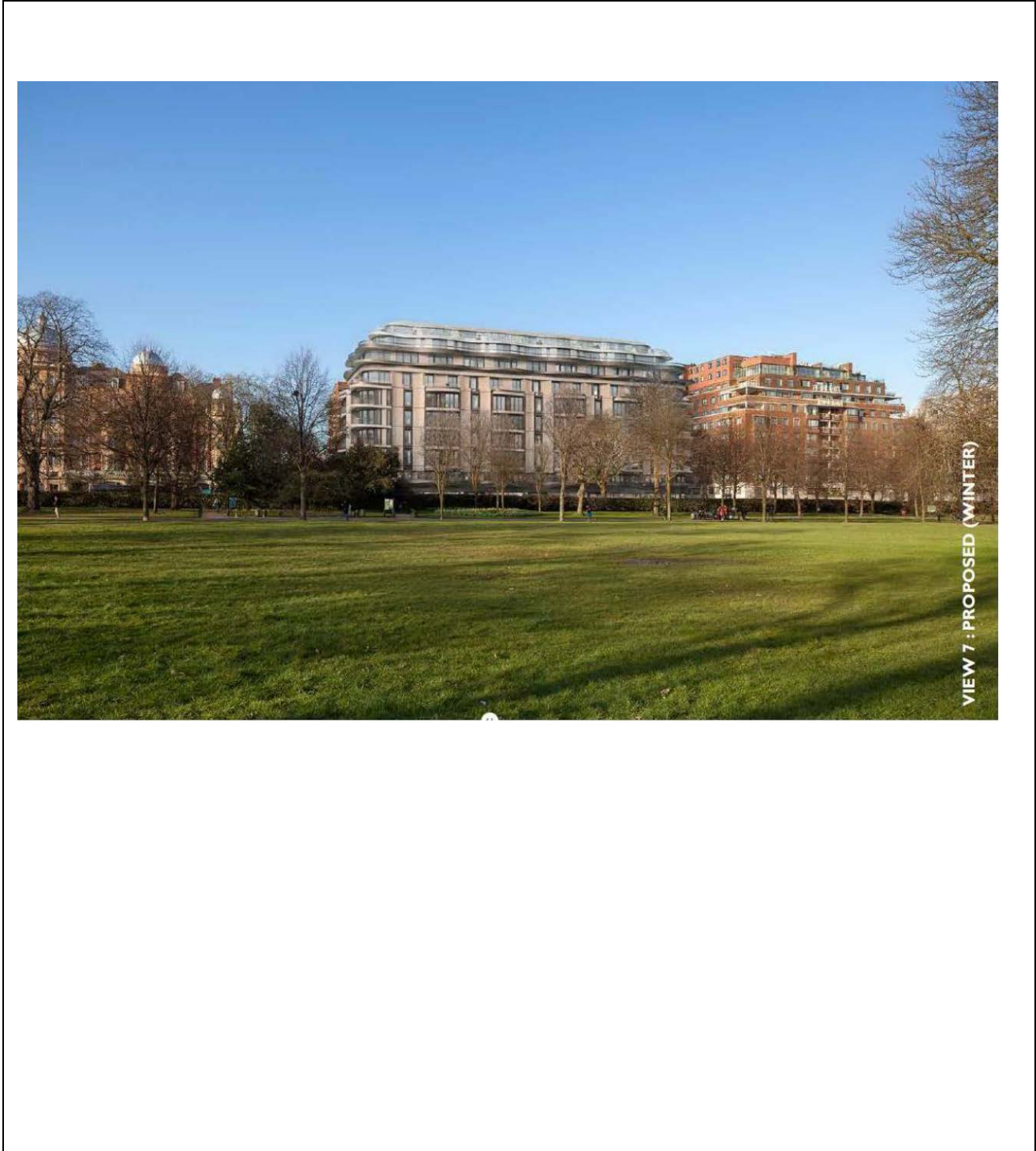
Selected relevant drawings

Visual of proposed development.

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

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

7. KEY DRAWINGS



DRAFT DECISION LETTER

- Address:** Development Site At 117 - 125 Bayswater Road, 2 - 6 Queensway, Consort House And 7, Fosbury Mews, London,
- Proposal:** Demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House.
- Plan Nos:** 1328-A-020 Rev 01, 1328-A-021 Rev 00, 1328-A-022 Rev 00; 1328-A-049 Rev 00, 1328-A-050 Rev 00, 1328-A-051 Rev 00, 1328-A-052 Rev 00, 1328-A-053 Rev 00, 1328-A-054 Rev 00, 1328-A-055 Rev 00, 1328-A-070 Rev 00, 1328-A-071 Rev 00, 1328-A-072 Rev 00, 1328-A-073 Rev 00; 1328-A-097 Rev 01, 1328-A-098 Rev 00, 1328-A-099 Rev 01, 1328-A-100 Rev 01, 1328-A-101 Rev 00, 1328-A-102 Rev 00, 1328-A-103 Rev 00, 1328-A-104 Rev 00, 1328-A-105 Rev 00, 1328-A-106 Rev 00, 1328-A-107 Rev 00, 1328-A-108 Rev 00, 1328-A-109 Rev 00, 1328-A-110 Rev 00; 1328-A-201 Rev 00, 1328-A-202 Rev 00, 1328-A-203 Rev 00, 1328-A-204 Rev 00; 1328-A-251 Rev 00, 1328-A-252 Rev 00, 1328-A-254 Rev 00; 1328-A-300 Rev 00, 1328-A-301 Rev 00; 1328-A-150 Rev 00, 1328-A-151 Rev 00. Planning Statement, Design and Access Statement, Townscape, Heritage and Visual Assessment, Statement of Community Involvement, Transport Assessment, including Operational Management Plan and Framework Travel Plan , Daylight and Sunlight Assessment, Acoustic Assessment, Basement Impact Assessment and Structural Method Statement, Waste Management Strategy, Sustainability Strategy and Energy Assessment, Ventilation Extraction Report, Statutory Utilities Supply Report, Sustainable Urban Drainage System and Flood Risk Assessment, Construction Management Plan, all November 2015.

Case Officer: Sarah Whitnall **Direct Tel. No.** 020 7641 2929

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must apply to us for approval of detailed drawings of ground and basement 1 and rear elevation showing the following alteration(s) to the scheme

- a) Deletion of reference to car showroom from ground and basement 1 duplex unit.
- b) Revised ground floor elevation to Fosbury Mews, so that it is more in keeping with the domestic appearance of Fosbury Mews.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

(C26UB)

Reason:

To avoid blocking the surrounding streets and to protect the pedestrian environment as set out in S41 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and , TRANS1, TRANS2, TRANS3, and TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 5 You must use the three storey premises to No. 6 Queensway only as a Dentist. You must not it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 2015 (or any equivalent class in any order that may replace it). (C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not meet, SOC1, SOC4,TRANS1, TRANS2, TRANS3,TRANS20, TRANS21,TRANS22, ENV13, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S41, S42, S32, S34 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case. (R05BB)

- 6 You must use the Spa (Class D2) shown on the floor plans on basement 2 and part basement 3, with access from ground floor level and staircase and lift access through basement 1, only as a Spa open to the general public. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 2015 (or any equivalent class in any order that may replace it). (C10AA)

Reason:

We cannot grant planning permission for unrestricted use within Class D2 because it would not meet, TACE5, TRANS1, TRANS2, TRANS3,TRANS20, TRANS21,TRANS22, ENV13, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S32, S22, S41, S42, S34 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case. (R05BB)

- 7 The duplex retail units at ground and basement 1 level shall not be used as a supermarket or other food related retail uses.

Reason:

We cannot grant planning permission for unrestricted use within Class A1 because it would not meet, TRANS1, TRANS2, TRANS3,TRANS20, ENV13, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S41, S42, S32, and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case. (R05BB)

- 8 Before you begin to operate the non -residential uses, you must apply to us for approval of the following:-

a) Retail (Class A1) Operational Management Plan

- b) Restaurant (Class A3) Operational Management Plan
- c) Spa (Class D2) Operational Management Plan
- d) Dentist (Class D1) Operational Management Plan
- e) Operational management plan for the use of the ground floor doors facing Fosbury Mews

These operational management plans must provide in the case of a,b,c,d, the following details:-

- i) Hours of operation, staff and customers
- ii) Hours of servicing, process, internal storage locations, scheduling of deliveries and staffing.
- iii) Hours of plant
- iv) Procedures to minimise impact on residential amenity and environmental quality.
- v) In the case of b) the Restaurant (Class A3) use, in addition to the details listed above; details of capacity, covers, ancillary bar, control of smoking areas, door supervision, queuing, take away, deliveries, and taxi drop off and collection, contact details for complaints.
- vi) in the case of e) Use of doors to Fosbury Mews, details of nature and hours and frequency of use and details of fire escape strategy in order to minimise the impact on residents of Fosbury Mews.

You must then carry out the uses in accordance with these details approved unless otherwise agreed in writing by us.

Reason:

In order to minimise the impact of the uses on residential amenity, environmental quality and in transportation terms in accordance with

TRANS1, TRANS2, TRANS3, TRANS20, TRANS21, TRANS22, TACE5, ENV13, SOC1, SOC4, ENV6, ENV7 of our Unitary Development Plan that we adopted in January 2007, and S41, S42, S22, S32, S34 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and because of the special circumstances of this case.

- 9 You must not begin the Restaurant (Class A3) use (duplex ground and basement 1 unit) until you have submitted to us and we have approved full details of the location and appearance and operation of kitchen extract ducting ventilation system to get rid of cooking smells, including details of how it will be built and how it will look and any associated mechanical plant including an acoustic report. You must then operate the use in accordance with the details approved.

Reason:

To protect neighbouring residents within and adjacent to the development from noise and vibration nuisance, and to ensure the appearance is suitable as set out in S29, S25, S28 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7, DES1, DES5, DES6, DES9 of our Unitary Development Plan that we adopted in January 2007.

(R13AC)

- 10 (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 (July 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.

- 11 (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 Retail, Restaurant, Spa and Dentist 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 Retail, Restaurant, Spa and Dentist 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 (July 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.

- 12 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.

- 13 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 11, 12, 13 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 14 You must provide the waste store shown on drawings 1328-A100 Rev01; 1328-A-099 Rev01; 1328-097 Rev01 before anyone moves into the property or operates from the building. You must clearly mark it and make it available at all times to everyone using the building;. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 15 Notwithstanding that shown on the approved drawings. You must submit to us for approval details of cycle parking for each of the proposed uses clearly annotated for each use. You must then provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

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

Reason:

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

(R23AC)

- 17 No goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the curtilage of the building. (C23CB)

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 18 The projecting canopy and or any other structure over the footway (highway) shall maintain 2.6m vertical clearance from the footway surface at all times and shall not extend closer than 1m to the kerb edge.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 19 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 20 You must not put planters, tubs, tables, chairs or adverts on the road or pavement. (C24BA)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 21 Prior to occupation of the residential flats, you must submit for approval a car parking strategy including drawings. This must include the following details:-
- a) Location of no less than 55 unallocated residential car parking spaces
 - b) Disabled access car parking spaces
 - c) Electrical Vehicle charging points (minimum of 20% active and 20 % passive)
 - d) Access arrangements to the car parking area

Each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development and

shall be maintained for such use for the lifetime of the development. (C22BA)

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)

- 22 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and in its entirety and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Queensway Conservation Area and setting of the Bayswater Conservation area and Royal Parks Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 23 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and 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 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts of the development:

i) typical facade bay.

The sample(s) should demonstrate the colour, texture, face bond, pointing and means of construction (including any typical expansion/movement joints). You must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and 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)

- 25 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development - typical bay details to all new facades to indicate the following:

- i) windows;
- ii) external doors;
- iii) cills;
- iv) reveals;
- v) fascias;
- vi) shopfronts and canopy, including indicative locations and design principles for display of signage;
- vii) location and size of movement joints;
- viii) step backs in façade;
- ix) interfaces with windows;
- x) interfaces with landscaping;
- xi) interfaces with architectural metalwork;
- xii) ventilation and other services terminations at façade;
- xiii) balconies including method of drainage;
- xiv) railings and balustrades;
- xv) integral lighting.

You must not start any work on the superstructure of the development until we have approved what you have sent us.

You must then carry out the work according to these approved drawings.

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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and 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)

- 26 The building maintenance unit shall be positioned in its parked positions at all times when not in use.

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 Queensway Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and 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)

- 27 Pre-Commencement Condition:- A scheme of public art including a Tom Harris Memorial must be submitted and approved by the City Council prior to commencement of the development. You must not start work on the public art and Tom Harris Memorial until we have approved what you have sent us. You must then provide the public art including a Tom Harris memorial according to the approved details, prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest). You must thereafter maintain the approved public art and Tom Harris memorial and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we

adopted in January 2007. (R37AB)

- 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 and full details of the proposed green walls including construction method, layout, species and maintenance regime. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 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 this part of the Queensway Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

29 **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 (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 30 No development shall take place, including any works of demolition, until the following plans have been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London:-

- a) Delivery and Service Plan
- b) Construction Logistics Plan

these documents should detail the traffic impact resulting from construction vehicles and delivery and servicing vehicles on Bayswater Road (part of the Strategic Road Network)
You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

In order to appropriately manage any potential adverse effects on the local road network and the adjacent bus stop, as requested by Transport for London.

- 31 Before works commence on site, full details of the proposal including all below ground work shall be agreed in writing by us as the local planning authority in liaison with London Underground Limited and Thames Water. You will need to demonstrate that the development will not have any detrimental effect on the tunnels and infrastructure either in the short or long term.

Reason:

To ensure that the proposed works do not have any detrimental impact on the tunnels either in the short or long term on London Underground Limited or Thames Water facilities.

- 32 You must apply to us for approval of details of the ventilation system to get rid of fumes associated with the Spa (Class D2) use, and the Combined Heat and Power Unit (CHP) 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. (C14BB)

Reason:

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

- 33 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. Inside bedrooms 45 dB L Amax is not to be exceeded no more than 15 times per nighttime from sources other than emergency sirens.

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.

- 34 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.

- 35 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 Conditions; 10, 11, 12 ,13, 33 ,34 of this permission. Particular attention shall be given to the issues of low frequency noise and vibration through Structure-Borne pathways and the design and mitigation shall also ensure that room modes (standing waves) are not created within the new residential dwellings as a result of low frequency noise from the substation.

You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 36 Rubbish must only be collected from the off street collection point at the rear of the site and not from the public highway.

Reason:

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

- 37 The residential properties must not be occupied until evidence in the form of a statement from a suitably qualified engineer to confirm that the Electro Magnetic frequency (EMF) levels associated with the substation are in accordance with current legal requirements and/or appropriate guidance.

Reason:

To safeguard the amenity of residents in accordance with S28 of Westminster's City Plan: Strategic Policies adopted November 2013

- 38 The design of the separating wall should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFMax in the octave bands of 63 Hz & 125 Hz.

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.

- 39 A scheme of mechanical ventilation should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme shall be installed and maintained. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in condition C49 BA.

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.

- 40 An air quality assessment and air quality neutral assessment shall be provided to the local planning authority for approval and if the air quality assessment requires it, an air pollution and mitigation plan providing details of the air pollution mitigation measures to be provided to the residential dwellings shall be submitted to and approved by the local planning authority. 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:

To ensure that the occupiers of the residential units do not ENV5 of the Unitary Development Plan adopted January 2007 and S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 41 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:-
 - a) A financial contribution of £11m to be paid towards the City Council's affordable housing fund (index linked and on a phased payment scheme as set out below) :
 1. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest)
 2. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 20th residential unit (whichever is the earliest)
 3. £3m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 30th residential unit (whichever is the earliest)
 4. £2m of the Affordable Housing Contribution (index linked) prior to the occupation of or the completion of the sale of the 40th residential unit (whichever is the earliest)

 - b) A financial contribution of £2.5m towards the City Council's Queensway and Westbourne Grove Streetscape Improvement Project (index linked and payable on commencement of development);
 - c) Provision of Public Art and Tom Harris Memorial (as required by condition 27) to the value of no less than £100,000 (index linked) prior to the occupation of or the completion of the sale of the 10th residential unit (whichever is the earliest);
 - d) The applicant to comply with the City Council's Code of Construction Practice, provide a Site Environmental Management Plan (SEMP) prior to commencement of development and provide a financial contribution £ 120,000 to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;

- e) Operation of the development in accordance with the Car Parking Strategy (as required by condition 21 and on an unallocated basis);
- f) Highways works immediately surrounding the site required for the development to occur, and to mitigate the impact of the development, including changes to on street restrictions and, reinstatement and creation of vehicle crossovers and associated work prior to the occupation of the development and all the costs associated with the highways works (to include legal, administrative and physical) are to be borne by the Developer;
- g) Dedication of Highway at no cost to the City Council prior to occupation;
- h) The costs of monitoring the S106 legal agreement.
- 3 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)
- 4 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)
- 5 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)
- 6 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)
- 7 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 8 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)

- 9 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)
- 10 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)
- 11 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)
- 12 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

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). (I38AB)

- 13 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)
- 14 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.

- 15 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)

- 16 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.
- 17 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.
- 18 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)
- 19 You may need separate licensing approval for the restaurant, Spa, Dentist premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 20 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the corner duplex shop unit at ground and basement 1 level can change between the Restaurant (Class A3) and Retail (Class A1) uses we have approved for

10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

- 21 We want to preserve the archaeological remains on site. Your detailed design and method statement should include relevant drawings, technical notes and methods to show how you will do this. You should pay particular attention to the design of the foundations and new groundwork including piling, underpinning, new slab levels, slab construction, lift pits and new service trenches. Please contact Historic England's Archaeological Officer on 020 7973 3732 to discuss the details we need.

You should also contact our District Surveyors' Services to make sure that you meet their requirements under the Building Regulations. (I65AA)

- 22 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)

- 23 When you apply to us to approve the details under the above conditions, we will be able to deal with your application more quickly if you send us a copy of this permission and the relevant approved drawings. (I79AA)

- 24 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the

Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 25 Conditions 10,11,12,13 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)
- 26 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 27 You are reminded of our policy to control advertising hoardings and shrouds around building sites, this is set out in DES 8 of our Unitary Development Plan that we adopted in January 2007. The policy resists large displays above ground floor level but can allow well designed shrouds which respond sensitively and appropriate to their surroundings, provided of course that express advertisement consent is first obtained from the City Council. We believe that your building site could be a suitable one for the provision of a temporary decorative shroud and you are invited to contact the planning department to discuss a suitable proposal. (I90BA)
- 28 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
- 29 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 30 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However,

any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 31 Condition 41 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below.

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73AB)

- 32 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.
- 33 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.
Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>:

BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

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Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	49 Charing Cross, London, SW1A 2DX,		
Proposal	Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets.		
Agent	CBRE		
On behalf of	Antham 1 Limited		
Registered Number	15/07397/FULL and 15/07398/LBC	Date amended/ completed	12 August 2015
Date Application Received	12 August 2015		
Historic Building Grade	II		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure:</p> <ul style="list-style-type: none"> i) A financial contribution towards affordable housing of £3,336,000 (index linked and payable on commencement of development); ii) Lifetime car club membership (25 years) for future residential occupiers. iii) Monitoring costs. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> 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; however, if not. 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
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Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

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

2. SUMMARY

The site comprises adjoining properties 49-50 Charing Cross and 12 Whitehall which are currently occupied by the Royal Bank of Scotland (formally Drummonds bank). 49-50 Charing Cross is Grade II listed and both buildings are located within the Core Central Activities Zone and the Trafalgar Square Conservation Area. Permission and listed building consent are sought for alterations in connection with the partial use of the site as 10 residential flats. The remainder of the site would be retained as a bank (Class A2) and offices (Class B1).

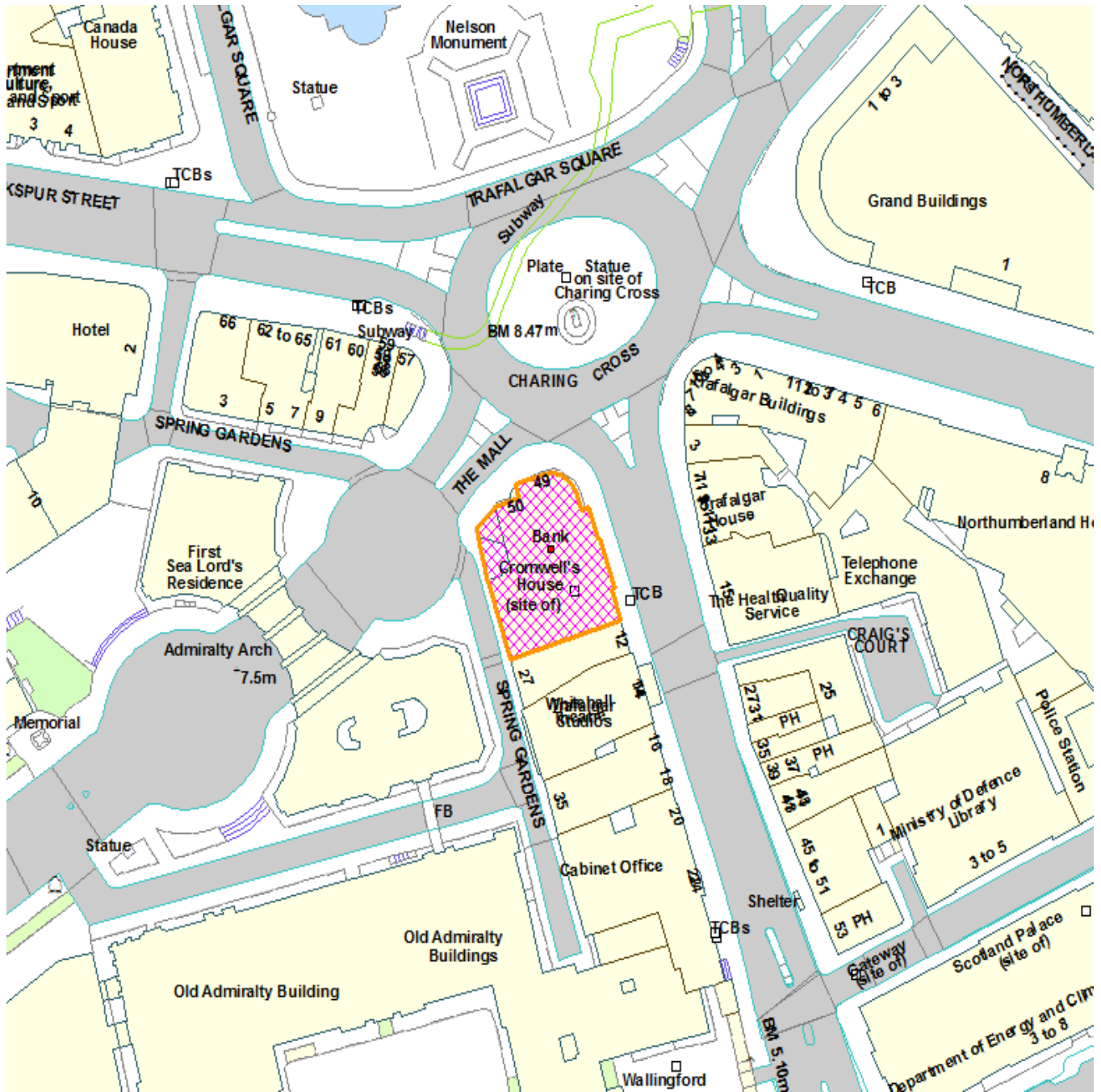
Two letters of support and two letters of objection from neighbouring owners/occupiers have been received.

The key issues for consideration in this case are:

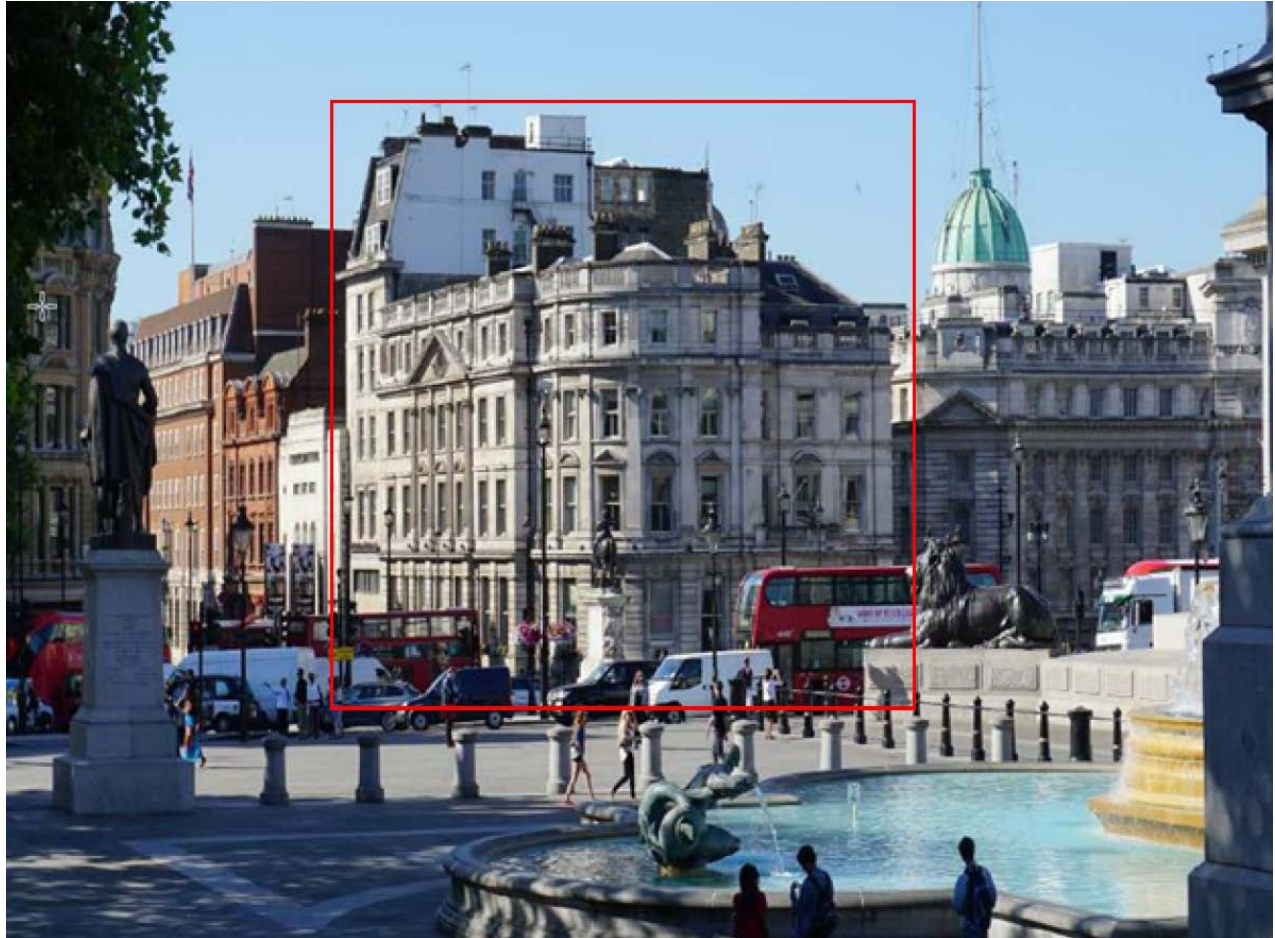
- * The impact of the proposals on the character and appearance of the buildings and conservation area;
- * The relationship between the site and the adjoining Trafalgar Studios theatre;
- * The potential for the construction programme to impede neighbouring development sites.

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the City Council's policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (July 2016).

3. LOCATION PLAN



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49-50 Charing Cross and 12 Whitehall from Trafalgar Square

4. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine application as seen fit.

WESTMINSTER SOCIETY

No objection.

LONDON UNDERGROUND LTD

No comment.

TRANSPORT FOR LONDON

No objection.

HIGHWAYS PLANNING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

DESIGNING OUT CRIME OFFICER

No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS

Number consulted: 55

Number of replies: 4

One letter of support has been received from a local resident.

The Ambassador Theatre Group, managers of the adjoining Trafalgar Studios Theatre, have written to confirm they support the proposals subject to the noise mitigation measures as agreed during discussion with the applicant and Environmental Health.

Letters have been received from the Department of Education and on behalf of Admiralty Arch Ltd raising concern over the potential conflict in construction logistics between the application site and implementation of proposals at their own sites.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The site comprises adjoined properties 49-50 Charing Cross and 12 Whitehall. Both buildings are located within the Core Central Activities Zone and the Trafalgar Square Conservation Area. Whilst linked internally the buildings manifest as separate properties externally and were built at different points in time.

49-50 Charing Cross is a Grade II listed building comprising of basement, ground and three upper floors. It is a purpose built bank located at the junction of Whitehall and the Mall. Drummonds commissioned construction of the bank in 1885 to replace their existing bank on the site.

12 Whitehall, an unlisted building of merit, comprises seven storeys plus basement and mezzanine. Although the ground floor has the appearance of a retail unit, the entire building has lawful office use (Class B1). The building flanks the south of 49-50 Charing Cross, fronts onto Whitehall and has a rear elevation to Spring Gardens. It was built in 1922 by Drummonds bank. The buildings are linked at first, second and third floors.

49-50 Charing Cross is currently occupied in its entirety by the Royal Bank of Scotland (following its takeover of Drummonds). The ground floor is used as a traditional banking hall (Class A2), with associated storage at basement level. The first floor comprises a series of private meeting and dining rooms for customers, with further meeting rooms and offices on the upper floors. Parts of the first and third floors of 49-50 Charing Cross and the entirety of 12 Whitehall are currently vacant.

5.2 Recent Relevant History

None relevant.

6. THE PROPOSAL

Planning permission and listed building consent are sought for the change of use of part basement, ground and first floors and the entirety of remaining upper floors of No.49-50 to provide 10 residential units. The bank will be retained at part basement, part ground and part first floor of No.49-50.

The application originally sought to change the use of 12 Whitehall to provide a further seven flats (17 flats in total). Due to the relationship between No.12 and the adjoining Trafalgar Square Studios theatre, this element has now been omitted and 12 Whitehall is to be retained for office use.

External alterations include infill extensions at second and third floor levels within lightwells to No.49-50. Mechanical plant is to be reorganised and housed within enclosures at fourth floor level to No.49-50 and within an internal lightwell to No.12. Alterations are also sought to windows, balustrading and parapets. Works to provide the residential accommodation will also require the creation of a new entrance off Spring Gardens, installation of a passenger lift and alterations to partitioning, including separation works between the residential accommodation and bank.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The proposal essentially seeks to use part of the bank and offices to create 10 residential units. A summary table of land uses is below (sqm).

	Existing	Proposed	Net Change
Bank and offices	6,110	3,602 (A2 – 1990, B1 – 1612)	- 2,508
Residential	0	2,634	+2,634
TOTAL	6,110	6,236	+126

Loss of office use

The proposal would result in the loss of back of house Class A2 floorspace and ancillary office floorspace amounting to 2,508sqm. The Council has acknowledged the need to safeguard Westminster's role as an economic generator of high value. To this end the Council has recently adopted Policy S20 of the City Plan (2016) which resists the loss of offices to residential use in this location.

Prior to the policy adoption an announcement was made in a statement by the Deputy Leader on 18th March 2015 that no loss of office floorspace will be considered acceptable unless a developer can demonstrate that the benefits of a proposal, taken as a whole, outweigh the loss of the office floorspace. This change was not to be introduced for applications received prior to 1st September 2015. The September date was chosen to take into account development proposals which had been prepared and submitted prior to the policy announcement, as is the case here.

Officers consider that it is appropriate to honour the policy position prior to the 1st September date in this instance. To apply the recently adopted policy would be contrary to the terms of the Council's statement. Notwithstanding this, the bank use amounting to 1,990sqm and offices amounting to 1,612sqm would be retained and remain viable entities in their own right. It could be argued that the current proposal constitutes an improved position over the existing, with the creation of self-contained offices within No.12, rather than the existing situation of substantial back of house offices connected to the bank which remains substantially disused.

Residential use

The proposed development will consist of 10 new residential units spread over three floors, located above the bank with ancillary accommodation at basement and ground floor levels. The proposed use of part of the building for residential purposes is supported under Policies S14 of the City Plan and H3 of the UDP.

The breakdown in units is as follows: 1 Beds x 1 (10%) 2 Beds x 6 (60%) 3 Beds x 3 (30%). The provision of 3-Bed units, although marginally below the target set by Policy H5 which seeks 33% or more of units to be family sized, is considered acceptable in this instance given the limitations of the site.

The residential units vary in size from 73sqm for the one bed unit and up to 205sqm for the largest three bed unit. The new flats would provide a good standard of accommodation for this dense urban location. The units are typical for this type of development and are not considered oversized and as such comply with Policy S14 which requires the number of residential units on development sites to be optimised. All unit sizes exceed the requirements of the national space standards and all bedrooms are over the minimum 8sqm.

The consideration of the new residential in terms of noise levels and relationship with the adjoining theatre is discussed in section 7.7 of this report.

Affordable housing

The scheme results in an increase in residential floorspace of 2,634sqm (GEA). Policy S16 of the City Plan expects a proportion of the new residential floorspace over 1,000sqm to be provided as affordable housing. The proportion of affordable housing required by the interim housing guidance for sites in this location is 668.5sqm.

Policy H4 of the UDP and Policy S16 of the City Plan require a sequential approach to affordable housing provision, with on-site provision being the expected form of delivery. However, where it can be demonstrated that on-site or off-site provision in the vicinity of the site cannot be achieved for legitimate reasons, a financial contribution to the Council's affordable housing fund may be considered as an acceptable.

In this case the applicant does not consider it viable to provide affordable housing on or off site and instead seeks to provide a full financial contribution towards the Council's affordable housing fund.

A viability assessment has been submitted as part of the planning application documents which details that the scheme cannot support the provision of on-site affordable housing without impacting on the financial viability of the scheme. The applicant does not have any alternative sites for off-site provision of affordable housing. The Council's independent consultant has reviewed the findings and consider that on-site affordable housing could not be viably sustained by the development.

The applicant is willing to make a full contribution to the affordable housing fund as a payment in lieu which amounts to £3,336,000. This form of provision is considered to be appropriate in this instance and will be secured by legal agreement.

7.2 Townscape and Design

In design terms the proposals are broadly acceptable. The extensions within the lightwells will not be visible from the public realm. The form of the lightwells has been significantly altered in their appearance over time. The amount of infill extension has been reduced as a consequence of discussions with officers and during the application itself. This in addition to the proposed removal of more modern accretions within the lightwells is considered to enhance the appearance of the building.

The reorganisation of plant areas and encasing of replacement plant within enclosures at roof level of No.12 and at fourth floor level of No.49-50 will be a more organised solution compared to existing.

A number of amendments have been made during the application process which include enhancement to the residential reception area, retention of stone balustrades to the Charing Cross elevation and revision to the balustrade treatment to No.12.

Subject to conditions, including a condition requiring details of the separation interface work needed between the bank and residential part of the development, it is considered that the proposals will not result in harm to the special architectural and historic interest of the building or to the character and appearance of the Trafalgar Square Conservation Area.

7.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly in dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. The nearest existing residential accommodation to the site is located over 30m away from the site.

Given the orientation of the existing building, the relationship with surrounding properties and their predominately commercial nature, the proposals would not result in overlooking or loss of privacy to neighbouring buildings. Very little change is sought externally and as such the proposal would not result in a material loss of light, increased overshadowing or increased sense of enclosure to neighbours. It is considered that the proposals will accord with Policies S29 and ENV13.

7.4 Transportation/Parking

The site is almost entirely occupied by the existing buildings' footprint which makes it impractical to provide car parking on-site without significant intervention to the heritage fabric of the building. No on-site car parking is therefore provided. The most recent on-street parking surveys show that both night time and day time occupancy is below the 80% deficiency level set out in Policy TRANS23 (47% and 50% respectively). The applicant is willing to commit to providing lifetime (25 years) car club membership for all the proposed residential units. This is to be secured by legal agreement.

19 cycle spaces will be provided within the basement. Access/ egress for cycles will be via the secondary residential entrance to the rear of 12 Whitehall with a lift used to transport cycles to the basement storage area.

In terms of servicing, given the use of the existing buildings, it is not considered that the impact on the highway would increase with the introduction of the residential use. Highways Planning raise no objection subject to a condition to secure the off street cycle parking spaces for the residential use.

7.5 Economic Considerations

The development will have a beneficial economic effect through additional local spending during construction and occupation as well as the social benefits from the provision of additional housing.

7.6 Access

All the residential units have level access by virtue of the new lifts serving all floors. The units have been designed to meet Lifetime Home Standards as far as the existing historic fabric allows.

7.7 Other UDP/Westminster Policy Considerations

Noise

Discussions have taken place between the applicant, the adjoining Trafalgar Studios theatre and Environmental Health to ensure that the proposed conversion does not interfere with the current operation and performances of the theatre. As well as No.12 now being retained as offices, the applicant has proposed the installation of noise mitigation measures along the shared boundary. Environmental Health raise no objection subject to the conditions recommended to protect the proposed residential within No.49-50 from potential noise.

Background noise levels in this location can be high and Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise. Environmental Health officers have confirmed that subject to the imposition of safeguarding conditions, it is considered that sufficient measures will be put into place to mitigate against internal and external noise.

In terms of proposed plant, the submitted noise assessment has indicated that the proposals are likely to meet the requirements of the City Council's standard noise conditions. Environmental Health has confirmed they have no objection subject to the standard noise conditions.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. A dedicated waste and recycling store will be provided at basement level within 12 Whitehall accessible to all residents internally.

Sustainability

The proposals seek to accord with the London Plan energy hierarchy of Lean, Clean and Green. Policy 5.2 of the London Plan requires a 35% improvement in carbon dioxide emissions over the 2013 Building Regulations. The proposals would provide approximately 39% of carbon reduction improvements over the Building Regulations which are welcomed.

In terms of the energy and sustainability performance of the building, the new build residential would achieve a 'Very Good' rating for BREEAM Domestic Refurbishment. Given the site's spatial constraints and listed status this is considered acceptable.

The sustainability strategy demonstrates a reduction in carbon emissions beyond the requirements of Building Regulations and in line with the London Plan. The proposed energy and carbon reduction measures are considered acceptable.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

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

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016.

The applicant has offered to enter into a S106 legal agreement to secure the following:

- * A financial contribution of £3,336,000 towards the City Council's affordable housing fund.
- * Lifetime car club membership (25 years) for future residential occupiers.
- * The payment of monitoring costs.

These 'heads' are considered to satisfactorily address City Council policies. Subject to conditions and the securing of the legal agreement the proposals are considered acceptable and are recommended for approval.

The estimated Westminster CIL payment is zero.

7.11 Other Issues

Construction impact

Concerns have been raised by Admiralty Arch Ltd and the Department of Education, who have permitted applications of their own, on the grounds of the logistical impact of construction. More precisely, that the construction traffic and set up of the application site could impede the practical implementation of neighbouring application sites. Given the relationship of this site to neighbouring development sites, the likelihood that construction access will only be available via Spring Gardens and New Road, and the potential for wider security implications of the build, it is considered reasonable to add a pre-commencement condition requiring the submission of a Construction Management and Logistics Plan.

The applicant is willing to accept such a condition and following the comments has been in contact with Admiralty Arch Ltd, the Department of Education and Trafalgar Studios to ensure there is open dialogue and a point of contact going forward. The recommended condition explicitly requires the Construction Management and Logistics plan to be produced in consultation with surrounding neighbours which include the Department of Education, Admiralty Arch Ltd, Trafalgar Studios, Department for International Development, Lord Moon of the Mall public house, Centre for the Protection of National Infrastructure and the Metropolitan Police.

Crime and security

The Designing Out Crime Officer has been consulted and has subsequently met with the application to discuss the scheme. The proposals are generally supported from a designing out crime perspective and a condition is recommended requiring the submission of details of a Secured by Design Scheme which will be submitted prior to occupation and considered in consultation with the Designing Out Crime Officer.

8. BACKGROUND PAPERS

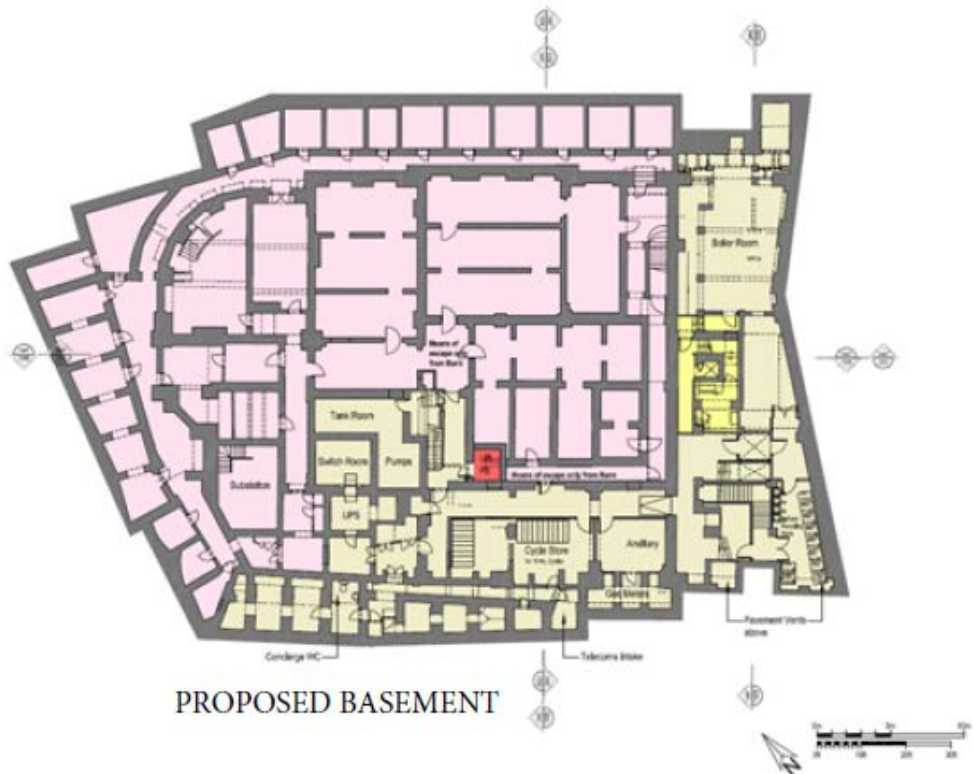
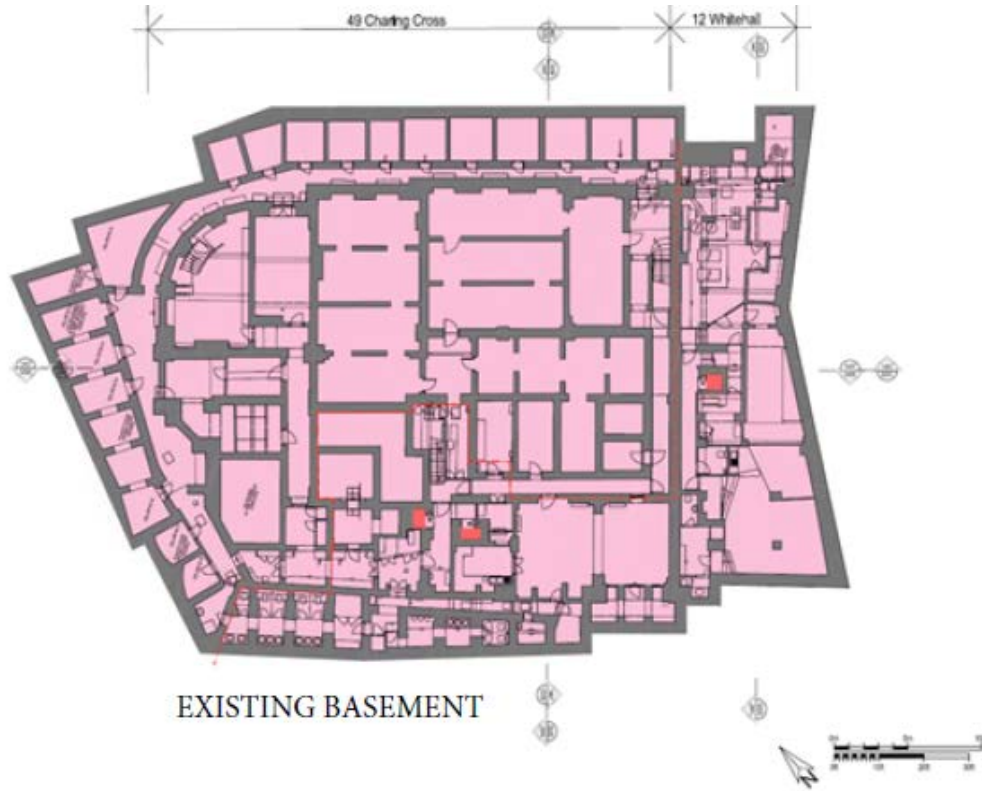
1. Application form.
2. Letter from Historic England dated 25 August 2015.
3. Letter from Transport for London dated 2 September 2015.
4. Letter from London Underground dated 11 September 2015.
5. Letter from the Westminster Society dated 21 August 2015.
6. Memo from Highways Planning dated 1 October 2015.
7. Letter from the Metropolitan Police dated 25 April 2016.
8. Memos from Environmental Health dated 27 June 12 February 2016.
9. Letter from the Ambassador Theatre Group dated 26 November 2015.
10. Letter from owner/occupier of Flat 3, 35 Spring Gardens dated 15 March 2016.
11. Letter on behalf of Admiralty Arch Ltd dated 11 April 2016.
12. Letter from the Department of Education dated 20 April 2016.

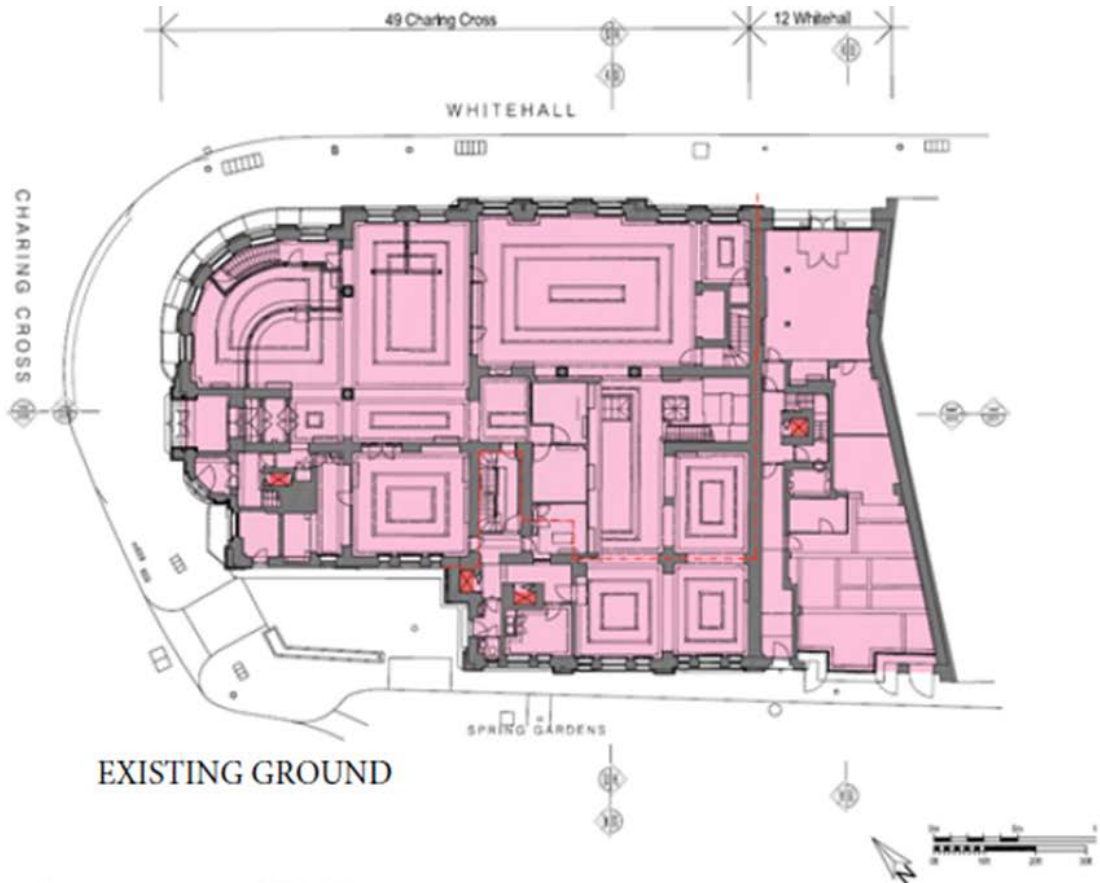
Selected relevant drawings

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

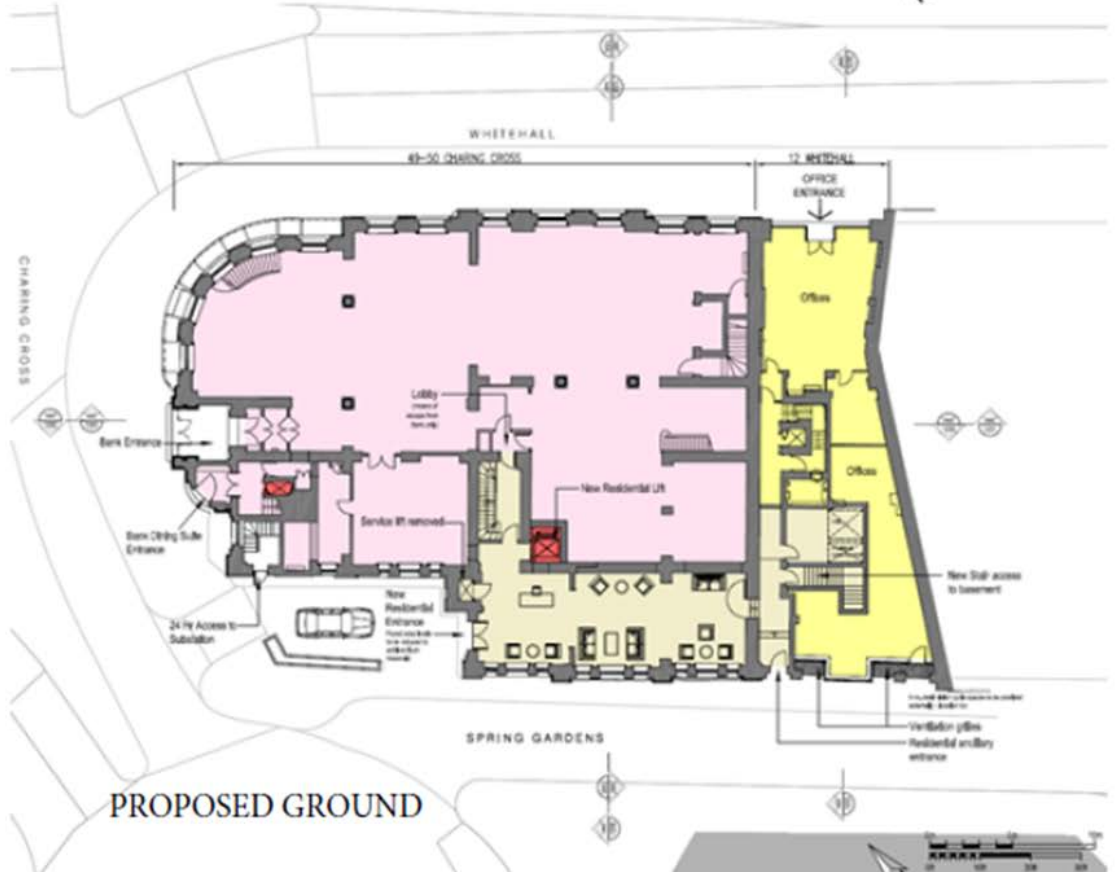
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT MMASON@WESTMINSTER.GOV.UK

9. KEY DRAWINGS

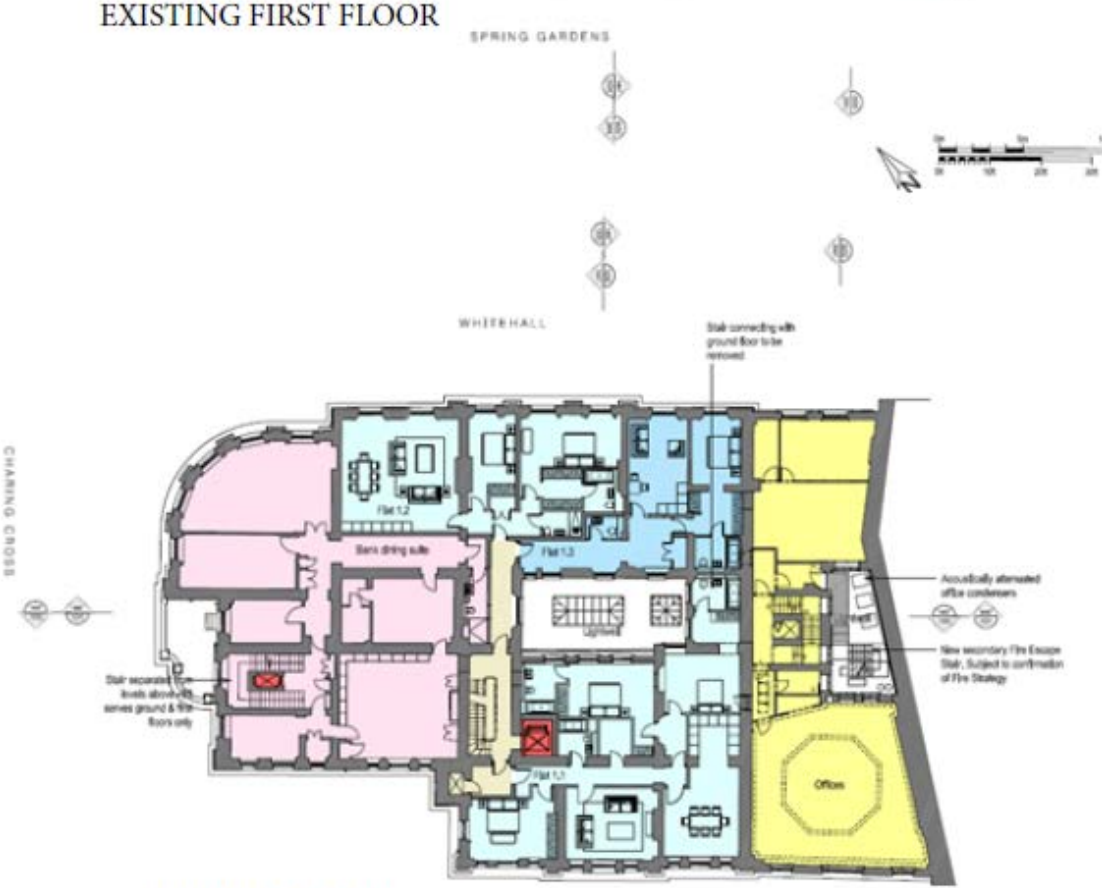
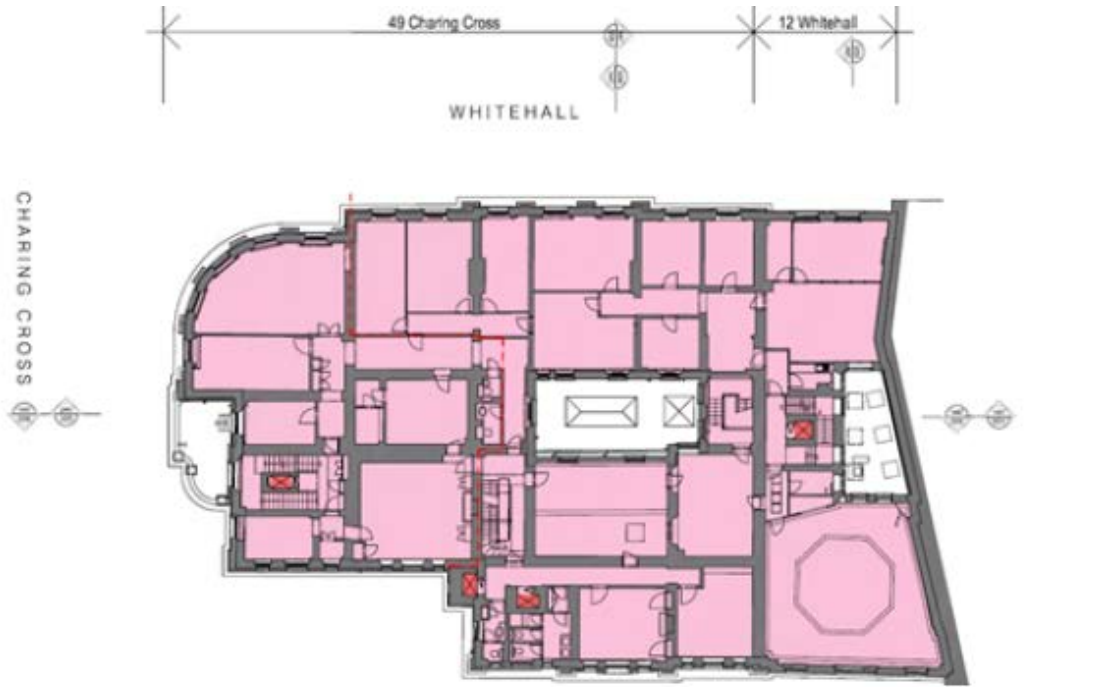




EXISTING GROUND



PROPOSED GROUND



DRAFT DECISION LETTER

- Address:** 49 Charing Cross, London, SW1A 2DX,
- Proposal:** Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets.
- Plan Nos:** 1447-0001A; 1447-0002; 1447-0100B; 1447-0101B; 1447-0102B; 1447-0103B; 1447-0104B; 1447-0105B; 1447-0106B; 1447-0107B; 1447-0108B; 1447-0109B; 1447-0130A; 1447-0200B; 1447-0201B; 1447-0203B; 1447-0205B; 1447-0206A; 1447-0300B; 1447-0301B; 1447-0302B; 1447-0460E; 1447-0461E; 1447-0462E; 1447-0463E; 1447-0464E; 1447-0465D; 1447-0930E; 1447-0931E; 1447-0932D; 1447-0933E; 1447-0934G; 1447-0935G; 1447-0936H; 1447-0937H; 1447-0938G; 1447-0939F; 1447-0940D; 1447-0941D; 1447-0943D; 1447-0945D; 1447-0946E; 1447-0950B; 1447-0951C; 1447-0952C; 1447-1100J; 1447-1101H; 1447-1102G; 1447-1103I; 1447-1104K; 1447-1105L; 1447-1106J; 1447-1107G; 1447-1108G; 1447-1109H; 1447-1200K; 1447-1201H; 1447-1203E; 1447-1205F; 1447-1206E; 1447-1300D; 1447-1301D; 1447-1302F; 1447-4200; 1447-4300A; SK-1150B; SK-1350B; SK-1400B; SK-4500C; SK-4501C; SK-4502B; SK-4700A; Planning Statement by CBRE (August 2015); Design and Access Statement (August 2015); Response to consultation comments by Brimelow McSweeney Architects (November 2015); Historic Building Assessment (August 2015); Heritage Assessment of Alterations - Addendum (November 2015); Noise Assessment (10 August 2015); Energy and Sustainability Statement (12 August 2015); Daylight Analysis Report (11 August 2015); Cundall Report 1011662-RPT-AS-00005 Rev B; Transport Statement including Waste and Servicing (August 2015).

Case Officer: Vincent Nally **Direct Tel. No.** 020 7641 5947

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:
- (a) new windows and rooflights including surrounding details (detailed drawings at a scale of 1:5);
 - (b) new external doors including surrounding details (detailed drawings at a scale of 1:5);
 - (c) new external stairs and balustrades (detailed drawings at a scale of 1:5);
 - (d) new shopfronts (detailed drawings at a scale of 1:10);
 - (e) overall external profiles of each extension (detailed drawings at a scale of 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 details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture,

face bond and pointing. 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 approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 (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 (July 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.

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

Reason:

As set out in ENV6 (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.

- 10 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.

- 11 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.

The Lmax of noise from the theatre in the 63 Hz octave band should not exceed 47 dB in new residential dwellings in 49 Charing Cross. This condition is based on the assumption that sound generated in the theatre (Trafalgar Studios) will not exceed the agreed levels described in Appendix 1 of Cundall Report 1011662-RPT-AS-00005 (Rev B dated 31/5/2016).

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.

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant, design and structure of the development will comply with the noise criteria as set out in Condition 8, 9, 10 and 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1447-110J. You must clearly mark them and make them available at all times to everyone using the residential part of the development. (C14FB)

Reason:

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

- 14 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 15 You must apply to us for approval of details of how waste and recyclable material is going to be stored within the Class A1 retail unit. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 16 The residential part of this development must achieve a 'very good' rating under BREEAM Domestic Refurbishment, or any such national measure of sustainability for house design that replaces the scheme of the same standard. You must provide us with a copy of the Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each unit built has achieved the required level, within 3 months of completion.

Reason:

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

- 17 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 18 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management and logistics plan for the proposed development has been produced in consultation with surrounding neighbours and submitted to and approved in writing by the City Council as local planning authority. The plan shall include but is not limited to:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings;
- (v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (vi) a statement to confirm sign up to the national Considerate Constructors Scheme;
- (vii) details of liaison with surrounding neighbours.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development

Plan that we adopted in January 2007.

- 19 Prior to the occupation of the development an application for the Secured by Design award scheme setting out how the principles and practices of Parts Two and Three of the Secured by Design Scheme are to be incorporated must be submitted to and approved in writing by the City Council in consultation with the Metropolitan Police Designing Out Crime Officers. The development must thereafter be carried out in accordance with these details.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Trafalgar Square Conservation Area as set out in S29 of Westminster's City Plan (July 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please 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)
- 3 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 5 Conditions 8, 9 and 12 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)
- 6 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)
- 7 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.
- 8 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)

- 9 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.

- 10 For the purposes of Condition 18, reference to surrounding neighbours includes the Department for Education, Admiralty Arch Limited, Department for International Development, Trafalgar Studios, Lord Moon of the Mall public house, Centre for Protection of National Infrastructure and the Metropolitan Police.
- 11 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:
 - Affordable housing provision;
 - Car club membership;
 - Monitoring.

DRAFT DECISION LETTER

Address: 49 Charing Cross, London, SW1A 2DX,

Proposal: Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets. Associated internal alterations.

Plan Nos: 1447-0001A; 1447-0002; 1447-0100B; 1447-0101B; 1447-0102B; 1447-0103B; 1447-0104B; 1447-0105B; 1447-0106B; 1447-0107B; 1447-0108B; 1447-0109B; 1447-0130A; 1447-0200B; 1447-0201B; 1447-0203B; 1447-0205B; 1447-0206A; 1447-0300B; 1447-0301B; 1447-0302B; 1447-0460E; 1447-0461E; 1447-0462E; 1447-0463E; 1447-0464E; 1447-0465D; 1447-0930E; 1447-0931E; 1447-0932D; 1447-0933E; 1447-0934G; 1447-0935G; 1447-0936H; 1447-0937H; 1447-0938G; 1447-0939F; 1447-0940D; 1447-0941D; 1447-0943D; 1447-0945D; 1447-0946E; 1447-0950B; 1447-0951C; 1447-0952C; 1447-1100J; 1447-1101H; 1447-1102G; 1447-1103I; 1447-1104K; 1447-1105L; 1447-1106J; 1447-1107G; 1447-1108G; 1447-1109H; 1447-1200K; 1447-1201H; 1447-1203E; 1447-1205F; 1447-1206E; 1447-1300D; 1447-1301D; 1447-1302F; 1447-4200; 1447-4300A; SK-1150B; SK-1350B; SK-1400B; SK-4500C; SK-4501C; SK-4502B; SK-4700A; Planning Statement by CBRE (August 2015); Design and Access Statement (August 2015); Response to consultation comments by Brimelow McSweeney Architects (November 2015); Historic Building Assessment (August 2015); Heritage Assessment of Alterations - Addendum (November 2015); Noise Assessment (10 August 2015); Energy and Sustainability Statement (12 August 2015); Daylight Analysis Report (11 August 2015); Cundall Report 1011662-RPT-AS-00005 Rev B; Transport Statement including Waste and Servicing (August 2015).

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:
- (a) new windows and rooflights including surrounding details (detailed drawings at a scale of 1:5);
 - (b) new external and internal doors including surrounding details (detailed drawings at a scale of 1:5);
 - (c) new external and internal stairs and balustrades (detailed drawings at a scale of 1:5);
 - (d) new decorative ceilings and wall panelling / plaster (detailed drawings at a scale of 1:10);
 - (e) new shopfronts (detailed drawings at a scale of 1:10);
 - (f) overall external profiles of each extension (detailed drawings at a scale of 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 details. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not carry out any works to cover or otherwise compromise the original ceilings, floors or walls, including their constituent parts (doors, cornices, architraves, floorboards or other fixed mouldings) until we agree a detailed 'Fire Separation and Noise Insulation Works Plan' which shall include the following:
- (a) A room by room analysis of surviving original features, including those currently concealed by lightweight grid ceilings;
 - (b) A detailed assessment of the need for additional fire separation and noise insulation measures;
 - (c) A detailed set of proposals for each situation where additional measures are required, including justification and detailed drawings at 1:10.

The development must then continue in accordance with the approved plan and details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the

development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 approved sample. (C27DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and

* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	30-31 Leinster Square, London, W2 4NQ,		
Proposal	Use of building as 8 residential flats (Class C3) with associated alterations including renovation of external facades, alterations to windows, minor increase in height to parapets, new rear infill extensions at lower ground and ground floors with associated lightwells and garden alterations. Internal alterations including lowering of the pavement vaults and installation of a lift.		
Agent	Simon Roberts		
On behalf of	FSR Acquire Ltd		
Registered Number	15/10884/FULL & 15/10885/LBC	Date amended/ completed	5 April 2016
Date Application Received	24 November 2015		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

<p>1) Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>a) Provision of £125,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development);</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>2) Refuse listed building consent.</p>
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2. SUMMARY

30-31 Leinster Square is an amalgamated pair of Grade II Listed terraced properties located within the Bayswater Conservation Area. Planning permission is sought for the change of use of the building from a hostel (sui generis) to residential (Class C3) to provide 8 residential flats with associated alterations, including new rear infill extensions at lower ground and ground floors, and the installation of a lift overrun. Listed building consent is sought for associated works including internal reconfiguration, removal of partition walls and installation of lift and the renovation of external facades.

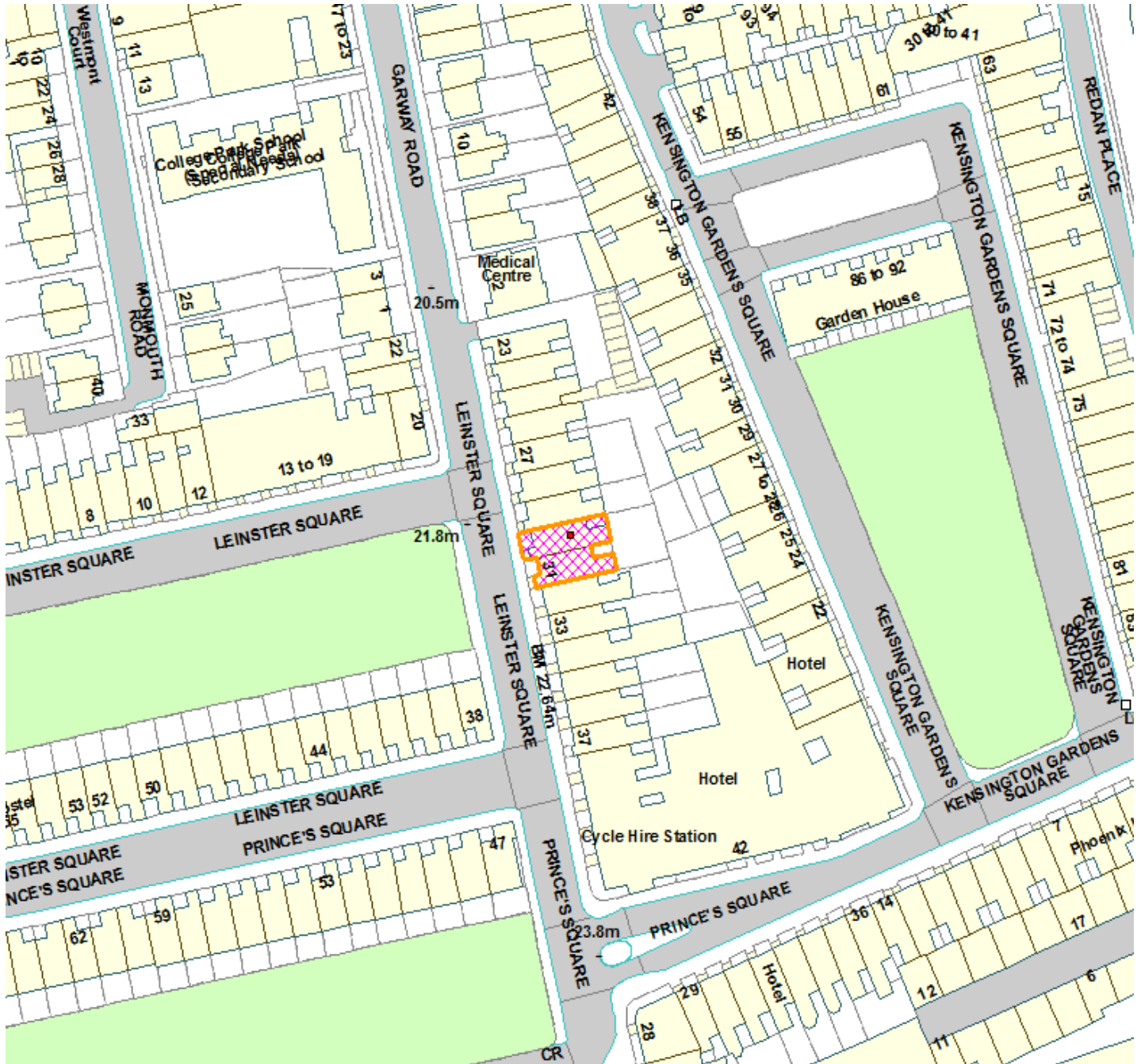
The key issues are:

- The acceptability of the loss of hostel use;
- The lack of affordable housing provision and the below policy compliant payment in lieu offer;
- The impact of the works on the character and appearance of the Grade II listed building and the Bayswater Conservation Area

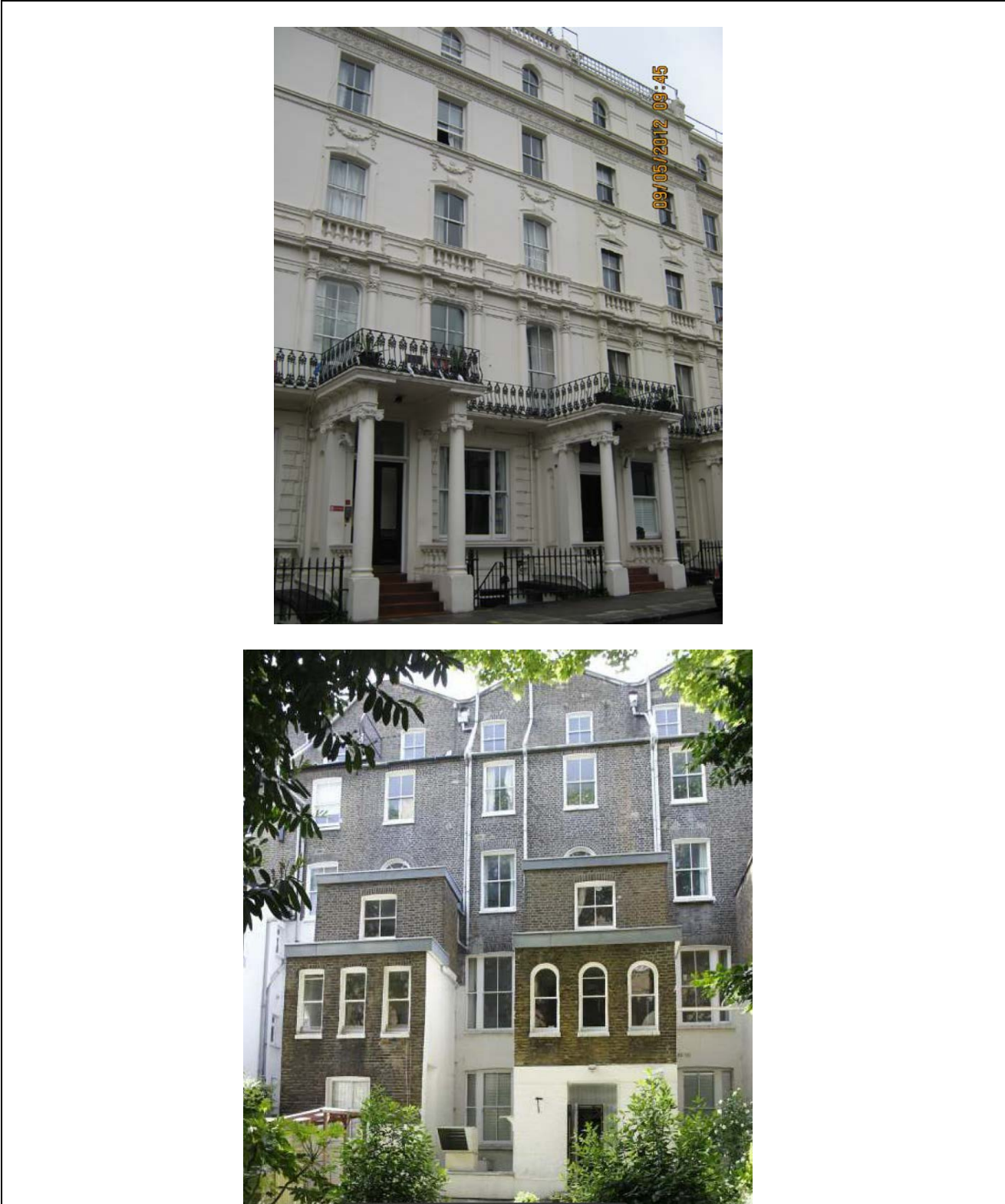
The planning application is considered, on balance, acceptable in land use, amenity, and design terms and is in accordance with policies in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and is therefore recommended for approval.

The listed building consent application is considered unacceptable in terms of the impact of the works on the special interest / significance of this Grade II listed building and it is therefore recommended that this is refused.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

Bayswater Residents Association

Approve change of use to residential however state that car parking for 8 flats will be an issue.

Designing Out Crime Group

Will not make any official comment on an application of this size.

Arboricultural Section

Any comments to be reported verbally.

Environmental Health

No objection subject to standard noise conditions.

Cleansing

Objection on the grounds of inadequate waste store provision.

Highways Planning

No objection to there being no off street car parking provided because survey data shows the area within the sites vicinity as below the 80% off street car parking occupancy threshold. The development would therefore be consistent with TRANS 23. Cycle car parking provision according to FALP should be increased from 8 spaces to 14 and should be conditioned to ensure this provision.

City Council's Commissioning Manager – Rough Sleeping

Response stating that in 2014, it was considered that there was no longer a need for such a hostel in Bayswater and therefore it was recommended that the hostel be de-commissioned.

St Mungo's

Response stating that there were no funds available to buy and retain this building as a hostel.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 129

Total No. of replies: 3

No. of objections: 1

No. in support: 2

1 letter of objection on the following grounds;

Amenity

- noise impact of new plant room and lift overrun
- loss of privacy

Design and Conservation

- loss of visual amenity
- changes to the roof will affect the listed building detrimentally
- the property is located within conservation area where few properties have condensing units or lifts at roof level.

2 letter of support have been received on the grounds that the previous hostel caused noise and anti-social problems and therefore the residential units are welcomed in principle.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

30-31 Leinster Square is a converted pair of Grade II Listed terraced properties located within the Bayswater Conservation Area. Its most recent use has been as a hostel (operated by Look Ahead) for the homeless with 29 rooms and shared communal facilities, however the building is now vacant. The properties were listed in 1965.

6.2 Recent Relevant History

13/00807/FULL

Installation of extractor flue within the rear lightwell.

Application Permitted 3 September 2013

13/00808/LBC

Installation of new extractor flue within the rear lightwell.

Application Permitted 3 September 2013

7. THE PROPOSAL

Planning permission is sought to use the building as 8 residential flats with associated alterations including renovation of external facades, internal works, new rear infill extensions at lower ground and ground floors, and the installation of a lift. The units comprise of two x 3 bed, four x 2 bed, one x 1 bed and a studio.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of hostel

Under UDP Policy H6 and City Plan Policy S15, hostels are protected uses as they provide valuable affordable housing required to meet specialist housing needs. Policy H6 of the UDP states that planning permission will only be granted for the change of use of hostels to housing, however the existing hostel must be surplus to the requirements of the existing operator and there must be no demand from another organisation for a hostel in that location. The policy goes on to state that the City Council will require the developer to demonstrate that the hostel is not required by the current occupier and that it has been marketed as a hostel in order to prove that it is surplus to requirements.

The applicant has not produced evidence that the property has been actively widely marketed as a hostel. It would appear that instead the property was marketed purely on the instruction to achieve the highest price. According to the applicant, a targeted marketing exercise was carried out with letters sent to four hostel operators on 3rd November 2015, three weeks prior to the initial submission of the planning application.

Officers have not seen any evidence of this. The applicant has confirmed that no responses were received to these letters.

Following requests during the course of the application, the applicant provided a report from Savoy Stewart (a commercial property surveyors and estate agents) regarding the suitability for the continued use of the property as a hostel. This report concludes that there was clear evidence that with the level of London property prices and the cost of bringing the property into a good standard of repair, it would not be able to be run as a profitable hostel when considering the amount of beds that can be provided, compared to the levels of income that it is estimated this property could generate. The report states that four hostel operators made contact with the agent marketing the property following the initial marketing exercise however none followed this up with the submission of a bid. The agent has stated that all these hostel operators were ones which provide overnight accommodation for budget travellers.

In addition, the applicant has submitted an appraisal by Lacayo Wolfe (design consultant) of the site, which concludes that a significant amount of investment would be required on the property for it to comply with City of Westminster HMO regulations, building regulations, equalities requirements and Health and Safety legislation. This together with the listed building restrictions and cost of acquisition, it claims would mean it is unlikely to appeal to a commercial hostel operator.

The City Council's Commissioning Manager for Rough Sleeping has confirmed that when they worked with the provider of the previous hostel use, Look Ahead, to decommission the use, the Council was confident that there was no longer a need for this particular hostel use. A copy of a letter from the City Council's Strategic Director for Housing dated September 2014 (included in the applicant's submission) states that although the property was not identified as requiring closure, Look Ahead feel that due to the condition of the building and cost of necessary works they felt it is not feasible for the hostel to remain in operation and that it was agreed that the hostel will no longer operate as of 31 March 2015. The letter goes on to state that the Council does not intend to commission any other supported housing service on the site.

This information does not make it clear that there is no longer demand for the hostel use, although it does provide a background as to why the previous operator chose to cease the hostel use at the site.

Policy H6 further requires that the City Council will consult hostel operators to see whether there is a demand for the use of the hostel and whether funding is available to purchase the hostel at a price that reflects the hostel use. The City Council contacted four hostel operators in an attempt to identify the level of demand and funding. One letter of response was received from St Mungo's, stating that it did not have the funds available to buy and retain the building as a hostel.

Although the applicant has only undertaken a limited marketing exercise of the property as a hostel, as required by policy H6, on balance the information submitted along with the City Council's own consultation exercise suggests that there is no evidence that there remains a clear demand for the hostel use. In this instance therefore, there is considered to be no objection to the loss of the existing hostel.

Residential use

Policy H6 states that the only permitted change of use from hostel will be to housing. City Plan policy S14 and UDP policy H3 seek to optimise housing delivery and prioritise residential use in Westminster. The change of use therefore accords with these policies.

The proposed mix of units includes two x 3 bed, four x 2 bed, one x 1 bed and one studio. Although the proposals fall short of the City Council's mix of unit requirements under Policy H5, in that only 25% of the development will be family sized, it is not considered in this instance to be an unacceptable mix. All units meet the Nationally Described Space Standards (Technical Housing Standards DCLG 2015) and are considered to provide a suitable standard of accommodation with adequate natural light and ventilation.

Private amenity space is proposed to four of the units. Whilst provision has not been made for the other flats, primarily for design and listed building reasons, the proposals are considered acceptable and to accord with policy H10 of the UDP.

Affordable housing

Policy S16 of the City Plan requires that in new residential schemes of 10 or more additional units or 1,000+ sqm (GEA) of additional floor space an element of on-site affordable housing should be provided. In this case, the creation of 1126m² of new residential floor space requires 80m² of the floor space to be provided as affordable housing.

The policy requires affordable housing to be provided on-site but where this is not practicable or viable, cascade options allow for it to be provided off-site in the vicinity. The supporting text to this policy notes that financial contributions in lieu of affordable housing provision is an option the Council will only accept if the cascade options have been thoroughly explored and proved impracticable or unfeasible. In this case the policy compliant payment in lieu would be £307,573.

The applicant argues that providing affordable housing on site will make their development unviable and have provided a viability assessment to support this. The Council's independent consultants, Lambert Smith Hampton accept this position and confirm that this cannot be accommodated within the current scheme given the alterations required to bring this property upto standard and having regard to the listed building.

Subsequent to this, the applicant initially argued that providing any payment in lieu for affordable housing would also make their development unviable. Following negotiations and discussions Lambert Smith Hampton have concluded that the proposal shows a notional surplus of £42,000.

Notwithstanding this, the applicant has offered a payment of £125,000 which is welcomed and this is to be secured by legal agreement.

Accordingly the proposal is acceptable in land use terms.

8.2 Townscape and Design

The relevant policies in the assessment of this application are DES 1, DES 5, DES 6, DES 9 and DES 10 of the UDP and S2, S3, S4, S5, S6, S7, S8, S9, S10, S11, S12, S13, S14, S15, S16, S17, S18, S19, S20, S21, S22, S23, S24, S25, S26, S27, S28, S29, S30, S31, S32, S33, S34, S35, S36, S37, S38, S39, S40, S41, S42, S43, S44, S45, S46, S47, S48, S49, S50, S51, S52, S53, S54, S55, S56, S57, S58, S59, S60, S61, S62, S63, S64, S65, S66, S67, S68, S69, S70, S71, S72, S73, S74, S75, S76, S77, S78, S79, S80, S81, S82, S83, S84, S85, S86, S87, S88, S89, S90, S91, S92, S93, S94, S95, S96, S97, S98, S99, S100 of the City Plan.

Firstly, it is worth noting that the hostel was a longstanding use and many alterations in terms of room divisions and bathrooms/toilets and the rooftop plant room appear to have been carried out at an unknown time in the past, although likely to be during or before the 1970s and there is no evidence of listed building consent being granted. It is possible that some of the works occurred prior to listing.

Internal Works

A lift is proposed from basement to fourth floor within no.30. The applicant argues that the new lift is required to make the building viable and that the lift causes no harm because it occupies the position of an existing riser, which has already caused harm to the listed building.

Whilst it is acknowledged that there is an existing riser, this is a small feature occupying approximately 25% of the area of the lift and is not sufficient justification for the lift on its own. The new lift, which will be accompanied by a new riser will exacerbate the the loss of historic fabric (floors and ceilings) associated with cutting through all floors and inserting a steel or concrete shaft. Unlike functional additions such as bathrooms and kitchens, which can be treated as pods within rooms and therefore mitigating their impact, the lift shaft has to run from floor to ceiling and imposes a major volume into the floor plan and rooms, creating some unusual and truncated room sizes and proportions, harmful to the floor plan.

The proposed lift would be accessed from the staircase compartment of no.30. This is an original compartment as is the staircase and retains elements of historic fabric and detailing. The positioning of a lift opening off this space would significantly erode the character and special interest of this space, compromising its historic interior.

As well as its harmful intervention on the floor plan, the lift would result in the loss of parts of the roof structure, from a projecting lift overrun which will sit adjacent the unauthorised roof plant room which straddles the two properties. The lift would involve the removal of a section of both sides of the butterfly roof to create an overrun. Visually, this is considered to further diminish the roof due to it bridging the gutter, affecting the pitches and the central spine of the roof. The applicant argues that further to installation of the roof overrun, the butterfly roof will be restored and what would remain of the roof would be slated in natural slate. However, officers do not accept this mitigation as offering sufficient public benefits as to outweigh the harm caused by the lift's insertion.

An appeal against the refusal of listed building consent for an internal lift from basement to roof level in the rear room at 34 Leinster Square was dismissed in 2014 (the appeal decision for this is contained within the background papers). The impact on the internal character and structure and issues of harm and public benefits were part of the informal hearing discussion. The Inspector considered that:-

“The NPPF (para 134) requires that when considering the impact of a proposed development on the significance of listed buildings, great weight should be given to their conservation and that any harm or loss should require clear and convincing justification.

Where a development proposal would lead to harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

Public benefits should be of a scale or nature to the public at large and should not be just a private benefit”.

The Inspector found that the lift would cause harm to the historic building through the loss of fabric, the number of rooms being truncated and the impact on the butterfly roof. While there would be easier access to the upper floors, there would still be steps to the front door and therefore there would not be wheel chair access to the rooms.

The Inspector found that that there was no persuasive evidence that the building would not be viable or saleable without a lift. He found that the limited public benefits would not outweigh the harm to the special interest of the listed building and dismissed the appeal.

As referred to above, the applicant argues that the lift is required to make the new accommodation viable. Given that the majority of the listed properties in the area do not have a lift and the accommodation remains as high value and highly desirable residential accommodation, this applicant's justification is not considered to outweigh the harm caused to the listed building.

As a final point to note in regards to the lift overrun, the addition of another alien feature to the butterfly roof exacerbates the impact of the existing oversized plant room. There is no record of planning permission or listed building consent being granted for this plant room and thus it is not considered that a harmful addition to the roofscape, in the form of the plant room, which did not benefit from planning permission or listed building consent, can be regarded as an acceptable basis upon which to aggravate this harm.

In terms of other alterations to the interiors, these include a re-ordering of partitions and the introduction of new services and incorporate spaces which impact on the floor plan. For example, one room is annotated on the floor plan for each level 'hydro' and one for 'plant vent'. The impact of these installations further compromise the historic plan form and should be avoided, with options explored which minimise services impacts. Officers note that a communal heating system and heat recovery system may be more appropriate, providing a more sensitive approach is undertaken as this would create a less cluttered floor plan. At ground and first floors, which are areas which should be afforded most care, the original ceilings which still exist are being overboarded with plasterboard seemingly to meet building regulations. Again it is considered that alternative options to address sound transfer and fire protection are considered. The ground floor bulkhead has still not been investigated, despite requests, to see what fabric exists beneath and therefore at this time the proposals are considered unacceptable. Other internal works are proposed including oversized lobbies being created, particularly at first floor level. These lobbies are considered to be too large and have a harmful impact on the floor plan. At second, third and fourth floor level all the partitions are being removed. Whilst many of these are likely to be non-original, some of them will be original but no investigation has been made as to which ones are original and therefore no attempt to retain original fabric and plan form has been made.

While it is acknowledged that the plan form and interior of these buildings has been altered, albeit with no evidence of consent, the historic plan form remains discernible and elements of the historic fabric survive throughout. There is every opportunity to develop a scheme which seeks to restore and enhance the historic interior, but instead the current proposal only exacerbates the harm already caused and does so in a less ephemeral way.

It is noted that the statutory duty as stipulated in the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for

any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is not considered that this duty would be served by accepting the current proposal.

External Works

At the rear, two, two-storey infill extensions are proposed at lower ground and ground floor level. These extensions are of a contemporary design which would normally be considered contentious in design and listed building terms. However, as they are sited between the existing closet wing projections and the side elevations of adjacent properties and are recessed behind the existing building line, the visibility of the extensions is considered to be minimal and therefore the character and appearance of the conservation area is not considered to be harmed. Extensions of this nature would normally be considered unacceptable as the associated alterations to change the rear ground floor window to a door to allow access to the proposed room space is often considered unacceptable in listed building terms. In this instance however, the large ground floor window is retained and access is achieved through an opening in the closet wing, which is of lesser interest.

Other external changes include the general refurbishment of facades, including windows (now largely retained, rather than replaced with double glazing as originally proposed), the removal of unnecessary pipes, wires etc, redecorating and stucco repairs. The external fabric is largely in good condition so much of the refurbishment works proposed will be minimal and are not considered to result in harm to the listed building. Retiling of the entrance and the new stone basement steps and paving are improvements and are welcomed.

Conclusion

Whilst there are merits to the application both in conservation and listed building terms, there remain a number of harmful elements associated with the residential use on the integrity of the listed buildings. In the terms of the NPPF the degree of harm caused is considered to be less than substantial and in such circumstances paragraph 134 indicates that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case there are not considered to be public benefits which outweigh the harm caused and there is no evidence that the properties would be unviable, in the absence of the proposed internal alterations. It is therefore recommended that the listed building consent application is refused.

While the lift overrun is considered to have a harmful impact upon the historic roof form, it is considered that the external works would not have a harmful impact on the Bayswater Conservation Area and it is therefore recommended that planning permission be approved.

8.3 Residential Amenity

Policy ENV13 of the UDP and S29 of the City Plan aim to safeguard the amenity of residents from the effects of new development with particular regard to overlooking, sense of enclosure and loss of daylight and sunlight. Policy ENV7 of the UDP relates to noise from plant and machinery and internal activity and sets out noise standards to be achieved in relation to noise sensitive properties.

One objection has been received from a neighbour on the grounds of potential noise disturbance from the proposed roof top plant. The City Council's Environmental Health officers has assessed the submitted acoustic report and have concluded that the proposed plant is likely to meet the Council's noise criteria and therefore has no objection to the proposal, subject to standard noise conditions.

The proposed lift overrun is set back from the roof parapet and would have no impact on neighbouring properties in terms of residential amenity.

The lower ground and ground floor rear extensions are relatively modest in size and are infill extensions confined to the areas between existing closet wings, sited lower than the existing garden boundary treatments. It is therefore considered that there will be no impact in terms of overlooking, loss of daylight or sunlight or sense of enclosure on neighbouring properties.

Two terraces are proposed above the extensions at first floor level, however, as these are located between the closet wings and behind the existing building line it is not considered that these will result in any significant overlooking to neighbouring properties.

The use of the building as permanent residential accommodation rather than as hostel accommodation is welcomed.

The proposals are therefore acceptable in amenity terms.

8.4 Transportation/Parking

The Bayswater Residents Association has raised concerns regarding the eight additional residential units impact on parking in the area however the Highways Planning Manager has no objection to there being no off street car parking provision because survey data shows the area within the vicinity of the site is below the 80% off street car parking occupancy threshold. The development is therefore considered to be consistent with TRANS 23.

Eight cycle parking spaces are proposed within the front lightwell of the property. The Highways Planning Manager has stated that the London Plan requires that such a development should make provision for 14 cycle parking spaces. It is considered that this additional requirement can be accommodated within the building or the vaults, and therefore it is suggested that a condition to secure this is to be attached to any permission granted.

8.5 Economic Considerations

It is estimated that the proposal will require a Mayoral CIL contribution of £3,347 and a Westminster CIL contribution of £24,000.

8.6 Access

Access arrangements will not be significantly altered by the proposal.

8.7 Other UDP/Westminster Policy Considerations

The City Council's Cleansing officer has stated that the proposed waste and recycling storage provision is inadequate however it is intended that this will be secured by way of condition.

The City Council's arboricultural Officer has assessed the submitted tree survey and arboricultural impact assessment and has no objection to the proposals for the rear extensions subject to tree protection and landscaping conditions being placed on any permission.

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

A payment in lieu of £125,000 for affordable housing will be secured by a legal agreement.

The estimated Westminster CIL payment is £24,000 and the Mayor of London's CIL payment is £3,347.

9. BACKGROUND PAPERS

1. Application form
2. Table of floor areas.
3. Resonse from Bayswater Residents Association 9 December 2015
4. Response from Designing Out Crime, dated 1 June 2016
5. Response from EH Consultation, dated 2 February 2016
6. Response from Arboricultural Section dated 11 July 2016
7. Response from Cleansing dated 18 December 2015
8. Response from Highways Planning dated 22 December 2015
9. Response from St Mungo's dated 15 July 2016
10. Response from Rough Sleeping Team dated 2 August 2016
11. Letter from occupier of 32F Leinster Square, London, dated 23 December 2015
12. Letter from occupier of 32 Leinster Square, London, dated 7 January 2016
13. Letter from occupier of 27F Leinster Square, London, dated 25 July 2016
14. Appeal Decision dated 14 April 2014.

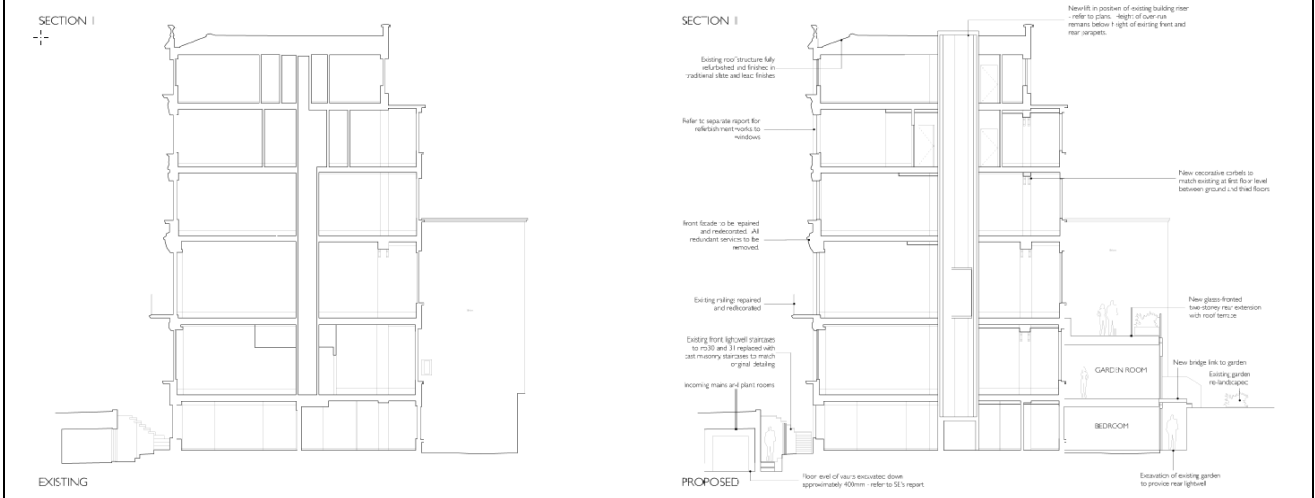
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

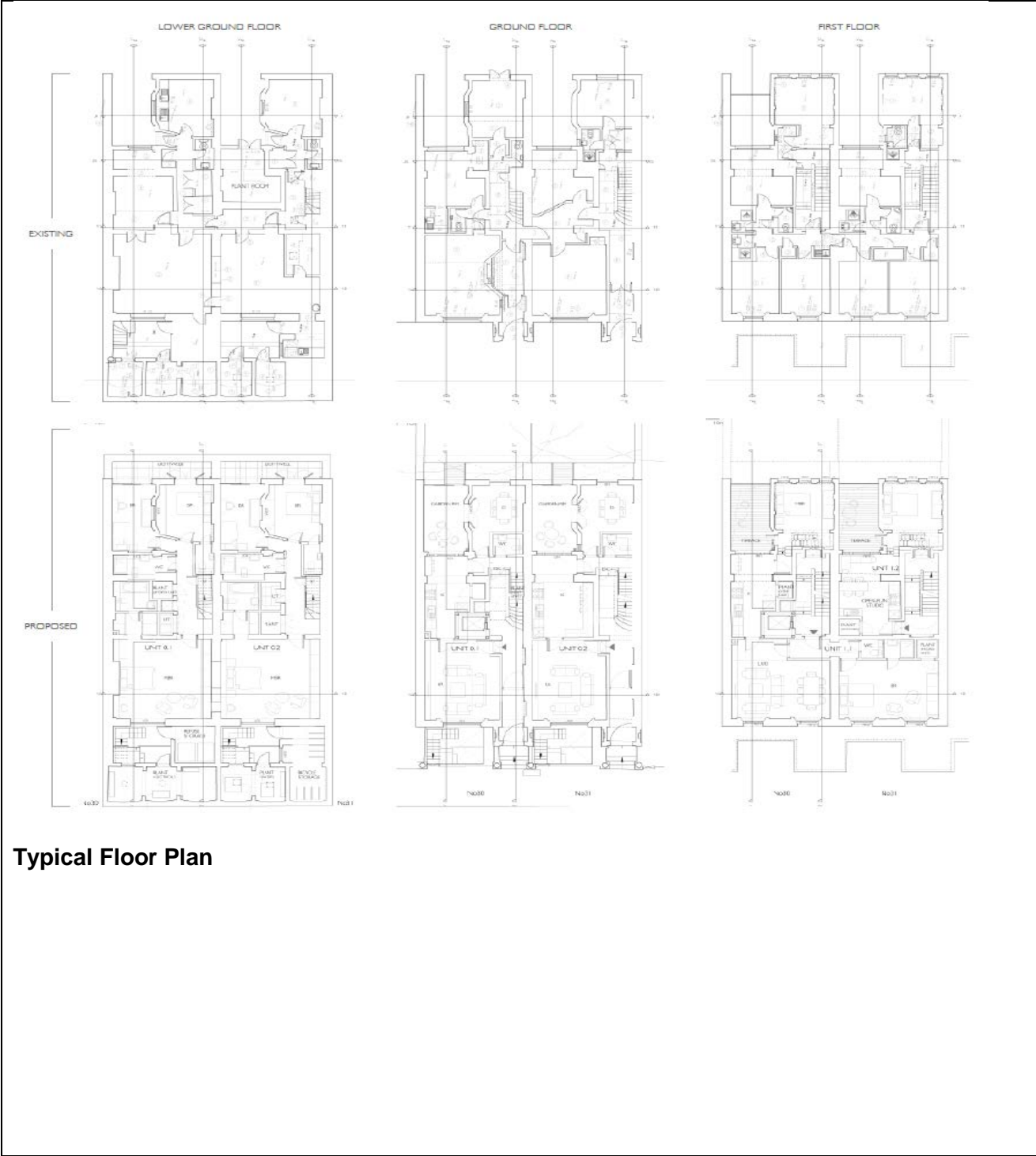
10. KEY DRAWINGS



Existing and Proposed Rear Elevations



Existing and Proposed Section, showing lift overrun



Typical Floor Plan

DRAFT DECISION LETTER-15/10884/FULL

Address: 30-31 Leinster Square, London, W2 4NQ,

Proposal: Use of building as 8 residential flats (Class C3) with associated alterations including a lift overrun at roof level, renovation of external facades, alterations to windows, minor increase in height to parapets and new rear infill extensions at lower ground and ground floors with associated lightwells,

Reference: 15/10884/FULL

Plan Nos: E(--)B1RevB; E(--)00RevB; E(--)01RevB; E(--)02RevB; E(--)03RevB; E(--)04RevB; E(--)05RevB; L(so)00RevD; L(so)001RevD; L(so)002RevD; L(so)B1RevD; P(12)00RevC; P(12)01RevC; P(12)02RevC; P(12)03RevC; P(12)04RevC; P(12)B1RevC; P(--)00RevJ; P(--)01RevK; P(--)02RevH; P(--)03RevJ; P(--)04RevH; P(--)09RevE; P(--)10RevC; P(--)11RevC; P(--)20RevE; P(--)B1RevJ; P(30)00RevA; P(30)01RevA; P(30)02RevA; P(30)03RevA; P(30)04RevA; P(30)B1RevA. Planning Statement; Arboricultural Survey; Arboricultural Impact Assessment dated October 2015; Heritage Statement dated November 2015; Design and Access Statement Rev A dated March 2016; Appraisal Report; letter dated 16 March 2016; Legal Advice dated 14 March 2016; Report by Savoy Stewart dated 15 March 2016; Structural Engineers Report; Acoustic Report; Environmental& Energy Assessment Rev2 19 November 2015.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s):

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

Reason:

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

2. Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

4. You must apply to us for approval of details of the following parts of the development ;

- Sample of the stone to be used for re tiling the basement steps and paving
- Detailed drawings of the joinery of any windows to be replaced.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

5. The metal framing used for the glazed rear extensions must be dark grey in colour.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

6. (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 (July 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.

7. 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.

8. 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 on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 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 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 this part of the Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

9. Pre Commencement Condition. You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

10. You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building.. (C14EC)

Reason:

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

11. You must apply to us for approval of details of 14 secure cycle storage for the building. 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.

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2. This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

3. Please read the following.

* British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction

* National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995)

* Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)

4. 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.

5. 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.

6. The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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.

DRAFT DECISION LETTER 15/10885/LBC

Address: 30 Leinster Square, London, W2 4NQ,

Proposal: Alterations including renovation of external facades, alterations to windows, minor increase in height to parapets, new rear infill extensions at lower ground and ground floors with associated lightwells and garden alterations. Internal alterations at all levels, including lowering of the pavement vaults and installation of a lift in association with the use of the building as a 8 residential flats.

Plan Nos: E(--)B1RevB; E(--)00RevB; E(--)01RevB; E(--)02RevB; E(--)03RevB; E(--)04RevB; E(--)05RevB; L(so)00RevD; L(so)001RevD; L(so)002RevD; L(so)B1RevD; P(12)00RevC; P(12)01RevC; P(12)02RevC; P(12)03RevC; P(12)04RevC; P(12)B1RevC; P(--)00RevJ; P(--)01RevK; P(--)02RevH; P(--)03RevJ; P(--)04RevH; P(--)09RevE; P(--)10RevC; P(--)11RevC; P(--)20RevE; P(--)B1RevJ; P(30)00RevA; P(30)01RevA; P(30)02RevA; P(30)03RevA; P(30)04RevA; P(30)B1RevA. Planning Statement; Arboricultural Survey; Arboricultural Impact Assessment dated October 2015; Heritage Statement dated November 2015; Design and Access Statement Rev A dated March 2016; Appraisal Report; letter dated 16 March 2016; Legal Advice dated 14 March 2016; Report by Savoy Stewart dated 15 March 2016; Structural Engineers Report; Acoustic Report; Environmental& Energy Assessment Rev2 19 November 2015.

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

Reason:

- 1 Because of the impact of the proposed lift overrun, internal works, including partitions, lift shaft and introduction of services and loss of fabric on the character and integrity of the building, the works would harm the internal character of these grade II listed buildings. This would be against the advice set out in S25 and S28 of Westminster's City Plan adopted July 2016 and DES 1, DES 10 of our Unitary Development Plan that we adopted in January 2007 and the advice set out in paragraph 2.3 and 2.4 of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings'. (X18AB)

Reason:

- 2 Because of the impact of the new roof level interventions on the form and appearance of the butterfly roof the proposed lift shaft overrun would harm the appearance and integrity of the roof structure and harm the special interest / significance of these grade II listed buildings. This would not meet S 25 of Westminster's City Plan adopted July 2016 and DES 1, DES 6 and paras 10.108 to 10.146 of our Unitary Development Plan that adopted in January 2007.

The works are contrary to advice contained in the National Planning Policy Framework (NPPF) section 12 and adopted and published supplementary planning guidance namely Roofs: A Guide to Alterations Extensions on Domestic Buildings (City Of Westminster: 1995) and Repairs and Alterations to Listed Buildings (City of Westminster: 1996).

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	Old Quebec Street, London.		
Proposal	Use of the public highway for the placing of 158 outdoor seats, 40 tables, 26 canvas barriers, 16 small planters and 9 tree planters in two areas measuring 4.63m x 37.2 (western side) and 3.45m x 36.6m (eastern side) in association with the Cumberland Hotel and three ground floor restaurant/cafe units (western side) and the Sportsman Casino and the City of Quebec Public House (eastern side) of Old Quebec Street.		
Agent	Atkins Ltd		
On behalf of	The Portman Estate		
Registered Number	16/03443/TCH	Date amended/ completed	3 May 2016
Date Application Received	15 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Old Quebec Street runs north/south between Bryanston Street and Oxford Street, close to Marble Arch. The site is located within the Core Central Activities Zone (CAZ), Portman Estate Conservation Area and outside the West End Stress Area. Permission is sought for the use of the public highway for placing tables and chairs and other associated furniture on both sides of Old Quebec Street, in connection with three new restaurants and Cumberland Hotel on the western side and the Sportsman Casino and the City of Quebec Public House on the eastern side of the street. The proposal will create a new al-fresco dining quarter and a new oasis space for the western end of Oxford Street.

The street has been enhanced through pedestrianisation and environmental improvements to paving

and landscaping as part of the ORB Action Plan in 2007. These works included the installation of number of cycle and the planting of four Chanticleer Pear trees.

The key issues for consideration are:

- * The impact on residential amenity, and the character and function of the area ;
- * The impact on pedestrian movement and highways safety;
- * The impact on the townscape
- * The loss of four chanticleer pear trees; and relocation of cycle stands

Permission has previously been granted since 2008 and 2009 for tables and chairs outside the Cumberland Hotel bar and the City of Quebec Public House. The principle of tables and chairs on Old Quebec Street is therefore well established. This co-ordinated approach to external seating would provide and external dining quarter off Oxford Street. This is considered acceptable in principle and will compliment the retail function of the primary shopping street.

The Westminster Way stipulates that proposals should retain a minimum clearance of half the overall width of pedestrian areas to ensure that there is no obstruction. Old Quebec Street is 12.77m wide. The proposal would leave a central area of 4.69m free from obstruction. This does not therefore comply with Westminster Way which requires 6.4m free to be acceptable. The Highways Planning manager has objected that the tables and chairs and planters would result in obstruction and clutter the highway contrary to UDP policy TRANS 3. However as pedestrian flows are relatively low and the remaining footway would be greater than in many other parts of the City it is considered that permission should not be withheld on the grounds that the scheme would result in an obstruction.

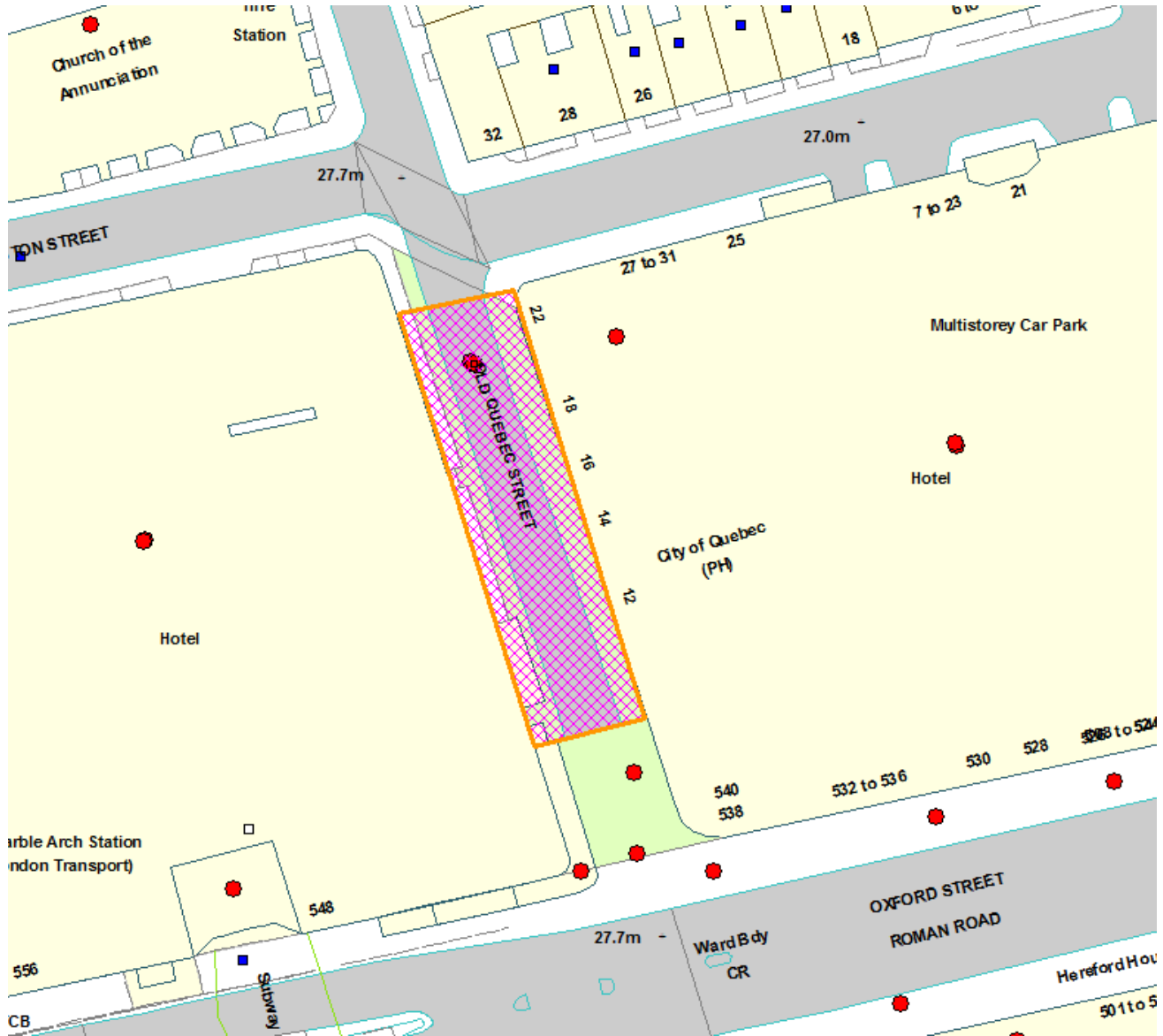
With regards to potential noise and the impact on residential amenity, Old Quebec Street comprises primarily commercial uses. The nearest residential is located at the northern end at 30 Old Quebec Street. Subject to a condition which restricts the time which the tables and chairs are used to between 07.00 hours and 24.00 hours (midnight) daily (as per the previous permissions) it is considered that use of the tables and chairs would not be harmful to residents amenities.

It is intended that the table and chairs would be removed from the public highway daily; however, the planters would remain in situ. No details have been provided where the tables and chairs will be stored. It is recommended that this is secured by condition.

There were 6 cycle stands on Old Quebec Street which have been temporarily removed to accommodate the hoarding in connection with current works. The cycle stands are not part of this application and their reinstatement either on Old Quebec Street or in the vicinity would be the subject of a separate application under the highways act.

There proposed layout would result in the loss of four Chanticleer Pear trees which would be replaced by eight tree planters. The Arboricultural Manager raises no objection to the loss of these trees.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Old Quebec Street Prior to the erection of hoarding associated with permission dated 18 September 2012 (RN: 12/05531)



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Object on the following ground:

- Modification to highway required;
- Proportion of the pedestrianised street attributed to commercial activity;
- No furniture storage location identified
- Clutter

CLEANSING - DEVELOPMENT PLANNING

No objection

STREET TRADING - PREMISES MANAGEMENT

Any response to be reported verbally

ARBORICULTURAL SECTION - DEVELOPMENT PLANNING

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing Manager dated 23 May 2016
3. Response from Marylebone Association, dated 6 June 2016
4. Memorandum from Highways Planning Manager dated 27 July 2016
5. Memorandum from Arboricultural Officer dated 1 August 2016

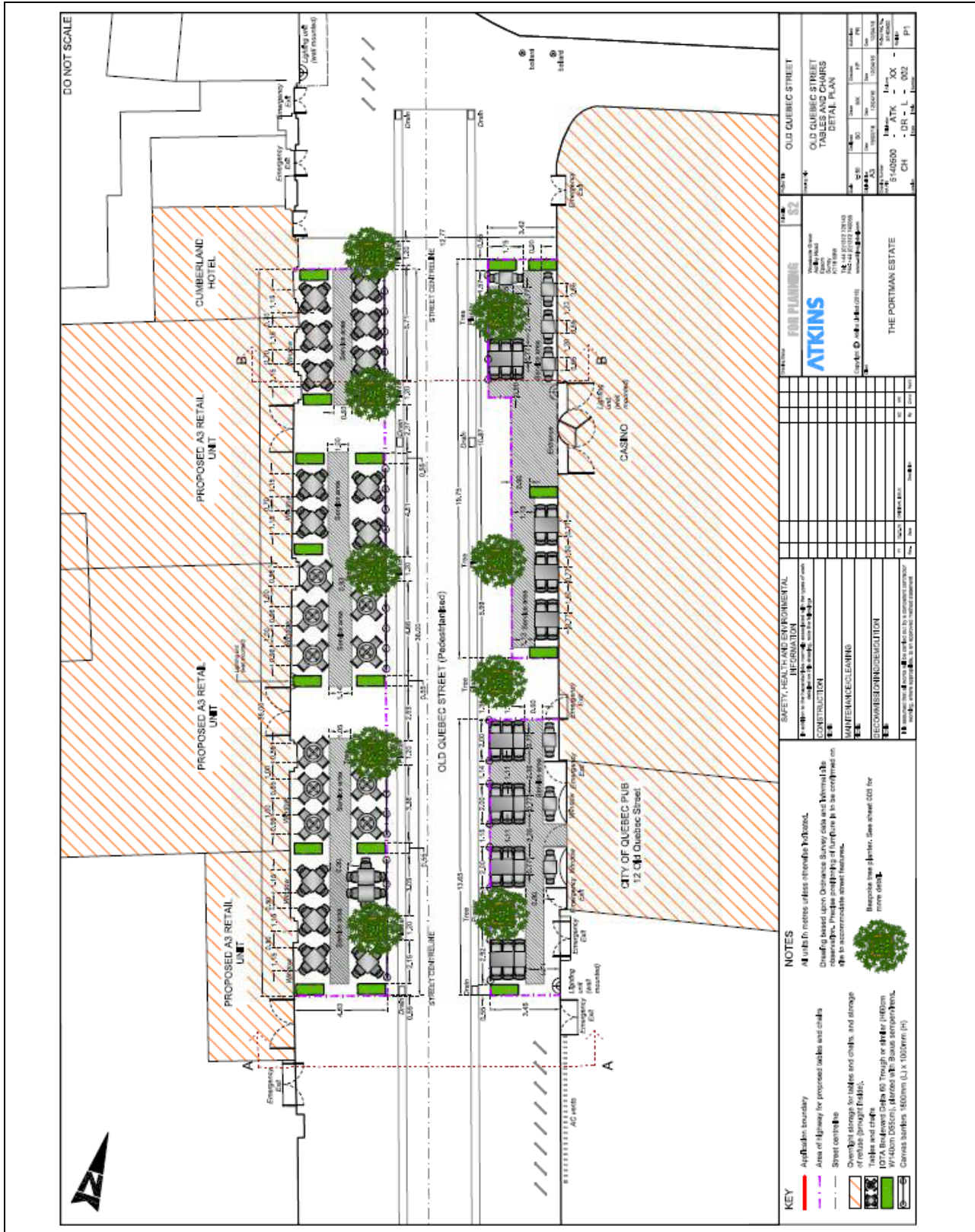
Selected relevant drawings

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

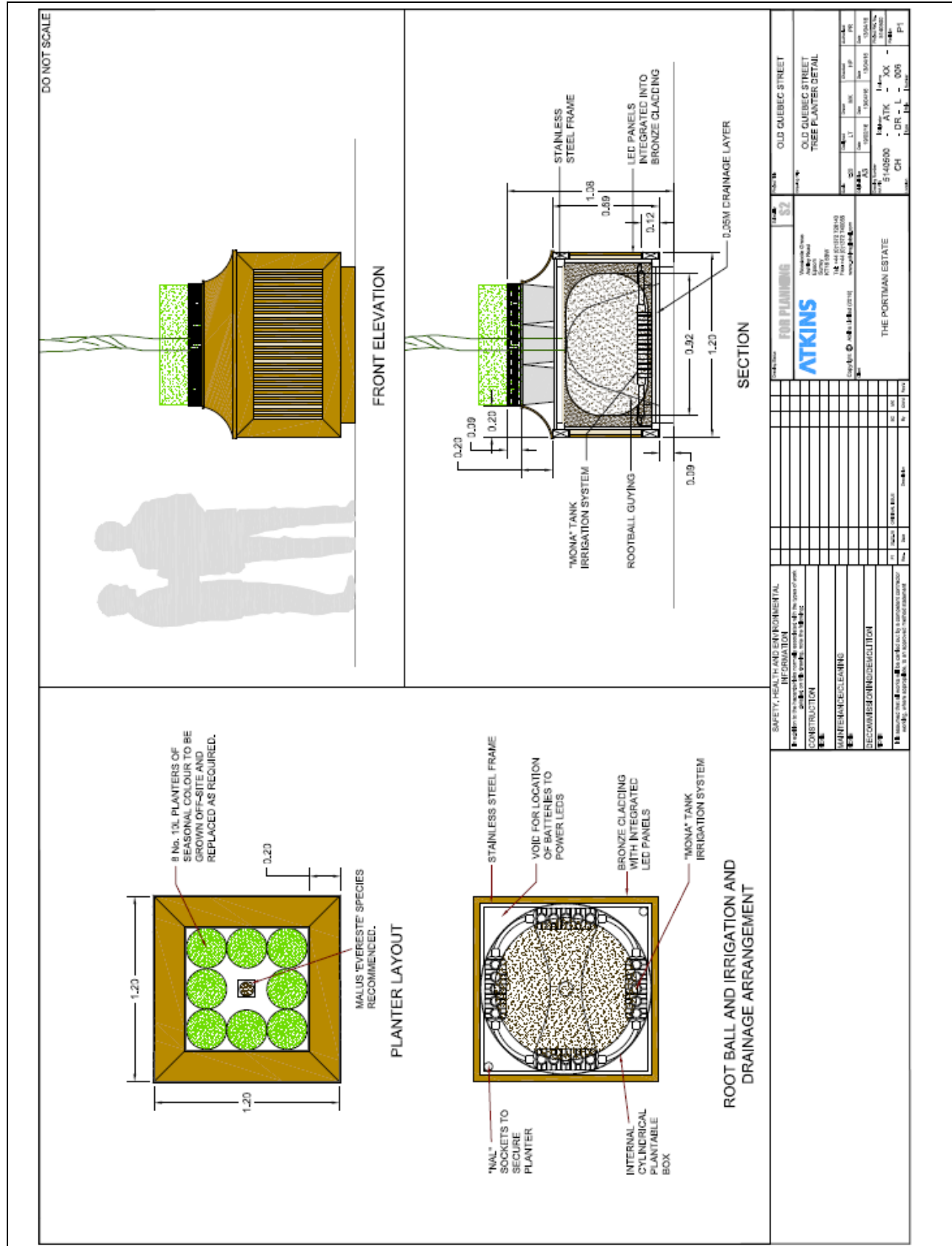
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.

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7. KEY DRAWINGS



<p>KEY</p> <ul style="list-style-type: none"> Applicable boundary Area of Highway for proposed tables and chairs Street centreline Overnight storage for tables and chairs, and storage of refuse (bring trucks) Tables and chairs DOTA Boulevard Cycles 40" Trough or 40" or 400mm (1600mm) (1.4m x 1.030mm) (H) Camera barriers 1400mm (1.4 x 1030mm) (H) 	<p>NOTES</p> <ul style="list-style-type: none"> All units fit within setbacks unless otherwise indicated. Drafting based upon Quebec Survey data and Internal (to be confirmed) height. Final height of furniture to be confirmed on site to accommodate street furniture. Respect tree setbacks. See sheet 005 for more details. 	<p>FOR PLANNING</p> <p>ATKINS</p> <p>155, rue de la Couronne Montreal, QC H3C 1K4 Tel: 514 393 1200 Fax: 514 393 1209</p>	<p>THE PORTMAN ESTATE</p>	<p>Project No. 5-140500 - DR - 002</p>
				<p>Scale: 1:100</p>
<p>SAFETY: REMAINS FOR ENVIRONMENTAL INFORMATION</p> <p>CONSTRUCTION</p> <p>MAINTENANCE/CLEANING</p> <p>DECOMMISSION/DEMOLITION</p>	<p>Scale: 1:100</p>	<p>Scale: 1:100</p>	<p>Scale: 1:100</p>	<p>Scale: 1:100</p>



FOR PLANNING **\$2**

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 Fax: +1 (905) 947-8200
 www.atkins.com

THE PORTMAN ESTATE
 CH - DR - L - 006 - P1

OLD QUEBEC STREET
OLD QUEBEC STREET
TREE PLANTER DETAIL

NO.	DATE	DESCRIPTION	BY	CHECKED	SCALE	STATUS
01		ISSUED FOR PERMIT			1:1	P1
02		REVISED PER COMMENTS			1:1	P1
03		REVISED PER COMMENTS			1:1	P1
04		REVISED PER COMMENTS			1:1	P1
05		REVISED PER COMMENTS			1:1	P1
06		REVISED PER COMMENTS			1:1	P1
07		REVISED PER COMMENTS			1:1	P1
08		REVISED PER COMMENTS			1:1	P1
09		REVISED PER COMMENTS			1:1	P1
10		REVISED PER COMMENTS			1:1	P1
11		REVISED PER COMMENTS			1:1	P1
12		REVISED PER COMMENTS			1:1	P1
13		REVISED PER COMMENTS			1:1	P1
14		REVISED PER COMMENTS			1:1	P1
15		REVISED PER COMMENTS			1:1	P1
16		REVISED PER COMMENTS			1:1	P1
17		REVISED PER COMMENTS			1:1	P1
18		REVISED PER COMMENTS			1:1	P1
19		REVISED PER COMMENTS			1:1	P1
20		REVISED PER COMMENTS			1:1	P1
21		REVISED PER COMMENTS			1:1	P1
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54		REVISED PER COMMENTS			1:1	P1
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56		REVISED PER COMMENTS			1:1	P1
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69		REVISED PER COMMENTS			1:1	P1
70		REVISED PER COMMENTS			1:1	P1

DRAFT DECISION LETTER

Address: Old Quebec Street, London, ,

Proposal: Use of the public highway for the placing of 158 outdoor seats, 40 tables, 26 canvas barriers, 16 small planters and 9 tree planters in two areas measuring 4.63m x 37.2 (western side) and 3.45m x 36.6m (eastern side) in association with the Cumberland Hotel and three ground floor restaurant/cafe units (western side) and the Sportsman Casino and the City of Quebec Public House (eastern side) of Old Quebec Street.

Plan Nos: 5140500 CH-ATK-XX-DR-L-002 Rev P1, 5140500 CH-ATK-XX-DR-L-003 Rev P1, Chair Spec (1), Chair Spec (2), Table Spec (1), Table Spec (2), Table & Chair, Canvas Barrier Spec, 5140500_ATK_XX_OQS_DR_L_005_Small Planter detail - Small Planter Detail, 5140500_ATK_XX_OQS_DR_L_006_Tree Planter detail - Tree Planter Detail.

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 You must not put the tables and chairs in any other position than that shown on drawing 5140500 CH-ATK-XX-DR-L-002 Rev P1. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs on the pavement between 07:00 and 24:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the City of Quebec Public House, Sportsman Casino, Cumberland Hotel and three restaurants on the western side of Old Quebec Street as shown on drawing 5140500 CH-ATK-XX-DR-L-002 Rev P1.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 31 August 2017. You must then remove the tables and chairs. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

- 6 You can only put out on the pavement the tables, chairs and other furniture/ equipment/ screening shown on drawing 5140500 CH-ATK-XX-DR-L-002 Rev P1.

Reason:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the pavement to the detriment of the character and appearance of the area. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 7 Furniture and litter receptacles are to be removed from the highway when trading is not taking place or is not supervised.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 8 You must not place the tables, chairs and associated furniture on the public highway until the existing Chanticleer Pear trees have been removed and replacement paving has been installed.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 9 The tables, chairs and associated furniture hereby permitted, can only be placed on the public

highway if the furniture permitted under 14/07851/TCH is not placed on the highway.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 10 **Pre Commencement Condition.** You must apply to us for approval of details of how the 158 chairs, 40 tables, 26 canvas barriers, 16 small planter is going to be stored on the site. You must not place any furniture on the highway until we have approved what you have sent us. You must then store the furniture in the agreed location out of the permitted hours detailed in condition 3 daily.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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 (July 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 It should be noted that you need to secure a license under the Highways Act from Westminster Council for the structures to be positioned within the highway. It is important to note that the Highway Authority may not support any licensing application under the Highways Act to install the structures
- 3 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

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- 4 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

Agenda Item 7

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
Subject of Report	12 Melina Place, London, NW8 9SA		
Proposal	Erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting.		
Agent	Pegasus Group		
On behalf of	Mr & Mrs Lewis		
Registered Number	16/01380/FULL	Date amended/ completed	7 June 2016
Date Application Received	16 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission and conservation area consent were previously granted in December 2012 for the redevelopment of this site within the St. John's Wood Conservation Area to provide an enlarged dwellinghouse; albeit with the retention of the south western and part of the south eastern facades of the original two storey cottage that stood in the centre of the site. In March/ April 2016, during the course of implementing the 2012 permission and consent, the facades that were to be retained were demolished without the benefit of permission.

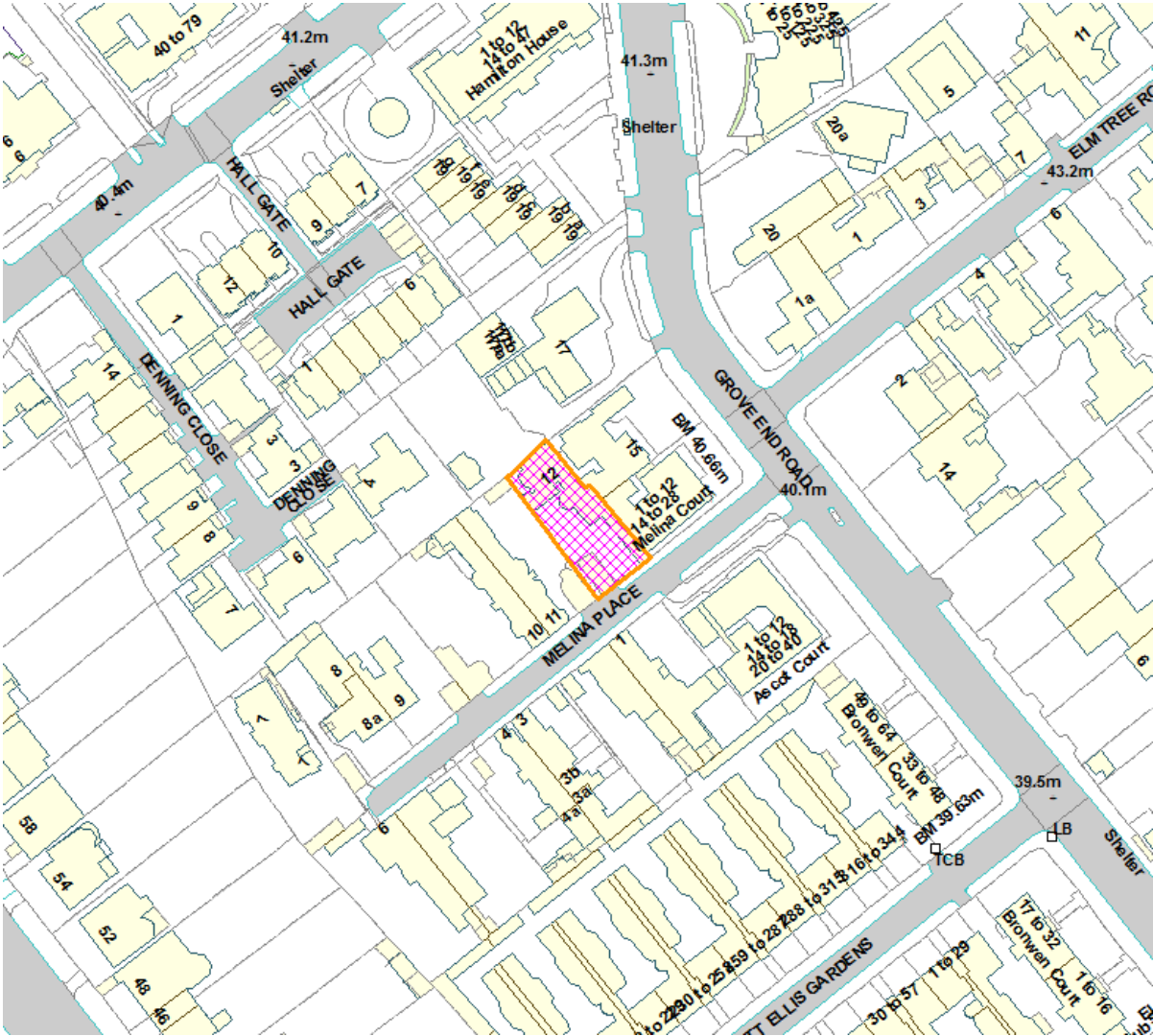
The current application was initially submitted in February 2016, prior to the unauthorised works of demolition, and at that time it proposed the same extent of demolition as had previously been approved in 2012; albeit in conjunction with redevelopment of the site in an amended form to that permitted in 2012 to provide an enlarged dwellinghouse (Class C3) arranged over basement, ground and first floor levels. Following the unauthorised demolition that occurred during the course of the application, its scope has been amended to omit works of demolition so that the application now seeks permission only for the works of reconstruction to form the new dwellinghouse on this site.

The key issues in the determination of this case are:

- The impact of the replacement building on the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.
- The compliance of the proposed basement with the recently adopted basement policy.

The proposed replacement building is considered to be acceptable in land use, design, amenity, transportation and environment terms and would accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Previous building on site prior to demolition (top) and site as of May 2016 with previous building on site completely demolished (bottom).

5. CONSULTATIONS

CONSULTATION ON INITIALLY SUBMITTED SCHEME (MARCH 2016)

COUNCILLOR RIGBY

Notes that he has been contacted by a number of residents of Melina Place. Asks that a condition is imposed that prevents any works taking place on a Saturdays and Bank Holidays. Advises there is growing frustration that building works in Melina Place and deliveries are often delivered in advance of the 08.30 hours start time for works on site.

ST. JOHN'S WOOD SOCIETY

Any response to be reported verbally.

ARBORICULTURAL MANAGER

No objection. Conditions and informatives recommended.

BUILDING CONTROL

No objection. The structural methodology proposed is acceptable.

CLEASING MANAGER

Further details of waste and recycling storage should be secured by condition.

ENVIRONMENT AGENCY

No comments.

HIGHWAYS PLANNING MANAGER

No objection. Conditions and informatives recommended.

THAMES WATER

No objection. Informatives recommended.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 119.

Total No. of replies: 8 letters/ emails from 7 respondents.

No. of objections: 7.

No. in support: 0 (1 neutral comment).

8 letters/ emails received raising objection on all or some of the following grounds:

Design

- Damage to City block.
- Proposal is of excessive bulk and size and out of proportion with plot.

Amenity

- Loss of light to properties in Hall Gate.

Other Issues

- No construction works of any type should be allowed on Saturdays.
- Noise and disturbance from construction works.

- Inconsistency in CMP which states that deliveries will be between 09.00 and 16.30 and between 08.00 and 18.00 in a later section. This should be corrected to the shorter hours.
- Demolition works have been particularly noisy and vehicles have been arriving as early as 06.00, contrary to previously agreed construction management plan.
- Delivery hours agreed to in the previously approved CMP have been consistently broken.
- Hours of works on site have been breached.
- Basement is being dug at the same time as two other basements and they have a cumulative effect on the amenity of neighbours.
- Request break down of how the current application differs from that approved in 2012.
- Concern that the construction works are not being monitored.
- Adverse impact on traffic, road access and parking during construction.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

CONSULTATION ON REVISED SCHEME (FOLLOWING UNAUTHORISED
DEMOLITION OF RETAINED FACADE (JUNE 2016))

ST. JOHN'S WOOD SOCIETY

Had not been able to ascertain what the changes from the previously approved scheme are and have met with the architect to seek more details. No further objections subject to the comments of neighbours.

BUILDING CONTROL

No objection. The structural methodology proposed is acceptable.

ENVIRONMENTAL HEALTH

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 119.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

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

Design

- Dreadful loss of a heritage asset and further emphasises the need for much stricter controls on basement development, particularly in conservation areas.
- Disappointing that the City Council were not given the chance to assess the additional demolition on site before it occurred.

Other Issues

- Hours of construction works should be amended to remove any works on Saturdays.
- Noise and general disturbance from construction works.

- Comments in response to initial consultation remain valid.
- Ask for a summary of the amendments from the previously approved scheme.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site formally contained a two storey mid-19th Century single dwellinghouse. The original building comprised a small two storey 'cottage', which had been extended to the front of the site along the boundary with Melina Court and to the rear in the form of a large flat roof two storey block. There was a double garage behind the front boundary wall and a conservatory to the rear of the site at the boundary with No.11 Melina Place and No.4 Denning Close, which was accessed by a link corridor from the main house. To the rear of the site was a large garden bounded by the rear of properties in Hall Gate, Denning Close and Grove End Road.

The house that formally stood on the site was completely demolished in March/ April 2016, during the course of works being carried out by the applicant to seek to implement the planning permission and conservation area consent granted in December 2012 (see section 6.2 of this report). However, the extent of demolition that has now occurred exceeds that permitted by the 2012 permission and consent (as amended by the non-material amendment applications approved in 2015) as the 2012 scheme retained the principal facades of the original cottage as part of the redevelopment of the site.

The building that has been completely demolished was not listed, but the site is located within the St. John's Wood Conservation Area. The St. John's Wood Conservation Area Audit (2008) identifies the now demolished building as an unlisted building of merit.

6.2 Recent Relevant History

12 December 2012 – Planning permission and conservation area consent was granted for the demolition of existing front and rear extensions and garage and erection of new part one, part two storey extensions, alterations to front boundary, excavation of basement floor with lightwells, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and associated external alterations and landscaping. Removal of four trees and replacement tree planting (12/03803/FULL & 12/03804/CAC) (copy of decision letter and relevant drawings provided in background papers for information).

26 August 2015 – A non-material amendment application was approved confirming that amendments to planning permission dated 12 December 2012 (RN: 12/03803) for demolition of existing front and rear extensions and garage and erection of new part one, part two storey extensions, alterations to front boundary, excavation of basement floor with lightwells, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court, associated external alterations and landscaping and removal of four trees and replacement tree planting; namely, *removal and replacement of original roof structure and additional parts of elevations* were non-material (15/07327/NMA) (copy of decision letter and relevant drawings provided in background papers for information).

4 September 2015 – Details of tree protection measures during construction works pursuant to Condition 12 of planning permission dated 12 December 2012 (RN: 12/03803) were approved (15/05260/ADFULL).

29 October 2015 – A non-material amendment application was approved confirming that amendments to planning permission dated 12 December 2012 (RN: 12/03803) for demolition of existing front and rear extensions and garage and erection of new part one, part two storey extensions, alterations to front boundary, excavation of basement floor with lightwells, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and associated external alterations and landscaping, removal of four trees and replacement tree planting; namely, *to allow additional demolition and rebuilding of the wall at boundary with No. 15 Grove End Road* was non-material (15/09482/NMA)

17 November 2015 – Details of a Construction Management Plan pursuant to Condition 3 of planning permission dated 12 December 2012 (RN: 12/03803) were approved at the Planning Applications Committee (15/05040/ADFULL).

7. THE PROPOSAL

As set out in Section 6 of this report, planning permission was previously granted in December 2012 for the redevelopment of this site to provide a new dwellinghouse; albeit with the retention of the facades of the original two storey cottage that stood in the centre of the site. During the course of the current application in March/ April 2016 demolition of the facades that were to be retained by the 2012 permission, and were initially proposed to be retained in the current application, occurred without the benefit of planning permission.

Initially, following these unauthorised demolition works coming to light the applicant amended the application to seek permission for the additional demolition of the facades that were to have been retained. The applicant contended that the demolition work was carried out on safety grounds due to concerns regarding the integrity of the structure; however, no structural details have been submitted to substantiate this assertion other than a letter from a structural engineer. Furthermore, the applicant did not raise their concerns regarding the structural integrity of the facades with the City Council prior to the demolition being carried out and therefore officers have been unable to corroborate whether the applicant's structural grounds for demolishing the facades were justified.

In light of the lack of evidence to demonstrate that the unauthorised demolition can be justified on structural grounds, the description and scope of the current application has been further amended with the applicant's agreement to omit reference to the unauthorised demolition works which have taken place and the application now seeks permission only for the works necessary to construct the replacement dwellinghouse on the application site, which will include a facsimile of the original facades that were demolished without the benefit of planning permission.

The replacement dwellinghouse proposed by the current application is in many respects similar to the replacement dwellinghouse approved in December 2012, in that the building would be a part one, part two storey building above ground level with a basement storey. The principal amendments from the scheme approved in 2012 are as follows:

- Omission of a first floor bay from the rebuilt cottage building.
- Reduction in the size and extent of the basement floor with omission of previously approved basement below front part of site closest to Melina Place.
- Amendment to detailed design of front boundary treatment and garage structure.
- Amendment to detailed design of single storey extension at boundary with No.11 Melina Place to comprise a more contemporary detailed flat roof extension.
- Alterations to roof forms and roof level plant enclosure.
- General amendment to detailed design of elevations and location of basement lightwells.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the application would provide a new enlarged dwellinghouse on this site and this would be in accordance with Policy H3 in the UDP and Policy S14 in the City Plan.

8.2 Townscape and Design

8.2.1 Unauthorised Demolition and Consequences for Determination of the Current Application

In design and conservation terms the unauthorised demolition of the whole of the building that previously existed on this site is highly regrettable as the now demolished building at the centre of the site was a mid-19th Century Victorian two storey cottage that represented the first phase of development in Melina Place and this part of the St. John's Wood Conservation Area more generally. The original building, although surrounded by later 20th Century additions prior to demolition works, was of significant architectural and historical interest and for this reason was designated as an unlisted building of merit within the St. John's Wood Conservation Area. Consequently, the retention of the facades of the original building, as negotiated as part of the previously approved scheme and during pre-application discussion prior to the current application, was a key component of ensuring that the redevelopment of this site would not harm the significance of the designated heritage asset (i.e. the St. John's Wood Conservation Area).

Whilst the current application does not seek permission for the unauthorised demolition that has occurred, on the basis that the necessity for the demolition has not been adequately justified in structural terms, it does seek permission for the resultant redevelopment of the site to provide a replacement dwellinghouse on the site. However, it should be noted that should the Committee resolve to grant permission for the replacement dwellinghouse proposed by the current application, this would not preclude the City Council in future from prosecuting those responsible for the offence that has occurred as, S196D(9) of the Town and Country Planning Act 1990 (as amended) (*'Offence of failing to obtain planning permission for demolition of unlisted etc buildings in conservation areas in England'*) states that:

'Where, after a person commits an offence under this section, planning permission is granted for any development carried out before the grant of the permission, that grant does not affect the person's liability for the offence'.

The current application therefore provides the opportunity for the City Council, as a reasonable planning authority, to consider granting permission for a development (in the event that the Committee resolves that it is acceptable in all regards) that would mitigate the extent of harm that has been caused to the heritage asset; albeit, it must be acknowledged that the provision of facsimile facades as part of the proposed development can never wholly remedy the harm that has been caused by the unauthorised demolition as the original fabric comprising the retained facades has been irrevocably lost from the site.

As part of the assessment of the current application, it must be borne in mind that the carrying out of intentional unauthorised development is a material consideration following the policy statement issued by the Chief Planner on 31 August 2015 and therefore it is appropriate to consider whether the unauthorised demolition that has occurred materially alters the acceptability of the current application for consequential erection of a replacement dwellinghouse on the cleared site.

8.2.2 Proposed Development – Design Assessment

The proposed replacement dwellinghouse represents an evolution of the scheme approved in December 2012, in that it's massing and form on the site is consistent with the massing and form of the previously approved scheme, with the principal differences being those summarised in Section 7 of this report.

At basement level the current application proposes a basement of significantly reduced scale. The proposed basement would be a single storey and would be located under only half of the footprint of the house above; rather than almost all of the footprint of the house previously approved in 2012. The lightwells proposed to serve the basement floor would remain discretely located and would not detract from the appearance of the new building or the character or appearance of the St. John's Wood Conservation Area.

Above ground level the proposed footprint is consistent with the previously approved scheme and the bulk and form of the proposed building is considered to be acceptable in design terms. The single storey element at the boundary with No.11 Melina Place would comprise a more contemporary detailed extension than previously approved with more extensive glazing to the north west garden elevation. However, the glazing proposed would be appropriately scaled with vertical proportions and would be set within a stone frame.

As set out in Section 8.2.1 of this report, following amendment during the course of the application, the current application proposes additional works of development compared to the 2012 scheme to rebuild in facsimile the south west and part return south eastern elevations of the original cottage building that formally stood on this site. The detailing to these facades would be identical to the facades that have been demolished without permission; albeit with 'amendments' to omit the later first floor addition above the curved ground floor bay and reconfigure the pattern of fenestration. The 'amendments' to the appearance of the original cottage facades would result in facsimile facades that more

closely replicate the likely original appearance of the cottage and therefore subject to conditions to secure details of the design of the facsimile facades and facing materials, these elements of the scheme are considered to be acceptable in design terms. In this context, whilst intentional unauthorised demolition is a material consideration in the determination of the application, in this case the provision of facsimile facades to replicate the appearance of the original cottage building on the site serves to mitigate some of the harm caused to the significance of the St. John's Wood Conservation Area; albeit, as set out in Section 8.2.1, the facsimile facades cannot fully remedy the full extent of harm caused by the unauthorised demolition of the original structure.

At roof level the roof form of the new building has been amended from the previously approved scheme to simplify the roof structure to the rear element of the replacement building. The roof forms would remain as a combination of hipped roofs and flat roofs. The roof of the rebuilt 'cottage' at the centre of the site would be a facsimile of the shallow hipped roof of the original building on this part of the site. The mechanical plant enclosure set within the roof of the rearmost part of the new building has been remodelled during the course of the application to reduce its prominence and is now considered to be acceptable in design terms.

To the street elevation, the current application omits windows previously approved in 2012 and proposes a solid set of timber doors, rather than metal gates. The rear of the garage structure behind the front boundary wall has also been remodelled relative to the 2012 scheme and now includes the provision of a stone clad loggia. The deviations from the 2012 permission in respect of the front boundary and garage structures are not considered to be contentious in design terms and the garage structure and associated loggia would still be read as structures that are ancillary to the main two storey body of the new house, which would be set further back from the street elevation along the north eastern boundary of the site.

In summary in design terms, the erection of a replacement dwellinghouse of the design and scale proposed, including the provision of facsimile facades of the original cottage at the centre of the site, is acceptable in design terms and would accord with Policies DES1, DES4 and DES9 in the UDP and Policy S25 and S28 in the City Plan.

8.3 Residential Amenity

In terms of amenity, the bulk and form of the replacement dwellinghouse would be no greater than that previously approved in 2012. The bulk of the building would be set back sufficiently from the boundaries of the site to prevent a material loss of daylight or sunlight and avoid causing a material increase in enclosure to neighbouring residential windows.

Objection has been raised on grounds of loss of light to properties in Hall Gate; however, these properties are some 30 metres from the north western elevation of the proposed replacement dwellinghouse and at this distance they would not suffer a material loss of daylight or sunlight. As such, permission could not reasonably be withheld on this ground.

In terms of overlooking, the windows proposed would be located in similar locations to those in the (now demolished) existing building and whilst the extent of glazing would be increased to the north west facing elevation relative to the approved scheme, this additional glazing would face on to the rear garden of the application property.

Consequently the proposals would not give rise to significant loss of privacy for neighbouring occupiers. A condition is recommended to prevent the use of roofs of the new building for sitting out on and to restrict permitted development rights for new window openings to prevent additional overlooking to neighbouring properties occurring in future.

In summary the impact on the amenity of neighbouring residents would be no greater than the scheme previously approved in 2012 and the proposed development would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/ Parking

The proposed scheme would retain two parking spaces within a new garage at the front of the site and this off-street parking provision accords with Policy TRANS23 in the UDP.

The cycle parking provision proposed within the garage meets the requirements of Policy 6.9 in the London Plan (2015) and is acceptable.

Waste and recycling storage is not shown on the submitted drawings but can be accommodated within the site given its large size. A condition is recommended to seek details of waste and recycling storage.

Conditions are recommended to ensure the car and cycle parking is provided and retained.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

In accordance with Policy DES1 in the UDP and S28 in the City Plan, the proposed dwellinghouse would have level access from the public highway with step free access to all floors via a lift.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Excavation

Following the adoption of the latest version of the City Plan in July 2016 (Consolidated with Basement and Mixed Use Revisions), the basement comprising part of the replacement dwellinghouse must be assessed having regard to Policy CM28.1 in the City Plan; notwithstanding that it is significantly reduced in size and extent from the basement proposed as part of the 2012 permission.

In terms of Part A of Policy CM28.1, Building Control advise that the proposed basement accounts for site specific ground conditions, drainage and water environment and that the structural methodology of the proposed basement is acceptable and appropriate for this site. Building Control are content that there would not be any significant structural impact on neighbouring buildings and no exacerbation of flood risk. The site is not in an Area of

Special Archaeological Priority and as such no adverse impact on archaeological deposits would be caused.

With regard to the impact of construction of the basement on the amenity of neighbouring residents and the operation of the local highway network, the application was submitted prior to the adoption of Policy CM28.1 in July 2016 and therefore full weight cannot be given to Part A2(b), which requires applicants to comply with the City Council's new Code of Construction Practice. Rather the impact on the amenity of neighbouring residents and the operation of the local highway network can be controlled in accordance with Part A5 of the policy by requiring the development to be carried out in accordance with a site specific Construction Management Plan (CMP). The submitted CMP is assessed in Section 8.12 of this report.

The acceptability of the extent and scope of basement development is controlled under Parts B and C of Policy CM28.1. With regard to part B, the scheme includes a suitable outline landscaping scheme that is largely soft landscaped and therefore permeable; is acceptable in arboricultural terms; has been demonstrated to be energy efficient through the submission of a supporting Energy Statement; has been demonstrated to not result in increased flood risk; has discretely located external manifestations that would not detract from the appearance of the building or the character and appearance of the conservation area and would be adequately protected from sewer flooding.

With regard to part C of Policy CM28.1, the proposed basement would not extend under more than 50% of existing garden land and would leave a suitable margin of undeveloped garden land around the edge of the basement where it is not below previously developed parts of the site; it would provide at least 1 metre of top soil with a 200mm drainage layer where it is under garden land (excluding the rear sunken patio area) and would not comprise more than a single storey of basement accommodation.

Given the assessment in the preceding paragraphs, the proposed basement element of the current scheme is considered to be compliant with the recently adopted basement development policy in the City Plan and the significant reduction in the scale of the basement proposed is welcome in terms of reducing the impact of excavation works associated with its construction on the amenity of neighbours and the function of the local highway network.

8.7.2 Mechanical Plant

As per the 2012 permission, the current application proposes the installation of external mechanical plant within a plant enclosure at roof level, with further plant vented externally from a basement level plant room into the proposed rear basement lightwell. Conditions are recommended to prevent noise disturbance to neighbours and to ensure the plant accords with Policies ENV6 and ENV7 in the UDP and Policies S29 and S32 in the City Plan.

8.7.3 Trees and Landscaping

The previously approved scheme permitted the removal of four trees of poor form and condition from the site (a Cherry – T8, a Fig – T9, a Damson – T11 and a Victoria Plum – T12) and these have already been removed on site pursuant to the 2012 permission.

However, the agreement for removal of these trees was on the basis that they would be replaced with new trees following completion of the development and a condition was imposed on the 2012 permission requiring details of the replacement tree planting along with details of landscaping. Whilst an outline landscaping plan has been submitted, which provides comfort that the replacement landscaping will be predominantly comprised of soft landscaping, it does not contain detail of the planting proposed, either in terms of the soft landscaping or the replacement tree planting. As such, conditions are recommended to secure details of landscaping and replacement tree planting to ensure the development accords with Policies ENV16 and ENV17 in the UDP and Policy S38 in the City Plan.

The current application proposes the same tree protection measures as were agreed in September 2015 pursuant a condition imposed on the 2012 permission and the Arboricultural Manager considers these to remain acceptable. A condition is recommended to ensure the tree protection measures are complied with during the construction period.

8.7.4 Biodiversity and Sustainability

The proposed replacement building will be constructed to a much higher standard than the existing building in terms of energy efficiency and this will ensure that the proposed dwelling is much more energy efficient and sustainable than its predecessor.

The applicant has submitted an energy report, which reviews the options for sustainable technologies on this site and this proposes the use of solar hot water panels and air source heat pumps to provide heating and domestic hot water.

In terms of biodiversity, it is proposed to provide a green roof over the single storey element of the building at the boundary with No.11 Melina Place.

Conditions are recommended to secure the sustainability and biodiversity measures proposed to ensure the development accords with Policies S28 and S38 in the City Plan.

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.

The estimated Westminster CIL payment is: £274,450.

8.11 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment. Environmental issues have been covered in the earlier sections of this report, where they are relevant.

8.12 Other Issues

Councillor Rigby and neighbouring residents have raised significant concerns regarding the impact of construction works on their amenity in terms of noise disturbance and obstruction of access to their properties. Their concerns are heightened by the experience of building works for similar development on other sites in Melina Place and as a result of the impact from works on the application site to date as a result of the applicant seeking to implement the December 2012 permission. Melina Place is a cul-de-sac and this means that it is particularly susceptible to becoming blocked by construction vehicles, causing residents significant inconvenience. For this reason the applicant has previously agreed to limit vehicle movements to and from the site to between 09.00 and 16.30 hours to limit obstructions in Melina Place during busy periods in the morning and in the late afternoon. Objectors suggest that this undertaking has been breached on a number of occasions to date. However, generally it is considered that the applicant's concession on delivery hours is welcome and goes significantly beyond the restrictions on construction vehicle movements that could normally be achieved.

In terms of noise from on-site construction practices, whilst the desire to see no works carried out on site on Saturdays that can be heard at the boundary of the site is understood given the cumulative effect of similar developments in Melina Place over recent years, it is not considered that such a restriction would be reasonable and it would only serve to prolong the overall construction period. Particularly noisy works of basement excavation are already precluded on Saturdays and may only be carried out on weekdays between 08.00 and 18.00 hours.

In summary the submitted CMP, which is identical to that approved by the Committee in November 2015, is acceptable and would mitigate the impact of the development on the amenity of neighbours to the greatest extent that can reasonably be achieved through the planning regime. To seek to impose further restrictions on construction works would be unreasonable and would risk extending the period of construction, thereby undermining the short term benefit of preventing any construction works on Saturday mornings.

9. BACKGROUND PAPERS

1. Application form.
2. Copies of planning permission and conservation area consent decision letters dated 12 December 2012 (12/03803/FULL and 12/03804/CAC) and relevant associated drawings.
3. Copy of non-material amendment decision letter dated 26 August 2015 (15/07327/NMA).
4. Copy of non-material amendment decision letter dated 29 October 2015 (15/09482/NMA) and relevant associated drawings showing additional demolition permitted by both non-material amendment applications.

Responses to Consultation on Initially Submitted Scheme (March 2016)

5. Email from Councillor Rigby dated 15 March 2016.

6. Email from Environment Agency dated 3 March 2016.
7. Email from Thames Water dated 4 March 2016.
8. Email from Building Control dated 7 March 2016.
9. Memo from the Highways Planning Manager dated 14 March 2016.
10. Memo from the Arboricultural Manager dated 14 June 2016.
11. Emails from the occupier of 6 Melina Place dated 7 March 2016 and 21 April 2016.
12. Email from the occupier of 2-3A Melina Place dated 11 March 2016.
13. Email from the occupier of 7 Melina Place dated 15 March 2016.
14. Email from the occupier of 6 Hall Gate dated 16 March 2016.
15. Email from the occupier of 14 Ascot Court, Grove End Road dated 17 March 2016.
16. Letter from the occupier of 11 Melina Place dated 22 March 2016.
17. Letter from the occupier of 10 Melina Place dated 4 April 2016.

Responses to Consultation on Revised Scheme (June 2016)

18. Email from the St. John's Wood Society dated 19 July 2016.
19. Email from Building Control dated 21 June 2016.
20. Email from the occupier of 6 Melina Place dated 30 June 2016.
21. Email from occupier of 14 Ascot Court, Grove End Road dated 3 July 2016.

Selected relevant drawings

Proposed plans, elevations and sections.

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

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

10. KEY DRAWINGS

12 Mellna Place - Front Isometric View



Extant planning consent 12/03803/FULL
(decision date 12 December 2012)



Proposed

12 Mellna Place - Rear Isometric View



Extant planning consent 12/03803/FULL
(decision date 12 December 2012)



Proposed

12 Mellna Place - Front Garden View



Extant planning consent 12/03803/FULL
(decision date 12 December 2012)



Proposed

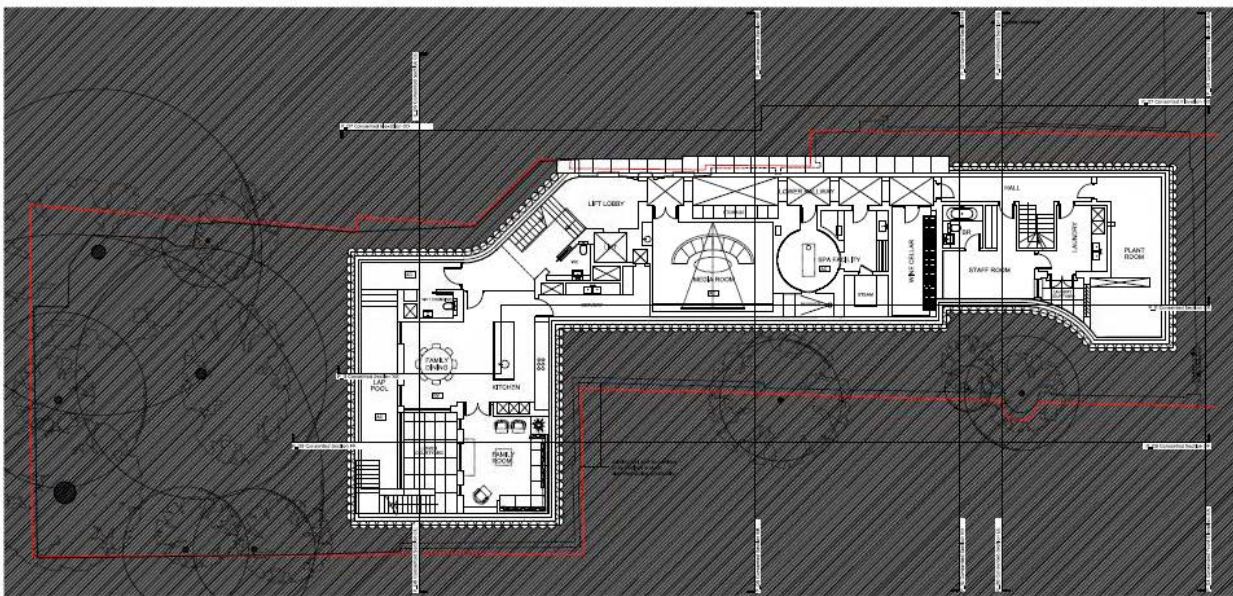
12 Mellna Place - Rear Garden View



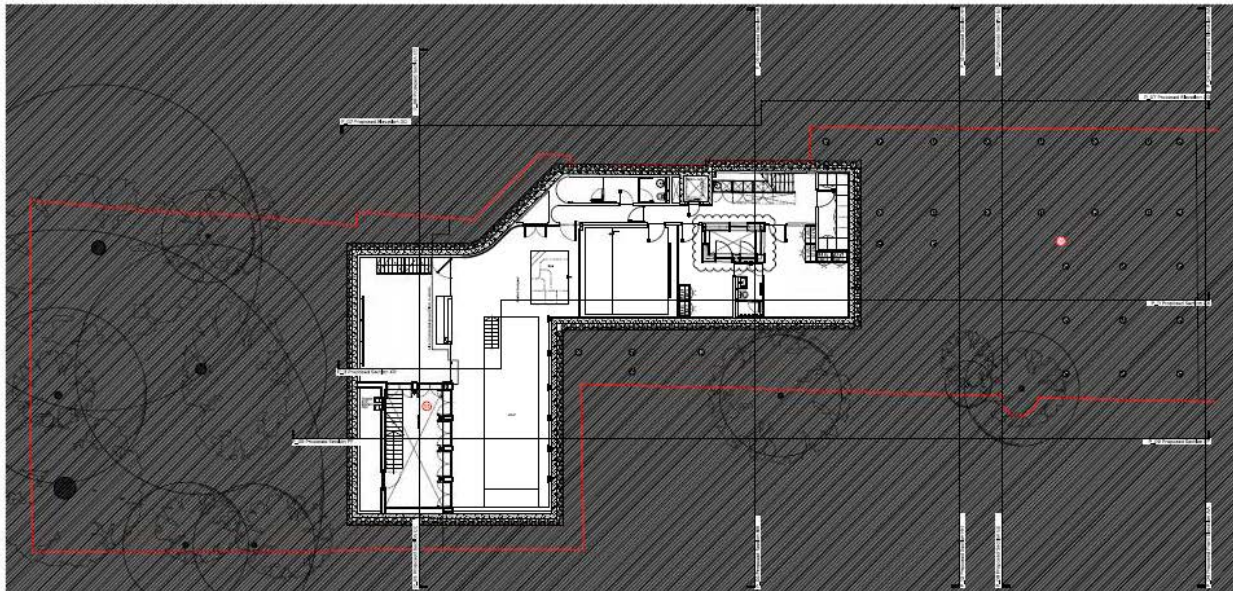
Extant planning consent 12/03803/FULL
(decision date 12 December 2012)



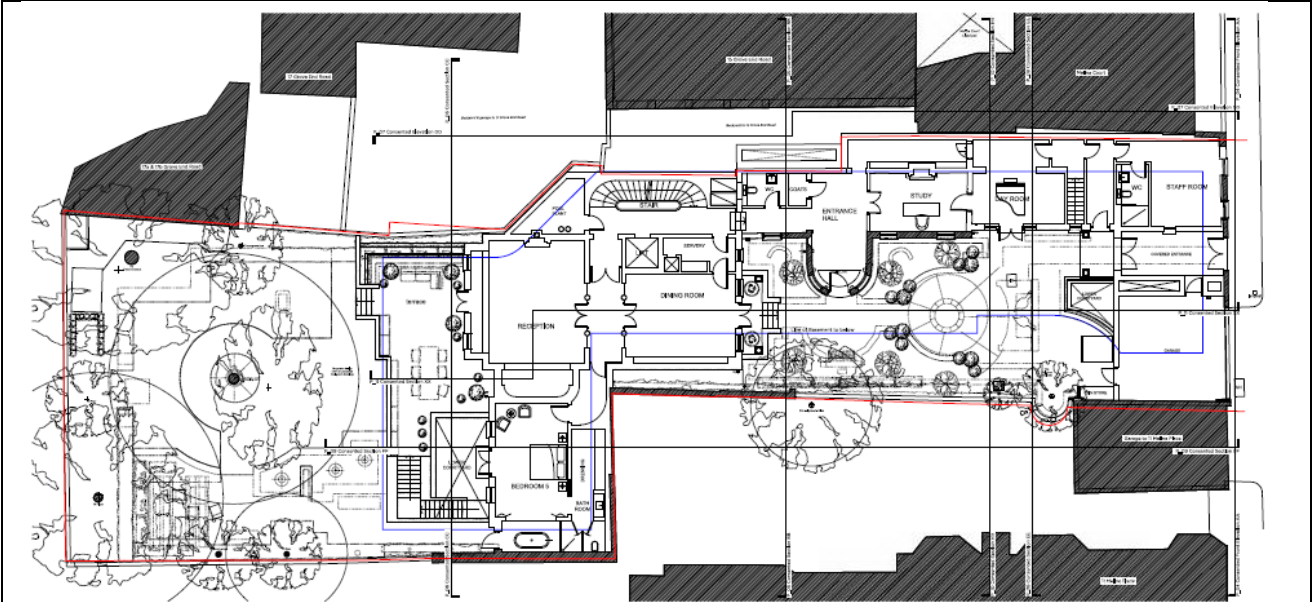
Proposed



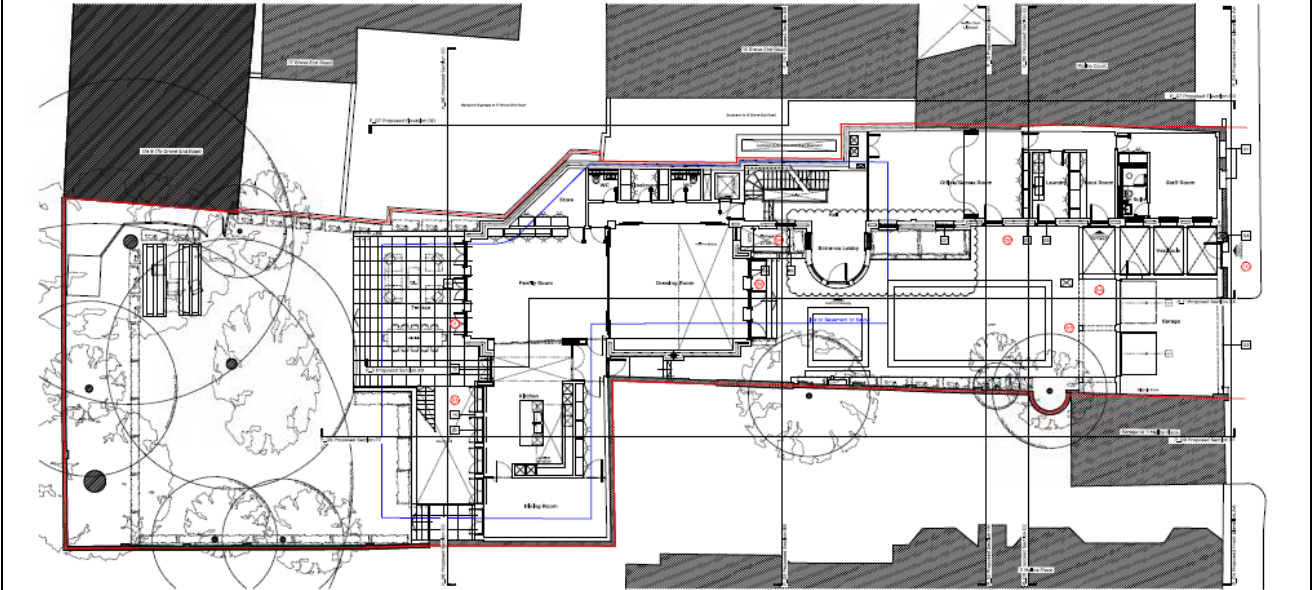
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 12/03805/FULL - Decision date 12 December 2012
 12/03804/CAC - Decision date 12 December 2012
 15/07327/NMA - Decision date 26 August 2015
 15/09482/NMA - Decision date 29 October 2015



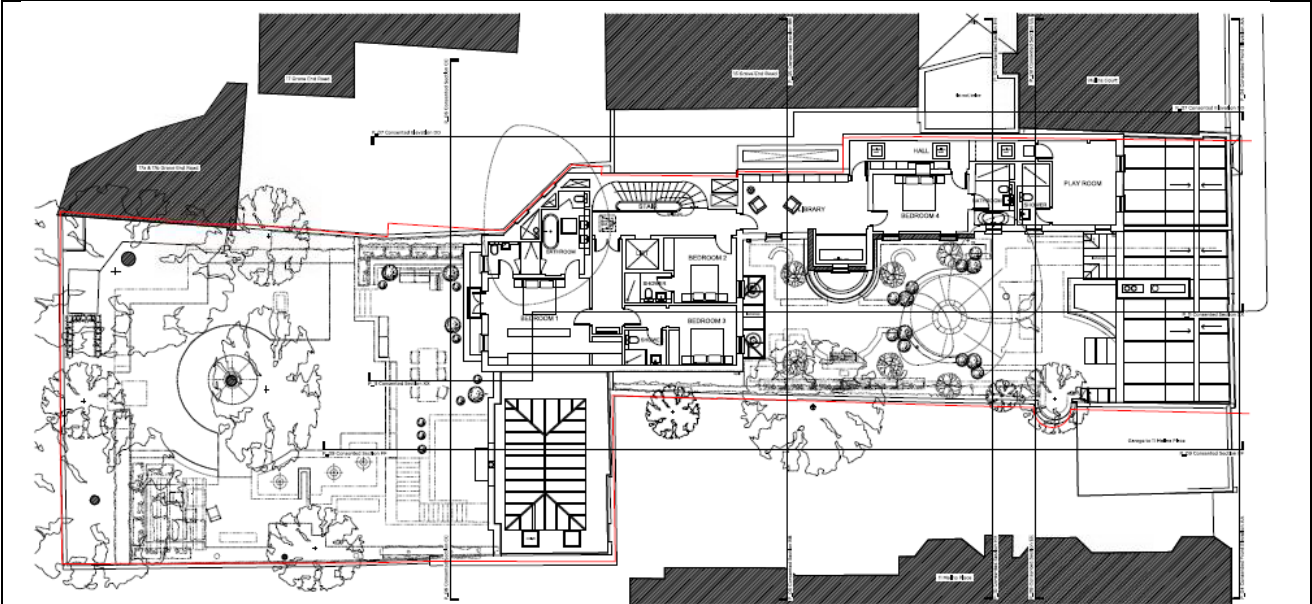
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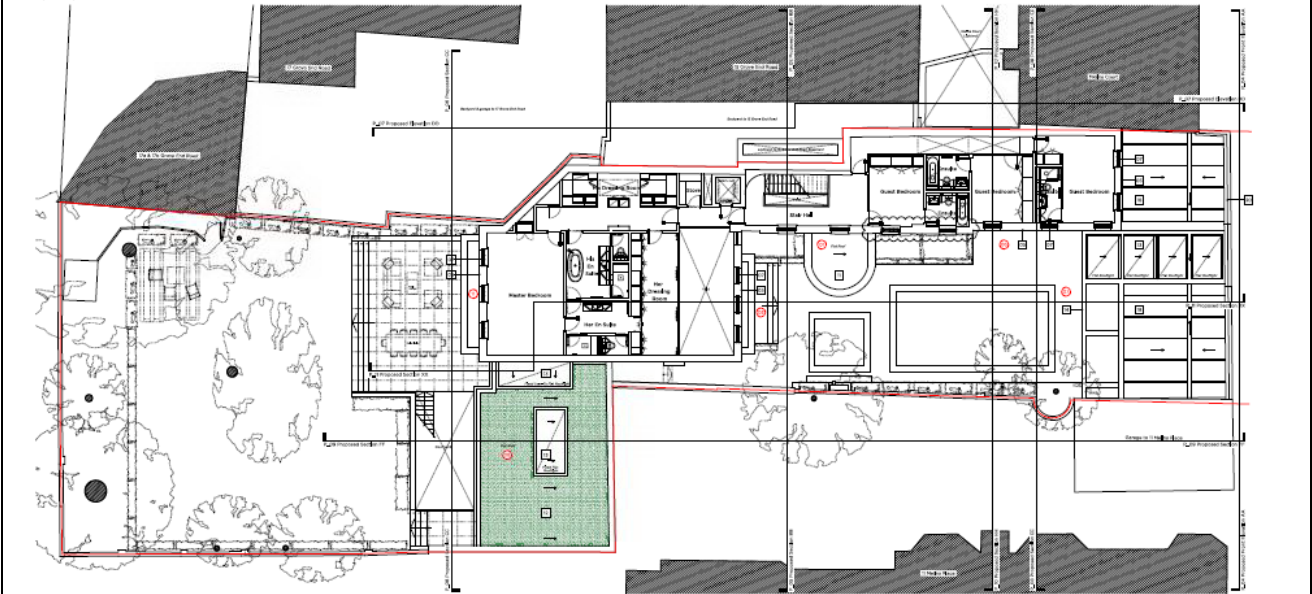
As Consented Ground Floor Plan
 12/03803/FULL - Decision date 12 December 2012
 12/03804/CAC - Decision date 12 December 2012
 15/02527/NMA - Decision date 26 August 2015
 15/09482/NMA - Decision date 29 October 2015



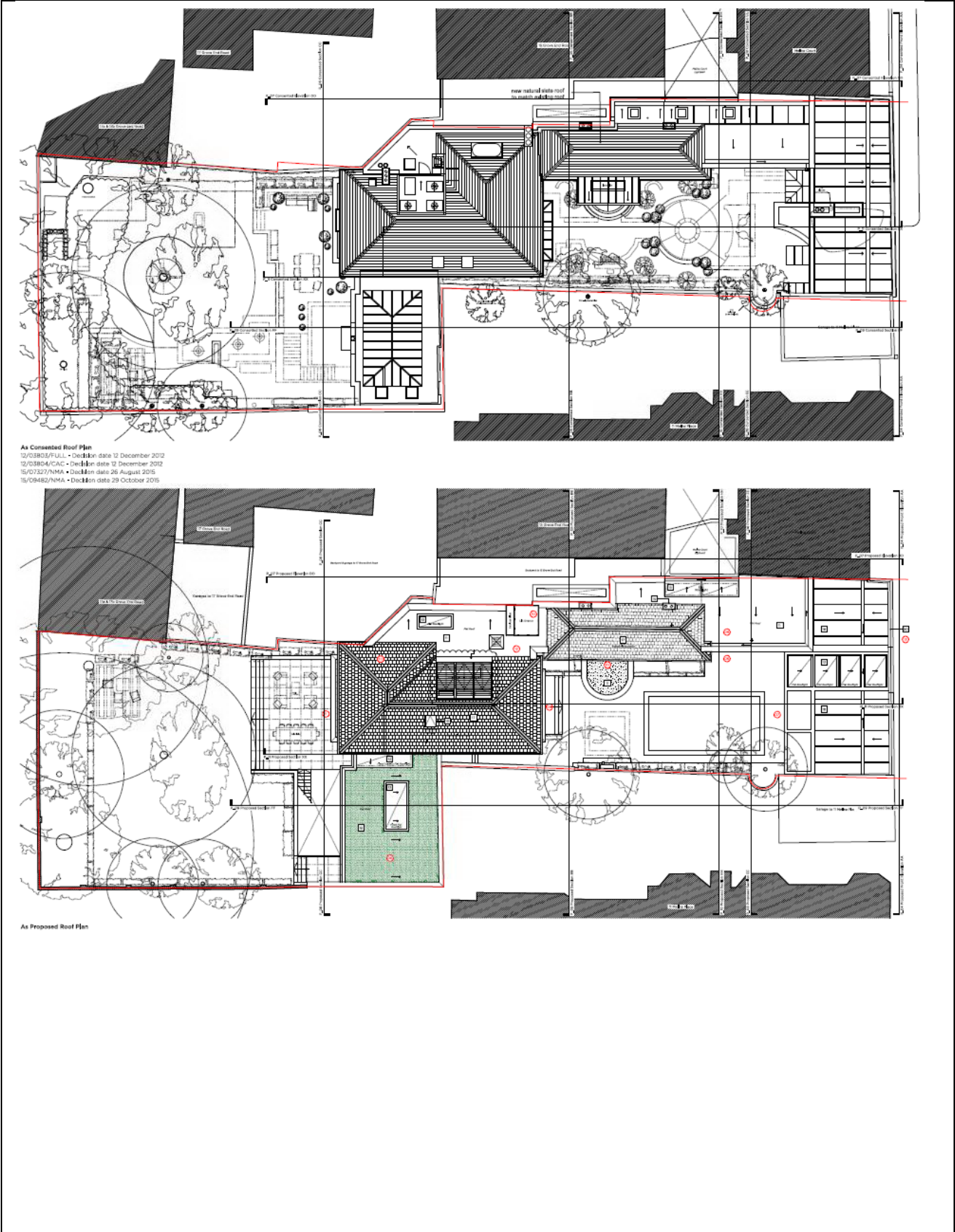
As Proposed Ground Floor Plan



As Consented First Floor Plan
 12/03803/FULL • Decision date 12 December 2012
 12/03804/CAC • Decision date 12 December 2012
 15/07327/NMA • Decision date 26 August 2015
 15/09462/NMA • Decision date 29 October 2015

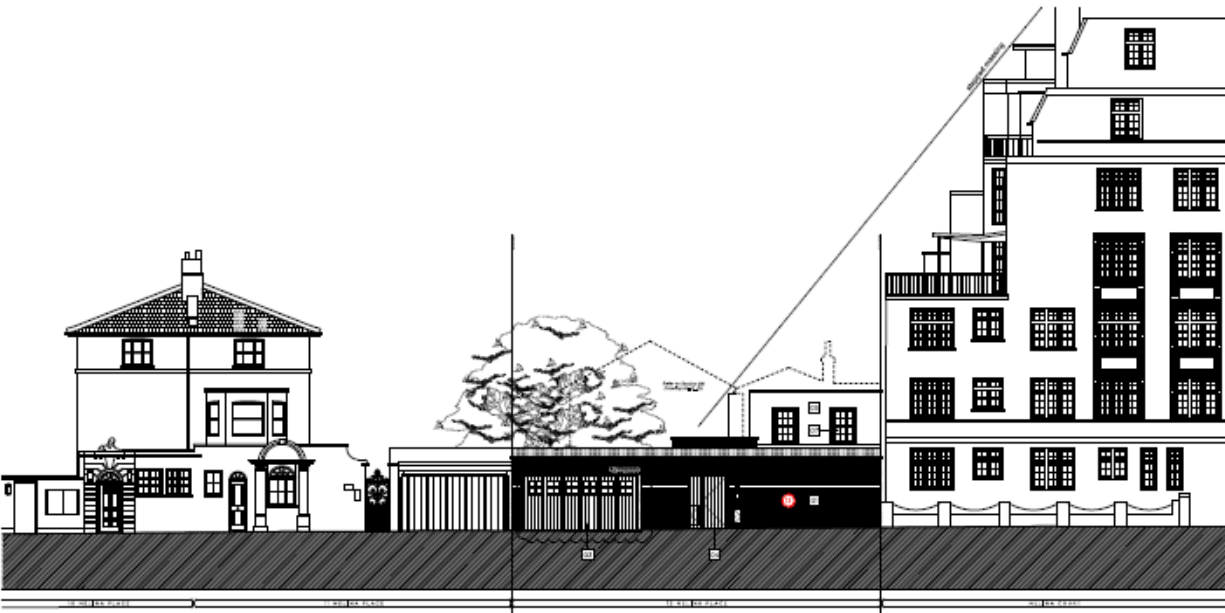


As Proposed First Floor Plan





As Consented Elevation A-A
 12/03803/FULL • Decision date 12 December 2012
 12/03804/CAC • Decision date 12 December 2012
 15/07327/NMA • Decision date 26 August 2015
 15/09482/NMA • Decision date 29 October 2015



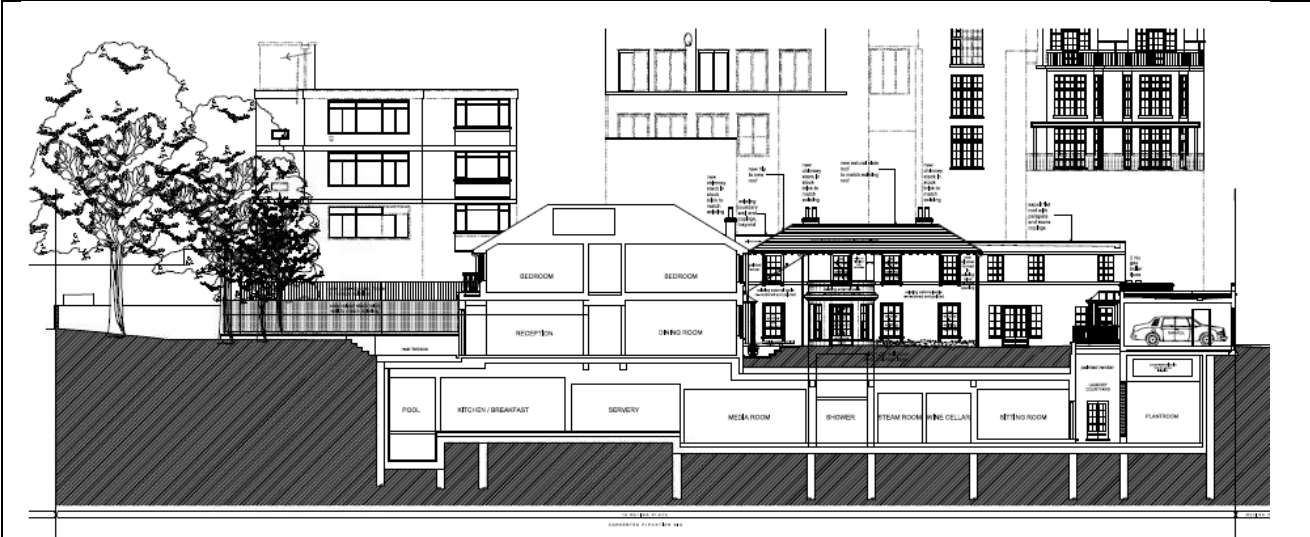
As Proposed Elevation A-A



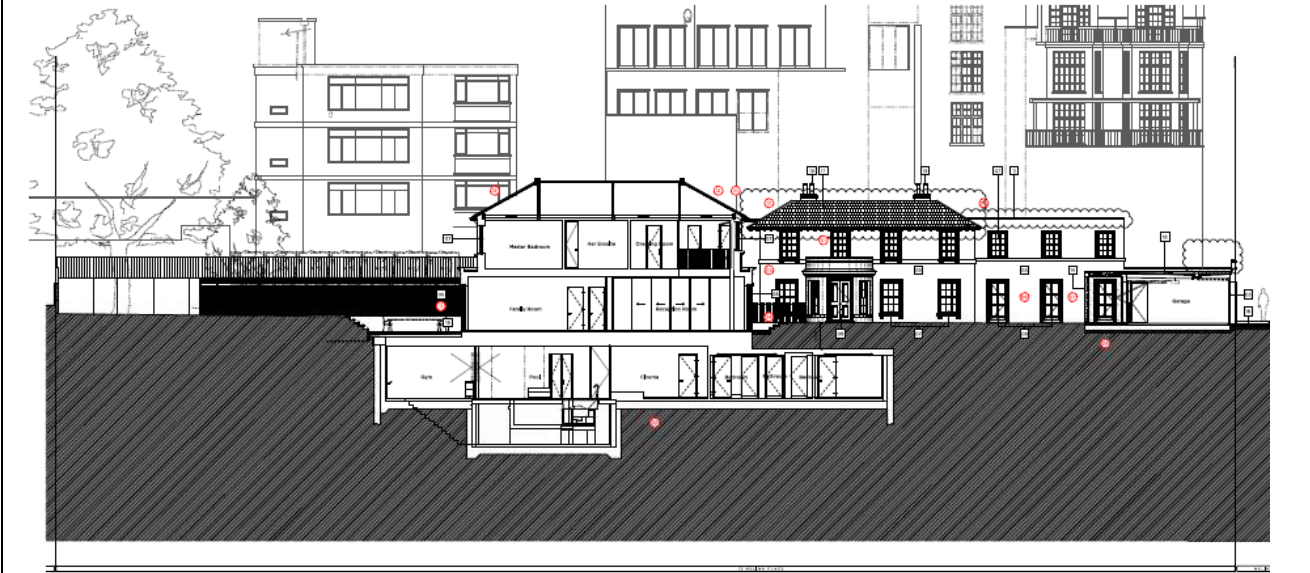
As Consented Elevation B-B
 12/D3803/FULL - Deckplan date 12 December 2012
 12/D3804/CAC - Deckplan date 12 December 2012
 15/D7327/NMA - Deckplan date 26 August 2015
 15/D9482/NMA - Deckplan date 29 October 2015



As Proposed Elevation B-B



As Consented Elevation X-X
 12/03803/F/LL - Decklin date 12 December 2012
 12/03804/CAC - Decklin date 12 December 2012
 15/07327/NMA - Decklin date 26 August 2015
 15/06482/NMA - Decklin date 29 October 2015



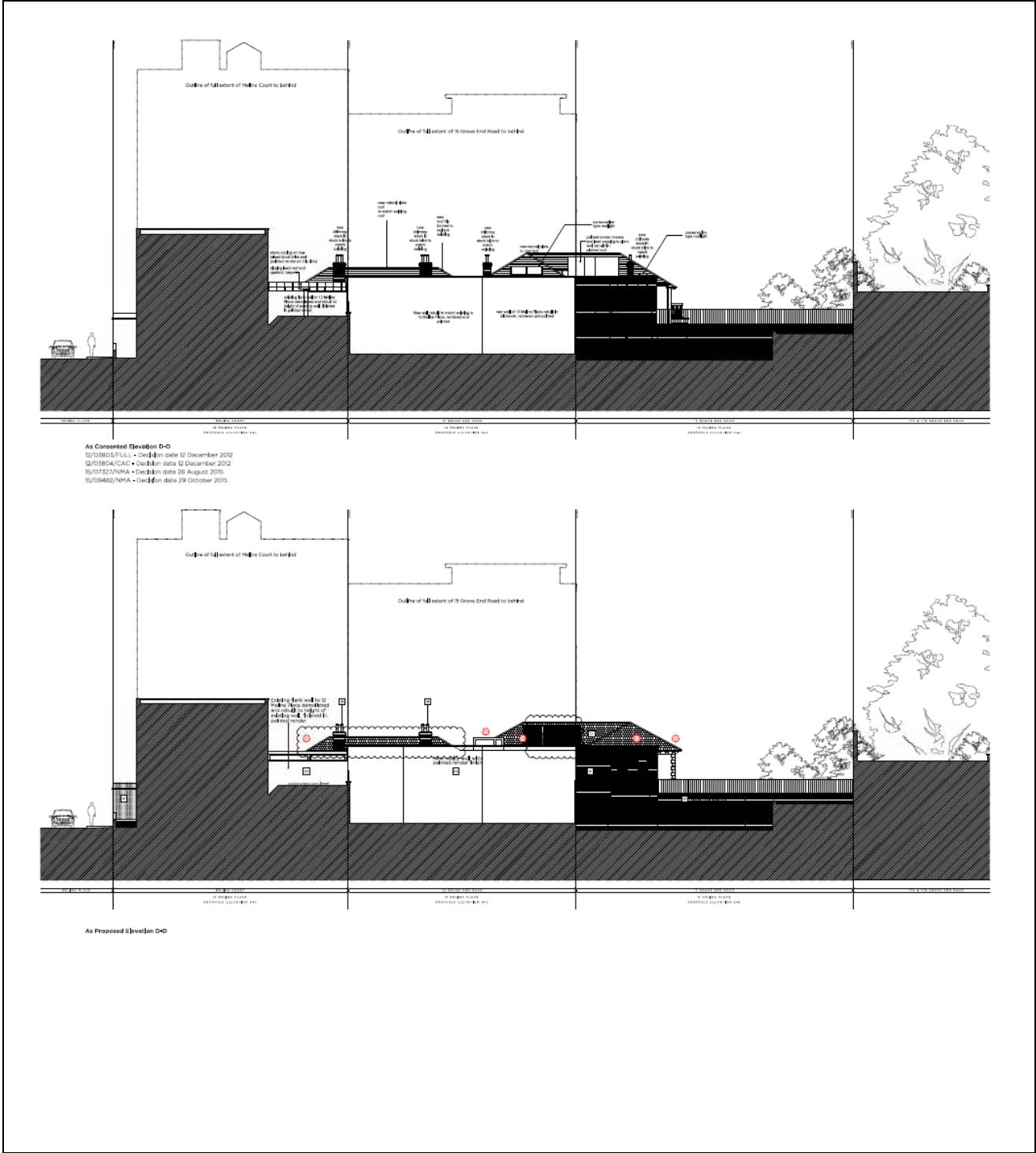
As Proposed Elevation X-X



As Consented Elevation C-C
 12/03903/FULL - Decision date 12 December 2012
 12/03804/CAC - Decision date 12 December 2012
 15/07327/NMA - Decision date 26 August 2015
 16/09482/NMA - Decision date 29 October 2015



As Proposed Elevation C-C



DRAFT DECISION LETTER

Address: 12 Melina Place, London, NW8 9SA,

Proposal: Erection of new part one, part two storey plus basement dwellinghouse (Class C3), alterations to front boundary, alterations to side boundaries with Nos. 15 and 17 Grove End Road and Melina Court and landscaping, including replacement tree planting.

Plan Nos: S_00, P_00 Rev.B, P_01 Rev.C, P_02 Rev.A, P_03 Rev.C, P_04 Rev.C, P_05 Rev.B, P_06 Rev.A, P_07 Rev.A, P_08 Rev.A, P_09, P_10 Rev.A, P_11 Rev.A, P_12, Design and Access Schedule dated January 2016 (as amended by revised drawings listed here), Planning Statement dated February 2016 (as amended by revised drawings listed here), Heritage Statement dated February 2016, Environmental Noise Assessment dated 28/02/11, Mechanical Plant Assessment dated 25/01/16 (Rev.A), Daylight and Sunlight Assessment dated 29/01/16, Structural Method Survey dated 20/01/16 (for information only - see Informative 4), Energy Statement dated 21/12/15 (Rev.A), Arboricultural Report, Accommodation Schedule dated 02/02/16 and Construction Management Plan dated 3 August 2016 (Rev.D). E_01, E_02, E_03, E_04, E_05, E_06, E_07, E_08, E_09, E_10 and E_11 (existing prior to demolition drawings for information only).

Case Officer: Oliver Gibson

Direct Tel. No. 020 7641 2680

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 You must carry out the development in accordance with the Construction Management Plan dated 3 August 2016 (Rev.D).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

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

(a) Horizontal and vertical sections at 1:1 (where appropriate) and 1:10 of each window/ door type including decorative external moulding.

(b) Typical elevations of all lightwell railings (including finial details if applicable) at a scale of 1:10 or larger.

(c) Detailed plans, elevations and sections (as appropriate) of the new porches at a scale of 1:20 or larger and a sample specification.

(d) Typical elevations and sections of the proposed eaves detail (gutter and corbel) to the new roofs (with materials annotated).

(e) Elevations of all chimney stacks and chimney pots at a scale of 1:20 or larger.

(f) Plans, elevations and sections of the garage doors including details of their method of opening at a scale 1:20 or larger.

(g) Manufacturers specification and/ or elevations showing location and appearance of solar hot water panels.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 6 You must erect the new chimneys hereby approved, including chimney pots, prior to occupation of the dwellinghouse. Thereafter you must maintain the chimneys and chimneypots in accordance with the approved drawings.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 7 Except for the 'Minimal framed glazed doors' shown on in the north west elevation at ground and basement levels (drawing P_06 Rev.A), all other windows and doors hereby approved shall be constructed in painted solid timber and maintained in that material and finish.

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 8 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 approved sample. (C27DB)

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 9 All new outside rainwater and soil pipes must be made out of cast iron with eared fittings and painted black or to match the colour of the facade where located on rendered elevations. (C27HA)

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 St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 10 During construction works you must protect the trees on and close to the site in accordance with the tree protection measures set out in the Arboricultural Method Statement dated 31 August 2015.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 11 Notwithstanding the submitted landscaping scheme, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme (including samples of materials for hard surfaces) which includes the number, size, species and position of trees and shrubs (including not less than 4 new trees to replace trees T8, T9, T11 and T12). You must not start work on the relevant part of the development until we have approved what you have sent 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 of the replacement trees planted as part of the landscaping scheme we approve 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 this part of the St. John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 12 You must provide each car parking space shown on the approved drawings and each of the car parking spaces within the garage shall only be used for the parking of vehicles of people living in this dwellinghouse. (C22BA)

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 14 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone occupying the dwellinghouse. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of

Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 15 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, 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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 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.

- 17 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.

- 18 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.

- 19 You must not use the roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 20 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. This is despite the provisions of Classes A, B and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 1995 (or any order that may replace it). (C21EA)

Reason:

To protect the privacy and environment of people in neighbouring properties and maintain the appearance of the building and the character and appearance of the St. John's Wood Conservation Area. This is as set out in CS24, CS27, CS28 and CS31 of our Core Strategy that we adopted in January 2011 and DES1, DES5, DES6, DES9, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 21 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: Green sedum roof over basement and ground floor part of building at the boundary with No.11 Melina Place (as shown on drawing P_02 Rev.A. You must not remove this feature. (C43FA)
- 22 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.
- (a) Solar hot water panels.
(b) Air source heat pumps.

You must not remove any of these features. (C44AA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

Reason:

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

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This decision letter does not grant permission for the complete demolition of the building that formally stood on this site. We know that the complete demolition of the former building has already been carried out without the benefit of planning permission. You should be aware that we may take legal action pursuant to the offence under S196D of the Town and Country Planning Act

1990 (as amended) that has occurred.

- 3 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.

- 4 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 6 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)
- 7 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)

- 8 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)

- 9 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.
- 10 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.
- 11 Thames Water requests that you should incorporate within your proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 12 A Groundwater Risk Management Permit from Thames Water will be required for discharging

groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing www.riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

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Agenda Item 8

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	74 - 76 Chiltern Street, London, W1U 5AA,		
Proposal	Details of proposed restaurant operation, including the internal layout of the unit (showing the areas to be used for public drinking/dining and back of house functions), opening hours, capacity, hours of plant operation and serving hours pursuant to condition 42 of planning permission dated 19 August 2015 (15/01247) for the redevelopment of the site to provide residential flats (Class C3), a retail shop (Class A1/A2), a restaurant or public house (Class A3/A4), storage areas (Class B8), a health and fitness centre (Class D2), a replacement street sweepers' depot (sui generis), and basement parking and associated plant (Site includes 22-28 Paddington Street).		
Agent	Rolf Judd Planning		
On behalf of	NZR Ltd		
Registered Number	16/02830/ADFULL	Date amended/ completed	6 April 2016
Date Application Received	30 March 2016		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Approve details.

2. SUMMARY

The application site has recently been redeveloped to provide 59 flats on the upper floors and a mixture of uses on the basement and ground floors including a restaurant or public house use (Class A3/A4) on part basement and part ground floors, which replaced a public house and smaller restaurant and café premises. As no operator had been identified, at the time that permission was granted on 19 August 2015, the permission was subject to a condition requiring operational details of the restaurant or public house to be approved prior to the use commencing. A restaurant tenant has now been identified and details have been submitted to discharge this condition.

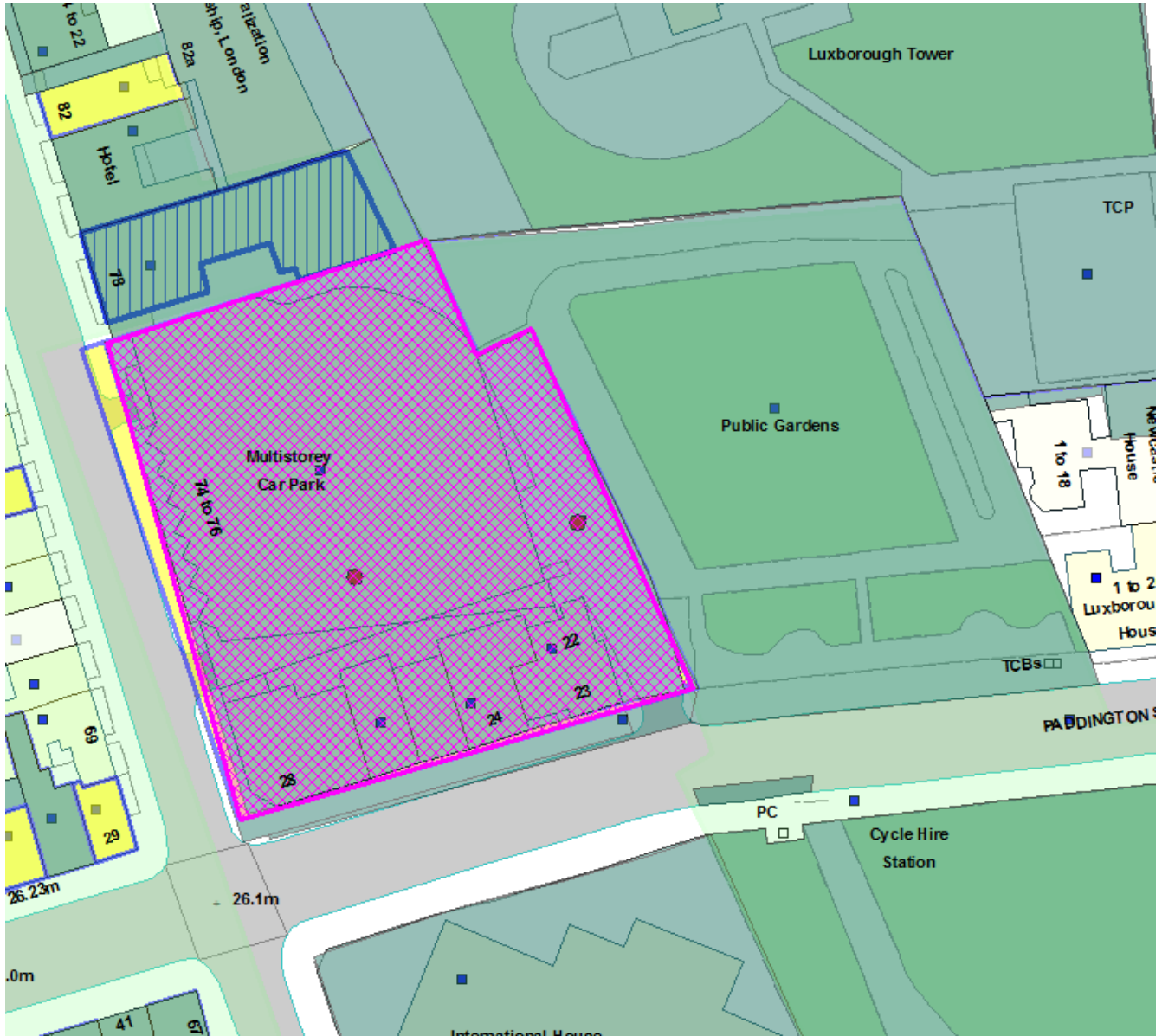
The key issue in this case is the impact of the proposed restaurant operation upon the amenities of neighbouring residential occupiers.

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Several objections have been received that the restaurant would adversely affect the amenities of neighbouring residents. However, the submitted details are considered acceptable and it is recommended that the condition is discharged.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Objection to the details provided. Specifically that 116 covers appears high, the hours of opening should be reduced to 23.30 at the latest, plant should be restricted to midnight (00:00 hours) and that the impact of the restaurant should be considered as a whole including footfall, deliveries and external smoking.

CLEANSING

Original objection under 16/02830/ADFULL but confirmed no objection to revised restaurant waste storage and waste management arrangements (considered under 15/02752/FULL)

HIGHWAYS

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 275

Total No. of replies:6 (3 objections received in response to other applications but included as they are relevant to the consideration of this application)

No. of objections: 6

No. in support: 0

Objections received on the following grounds:

- principle of a restaurant use in this residential location, previous public house was not as large in terms of area or street frontage
- late night disturbance due to restaurant capacity and proposed opening hours
- proposed opening outside the core hours and would set a precedent for late night opening in the area
- potential for customers to remain in the premises after proposed terminal hour
- disturbance resulting from proposed hours of plant operation
- loss of privacy due to increased footfall close to neighbouring ground floor flats
- drawings show an exit on to Chiltern Street, opposite residential properties
- potential use of Chiltern Street exit by smokers will result in nuisance from smoke, noise and littering of the pavements.

- potential highway obstruction from customers spilling out onto the pavement
- increase in traffic
- increase in litter

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is located on the north side of Paddington Street at its junction with Chiltern Street. The site is located immediately adjacent to the boundary with the Portman Estate Conservation Area, which excludes both the application premises and International House, on the south side of Paddington Street. Paddington Street Gardens North is located immediately to the east of the site.

The building on the site has been demolished and redeveloped pursuant to a series of permissions, the first granted in 2011. The site was formerly occupied by an unlisted building which principally comprised a public car park, accessed from Chiltern Street. In addition, the site housed a small ground floor street sweepers' depot, ground floor shop units fronting Paddington Street, including a restaurant and a sandwich/bar cafe with private function room (sui generis), and a public house at the junction of Chiltern Street and Paddington Street with a corner entrance.

With the exception of the hotels to the north of the site, this part of Chiltern Street has a strong residential character, more so since the application site was redeveloped to provide 59 flats on the upper floors. There is a terrace of flats opposite and immediately adjacent, at 78 Chiltern Street. Although Paddington Street is more mixed in character, there are residential properties on the upper floors of commercial buildings. There are also residential properties on the eastern side of Paddington Street Gardens North. Luxborough Tower, a residential block, is located to the north-east of the site.

The site is located outside of the Core Central Activities Zone.

6.2 Recent Relevant History

12/09397/FULL

Demolition of the existing building, redevelopment and construction of a new building on three basement levels, ground, and part four/part seven floors comprising 60 flats (Class C3), a health & fitness club (Class D2), a retail shop (Class A1), a restaurant or public house (Class A3/A4), storage uses (Class B8) replacement accommodation for street cleansing facilities (sui generis), car parking for the development and 23 parking spaces for local residents, associated plant

Application permitted 11 April 2013

The scheme was approved subject to a S106 legal agreement which covered a range of obligations which are not relevant to the consideration of this application.

The approved drawings show a public house or restaurant unit (Class A3/A4 on part basement and part ground floors, at the corner of Paddington Street and Chiltern Street, with the main access on Paddington Street and an escape door, accessed from the basement, exiting onto Chiltern Street. There is no access shown from within the ground floor restaurant to the escape stair and Chiltern Street exit. However, the use of this door was not subject to a condition to restrict its use to a means of escape only.

15/01247/FULL

Variation of Condition 1 of planning permission dated 11 April 2013 (RN: 12/09397) namely the substitution of drawings showing the following alterations to the scheme i) extension of ground floor flat G.01 onto part of rear lightwell terrace ii) amalgamation of three residential units (units 3.04, 3.05 and 3.06) at third floor level to create 2 x 2 bedroom flats and 1 x 4 bedroom flat and iii) amalgamation of two residential units (5.05 and 5.06) at fifth floor level to create 1 x 4 bedroom flat (resulting in the overall provision of 59 flats).

Application permitted 19 August 2015

The development is largely completed. Many of the flats are occupied and the use of the street sweepers' depot has commenced.

16/03711/NMA

Amendments to planning permission dated 19 August 2015 (RN: 15/01247) namely, alterations to the design and fenestration pattern of the elevations and changes to the position of obscure glazing (east elevation, west block and west elevation, east block); replacement of external walkways/glass screens at the rear of the west block with a fully obscured glass elevation; alterations to the arrangement of coloured fins to the windows (east elevation, east block); alteration to location of entrance doors to the A3/A4 and A1/A2 unit on south elevation (Paddington Street); modifications to the ground floor frontage on Chiltern Street including alterations to the design of doors to the refuse store to the Class A3/A4 unit and to the central bay of the street sweepers' depot/sub-station and the formation of an additional entrance to the Class A3/A4 unit.

Application refused 27 June 2016

The Council determined that the proposed alterations, including the formation of a new access/egress to the restaurant (on the Chiltern Street frontage) constituted a material alteration to the approved scheme which would require the benefit of further planning permission.

Further applications have been submitted for alterations to the permission of 19 August 2016, including application 16/02752/FULL which includes alterations to the position of the entrance doors to the shop and restaurant (on the Paddington Street frontage) and the relocation of the approved restaurant waste store from ground floor to basement level (and the replacement of refuse store doors with fixed glass) and alterations to the shopfront design.

Several objections have been received to application 16/02752/FULL which refer to proposed restaurant opening hours and the impact of the new restaurant use. These comments will be considered as part of the assessment of the current application.

One objection has been received to the creation of a new restaurant entrance on Chiltern Street. This alteration does not form part of any current application, but would require further planning permission. Any future application would be the subject of full public consultation. However, in view of residents' concerns about the creation of an additional access point on Chiltern Street, it is considered appropriate to impose an additional condition to restrict the use of this doorway as a means of escape only.

7. THE PROPOSAL

The approved schemes include speculative proposals for the introduction of a replacement entertainment use on the site – either a restaurant (Class A3) or a public House (Class A4). Prior to the redevelopment of the site, the corner unit was occupied by “the Apollo” PH.

Given that no end user/tenant had been identified, in order to safeguard the amenities of local residents, Condition 42 on permission dated 19 August 2015 states:

“You must apply to us for approval of full details of the Class A3/A4 unit hereby approved, including plans showing the internal layout of the unit, showing the areas to be used for public drinking/dining and 'back of house' areas, and details of the opening hours (hours during which customers will be on the premises), maximum customer capacity, hours of plant operation and serving hours before the use of this unit commences. Thereafter the unit shall only be occupied in accordance with these approved details”.

The current application seeks to discharge this condition. A tenant has now been identified and the premises will be occupied as a restaurant (Class A3) by an operator who also has a restaurant at 11-13 Frith Street.

The submitted plans indicated that the premises will provide 102 covers at ground level, with an ancillary bar, and 10 covers within a basement level private dining. The total customer capacity will be 116. The remainder of the basement would house customer w.cs and back of house areas, including the waste store.

The proposed opening hours are 10.00 to midnight on Monday to Thursday
09.00 to 01.00 the following morning on Friday and Saturday and
09.00 to 23.30 hours on Sunday.

The proposed plant operating hours are 1 hour before and 1 hour after the proposed opening times on each day.

The submission also includes details of the restaurant waste strategy.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application raises no land use issues. However, it is noted that the approved restaurant/public house unit, which is the subject of this application, measures 468 m²

(GEA). It replaces a public house (401 m²), a restaurant (143 m²) and a sandwich bar/café/function room (188 m²) which occupied the original site.

8.2 Townscape and Design

No alterations are proposed as part of this application

8.3 Residential Amenity

UDP policy TACE 9 is applicable to the consideration of proposals for new restaurant of the size proposed. It states that, in considering the acceptability of such proposals, the Council will have regard to the number of customers, opening hours, arrangements to safeguard amenity and prevent disturbance from smells, noise and vibration (including from the use of plant), servicing arrangements and arrangements for the storage of waste and recyclable materials and will impose conditions, where necessary to control the use of restaurant premises.

An application has been made to discharge details of the restaurant plant, including the kitchen extract duct, including a supplementary noise report, which demonstrate that the plant would operate in accordance with Council noise standards. The submitted details are considered acceptable.

A separate application has also been made which includes details of revised arrangements for the storage of waste and recyclable materials at basement level, (relocated from ground floor level on Chiltern Street) and a Waste Management Strategy, which includes details of refuse collection times. The Project Manager (Waste) has confirmed that the revised arrangements are acceptable. These same details have now been submitted in support of the current application.

Principle of restaurant use and size and extent of restaurant

Objections have been received to the principle of a restaurant use in this location and on the grounds that that the public house which previously occupied this part of the site was not as large, and occupied less of the street frontage.

The restaurant use is permitted on this part of the site and occupies the same area and extent of the building frontages as shown on the approved plans. Consequently, these objections cannot be supported. However, the restaurant is only 61 m² larger (including back of house areas) than the original public house and, overall, the development has reduced the total floorspace occupied by entertainment use on the site.

Opening hours and capacity

It is proposed to open the restaurant until midnight on Monday to Thursday, until 01.00 hours the following morning on Friday and Saturday and until 23.30 hours on Sundays. The proposed restaurant capacity is 116 (including an ancillary bar area).

Objectors consider that the proposed opening hours and restaurant capacity (116 customers) would have a significant impact on late night activity in the area to the detriment of residents' amenities. They are also concerned that the restaurant would open "outside the core hours" and that this would set a precedent for late night opening in the area.

With regarding to opening hours for restaurant (and similar) uses, the supporting text to Unitary Development Plan policies (paras. 8.86 to 8.88) states that it is not considered appropriate for the Council to set widely applicable hours for entertainment premises to close because of the variety in the characteristics of entertainment uses and the great variations in the pattern of land uses in the City. The City Council sets out provisions in relation to opening hours in its Statement of Licensing Policy. In considering applications involving entertainment uses a number of factors will be taken into account including the size of the premises, proposed capacity, the type of use, the proximity and concentration of residential uses and existing levels of night time activity and operating hours of neighbouring premises.

The Plan confirms that the Council seeks to operate its controls as a local planning authority and as a licensing authority in a generally consistent way. As "a general rule" in predominantly residential areas, it would be expected that customers would not generally remain on the premises after midnight on Sundays to Thursdays and after 12.30am on the following morning on Fridays and Saturday nights (exceptions apply to Sunday opening on days preceding Bank Holidays).

The Council's Statement of Licensing Policy (effective 7 January 2016) sets out the core hours as follows:

Fridays and Saturdays: 10.00 to midnight
Monday to Thursday: 10.00 to 23.30
Sundays preceding a Bank Holiday: 12.00 to midnight
Other Sundays 12.00 to 10.30

The Statement of Licensing Policy (effective 7 January 2016) confirms that applications for premises opening outside the core hours will be considered in relation to the likely impact of the proposed opening times on crime and disorder, public safety and public nuisance and whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by the premises being open or carrying out operations at the hours proposed.

Given the size and layout of the premises and the nature of the use proposed use, the proposed customer capacity is not considered unreasonable.

Only the proposed Friday and Saturday operating hours would exceed the hours suggested in the Unitary Development Plan, (by 30 minutes) and, on Sundays, the premises would close 30 minutes earlier than those suggested hours. However, the proposed opening hours exceed the core hours set out in the Statement of Licensing Policy by 30 minutes on Monday to Thursday and 1 hour on Friday to Sunday.

It is noted that the Council granted a premises licence for the proposed openings times on 25 April 2016. No objections were received to the Licence Application.

While there are residential premises in the vicinity on the site, including those in Chiltern Street and on the upper floors of the application site, given the character of the area, the nature of the use and the proposed restaurant capacity, it is not considered that the proposed opening hours would have a material impact on residents' amenities or the environmental quality of the area. As each application is considered on its merits, it is not considered that the proposal would set a precedent for operating hours in other premises.

Potential for customers to remain in the premises after proposed terminal hour

One objector is concerned at the potential for customers to remain in the restaurant after the proposed terminal hour. Customers are only permitted to remain on the premises during the approved opening hours and an informative is recommended on the decision notice to that effect. Should customers remain on the premises outside the permitted hours, the operator would be in breach of the condition requiring the premises to be operated in accordance with the approved details.

Disturbance resulting from proposed hours of plant operation

It is proposed that the restaurant plant will operate for a maximum of one hour before and after the restaurant opening times (until 02.00 hours on Friday and Saturday). The applicants have confirmed that the extended operating times are necessary to facilitate service preparation and clearing up.

One objection has been received on the grounds that the plant operation will result in late night noise disturbance to neighbouring residents. However, the plant for the development is subject to operating conditions relating to noise levels and vibration. Details of the restaurant plant have recently been submitted for approval, including a supplementary acoustic which demonstrates that the selected restaurant plant will operate in accordance with the noise conditions imposed. The nearest noise sensitive properties are third floor flats within the main development. The Environmental Health Officer has confirmed that the submitted details are acceptable .

It is noted that the supplementary acoustic report states that the plant will only operate during restaurant opening hours (until 1.00 hours at the latest), while the current application proposes that the plant will operate until 2.00 hours on some days . Given this discrepancy, the Environmental Health Officer has reviewed the submitted data and has confirmed that, as background noise levels are constant between 1.00 and 2.00 hours (noise levels do not drop until after 3.00), the operation of plant until 02.00 would still comply with the noise conditions imposed. In these circumstances, it is not considered that the objection to the hours of plant operation could be supported.

Restaurant exit onto Chiltern Street

Objections have been received expressing concern about the creation of a restaurant access/egress point on Chiltern Street, opposite residential properties, and the potential impact of the use of the entrance, including by smokers, resulting in noise disturbance, littering and highway obstruction, particularly by customers spilling out onto the pavement

As detailed in section 6.2 above (planning history) the approved drawings show the main restaurant entrance on Paddington Street within the westernmost shopfront (of three), closest to Chiltern Street. The plans also indicate a second door on Chiltern Street serving the basement level escape stair. No access is shown to this stair/exit point from within the ground floor restaurant. Although the doorway is marked as an escape door on the plan, its use is not limited to a means of escape by condition.

More recently, an application has been submitted (16/02752/FULL) for alterations to the approved scheme. This includes the relocation of the ground level refuse store to the basement and the replacement of the waste store doors with fixed glazing. These drawings, and the restaurant layout submitted as part of the current application, show a new internal route from the ground floor restaurant to the landing at the top of the escape stair, leading out onto Chiltern Street. Although the doorway is outward opening, and in the same position as the escape door shown on the original drawings, it is not now designated as an escape door. Given the modification to the internal layout and residents' concerns about the creation of a new restaurant entrance, this proposal would be subject to an additional condition to restrict the use of this door to a means of escape. This application also includes the relocation of the restaurant entrance further eastwards on the Paddington Street frontage, further away from residential properties on Chiltern Street

The Council has also determined that further alterations to the approved scheme, including the creation of a new restaurant entrance on Chiltern Street (in addition to the escape door) constitutes a material alteration to the approved scheme which would require further permission. It is understood that the applicants no longer intend to pursue this option.

Given that the current proposal does not involve the creation of a new restaurant access onto Chiltern Street, and as the use of the escape door will be controlled by a new condition on 16/02752/FULL, objections to the creations of a new access doors, and the consequent impact of its use upon residents' amenities and highway obstruction cannot be supported.

Loss of privacy to neighbouring ground floor flats due to increased footfall

This site was formerly occupied by a 24-hour public car park and various Class A uses including a public house, restaurant and cafe/sandwich bar. There are several hotels on Chiltern Street, to the north of the site and various cafes along Paddington Street. Given this context, it is not considered that the potential increase in footfall associated with the reintroduction of an entertainment use on this site would have significant adverse effect on the privacy of occupants of neighbouring flats.

Increased litter

One objection has been received on the grounds that the proposed use would result in an increase in litter generation in the area.

The proposed arrangements for the storage of refuse associated with the restaurant use are considered acceptable. The proposed use is as a sit-down restaurant and there is no reason to believe that this use would result have any impact on the local environment

due to increased littering. Consequently it is not considered that the proposed restaurant operation has the potential to result in increased littering.

8.4 Transportation/Parking

One objection has been received on the grounds that the proposals would generate increased traffic in the area, particularly as a result of vehicles dropping off/picking up restaurant customers.

In approving a restaurant use on the site, the Council has previously concluded that it would not have any adverse impact in highways terms. The Highways Planning Officer has confirmed that the current application raises no highway issues.

8.5 Economic Considerations

Not applicable

8.6 Access

Not applicable

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The application drawings include details of the waste store for the proposed restaurant. The Project Officer (Cleansing) has objected to this aspect of the restaurant layout.

However, revised refuse storage arrangements, relocating the restaurant waste store from ground floor to basement level, have been submitted under application 16/02752/FULL, which proposed various alterations to the approved scheme. Following revisions to this application, the Cleansing Officer has confirmed that the revised arrangements are acceptable.

As part of this submission, the applicants have confirmed that all waste collection will be undertaken by private contractor with collection times for general waste and cardboard between 07.00 and 21.00 and crushed glass collection, in the early morning slot (07.00 hours), by the same waste collector

The current application has now been revised to include the amended details submitted under 16/02752/FULL.

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

Not applicable

8.11 Environmental Impact Assessment

Not applicable

9. BACKGROUND PAPERS

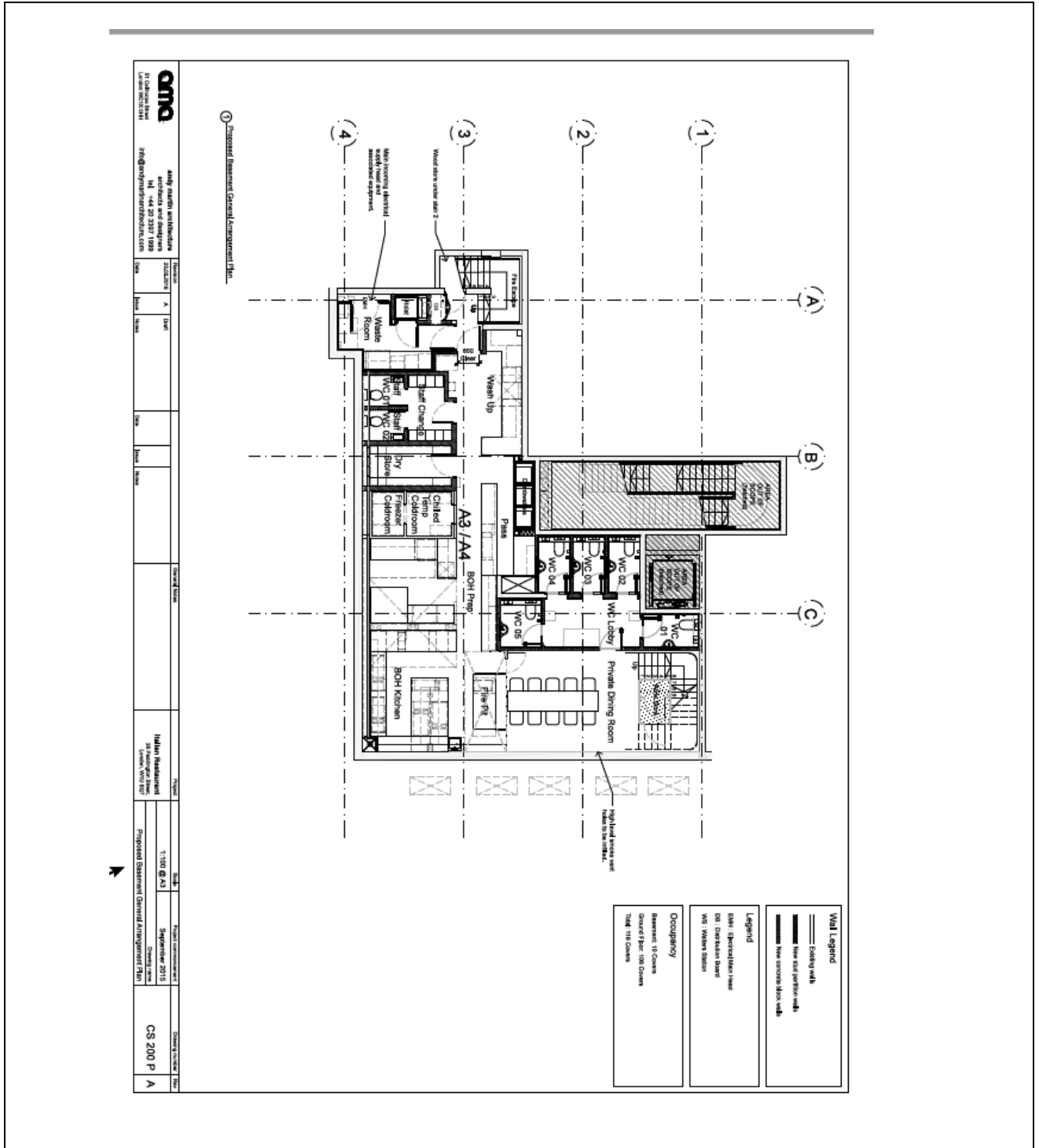
1. Application form
2. Letters from Rolfe Judd Planning dated 24 March and 10 June 2016
3. Responses from Project Officer(Waste) dated 18 April and 20 June 2016 (16/02752/FULL)
4. Response from Highways Planning Manger dated 14 April 2016
5. Letter from occupier of 12A Portman Mansions, Chiltern Street, dated 19 April 2016
6. Letter from occupier of 7 York Mansions, 84 Chiltern Street, dated 3 May 2016
7. Letter from occupier of 12 York Mansions, Chiltern Street, dated 3 May 2016
8. Letter from the occupier 9 Wendover Court, Chiltern Street dated 25 May
9. Letter from the occupier 26 Wendover Court Chiltern Street dated 9 May 2016
10. Letter from the occupier 41 Wendover Court Chiltern Street dated 10 May 2016
11. Email from Marylebone Association dated 2 August 2016
12. Email from Environmental Health dated 2 August 2016

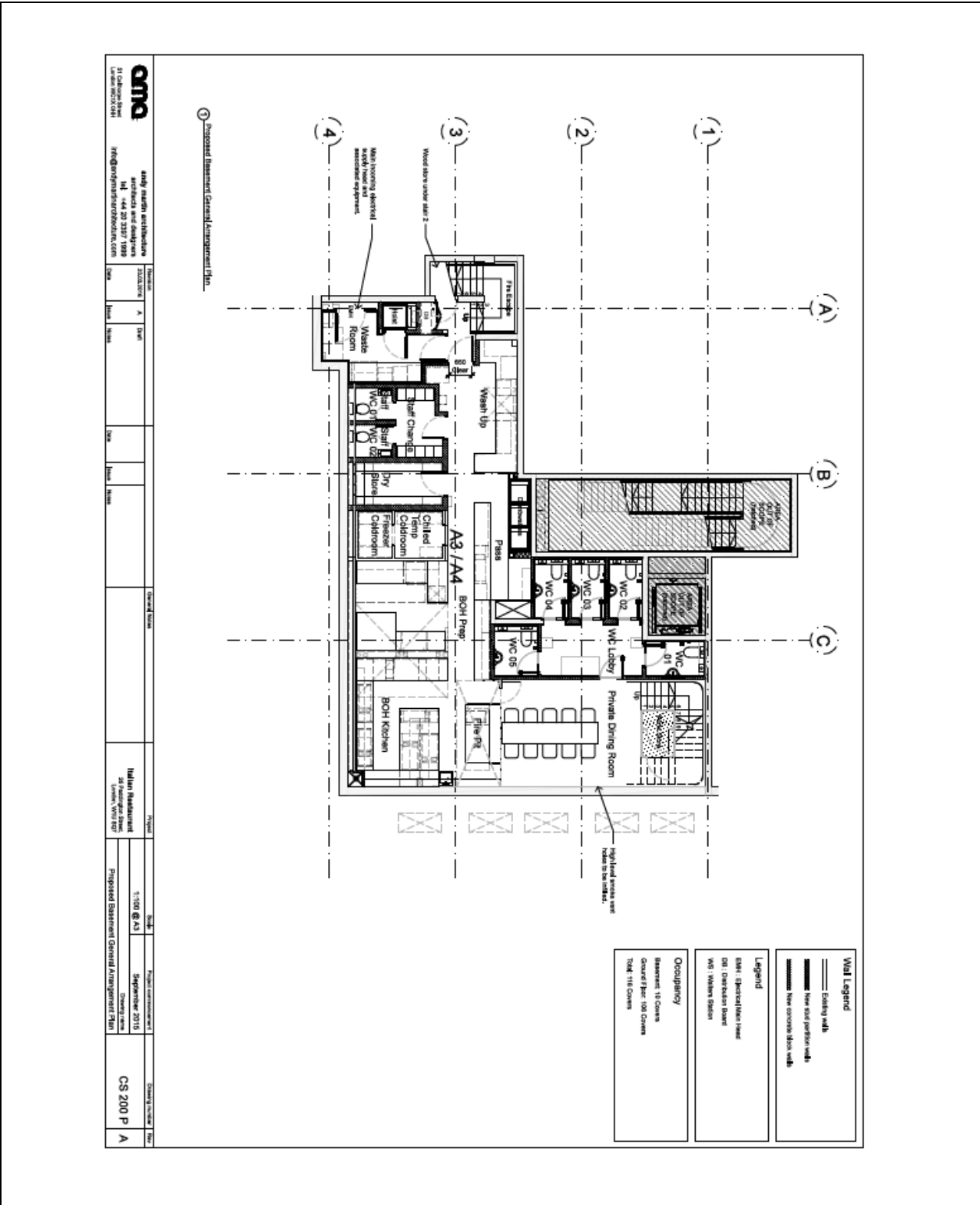
Selected relevant drawings

(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.

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 74 - 76 Chiltern Street, London, W1U 5AA,

Proposal: Details of proposed restaurant operation, including the internal layout of the unit (showing the areas to be used for public drinking/dining and back of house functions), details of the opening hours, capacity, hours of plant operation and serving hours pursuant to condition 42 of planning permission dated 19 August 2015 (15/01247) as described in Schedule 1 below:

Schedule 1:

Approved development:

Variation of Condition 1 of planning permission dated 11 April 2013 (RN: 12/09397) for demolition of the existing building, redevelopment and construction of a new building on three basement levels, ground, and part four/part seven floors comprising 60 flats (Class C3), a health & fitness club (Class D2), a retail shop (Class A1), a restaurant or public house (Class A3/A4), storage uses (Class B8), replacement accommodation for street cleansing facilities (sui generis), car parking for the development and 23 parking spaces for local residents, associated plant; namely, substitution of drawings showing the following alterations to the scheme i) extension of ground floor flat G.01 onto part of rear lightwell terrace ii) amalgamation of three residential units (units 3.04, 3.05 and 3.06) at third floor level to create 2 x 2 bedroom flats and 1 x 4 bedroom flat and iii) amalgamation of two residential units (5.05 and 5.06) at fifth floor level to create 1 x 4 bedroom flat (resulting in the overall provision of 59 flats).(Site includes 22-28 Paddington Street)

Reference: 16/02830/ADFULL

Plan Nos: CS 201 P Rev A, CS 200P Rev A (as amended by CS 920 SK Rev A); Waste Management Plan (Andy Martin Architecture) as amended by email dated 29 July 2016 (Rolfe Judd Planning)

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Informative(s):

1

You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours approved as part of this application.

2

You are reminded that the fire escape door to Chiltern Street shown on drawing CS 201 P Rev A may only be used as a means of escape in the case of emergency and not as a general entrance to/exit from the restaurant 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.

Agenda Item 9

Item No.

9

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	39-44 Grosvenor Square, London, W1K 2HP,		
Proposal	Alterations including removal of roof level plant, erection of an 8th floor extension and relocation of plant to new roof level; erection of rear 3rd floor level extensions either side of a central block fronting onto Adams Row, provision of new terraces at 3rd and 7th floor levels in connection with the refurbishment of an existing hotel.		
Agent	MD Associates		
On behalf of	London Britannia Hotels		
Registered Number	15/07731/FULL	Date amended/ completed	19 November 2015
Date Application Received	19 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission.

2. SUMMARY

The site, the Millennium Hotel is a large hotel on Grosvenor Square which also fronts onto Adams Row. The site lies within the Central Activities Zone and Mayfair Conservation Area. Two separate applications have been submitted for alterations and extensions to the hotel.

This application is for alterations including an 8th floor roof extension with new rooftop plant and 3rd floor rear extensions to provide an additional 19 guest suites and an executive lounge.

A second application for alterations to a vehicular access at the rear on Adams Row and the creation of 2 x retail units is considered elsewhere at item 10 on this agenda.

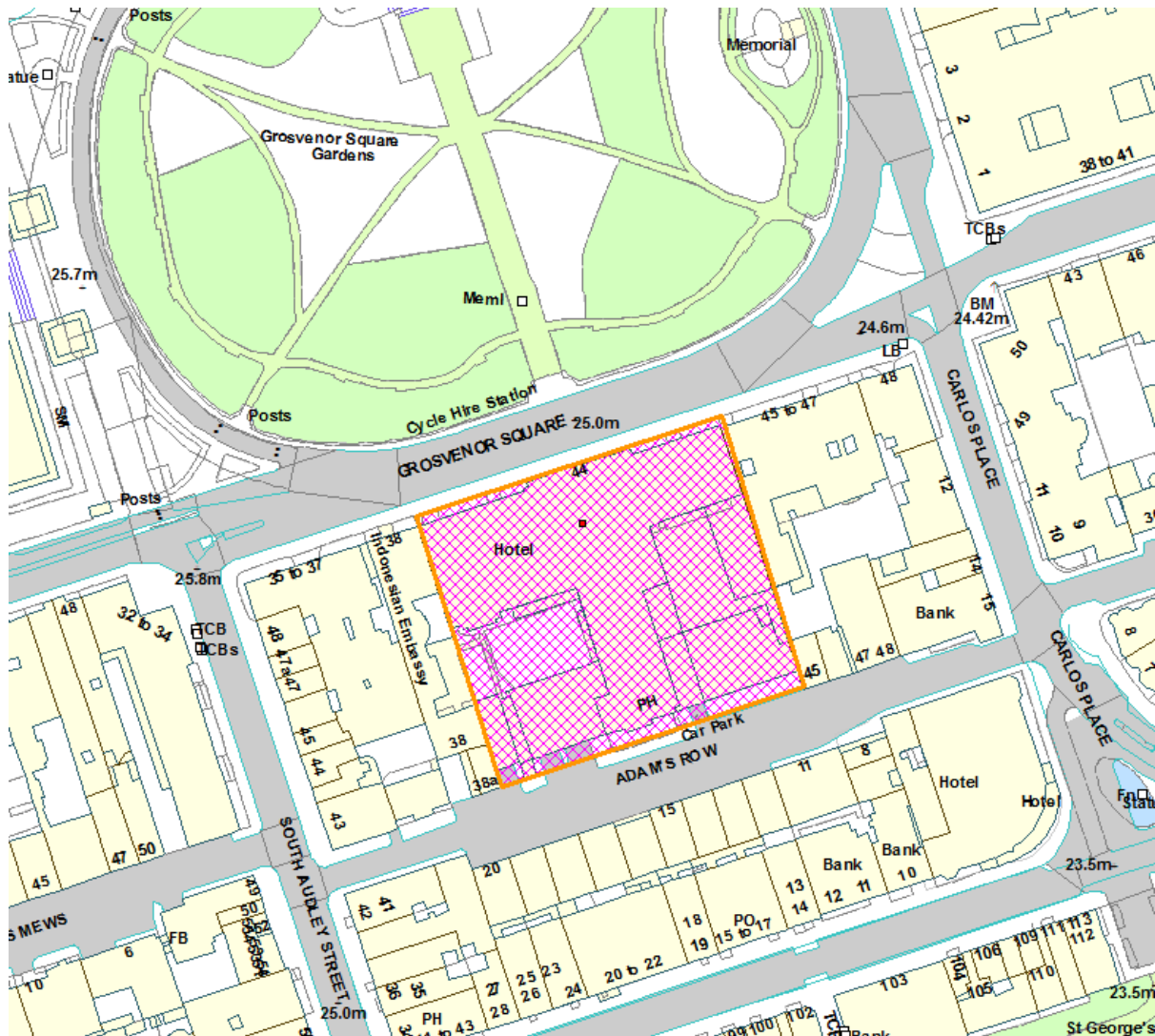
The key issue for consideration is:

- * The impact of the extensions on residential amenity
- * The impact in design terms on the appearance of the building and the character and appearance of the Conservation Area.

The application has been amended since the initial submission, setting in the proposed 3rd floor

extension in from the eastern boundary. As revised the application is considered acceptable. The proposal would result in relatively modest additions to the existing large hotel. The scheme is considered acceptable in land use, amenity, design and conservation terms in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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Item No.
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4. PHOTOGRAPHS

Photograph 1. Front elevation of hotel on Grosvenor Square



Photograph 2. Aerial view of Hotel on Adams Row



Photograph 3. View from bedroom window of Flat 8 in 47 Grosvenor Street towards the third floor extension (eastern side).



Photograph 4. View of existing 8th floor.



5. CONSULTATIONS

WARD COUNCILLOR FOR WEST END (CLLR ROBERTS)

Development of a proposed restaurant bar would mean disruption to residents and loss of their quiet amenity.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

HIGHWAYS PLANNING

No off-street cycle parking and car parking is provided. An additional of 20 bedrooms is unlikely to have a significant impact on on-street car parking in the area and the hotel will be serviced in a similar fashion to the existing use and nearby properties.

ENVIRONMENTAL HEALTH (PLANT AND EQUIPMENT)

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 107

Total No. of replies: 10

No. of objections: 10 (from 7 respondents)

No. in support: 0

Comments from initial consultation:

- Overlooking from additional windows and balconies
- Overshadowing and loss of daylight and sunlight. Report does not refer to the rear of 47 Grosvenor Square
- Noise and disturbance, especially from the proposed club lounge (openable windows and balcony) and given that visitors are transient.
- Light spillage
- Incorrect/ lack of drawings
- Impact on traffic on Adams Row (ref application 15/07087/FULL item 10 on this agenda)

No additional comments were provided following re-advertisement of the scheme.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is within the Central Activities Zone and Mayfair Conservation Area. The application premises the Millennium Hotel, is a large 336 bedroom hotel with 10 function rooms with frontages onto Grosvenor Square and Adams Row. There is a vehicle drop off and forecourt on Adams Row. The existing hotel building comprises basement, ground and 7 upper floors. Below the basement is a two storey car park leased to NCP.

Immediately to the east is the Indonesian Embassy at No. 38 and to the west is 45-47 Grosvenor Square, which is a residential block. This part of Mayfair is mixed use in character.

6.2 Recent Relevant History

None directly relevant

7. THE PROPOSAL

Permission is sought for the removal of 8th floor roof level plant, erection of a 8th floor roof extension and relocation a plant enclosure above and the erection of 3rd floor rear extensions either side of a central higher block fronting onto Adams Row. The additional floorspace will provide 19 hotel quest suites and an executive lounge. The proposal includes provision of small terraces at rear 3rd and 7th floor levels.

The application has been amended since the original submission in response objections from neighbouring residents. The third floor extension (on the eastern side of the central block) rather than occupying the full flat roof area as originally proposed has been set in from the boundary, resulting in a loss of a guest room and a reduction in the size of the executive lounge. In addition the applicant has confirmed that the executive lounge will be used by the hotel as a reading lounge with breakfast facilities. Furthermore the most easterly windows will be fitted with obscure glazing to avoid any overlooking.

DETAILED CONSIDERATIONS

7.1 Land Use

The existing hotel floorspace is 23,060 m². The scheme would result in an additional 912 m² (591sqm at 3rd floor and 66sqm at 8th floor).

Mixed Use Policy

The revised policy S1 (Mixed Use in the Central Activities Zone) adopted in July 2016 requires the provision of residential to offset increases in offices (Class B1) but not other commercial uses. This change in policy approach to adopted UDP policies means that the scheme does not require the provision of residential floorspace.

Increase in Hotel

Policy S23 (Hotels and Conference Facilities) of the City Plan: Strategic Policies state that hotels are important to support the visitor and business economy. Existing hotels will be protected where they do not have significant adverse effects on residential amenity and where proposals to improve the quality and range of hotels will be encouraged.

Policy TACE 2 of the UDP states that within the CAZ, extensions to existing hotels will be granted where no adverse environmental and traffic effects would be generated and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including setting down and picking up of visitors by taxis and coaches.

The hotel is located in the centre of Mayfair in an area mixed use in character. The nearest residential is in the adjacent building 45-47 Grosvenor Square immediately to the east and at Adams Row to the south of the site.

The existing large hotel comprising 336 guest rooms is a longstanding use that has been operating without complaints. The scheme would result in the provision of 19 additional bedrooms and an executive lounge, amounting to a 5% increase. No change is proposed servicing arrangements. The existing pick up and drop off points including entrances and exits to car parking will be retained to Adam's Row, to the rear. A separate application has been submitted for alterations to the vehicular entrance on Adams Row which is considered at item 10 on this agenda.

The additional floorspace is relatively modest would not result in a significant intensification of the existing hotel use. There would be no significant increase in either vehicular or pedestrian movements as a result of the proposal which is considered acceptable in principle in accordance with City Plan policy S23 and UDP policy TACE 2.

7.2 Townscape and Design

The proposals mainly affect the rear of the building. At the front the existing central plant room visible from Grosvenor Square is retained and converted to accommodation. Above this the north end of the new plant room will be visible, but this is a small intrusion which will not harm the appearance of the building. (However, this end of the plant room should be clad in slates to match the roof below). At the rear the plant room is replaced by a new floor of accommodation. This is a modern, largely glazed design which sits satisfactorily above the existing facades below. The plant room on top is set back from the sides and is clad in bronze finished aluminium panels. The addition of new floors on the lower wings is also acceptable in terms of height and bulk and design.

The proposals will not harm the appearance of the building or the character and appearance of the Mayfair Conservation Area. They are considered to comply with Unitary Development Plan urban design and conservation policies, including DES 6 and DES 9.

7.3 Residential Amenity

Sunlight and Daylight

Objections have been received that the proposal would result in a loss of light and enclosure to the rear of flats at 45-47 Grosvenor Square. In the light of these objections the application has been revised setting the 3rd floor eastern extension in from the site boundary.

A daylight and sunlight assessment has been submitted with regards to the revised scheme which assesses the impact of the development with regards to BRE guidelines with respect to residential properties at 45-47 Grosvenor Square, 12- 20 Adams Row and 38 Grosvenor Square which is occupied by the Indonesian Embassy.

The report demonstrates that all windows tested there in terms of both daylight and sunlight there would be no breach in BRE guidelines. This aspect of the application is therefore considered acceptable.

Sense of Enclosure

Objections received from adjoining residential block at 45-47 Grosvenor Square also refer to an increased sense of enclosure. In the light of the objections, the application was amended setting in the 3rd floor extension from the sites boundary. This amendment and reduction in bulk is considered to overcome concerns that the increased bulk and mass would result in an enclosure to the adjacent residential property.

Overlooking

Objections have also been received that the scheme would result in overlooking and a loss of privacy. The most easterly window in the 3rd floor extension will be fitted with obscure glazing which is welcomed and will maintain the privacy of the occupiers of 45-47 Grosvenor Square, particularly Flat 8 at third floor level. A condition is recommended to ensure the obscure glazing is retained in this window.

There are 6 terraces proposed to the guest bedrooms at third floor level with two at 8th floor and a further two at 7th floor level on the southern elevation overlooking Adam's Row. The distance between the terraces and the front elevation of properties on Adam's Row is 19m which is in excess of the typical distance found between Mews properties and is considered adequate to avoid any direct overlooking from the terraces. Given the sites location and distances, it is considered that the provision of terraces on the southern elevation would not result in direct overlooking to surrounding properties.

A condition is recommended that the terraces are only used between 08:00 and 21:00 daily to ensure there is no noise nuisance. It is recommended that this is secured by condition.

The proposal is considered to maintain the amenities of neighbouring residents, in terms of overlooking and the objections from the local occupiers are not sustainable in this regards.

7.4 Transportation/Parking

No additional car parking is provided but there is a drop off and collections area within the site, which is not being altered as part of this application. The additional number of bedrooms (19) is unlikely to have a significant impact on on-street car parking or servicing or refuse provision. The scheme will not therefore have any adverse impact upon the highway network.

There is currently no cycle parking, and no cycle parking is proposed as part of this scheme. Further Alterations to the London Plan (FALP) would require one space per 20 bedrooms. However as no works are being undertaken to the ground or basement levels as part of this application it is not considered that permission could reasonably be withheld due to the lack of cycle parking .

7.5 Economic Considerations

Any economic benefits arising from the proposal are welcomed.

7.6 Access

Access to the hotel will remain unchanged, with the main entrance being from Grosvenor Square and vehicular drop off at the rear on Adam's Row.

7.7 Other UDP/Westminster Policy Considerations

Plant

The proposed scheme seeks to relocate plant from the roof to above the new 8th floor in a dedicated screened enclosure. The exact plant specification is at this stage unknown. An acoustic report has been submitted in support of the application which details existing background noise levels. Environmental Health raise no objection to the application subject to the imposition of the normal condition which requires all plant to operate at a level 10dB below background noise levels.

As the exact details of the plant are at this stage unknown a further condition is recommended requiring a supplementary acoustic report to be approved which will confirm that the plant is capable of operating at the required noise levels.

The proposal includes the provision of Combined Heat and Power (CHP) flues on the roof. A condition is recommended to ensure that CHP complies with Environmental legislation.

7.8 London Plan

This application raises no strategic issues.

7.9 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.

7.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

7.11 Environmental Impact Assessment

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

7.12 Other Issues

Objectors raise issues related to highways works to Adam's Row. These works are not however part of this application.

An objector initially commented that sufficient plans were not submitted as part of the application. Additional plans, elevations and details were subsequently provided which are considered sufficient to adequately determine the application.

8. BACKGROUND PAPERS

1. Application form
2. Letter from Councillor Roberts, dated 10 December 2015
3. Response from Residents Society Of Mayfair & St. James's, dated 7 December 2015
4. Response from Highways Planning - Development Planning, dated 25 November 2015
5. Response from Plant And Equipment, dated 4 December 2015
6. Letter from occupier of Flat 7, 47 Grosvenor, dated 7 December 2015
7. Letter from occupier of Flat 8, 47, dated 7 December 2015
8. Letter from occupier of 47 Grosvenor Square, London, dated 7 December 2015
9. Letter from occupier of Flat 12, 47 Grosvenor Square, dated 8 December 2015
10. Letter from occupier of 45-47 Grosvenor Square, London, dated 14 December 2015
11. Letter from occupier of Yorke Property Management Limited, 20 North Audley Street, dated 17 December 2015
12. Letter from occupier of 48, Adams Row, dated 15 December 2015
13. Letter from occupier of 47 Grosvenor Square, Mayfair, dated 20 January 2016
14. Letter from occupier of One Chapel Place, London, dated 6 April 2016

Selected relevant drawings

(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 MIKE WALTON ON 020 7641 2521 OR BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS

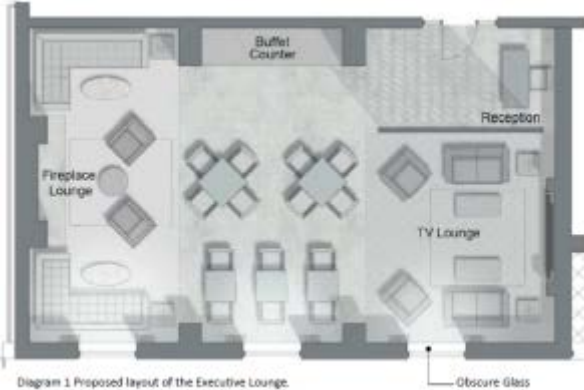
Drawing 1. Proposed Adams Row elevation



Drawing 2. Proposed third floor plan



Drawing 3. Proposed executive lounge layout at third floor level



Drawing 4. Proposed eighth floor plan



DRAFT DECISION LETTER

Address: 39-44 Grosvenor Square, London, W1K 2HP,

Proposal: Alterations including removal of roof level plant, erection of an 8th floor extension and relocation of plant to new roof level; erection of rear 3rd floor level extensions either side of a central block fronting onto Adams Row, provision of new terraces at 3rd and 7th floor levels in connection with the refurbishment of an existing hotel.

Reference: 15/07731/FULL

Plan Nos: PL-10-311 P6, PL-10-319, PL-10-312, PL-10-313, PL-10-315, PL-10-003, PL-10-314 P3, PL-10-316 A, PL-10-317 A, PL-10-319 P1.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme The north end of the plant room to be clad in slates. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To 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: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

- 6 (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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 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.

- 8 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 6 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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 9 You must apply to us for approval of a management plan to show how you will prevent guests from accessing the terraces at third, seventh and eighth floor levels outside the hours of 08:00 and 21:00 and how you will prevent noise from the terraces more generally causing nuisance in the area, including people who live in nearby buildings. You must not use the new guest accommodation as part of the hotel until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel and new guest rooms are in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 You must apply to us for approval of details of the CHP to demonstrate how it will meet the required benchmarks of the GLA SPG on Sustainable Design and Construction. You must not start work until we have approved what you have sent us. You must then provide the CHP flues according to these details.

Reason:

To ensure the development does not lead to an increase in local air pollution, as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 11 The glass that you put in the eastern window of the executive lounge as shown on drawing PL-10-311 P6 must not be clear glass, and you must fix it permanently shut. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 12 Customers and guests shall not be permitted on the terraces before 08:00 or after 21:00 Monday to Sunday, except in an emergency.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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. (150AA)

- 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 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)

- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your

drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 7 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 8 Conditions 6 and 7 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)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.

Item No.
10

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	39-44 Grosvenor Square, London, W1K 2HP,		
Proposal	Alterations to Adams Row frontage, involving alterations to the public highway, infilling of an existing vehicular entrance and creation of a new vehicular drop off and creation of 2 x retail units (Class A1).		
Agent	MDAssociates		
On behalf of	London Britannia Hotels		
Registered Number	15/07087/FULL	Date amended/ completed	1 December 2015
Date Application Received	3 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

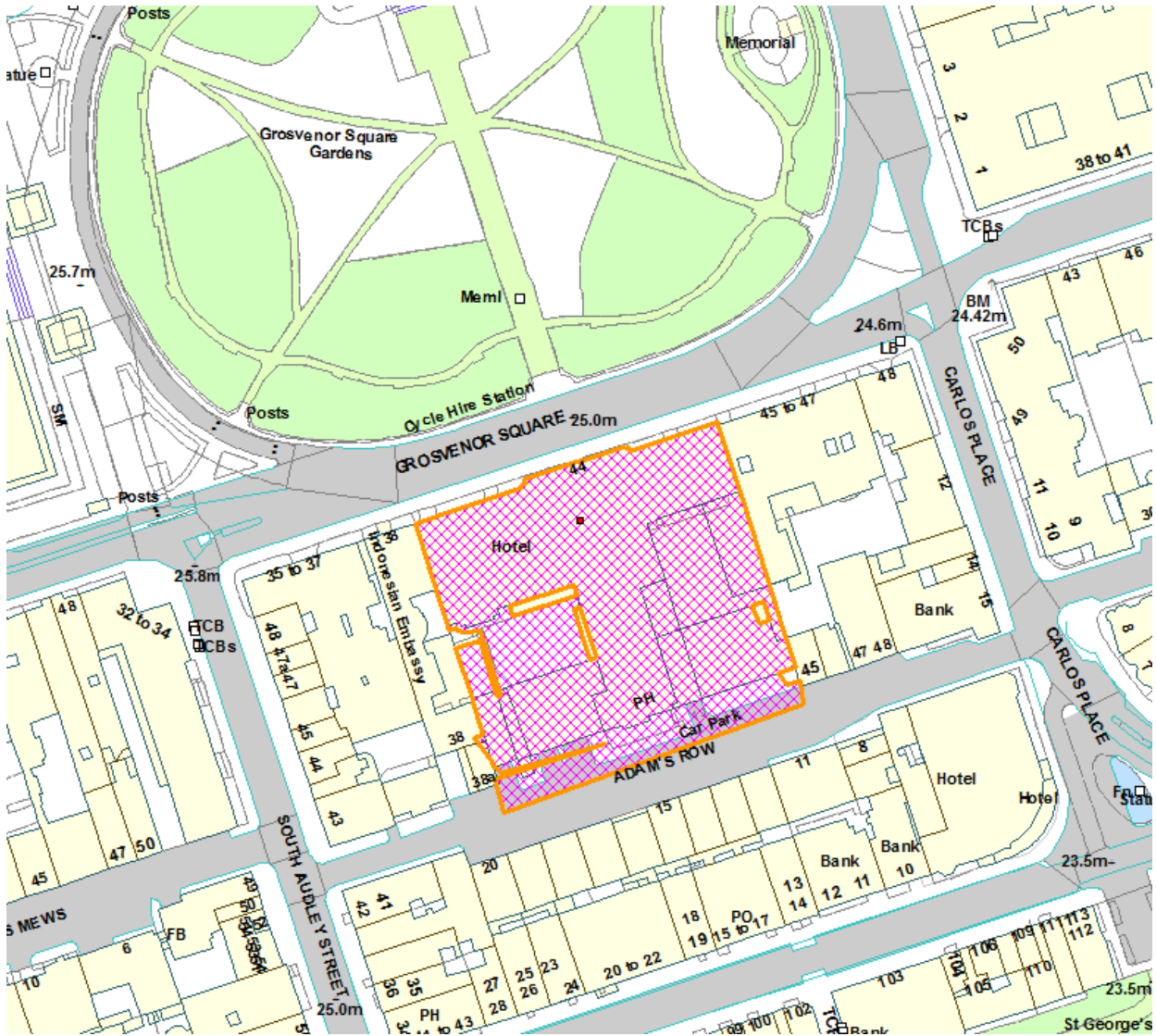
1. Grant conditional permission

2. SUMMARY

<p>The site, the Millennium Hotel is a large hotel on Grosvenor Square which also fronts onto Adams Row. The site lies within the Central Activities Zone and Mayfair Conservation Area. Two separate applications have been submitted for alterations and extensions to the hotel.</p> <p>This application is for alterations to a vehicular access at the rear on Adams Row and the creation of 2 x retail units.</p> <p>A second application for alterations including an 8th floor roof extension with new rooftop plant and 3rd floor rear extensions to provide an additional 19 guest suites and an executive lounge is considered elsewhere at item 9 on this agenda.</p> <p>The key issue for consideration is:</p> <ul style="list-style-type: none"> * The impact of the alterations to the vehicular access on the highway * The impact of the provision of retail units on residential amenity and the character and function of the area
--

The application is considered acceptable in land use, amenity, design and highways terms and complies with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. View of Adam's Row and rear frontage of Hotel from the East



Photograph 2. View of the existing taxi rank at Hotel frontage



Photograph 3. View of Adam's Row from the East.



Photograph 4. View of Adam's Row from the West.



5. CONSULTATIONS

CLLR ROBERTS

Concern to potential adverse impact on Adams Row. Request that exiting from the Ballroom is onto Grosvenor Square and the shops are internal to the hotel.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

HIGHWAYS PLANNING

No objection in principle subject to approval under the Highways Act.

The loss of the larger on-site drop off facility will be mitigated by the use of the NCP car parking; the use of this car park is low and therefore the use of it by the Hotel is acceptable

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 10

10 objections: 10 (from 8 respondents)

Objections on some or all of the following grounds:

- Increase in traffic, loading and unloading and footfall in a residential mews
- Noise nuisance, particularly at night detriment of neighbouring residents. Residents are vulnerable to noise and car emissions which occurs frequently at present with cars waiting outside with engines running.
- Objection to the Hotel using public highway land for private gain. The Council should consider giving residents a frontage space for temporary/overnight parking. All traffic will be directed to Adam's Row rather than being within the Hotel (the previous Shougun restaurant had its entrance within the hotel forecourt).
- Adam's Row is not a shopping street and the retail use has the potential to be turned into a restaurant in the future. Retail is out of character with Adams Row.
- Confusion over plans presented to residents by agents and those submitted to Westminster Council.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is within the Central Activities Zone and Mayfair Conservation Area. The application premises the Millennium Hotel, is a large 336 bedroom hotel with 10 function rooms with frontages onto Grosvenor Square and Adams Row. There is a vehicle drop off and forecourt on Adams Row. The existing hotel building comprises basement, ground and 7 upper floors. Below the basement is a two storey car park leased to NCP.

Currently, there are four entrance/egress points from Adam's Row; two are an entrance and exit to the basement NCP car park. The other two lead to and from the hotel forecourt, where guests are currently dropped off to access the ballroom. Centrally on the Adam's Row frontage was a former restaurant (Shogun) and to the east is a hotel store.

6.2 Recent Relevant History

None directly relevant

7. THE PROPOSAL

Planning permission for alterations to the ground floor at the Adams Row entrance to the hotel including alterations to the public highway and infilling of an existing vehicular entrance. Use of ground floor units fronting Adams Row as 2no. independent retail units (Class A1).

The entrance and egress to the NCP car park will remain; it is proposed to move the other two entrances (leading to the forecourt) and replace these with a new retail use, meeting rooms, cloakrooms and the ballroom entrance. On the public highway, the existing taxi rank will be retained on the south side of island (where the retained trees are currently) and a single, one way ballroom drop off to the northern side of this island. A new entrance and canopy will be provided over this area. To the eastern side of the NCP car park entrance, a store will be reduced in size to provide a further retail unit and an internal courtyard. Hotel visitors and guests will be able to use to the NCP car park.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The scheme involves changing storage area and an ancillary hotel restaurant and infilling a vehicular drop off to create 2 x retail units independent from the hotel. The loss of this ancillary hotel floorspace will not impact on the continued operation of the hotel and is acceptable in land use terms.

Introduction of retail (Class A1) use

Objections have been received from residents in Adams Row that the increased activity associated with the proposed retail units would result in a loss of amenity. The site lies within the Core Caz and policy S6 and S21 of the City Plan states that the provision of new

retail floorspace is encouraged throughout the Core CAZ. The principle of the provision of 2 new retail units is considered acceptable in land use terms provided that the operation of the retail units would not result in a loss of amenity.

Policy S29 of the City Plan and ENV13 of the UDP seek to protect and improve the residential environment.

No specific retail operator has been identified for the two units. However the applicant envisages that they would suit a gallery or antique shop, typical of the Mayfair area. Given the size of the units it is considered that they would be unlikely to generate significant footfall and that servicing requirements could be adequately catered for on Adams Row. It is however recommended that conditions are imposed which prevent the units from being occupied as a supermarket/food outlet, that the opening hours are restricted to between 08:00 - 18:00 Monday-Saturday and 11:00 - 17:00 on Sundays, and that the use operates in accordance with a servicing management plan. Subject to these conditions it is considered that the provision of the retail units would be neither harmful to residential amenity or the character and function of the area.

8.2 Townscape and Design

The proposals involve changes to the ground floor frontage in Adams Row. The columns are over clad with stone, the walls are clad in bronze finished metal, and new shop windows installed. A bronze canopy is to be added to the Ballroom entrance. These alterations are considered to improve the appearance of the base of the building and will cause no harm to the Mayfair Conservation Area. The proposals comply with Unitary Development Plan urban design and conservation policies including DES 1 and DES 5.

An objection has been received on the basis that the proposed retail uses are inappropriate in a mews. This might be the case in many mews but Adams Row is a somewhat special case. It lacks the character of a traditional mews because the north side is dominated by a commercial use, the large hotel building. It is not considered that, in this case, the proposed retail units would harm the character of Adams Row.

8.3 Residential Amenity (Daylight Sunlight and Sense of Enclosure)

The alterations will not have any material impact upon the daylight sunlight or sense of enclosure to any neighbouring properties.

8.4 Transportation/Parking

The proposal involves infilling a courtyard vehicular dropping off area and replacement with a lay-by dropping off area. This involves works to the public highway which will require separate approval under the Highways Act. The works involve retention of the existing taxi lay by, and an extension and improvement to the footway running the full length of the application site. These works are welcomed, the Head of Public realm Programmed Management considers the alterations on Adam's Row to be acceptable.

The loss of the on-site drop off facility and parking will be mitigated by the use of the NCP car park by visitors of the Hotel. Supporting information indicates that the NCP car park is

under utilised and has capacity to accommodate additional car parking generated by the loss of parking at the hotel.

As already stated it is recommended that a servicing management plan for the retail units will be secured by condition. On this basis the scheme is considered acceptable in highways terms.

8.5 Economic Considerations

Any economic benefits arising from the proposal are welcomed.

8.6 Access

Access to the hotel will remain unchanged, with the main entrance being from Grosvenor Square and vehicular drop off at the rear on Adam's Row.

8.7 Other UDP/Westminster Policy Considerations

Trees

The trees on the public highway are to be retained and will not be impacted upon in this regards.

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

Not Relevant

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required for this scale of development.

8.12 Other Issues

Objections have been received that proposed retail units could in the future be used as restaurants (Class A3) which would potentially result in a loss of amenity. The application is however for retail use (Class A1) and use for restaurant purposes would require a further application.

9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 23 May 2016
3. Response from Highways Planning - Development Planning, dated 16 May 2016
4. Response from Residents Society Of Mayfair & St. James's, dated 25 May 2016
5. Letter from occupier of domaine des vaux, rue de bas, dated 16 June 2016
6. Letter from occupier of 29A Brook Street, London, dated 23 May 2016
7. Letter from occupier of 15 adams row, mayfair, dated 23 May 2016
8. Letter from occupier of 29A Brook Street, London, dated 1 July 2016
9. Letter from occupier of 48 Adams Row, London, dated 11 March 2016
10. Letter from occupier of 20 Adam's Row, London, dated 23 May 2016
11. Letter from occupier of 18 Adams Row, London, dated 23 May 2016
12. Letter from occupier of 16 Adam's Row, Mayfair, dated 23 May 2016
13. Letter from occupier of 48 ADAMS ROW, LONDON, dated 29 June 2016
14. Letter from occupier of 14 Adam's Row, Mayfair, dated 22 May 2016
15. Email from Councillor Roberts dated 23 May 2016

Selected relevant drawings

(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

10. KEY DRAWINGS

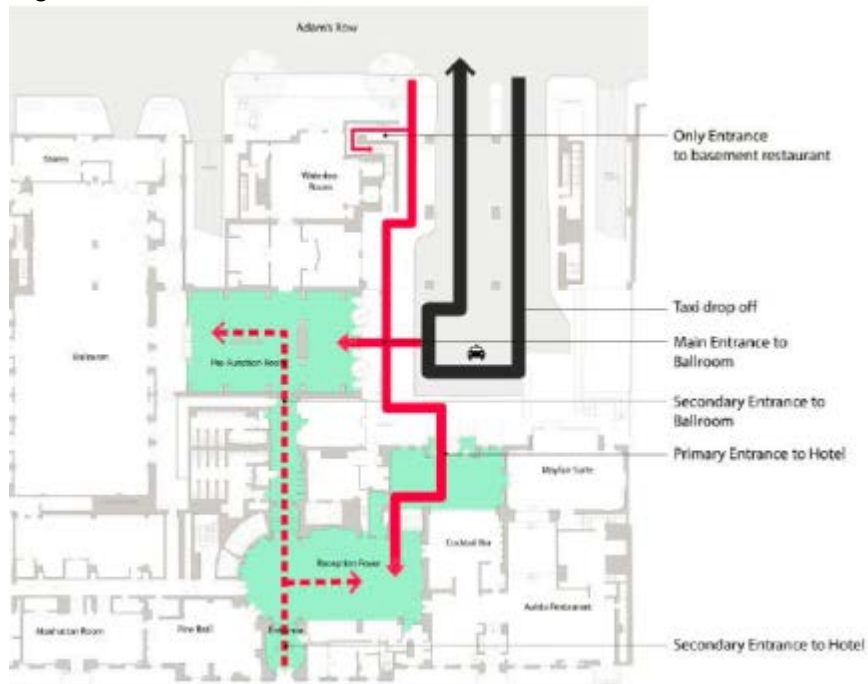
Drawing 1. Proposed ground floor plan



Drawing 2. Proposed Adam's Row frontage



Drawing 3. Existing entrances and circulation



Drawing 4. Proposed entrances and circulation



DRAFT DECISION LETTER

Address: 39-44 Grosvenor Square, London, W1K 2HP,

Proposal: Alterations to Adams Row frontage, involving alterations to the public highway, infilling of an existing vehicular entrance and creation of a new vehicular drop off and creation of 2 x retail units (Class A1).

Reference: 15/07087/FULL

Plan Nos: PL-10-210 P4, PL-10-212 P1, PL-10-213.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

To 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 (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.
(R26BE)

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 4 Customers shall not be permitted within the 2no. retail units before 08:00 or after 18:00 Monday to Saturday or before 11:00 or after 17:00 on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 5 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a supermarket/food outlet (or similar) unless otherwise agreed in writing by the City Council as local planning authority.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 6 You must not commence the A1 use allowed by this permission until a Service Management Plan has been submitted to and approved by the City Council. You must not commence the A1 use until we have approved what you have sent us. You must then carry out the measures included in the servicing management plan at all times that the A1 (retail) is in use.

The service management plan should identify the hours of servicing, delivery process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and should clearly outline how servicing will occur on a day to day basis.

Reason:

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

Item No.
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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.