



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (1)**

Meeting Date:

**Tuesday 2nd March, 2021**

Time:

**6.30 pm**

Venue:

**Please note that this will be a virtual meeting**

Members:

**Councillors:**

Robert Rigby (Chairman)  
Susie Burbridge  
Mark Shearer  
Tim Roca

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

**If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**

**If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 07870 548348; Email: [gwills@westminster.gov.uk](mailto:gwills@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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 Director of Law 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 pecuniary interests or any other significant interest 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**

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the virtual meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

**(Pages 5 - 12)**

To access the recording after the meeting please revisit the Media link

1. **OLD WAR OFFICE WHITEHALL LONDON SW1A 2EU** (Pages 17 - 60)
2. **GROVE END GARDENS, 33 GROVE END ROAD LONDON NW8 9LL** (Pages 61 - 88)
3. **1 CHILTERN STREET LONDON W1U 7PA** (Pages 89 - 110)

**PART 2 (IN PRIVATE)**

**RECOMMENDED:** That under Section 100 (a) (3) and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following Item of Business because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Items	Grounds	Para. of Part 1 of Schedule 12a of the Act
3&4	The reports involve the likely disclosure of exempt information relating to financial or business affairs.	Para 3

4. **TPO 77 HEREFORD ROAD, LONDON, W2** (Pages 111 - 130)
5. **TPO 82 MAIDA VALE, LONDON, W9 1PR** (Pages 131 - 150)

**Stuart Love**  
**Chief Executive**  
**22 February 2021**

## Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

## MINUTES

### Planning Applications Sub-Committee (1)

#### MINUTES OF PROCEEDINGS

Minutes of a virtual meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 24th November, 2020**.

**Members Present:** Councillors Robert Rigby (Chairman), Mark Shearer, Selina Short and Geoff Barraclough

**Also Present:** Councillor Tim Roca (item 4)

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor Geoff Barraclough had replaced Councillor Tim Roca.

**RESOLVED:** That Councillor Mark Shearer be elected as the substitute Chairman for the meeting in the event that the Chairman loses connection or needs to stand down for an item.

#### 2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all four Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Mark Shearer declared in respect of Item 4 - that he previously retained David Coffey Lyons to undertake a review for his property company, Sandford Capital. In addition, he has an outstanding review on another property - of which Fleurets are the arbitrator. He retains various agencies for my property company.

With regards to Item 6 – he declared that he is a Trustee of CGAT. He had not voiced any opinion on this planning matter within any CGAT meetings Whilst he believed he could objectively judge this application - in terms of perception, he decided to stand down from the Committee during its consideration.

- 2.3 Councillor Robert Rigby declared in respect of Item 3 – that he had sat on the Sub-Committee that had considered the original application some years ago.
- 2.4 Councillor Geoff Barraclough declared in respect of Item 4 – that the site is located not far from his Ward. He had visited the pub on previous occasions. He further declared that he knows some of the objectors and supporters to the application but that he had not spoken to any of the latter. He had not received any representations directly from either parties, only those that had been included in the member pack. He had objected to the previous application but this was quite different to the current one.

He declared in respect of Item 6 – that the minority group on the Council had attended a meeting with CAPCO on the 27 September to discuss issues around the general economy and had not discussed this particular matter.

### **3 MINUTES**

- 3.1 **RESOLVED:** That, with the consent of the members present, the Chairman signed the minutes of the meeting held on 29 September 2020 as a correct record of proceedings.

### **4 TREE PRESERVATION ORDER NO. 664 - 30 CLIFTON HILL LONDON, NW8 0QG**

Tree Preservation Order No. 664 – 30 Clifton Hill, London, NW8 0QG

**RESOLVED UNANIMOUSLY:** That Tree Preservation Order No. 664 (2020) be confirmed without modification with permanent effect.

### **5 PLANNING APPLICATIONS**

#### **1 7 - 8 CONDUIT STREET, LONDON, W1S 2XF**

Demolition of existing building, excavation to provide an additional basement level and redevelopment to replacement building over subbasement, basement, ground and six upper floors as use as offices (Class B1) over part ground and first to sixth floor levels, retail (Class A1) at basement and part ground floor levels and shared ancillary facilities at sub-basement level.

Blythe Dunk addressed the Sub-Committee in support of the application.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted subject to a legal agreement to secure the following:
  - a) A contribution to the City Council's Affordable Housing Fund of £687,000 (index linked), payable prior to commencement of development.
  - b) A Carbon Offset Contribution of £76,000 (index linked), payable prior to commencement of development.
  - c) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
  - a) The Director of Place Shaping and 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 Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
  - b) The Director of Place Shaping and Planning shall consider whether the 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers

## **2 7-9 BALFOUR MEWS, LONDON, W1K 2BF**

Use of the lower ground and part ground floor as an interior design studio and showroom (Sui Generis), replacement of the existing roller shutter at front ground floor level with partially glazed timber doors, installation of Crittall style glazed screen and pavement lights at ground floor front elevation, installation of new and replacement windows and doors to rear light well at lower ground and ground floor level and internal alterations.

An additional representation was received from the occupier of Vine House, 11 Balfour Mews, W1 (18.11.20).

Late representations were received from Hereward and Co Solicitors (22.11.20; 24.11.20), Councillor Tim Barnes (23.11.20) and Gerald Eve (24.11.20).

Henry Hunter and Clemence Pirajean addressed the Sub-Committee in support of the application.

James Adam and Christine Hereward addressed the Sub-Committee in objection to the application.

**RESOLVED: (For: Councillor Barraclough; Against Councillors Rigby, Shearer and Short)**

1. That planning permission be refused against officer recommendation on the grounds that the proposed use is not appropriate in terms of its scale and its intensity, and character and function of this residential area contrary to POLICY S18 of the CITY PLAN.

**RESOLVED: UNANIMOUSLY**

2. That conditional listed building consent be granted with an informative advising that the external works cannot be undertaken without planning permission.

**3 34 GROSVENOR SQUARE, LONDON W1K 2HD**

Application 1:

Alterations including the construction of platform within lightwell fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3).

Application 2:

Variation of Condition 2 of planning permission dated 01 September 2015 (RN: 15/05750/FULL) for, 'Use of first floor as restaurant (Class A3) in connection with the existing restaurant at basement and ground floor and new plant at roof level'. NAMELY, to allow the increase the capacity of the restaurant from 168 to 194.

A late representation was received from Councillor Tim Barnes (23.11.20).

The presenting officer tabled the following amendments to the draft decision letters:

**Application 1**

**Condition 4**

You must reinstate the railings and plinth and complete any making good to match existing in materials, design and finished appearance and remove the platform from the lightwell in its entirety within 13 months of the first use of the platform.

[No change to reason for condition]

**Application 2**

**Condition 5**

~~The restaurant use of the basement and ground and floors shall not open outside the hours of 08.00 to 01.00 the following morning for a temporary period of 1 year from the date of the decision. The restaurant use of the first floor shall not open outside the following times: Monday to Thursday and Sunday 08.00 to 23.30, Friday and Saturday 08.00 to 00.30. Thereafter t~~The restaurant use on all floors shall not open

outside the following times: Monday to Thursday and Sunday 08.00 to 23.30, Friday and Saturday 08.00 to 00.30 the following morning.

[No change to reason for condition]

### **Condition 6**

~~The plant and machinery hereby permitted shall not be operated outside the hours of 08.00 to 01.00 the following morning for a temporary period of 1 year from the date of the decision. Thereafter~~ The plant and machinery hereby permitted shall not be operated except between 08.00 - 23.30 Sunday to Thursday and 08.00 to 00.30 the following morning on Friday and Saturday.

[No change to reason for condition]

### **Delete Condition 8**

~~You must demonstrate compliance with the management plan each year for a period of 4 years from the date of this permission.~~

### **RESOLVED UNANIMOUSLY:**

1. That conditional temporary permission be granted subject to:
  - a) an additional informative for the applicant to explore the installation of sound attenuation within the canopy
  - b) the amendment to condition 4 as tabled and set out above.
2. That conditional temporary permission be granted subject to the changes to conditions 5 and 6 and the deletion of condition 8 as tabled and set out above.

### **4 46 CHIPPENHAM ROAD, LONDON, W9 2AF**

Change of use of the ground floor and basement from a Public House to a Pharmacy, alterations to ground floor fenestration, and the creation of secondary entrance on Elgin Avenue.

Additional representations were received from Pharmacy Advice & Consultancy Services Ltd (16.11.20), the occupiers of 35 Hornead Road, W9 (undated), Basement Flat, 62 Walton Road, W9 (undated), Flat 29, 79 Fermoy Road, W9 (undated), 80 Wentworth Rd, Hounslow UB2 5TT (undated), 2 Winter Hill Lane, Rotherham S61 2HY (undated), 366 Harrow Rd, W9 (undated), 9 Bryan Avenue, W10 2AA (undated), 127 West End Lane, NW6 (undated), and Flat 2, 264 Kilburn Lane, W10 (12.10.20).

Late representations were received from Morgan and Clarke Chartered Surveyors (15.11.20), Planning4Pubs (17.5.19), Fleurets (23.11.20), Councillor Tim Roca (20.11.20), Applicant (20.11.20), Davis Coffey Lyons (23.11.20) and Maiden Hill Neighbourhood Forum (24.11.20).

Samruti Patel and Ajay Walia addressed the Sub-Committee in support of the application.

Richard Webster and the Rev Jackie Barry addressed the Sub-Committee in objection to the application.

Dafydd Ellis addressed the Sub-Committee on behalf of the Maiden Hill Neighbourhood Forum in objection to the application.

Councillor Tim Roca addressed the Sub-Committee on behalf of his ward colleagues in objection to the application.

**RESOLVED: For: Councillors Rigby, Shearer and Short; Against: Councillor Barraclough**

That conditional permission be granted.

## **5 52 ACACIA ROAD, LONDON, NW8 6AL**

Demolition of existing dwellinghouse, detached garage and boundary wall, excavation to create single storey basement, and erection of new two storey plus mansard roof accommodation dwelling house (Class C3) with integrated garage, new boundary wall/gates and associated hard and soft landscaping works.

Late representations were received from 1 Acacia Place, NW8 (undated), 50 Acacia Road, NW8 (20.11.20), 8 Acacia Road, NW8 (undated), David Pugh on behalf of the applicant (23.11.20), the St John's Wood Society (24.11.20) and Lichfield (24.11.20).

Sophie Caton addressed the Sub-Committee in support of the application.

Henry Ejdelbaum addressed the Sub-Committee in objection to the application.

The presenting officer tabled the following changes:

1. Amendment to drawing numbers. 3.200.203 replaced to read 3.200.203 R2 and 3.200.204 added.

2. Condition 8 to read: Notwithstanding details shown on the approved drawings the new windows and external doors shall be formed in glazing and white painted timber framing and the bottom half of the windows in the rear elevation (except the staircase) at 1st floor and mansard roof level shall be obscure glazed.

**RESOLVED: (For: Councillors Rigby, Shearer and Short; Against Councillor Barraclough)**

That conditional permission be granted subject to the changes to the wording of condition 8 as tabled and set out above and an additional condition requiring the bay windows facing No. 50 to be made obscure.

## **6 35 THE MARKET, COVENT GARDEN, LONDON, WC2E 8RF**

Use of an area measuring 6.5m x 10.5m for the installation of 26 tables, 52 chairs, 10 stools, 13 planters, 2 parasols, external bar area, service station and associated works including installation of new services below existing cobbles and pavement cover in connection with Sushi Samba.

Having declared an interest, Councillor Shearer left the meeting during the consideration of the meeting.

A late representation was received from the Covent Garden Area Trust (23.11.20)

The presenting officer tabled the following changes to the draft decision letter:

Additional condition 6.

You must apply to us for approval of details of the following parts of the development:

-Out of hours bar covering and method to make secure.

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 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 (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Andrew Hicks addressed the Sub-Committee in support of the application.

### **RESOLVED: (For: Councillors Rigby, Barraclough and Short)**

That conditional planning permission be granted subject to the additional condition as tabled and set out above and a condition to ensure no amplified music.

**EXEMPT REPORTS UNDER THE LOCAL GOVERNMENT ACT 1972**

**RESOLVED:** That under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business because it involves the likely disclosure of exempt information on the grounds shown below:

<u>Item No</u>	<u>Grounds</u>	<u>Para of Part 1 of Schedule 12A of the Act</u>
7	Information relating to the financial or business affairs of any particular person	3

**7 27 WILTON PLACE, LONDON SW1X 8RL**

1 x London plane (rear): fell

**RESOLVED UNANIMOUSLY:**

That consent be refused due to the impact on the amenity and character and appearance of the conservation area.

The Meeting ended at 10.12 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_

CITY OF WESTMINSTER  
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd March 2021  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 1. 20/04931/ FULL 2. 20/04928/ LBC  St James's	Old War Office Whitehall London SW1A 2EU	1. Variation of Conditions 1, 10, 12, 13, and 40 of planning permission dated 19 March 2018 (RN: 17/09368) namely to allow amendments to the Quadrangle courtyard including amendments to the cobble layout, installation of a sesame lift, installation of rising bollards within carriageway entrance, amendments to kerb levels within the Quadrangle; amendments to roof top bar at sixth floor level and flexible use as C1/A3/A4, installation of additional windows to the fifth floor and installation of external grilles to the to the east and north elevations.  2. Variation of Conditions 1, 8, 13 (part vi) and 19 (part h) of listed building consent dated 17 February 2020 (RN: 19/09926/LBC) for alterations in connection with conversion of the building to a hotel with flexible hotel/retail/ restaurant/ bar/ leisure uses and residential apartments (85 dwellings) namely; to allow amendments to the Quadrangle courtyard including amendments to the cobble layout; installation of a sesame lift; installation of rising bollards within carriageway entrance; amendments to kerb levels within the Quadrangle; amendments to roof top bar at sixth floor level; installation of additional windows to the fifth floor; amendments to internal layout of two residential units; installation of external grilles to the east and north elevations and submission of details reserved by Condition 13 vi) internal finishes and Condition 19 h) stonework and ironwork gate details.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission subject to a deed of variation to the original S106 dated 10 July 2017 to secure all the planning benefits previously agreed</p> <p>2. If the S106 legal agreement has not been completed within eight weeks of the Committee resolution then:</p> <p>a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not</p> <p>b) The Director of Place Shaping and Town Planning shall consider whether</p>				

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 PLANNING APPLICATIONS SUB COMMITTEE – 2nd March 2021  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason 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>			
Item No	References	Site Address	Proposal	Resolution
2.	<p><b>RN(s):</b> 20/00685/FULL</p> <p>Abbey Road</p>	<p>Grove End Gardens, 33 Grove End Road London NW8 9LL</p>	<p>Erection of a roof extension to provide two additional residential units and lift overruns, creation of two parking spaces, installation of associated plant equipment, green roofs and PV panels.</p>	
<p><b>Recommendation</b> Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Resolution
3.	<p><b>RN(s):</b> 20/07858/FULL</p> <p>Marylebone High Street</p>	<p>1 Chiltern Street London W1U 7PA</p>	<p>Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; namely minor internal alterations at ground to third floor, alterations to glazing at basement to third floor, raising parapet wall at ground and first floor (south elevation), addition of rooflight at 1st floor, double glazed windows within doors to terrace at 2nd floor, repositioned roof access hatch at fourth floor (roof), flue at roof level within recessed dormers (north west corner), omission of louvered roof grill, window cill dropped to create doors at basement and ground floor'; NAMELY, to enable the courtyard</p>	

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until to 30 September 2021.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission, for a temporary period until 30 September 2021, subject to a deed of variation of the existing legal agreement dated 18 December 2014.</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 Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				

<b>CONFIDENTIAL ITEMS</b>				
The following items are due to be published on the “confidential” part of the agenda as the reports involve the likely disclosure of exempt information relating to financial or business affairs.				
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>4.</b>	<b>RN(s) :</b> 20/08361/TPO  Bayswater	77 Hereford Road London W2 5BB	Lime (T2) - Fell	
	<p><b>Recommendation</b></p> <p>Refuse consent</p>			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
<b>5.</b>	<b>RN(s) :</b> 20/06739/TPO  Abbey Road	82 Maida Vale London W9 1PR	T1 1 x maple – fell, T9 1 x sycamore - reduce by 3m all round to suitable branch junctions	

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PLANNING APPLICATIONS SUB COMMITTEE – 2nd March 2021  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<b>Recommendation</b> Refuse consent
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# Agenda Item 1

Item No.
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<b>1</b>
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> <b>2 March 2021</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Old War Office, Whitehall, London, SW1A 2EU</b>		
<b>Proposal</b>	<ol style="list-style-type: none"> <li>Variation of Conditions 1, 10, 12, 13 and 40 of planning permission dated 19 March 2018 (RN: 17/09368) for conversion of the building to a hotel with flexible hotel/retail/restaurant/bar/leisure (C1/A1/A3/A4/D2) uses and residential apartments (85 dwellings) namely; to allow amendments to the Quadrangle courtyard including amendments to the cobble layout; installation of a sesame lift; installation of rising bollards within carriageway entrance; amendments to kerb levels within the Quadrangle; amendments to roof top bar at sixth floor level and flexible use as hotel/restaurant/bar (C1/A3/A4); installation of additional windows to the fifth floor and installation of external grilles to the to the east and north elevations.</li> <li>Variation of Conditions 1, 8, 13 (part vi) and 19 (part h) of listed building consent dated 17 February 2020 (RN: 19/09926/LBC) for alterations in connection with conversion of the building to a hotel with flexible hotel/retail/restaurant/bar/leisure uses and residential apartments (85 dwellings) namely; to allow amendments to the Quadrangle courtyard including amendments to the cobble layout; installation of a sesame lift; installation of rising bollards within carriageway entrance; amendments to kerb levels within the Quadrangle; amendments to roof top bar at sixth floor level; installation of additional windows to the fifth floor; amendments to internal layout of two residential units; installation of external grilles to the east and north elevations and submission of details reserved by Condition 13 vi) internal finishes and Condition 19 h) stonework and ironwork gate details.</li> </ol>		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Whitehall Residences Limited		
<b>Registered Number</b>	20/04931/FULL	<b>Date amended/</b>	

Item No.
<b>1</b>

	20/04928/LBC	<b>completed</b>	8 December 2020
<b>Date Application Received</b>	5 August 2020		
<b>Historic Building Grade</b>	II*		
<b>Conservation Area</b>	Whitehall		

**1. RECOMMENDATION**

1. Grant conditional permission subject to a deed of variation to the original S106 dated 10 July 2017 to secure all the planning benefits previously agreed
2. If the S106 legal agreement has not been completed within eight weeks of the Committee resolution then:
  - a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason 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 Old War Office is a Grade II\* listed building located within the Whitehall Conservation Area and Core Central Activities Zone. The building was sold to the applicant by the Ministry of Defence in 2016 and building works are well under way, pursuant to planning permission and listed building consents granted in July 2017 and March 2018, to convert the building to a hotel with flexible hotel/retail/restaurant/bar/leisure uses and residential apartments.

The current planning and listed building consent applications seek approval for further amendments to the approved scheme including: an extension to the previously approved sixth floor rooftop bar and to allow restaurant dining (in addition to the flexible hotel/bar uses previously approved) in this space; rising bollards within the carriageway entrance to the Quadrangle and a sesame lift within the stair entrance on the north side of the Quadrangle into the main building. Other works shown on the application drawings: alterations to the

design and layout of the Quadrangle cobbles, the introduction of additional Portland stone grilles, additional windows at fifth floor level of the hotel and amendments to the internal layout of two apartments are as previously approved as part of separate concurrent applications.

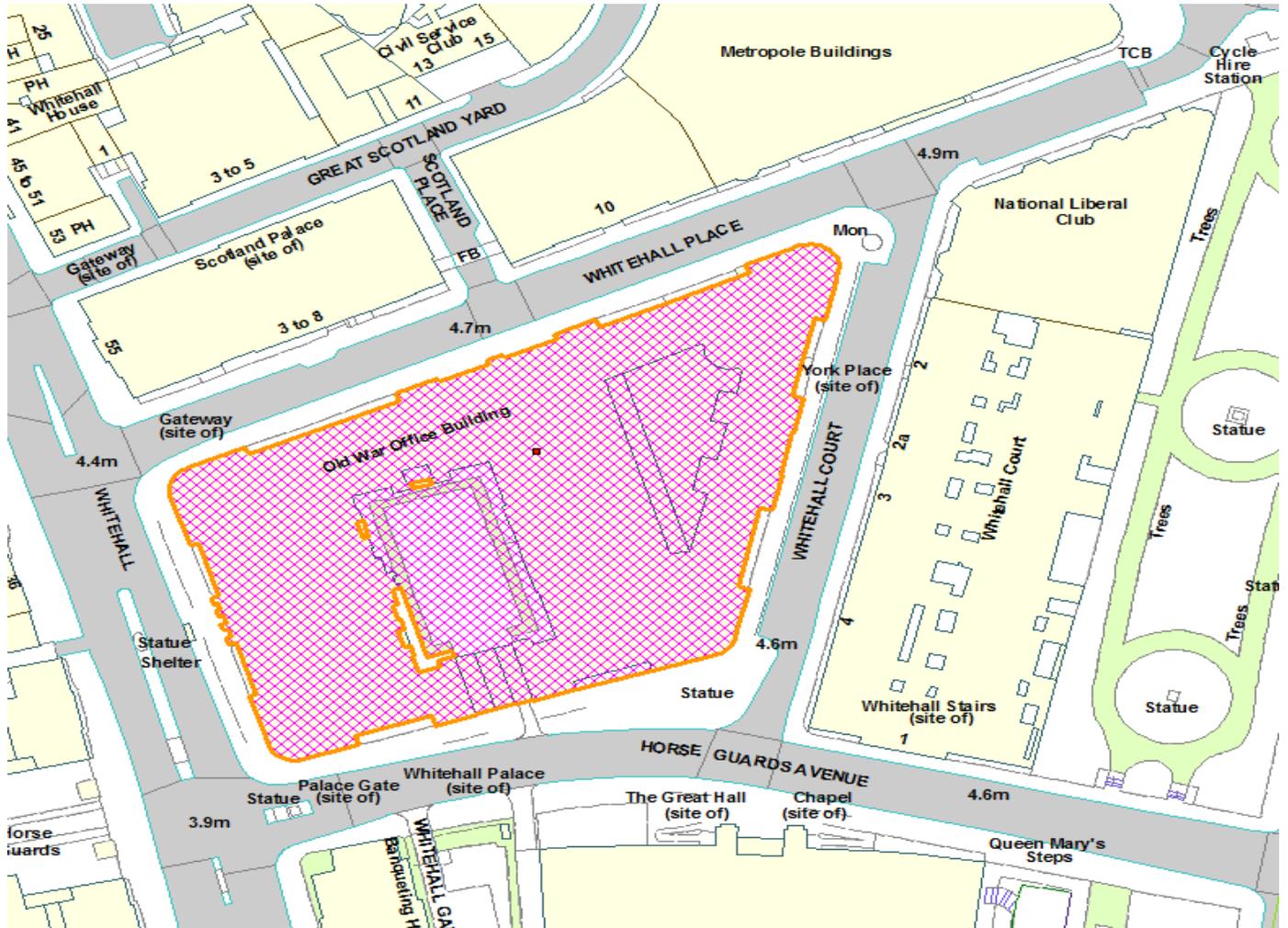
Objections have been received from local residents and their representatives on design/conservation and amenity grounds to the extension to the roof top bar and to the rising bollards.

The key issues are:

- The impact on residential amenity and the local environment
- The impact on the appearance and historic integrity of the Grade II\* listed building

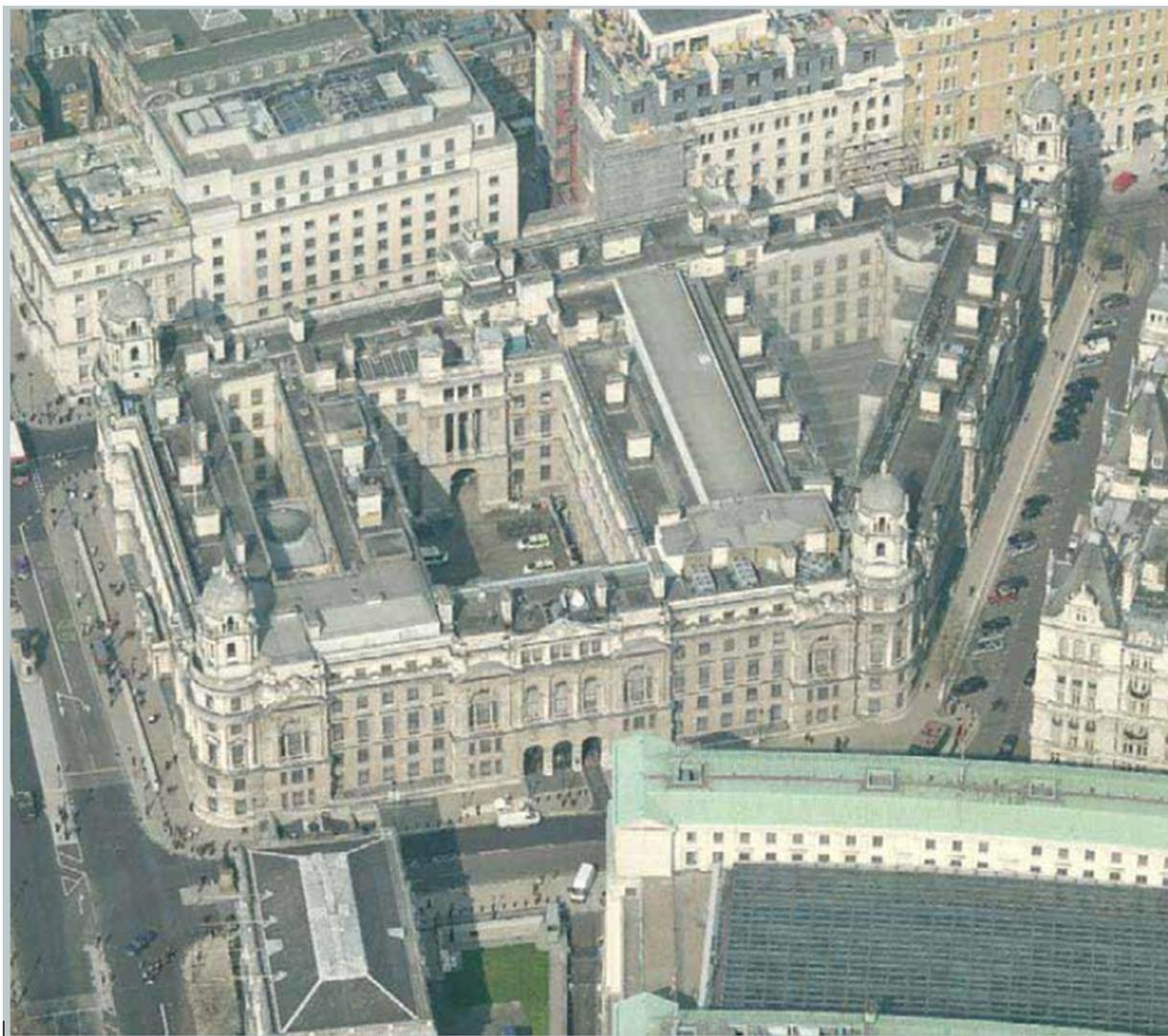
For the reasons set out in the report, the proposals are considered acceptable and in accordance with the relevant policies subject to appropriate conditions and a deed of variation to the S106 legal agreement to secure the planning benefits previously agreed.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial view of the Old War Office, 57 Whitehall

## 5. CONSULTATIONS

### HISTORIC ENGLAND

No comment. Authorisation to determine received.

### TRANSPORT FOR LONDON (TfL)

No comment. Scale and nature of the proposed amendments do not raise any strategic transport concerns.

### WESTMINSTER SOCIETY

Any response received to be reported verbally by officers.

### ENVIRONMENTAL SCIENCES

No objections subject to all the conditions previously imposed. The supplementary acoustic report required under Condition 30 of the existing permission (17/009368/FULL) will need to demonstrate that the sesame lift will comply with noise Conditions 27 and 28 of the existing permission. Recommend that full details of the kitchen extract system are secured by condition.

### HIGHWAYS PLANNING

The rising bollards at the entrance to the Quadrangle are not on the public highway and so their impact on the operation of the highway would be minimal. Given the width of the footway, pedestrians would be relatively unencumbered while the bollards are lowered.

### PROJECTS OFFICER (WASTE)

No objection. The proposed alterations will not affect the permitted waste storage management and collection arrangements. The approved waste storage provision will be adequate to cope with the small increase in the internal area of the bar and the provision of dining services.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 314 No. of replies: 15

No. of objections: 11 letters from residents of Whitehall Court; 4 letters on behalf of two residents of Corinthia Residences, 10 Whitehall Place

Objections raised on the following grounds:

#### AMENITY

Noise and disturbance from use of bar/restaurant and external roof terrace area  
Noise nuisance caused by rising bollards

#### DESIGN

Harmful impact on local and private views  
Harmful impact on Grade II\* listed building

**OTHER**

Noise and disturbance from on-going building works

PRESS ADVERTISEMENT / SITE NOTICE:  
Yes

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

The Old War Office is a Grade II\* listed building located within the Whitehall Conservation Area and the Core Central Activities Zone. The building was sold to the applicant by the Ministry of Defence in 2016 and building work, pursuant to planning permission and listed building consent granted on 10 July 2017 (16/09548/FULL and 16/09549/LBC) and the subsequent S73 and S19 variations granted 19 March 2018 (17/09368/FULL and 17/09371/LBC) to convert the building to a hotel with flexible hotel/retail/restaurant/bar/leisure (C1/A1/A3/A4/D2) uses and residential apartments (85 dwellings) is well underway.

**6.2 Recent Relevant History**

Further to the original permission/consent granted in July 2017 (16/09548/FULL and 16/09549/LBC), there have been a series of non-material amendments (NMA), minor material amendments (S73/MMA) and S19 listed building permissions/consents for amendments to the originally approved scheme.

Some of the proposed amendments, which are the subject of this report, were also the subject of other planning and listed applications submitted concurrently with the current S73 and S19 applications and have already been determined and approved. The amendments and design changes which have already been approved are:

20/04930/NMA and 20/04927/LBC approved 12 October 2020 for non-material amendments to / listed building consent for:

- Internal reconfiguration within two residential apartments G.07 and 2.8
- Insertion of three new windows at fifth floor level of the hotel
- Introduction of external Portland stone grilles to the East and North facing principal facades
- Alterations to the design and layout of the Quadrangle courtyard cobble paving
- Details reserved by conditions 13 (vi) (internal finishes) and 19 (h) (stonework and ironwork gate details) of listed building consent (19/09926/LBC) dated 17.2.2020

20/05374/FULL and 20/05214/LBC approved on 28 October 2020 for the installation of a new pavilion structure and water feature in the Quadrangle. The approved works within

the Quadrangle courtyard are:

- Installation of a pavilion structure for use as additional dining space and bar in association with the main ground floor restaurant
- Installation of a water feature
- Retention and relaying of historic courtyard cobbles within revised design layout
- Installation of a sesame lift within the new steps on the north side of the Quadrangle to provide level access between the pavilion and the ground floor restaurant in the Old War Office building

## **7. THE PROPOSAL**

The proposed alterations are identical in scope to those approved on 12 October 2020 under application reference 20/04930/NMA and 20/20/04927/LBC but additionally approval is sought for the following:

- Enlargement of the approved roof top bar and introduction of restaurant (Class A3) use to the existing permitted flexible hotel/bar (Class C1/A4) of this area of the building;
- Installation of rising bollards within the Quadrangle carriageway entrance;
- Installation of a new sesame lift within the new stair entrance on the northern side of the Quadrangle linked to the operation of the independent restaurant on the ground floor and the Quadrangle Pavilion (approved 28 October 2020 under application references 20/05374/FULL and 20/05214/LBC)

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

At the time of the original permission/consent (July 2017), it was not known whether the associated retail, restaurant, bar and spa uses would be operated by the appointed hotelier or independently which is why flexible uses (hotel/retail/restaurant/bar/leisure) were approved in a number of locations within the building including the bar space (173sqm) at sixth floor level on the Whitehall/Whitehall Place corner of the building which was approved as flexible hotel/bar space (Class C1/Class A4).

The sixth floor (roof top) bar is accessed via lift and stair from within the hotel and is permitted to open to non-hotel guests between 08.00 and 02.00 hours daily; use of the adjacent sixth-floor external terraces is permitted only between 08.00 and 21.00 hours daily. There are a number of other conditions and a S106 legal obligation (requiring an Operational Management Plan (OMP)) all yet to be discharged, which control the operation and management of the restaurant, hotel and other entertainment uses within the building.

Raffles has been appointed as the hotel operator. Potential restaurant and bar operators have been consulted to inform the design and layout of the various restaurant and bar spaces within the development. As a result, design changes are proposed to the roof top bar which seek to extend the internal space and improve views from within.

Although the proposed extension to the bar will increase the internal floor area by 74sqm

(from 173sqm to 247sqm) it will reduce the size of the external bar terraces at this level which is considered to have a positive impact on residential amenity due to the less intensive use of the terraces. The total occupancy of the internal and external areas of the rooftop bar/restaurant will remain the same due to the fire strategy for the building.

The introduction of a kitchen to facilitate possible use of this space as a restaurant (in addition to the flexible hotel/bar uses already permitted) can be achieved by connecting to existing permitted ventilation and extraction flues in the adjacent plant room with minimal additional work. Environmental Sciences recommend that a condition is attached requiring the submission and approval of full details of the kitchen extract system before the restaurant use commences. Maximum internal noise levels and plant noise levels are all secured by Conditions 28 and 29 on the existing permission and further safeguarding measures are secured by the requirement to submit a Noise Management Plan (Condition 36 of the existing permission).

Subject to these same conditions (controlling hours of use and noise) and the Operational Management Plan (required by Schedule 4 Clause 4.1 of the S106 legal agreement, it is not considered that the proposed small extension to the roof top bar and the introduction of restaurant (Class A3) use to the flexible hotel/bar (Class C1/Class A4) uses already permitted at sixth floor level will have a harmful impact on the amenity of existing local residents or on the amenity of future residents of the development itself.

## **8.2 Townscape and Design**

The Old War Office is a substantial grade II\* listed building which lies within the Whitehall Conservation Area.

### **Legislation and National Policy**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“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.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views

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into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **Assessment**

The amendments to the internal layout of the ground and fifth floor apartments (G0.7 & 2.8) will affect modern fabric and will not therefore impact upon the special interest and significance of the building's interior. These amendments were approved on 12 October 2020 (20/04930/NMA and 20/04927/LBC).

The introduction of two new appropriately scaled windows to the fifth floor (hotel) extension, facing north (inwards) towards the Quadrangle courtyard and one to the Turret Suite (within the link corridor - facing north-west towards Whitehall), will not impair the architectural composition of the building nor harm its significance. These amendments were approved on 12 October 2020 (20/04930/NMA and 20/04927/LBC).

To support the mechanical ventilation of the building, consent is sought for several additional Portland stone grilles on the external facade of the building. Suitably placed to avoid notable decorative details and designed to match those which already exist on the facade, the overall impact of the grilles is moderately detrimental, but not harmful to the significance of the building. These amendments were approved on 12 October 2020 (20/04930/NMA and 20/04927/LBC).

The cobbled surface of the Quadrangle courtyard, formed of granite setts, has been thoughtfully redesigned to enhance the character and setting of the building and to compliment the installation of a pavilion building. The impact upon the setting of the listed building is considered positive. The existing setts will be lifted, stored and reused in the proposed design; this is secured by condition as previously.

Amendments to the Quadrangle courtyard cobble paving were approved 12 October 2020 (20/04930/NMA and 20/04927/LBC) and subsequently on 28 October 2020 (20/05374/FULL and 20/05214/LBC) in conjunction with the installation of a new pavilion and water feature to the Quadrangle courtyard.

Details submitted in relation to Condition 13 vi): all new internal finishes, including vehicle and service areas and Condition 19 h): details for stonework and details/samples of ironwork gates to vehicular entrances and joinery to restaurant entrance pursuant to listed building consent dated 17 February (19/09926/LBC) are considered to be appropriate and were approved on 12 October 2020 (20/04927/LBC).

The incorporation of a sesame lift to the new entrance steps on the north side of the Quadrangle will provide level access between the new pavilion and the main ground floor restaurant and is considered to be an appropriate response to improving accessibly

without causing significant visual harm to the appearance of the building. Whilst these works will result in the loss of fabric, resulting in moderate less than substantial harm, this is balanced by the overriding public benefit resulting from improved access into the building. As required by para 196 of the NPPF the harm caused by these works is considered to be mitigated by sufficient public benefits and is therefore supported. The installation of this sesame lift was approved on 28 October 2020 (20/05374/FULL and 20/05214/LBC) in conjunction with the installation of a new pavilion and water feature in the Quadrangle courtyard.

Rising bollards and controls are proposed within the carriage way entrance to the Quadrangle from Horse Guards Avenue, replacing existing heavy-duty security bollards. Whilst the bollards are a clear addition to the entrance of the building, set within the arched porticos, they will be partially obscured and will be no more harmful than the existing bollards.

The proposals include lengthening the footprint of the approved sixth floor rooftop bar extension to the west, incorporating a modest projection to the north and increasing the extent of glazing to both its north and south facades. Following pre-application discussions, the extent of the extension sought for the roof top bar has been reduced in order to limit its visual impact on the roovescape and its prominence in key townscape views, notably from St James's Park and Horse Guards. Verified views have been provided to demonstrate the impact on the changes. The extension will appear marginally more prominent from long views, but will not compete with key architectural components, such as the building's distinctive copulas. It is considered that it has been sufficiently demonstrated that the visual impact of the proposals upon the appearance and architectural significance of the building are modest and not significantly harmful.

The demolition and reconstruction of the chimney has previously been granted; the current proposal seeks a new location for the reconstructed chimney. The chimney itself does not make a substantive contribution to the overall composition and appreciation of the building and its proposed new location on the roof (further to the east on Whitehall Place) is considered appropriate. The works are not considered to affect the special interest of the building or harm its significance.

The amendments sought are not considered to materially harm the special interest or significance of the Old War office and character and appearance of the Whitehall Conservation Area.

As such, the proposal is considered acceptable, mindful of policies DE1; DES5; DES6; DES9 and DES10 of the UDP and S25 and S28 of the City Plan; and therefore, a recommendation to grant consent would be compliant with the requirements of chapter 16 of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst being mindful of policies DES1; DES5; DES6; DES9 and DES10 of the UDP and S25 and S28 of the City Plan, given the substantial public benefits that would be delivered, which comprise providing improved accessibility, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Sections 16, 66 and 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

### **8.3 Residential Amenity**

#### Roof top bar/restaurant and external terraces

Subject to the same conditions (controlling hours of use and noise) attached to the previous permission (17/09368/FULL) and the Operational Management Plan (required by Schedule 4 Clause 4.1 of the S106 legal agreement (as amended) dated 10 July 2017), it is not considered that the proposed extension to the roof top bar and the introduction of restaurant (Class A3) use to the flexible hotel/bar (Class C1/Class A4) uses already permitted at sixth floor level will have a harmful impact on the amenity of existing local residents or on the amenity of future residents of the development itself.

#### Rising Bollards

Residents have expressed concern about possible noise nuisance from the proposed rising bollards due to the noise nuisance they experienced from bollards in place previously when the building was occupied by the Ministry of Defence. Unlike the previous bollards, the proposed bollards are not to be located on the public highway but within the carriageway entrance to the Quadrangle.

The applicants have produced a technical note which assesses the acoustic impact of the proposed bollards based on noise measurements taken from a bollard of the same specification located at Westfield Stratford City. The technical note concludes that the operational noise of the bollards will comply with the noise limits set by Condition 27 of the existing permission. In addition, the supplementary acoustic report required under Condition 30 of the existing permission (17/009368/FULL) will need to demonstrate that the rising bollards will comply with noise Conditions 27 and 28 of the existing permission. Subject to these same conditions, it is not considered that the rising bollards will have a harmful impact on the amenity of residents.

#### Additional windows and Portland stone grilles

The introduction of two new windows at fifth floor level of the hotel facing inwards towards the Quadrangle courtyard and one new window (facing north-west towards Whitehall) in the link corridor to the Turret Suite will not be visible or harmful to the amenity of residents.

The installation of additional Portland stone grilles in the North and East principal facades of the building is not considered to have a harmful impact on residential amenity. All mechanical plant is as previously approved and controlled by conditions.

These amendments (additional windows and stone grilles) were approved on 12 October 2020 under application reference 20/04930/NMA and 20/04927/LBC).

### **8.4 Transportation/Parking**

It is proposed to install rising bollards within the carriageway entrance to the Quadrangle to provide Hostile Vehicle Mitigation. The Highways Planning Manager has no objection to this as the bollards will not be on public highway and cars waiting to enter the Quadrangle will have a minimal impact on the operation of the highway. Given the width of the footway at this point on Horse Guards Avenue, pedestrians would be similarly unencumbered while the bollards are lowered.

Any additional waste generated by the small increase in the internal area of the bar and the provision of dining services can be accommodated within the existing permitted waste storage management and collection arrangements.

### **8.5 Economic Considerations**

The economic benefits associated with the conversion and re-use of the building to provide new hotel and residential accommodation are welcomed. The S106 legal agreement, Schedule 4, Part 3, secures an Employment and Skills strategy which promotes and facilitates employment, training and apprenticeship opportunities for residents of Westminster.

### **8.6 Accessibility**

Apart from the installation of an additional sesame lift within the new steps on the north side of the Quadrangle to provide level access between the Quadrangle pavilion and the ground floor restaurant in the main building, there are no changes to the access arrangements previously approved.

### **8.7 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

### **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 original planning permission and listed building consent (16/09548/FULL and 16/09549/LBC) dated 10 July 2017 were granted subject to a S106 legal agreement which secured the following:

- i) a financial contribution of £10m towards the City Council's affordable housing fund (index linked and payable on commencement of development) in lieu of on-site affordable housing
- ii) the hotel and commercial floorspace to be provided as part of the development is not to be occupied until the residential accommodation to be provided as part of the development has been made ready for occupation
- iii) Operational Management Plan for the hotel, restaurants, bars, ballroom and spa facility
- iv) Public Access Strategy for the Hotel Suites of Principal Historic Significance
- v) an employment and training opportunities strategy
- vi) payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:
  - changes to parking bays to accommodate the new vehicular entrances to the building and to re-provide lost parking places elsewhere if possible
  - move the coach stop on Horse Guards Avenue
  - provide a facility for taxis on Horse Guards Avenue
  - move the bus shelter on Whitehall
  - remove the security walls and bollards from Whitehall and make other changes to accommodate vehicular access to the building whilst still providing a secure scheme.
  - re-paving of the footways around the site
  - removal and replacement of street trees
- vii) Car Parking Management Plan - to include provision of residential car parking on an unallocated basis and to ensure that residents and hotel guests are only using their agreed provision of car parking spaces
- viii) a financial contribution of £302,400 towards the City Council's carbon off-set fund in the first instance and the developer to use best endeavours to connect the development to Whitehall District Heating Scheme (WDHS) within 5 years of occupation with a further carbon offset payment of £352,800 if this has not been achieved
- ix) Liaison Group – with local residents and businesses
- ix) costs of monitoring

Planning permission and listed building consent were granted for alterations to the originally approved scheme on 19 March 2018 (17/09368/FULL and 17/09371/LBC) subject to a deed of variation to the original (10 July 2017) S106 legal agreement to secure these same benefits (as above).

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Accordingly, the current planning and listed building consent applications are recommended for approval subject to a deed of variation to the original S106 legal agreement so that all the planning benefits associated with the permitted scheme are secured.

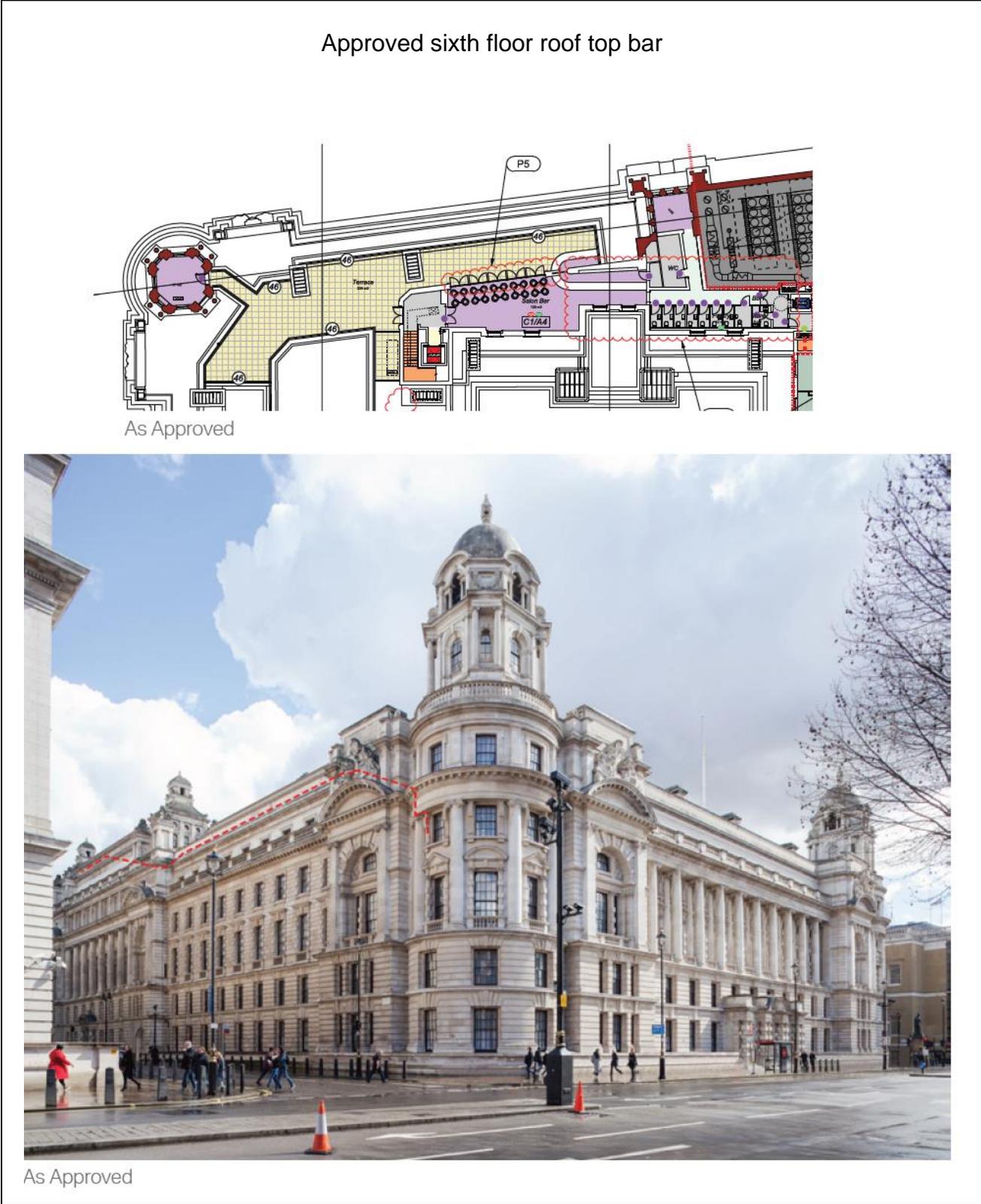
#### **8.11 Other issues**

In response to comments received about noise and disturbance from on-going building works, it should be noted that Condition 9 of the existing permission (17/09368/FULL) requires demolition and construction work to be carried out in accordance with the Council's Code of Construction Practice. The development is subject to a Site Environmental Management Plan (SEMP) with all demolition and construction work monitored by the City Council's Environmental Sciences Team. In addition, there is a Liaison Group, established under Schedule 4, Part 6 of the S106 legal agreement, the aim of which is to keep residents and local businesses informed of working hours, exceptional deliveries etc.

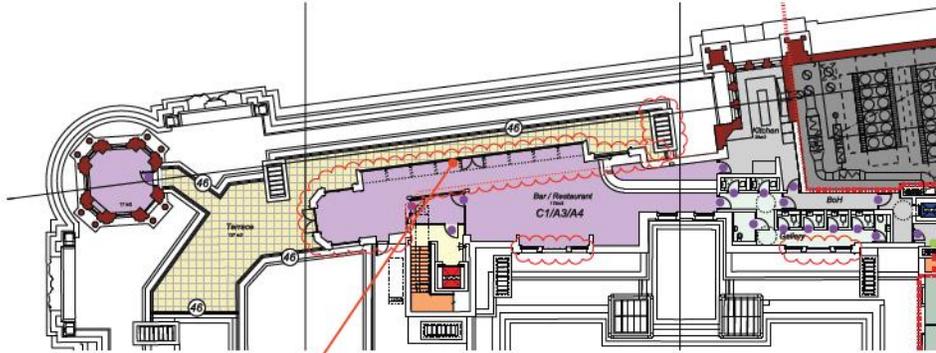
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT <a href="mailto:ajackson@westminster.gov.uk">ajackson@westminster.gov.uk</a>
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9. KEY DRAWINGS



Proposed sixth floor roof top bar



Proposed Design



Proposed Facade of Rooftop bar.  
(the projecting bay is shown in blue)

Proposed Design

Proposed ground floor plan



## DRAFT DECISION LETTER

**Address:** Old War Office, Whitehall, London, SW1A 2EU

**Proposal:** Variation of Conditions 1, 10, 12, 13, and 40 of planning permission dated 19 March 2018 (RN: 17/09368) namely to allow amendments to the Quadrangle courtyard including amendments to the cobble layout, installation of a sesame lift, installation of rising bollards within carriageway entrance, amendments to kerb levels within the Quadrangle; amendments to roof top bar at sixth floor level and flexible use as C1/A3/A4, installation of additional windows to the fifth floor and installation of external grilles to the to the east and north elevations.

### Plan Nos:

As approved 19 March 2018 (17/09368/FULL)

Gerald Eve letters dated 25 October and 20 December 2017; Planning Statement Addendum Revision 1 dated December 2017; EPR Architects Design and Access Statement Rev 05 dated 15.12.17; Donald Insall Associates Heritage Statement Rev 01 dated December 2017; WSP Transport Assessment Addendum dated December 2017; WSP Waste Management Strategy Addendum No.3 dated December 2017; AECOM MEP Services Statement Addendum; Air Quality Assessment Addendum dated October 2017; AECOM Sustainable Design and Construction Statement Addendum dated October 2017; AECOM Revised Energy Strategy Addendum dated October 2017; MOLA Historic Environment Assessment Addendum dated 13.10.17; MOLA Written Scheme of Investigation for Archaeological Watching Brief dated 9.10.17; Elliot Wood Revised Flood Risk Assessment dated October 2017; Revised Flood Warning and Evacuation Plan; Elliot Wood Revised Structural Statement; Revised Basement Structural Methodology Statement dated 17 October 2017; Sandy Brown Revised Noise and Vibration Report Version 2 dated 17 October 2017;

Site Location Plan 10267-T-01-0100-Z00-05  
Existing Site Plan 10267-T-01-0101-Z00-05  
Reference Plan - Ground Floor 10267-T-01-0120-Z00-03  
Reference Plan - Second Floor 10267-T-01-0122-Z02-04  
Existing Basement Plan 10267-T-01-0208-ZB1-05  
Existing Lower Ground Floor Plan 10267-T-01-0209-ZL0-05  
Existing Ground Floor Plan 10267-T-01-0210-Z00-06  
Existing First Floor Plan 10267-T-01-0211-Z01-04  
Existing Second Floor Plan 10267-T-01-0212-Z02-04  
Existing Third Floor Plan 10267-T-01-0213-Z03-04  
Existing Fourth Floor Plan 10267-T-01-0214-Z04-04  
Existing Fifth Floor Plan 10267-T-01-0215-Z05-04  
Existing Roof Plan 10267-T-01-0216-Z06-05  
Existing Turret Plan 10267-T-01-0217-Z07-03  
Existing Turret Roof Plan 10267-T-01-0218-Z08-03  
Demolition Basement Floor Plan 10267-T-01-0228-ZB1-09  
Demolition Lower Ground Floor Plan 10267-T-01-0229-ZL0-10  
Demolition Ground Floor Plan 10267-T-01-0230-Z00-10  
Demolition First Floor Plan 10267-T-01-0231-Z01-08  
Demolition Second Floor Plan 10267-T-01-0232-Z02-08  
Demolition Third Floor Plan 10267-T-01-0233-Z03-09  
Demolition Fourth Floor Plan 10267-T-01-0234-Z04-09  
Demolition Fifth Floor Plan 10267-T-01-0235-Z05-07  
Demolition Roof Plan 10267-T-01-0236-Z06-06  
Proposed Basement 5 Floor Plan 10267-T-01-0244-ZB5-01  
Proposed Basement 4 Floor Plan 10267-T-01-0245-ZB4-01  
Proposed Basement 3 Floor Plan 10267-T-01-0246-ZB3-07  
Proposed Basement 2 Floor Plan 10267-T-01-0247-ZB2-07  
Proposed Basement Floor Plan 10267-T-01-0248-ZB1-10  
Proposed Lower Ground Floor 10267-T-01-0249-ZL0-11  
Proposed Ground Floor 10267-T-01-0250-Z00-10  
Proposed First Floor Plan 10267-T-01-0251-Z01-09  
Proposed Second Floor Plan 10267-T-01-0252-Z02-09

Proposed Third Floor Plan 10267-T-01-0253-Z03-09  
Proposed Fourth Floor Plan 10267-T-01-0254-Z04-09  
Proposed Fifth Floor Plan 10267-T-01-0255-Z05-08  
Proposed Sixth Floor Plan 10267-T-01-0256-Z06-07  
Proposed Seventh Floor Plan 10267-T-01-0257-Z07-08  
Proposed Roof Plan 10267-T-01-0258-Z08-08  
Basement Plan - Fabric Intervention 10267-T-01-0268-ZB1-06  
Lower Ground Floor - Fabric Intervention 10267-T-01-0269-ZL0-05  
Ground Floor Plan - Fabric Intervention 10267-T-01-0270-Z00-05  
First Floor Plan - Fabric Intervention 10267-T-01-0271-Z01-06  
Second Floor Plan - Fabric Intervention 10267-T-01-0272-Z02-06  
Third Floor Plan - Fabric Intervention 10267-T-01-0273-Z03-05  
Fourth Floor Plan - Fabric Intervention 10267-T-01-0274-Z04-05  
Fifth Floor Plan - Fabric Intervention 10267-T-01-0275-Z05-03  
Existing Whitehall Elevation 10267-T-01-0400-ZWE-04  
Existing Horse Guards Avenue Elevation 10267-T-01-0401-ZSO-04  
Existing Whitehall Court Elevation 10267-T-01-0402-ZEA-04  
Existing Whitehall Place Elevation 10267-T-01-0403-ZNO-04  
Existing Quadrangle Elevations - North & East 10267-T-01-0404-ZXX-05  
Existing Quadrangle Elevations - South & West 10267-T-01-0405-ZXX-05  
Existing Quadrangle Elevations - West and North Lightwell Elevations 10267-T-01-0406-ZXX-03  
Existing Quadrangle Elevations - East and South Lightwell Elevations 10267-T-01-0407-ZXX-02  
Demolition Whitehall Elevation 10267-T-01-0420-ZWE-04  
Demolition Horse Guards Avenue Elevation 10267-T-01-0421-ZSO-04  
Demolition Whitehall Court Elevation 10267-T-01-0422-ZEA-04  
Demolition Whitehall Place Elevation 10267-T-01-0423-ZNO-05  
Demolition Quadrangle Elevations - North & East 10267-T-01-0424-ZXX-08  
Demolition Quadrangle Elevations - South & West 10267-T-01-0425-ZXX-08  
Demolition Quadrangle Elevations - West and North Lightwell Elevations 10267-T-01-0426-ZXX-04  
Demolition Quadrangle Elevations - East and South Lightwell Elevations 10267-T-01-0427-ZXX-04  
Proposed Whitehall Elevation 10267-T-01-0440-ZWE-05  
Proposed Horse Guards Avenue Elevation 10267-T-01-0441-ZSO-06  
Proposed Whitehall Court Elevation 10267-T-01-0442-ZEA-06  
Proposed Whitehall Place Elevation 10267-T-01-0443-ZNO-06  
Proposed Quadrangle Elevations - North & East 10267-T-01-0444-ZXX-09  
Proposed Quadrangle Elevations - South & West 10267-T-01-0445-ZXX-08  
Proposed Quadrangle Elevations - West and North Lightwell Elevations 10267-T-01-0446-ZXX-06  
Proposed Quadrangle Elevations - East and South Lightwell Elevations 10267-T-01-0447-ZXX-05  
Existing Section A-A 10267-T-01-0500-ZAA-04  
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As amended by 18/02368/NMA dated 17.04.2018

18/08231/NMA dated 16.10.2018

19/00021/NMA dated 26.02.2019

19/09932/NMA dated 17.02.2020

20/04930/NMA dated 12.10.2020

As amended by this permission 20/04931/FULL

10267-T-01-0230-Z00 R14

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10267-T-01-0250-Z00 R17

10267-T-01-0252-Z02 R13

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10267-T-01-0256-Z06 R10

10267-T-01-0257-Z07 R11

10267-T-01-0258-Z08 R10

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10267-T-01-0443-ZNO R09

10267-T-01-0445-ZXX R09

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10267-T-01-0541-ZBB R12

10267-T-01-4100-ZXX R08

10267-T-01-4101-ZXX R05

10267-T-01-9000-Z00 R08

For information only:

EPR S19 and S73 Report Rev 01 dated 31.07.2020;

Donald Insall Associates Historic Building Impact Assessment dated August 2020

Sharps Redmore Bollards Technical Note dated 28.10.2020

**Case Officer:** Amanda Jackson **Direct Tel. No.** 07866038919

**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 Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must carry out the works in accordance with the samples of facing materials and annotated plans and elevations as approved on 17 February 2020 (19/09932/NMA) and in accordance with details in relation to new windows and state room glazing approved by the City Council as local planning authority on 17 June 2019 (19/03628/ADFULL) and 5 June 2019 (19/03627/ADFULL) or in accordance with other facing materials samples as submitted to and approved by the City Council. You must not start 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 Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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 Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

5 Notwithstanding that shown on the approved plans, you must provide us with further detailed drawings showing other options for the screening of plant to the central bay of the Whitehall Place elevation. You must not start work on this part of the development until we have approved what you have sent us. You must carry out the works in accordance with drawing OWO-EPR-AR-RPT-B-XX-TP-1000 hereby approved or any other details subsequently approved by us as local planning authority.

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 Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

6 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) all new external windows which must be carried out in accordance with the details approved by us on 17.06.19 (19/03628/ADFULL) or any other details subsequently approved by us as local planning authority.
- ii) all new external doors - which must be carried out in accordance with the details approved by us on 13.08.19 (19/05024/ADFULL) or any other details subsequently approved by us as local planning authority.
- iii) all new railings and gates - which must be carried out in accordance with the details approved by us on 18.09.18 (18/06662/ADFULL) or any other details subsequently approved by us as local planning authority.
- iv) all new parapets to the exterior - which must be carried out in accordance with the details approved by us on 17.07.19 (19/03628/ADFULL) or any other details subsequently approved by us as local planning authority.
- v) exterior lighting scheme
- vi) signage strategy

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works in accordance with 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 Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

7 (a) Any excavation on site shall be carried out in accordance with the Written Scheme of Investigation dated 9 October 2017.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report hereby approved by us as local planning authority on 05.08.19 (19/05018/ADFULL) of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 9 Any demolition or construction on site shall be carried out in accordance with Council's Code of Construction Practice and the agreement signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein, approved on 11 October 2017 (17/08709/ADFULL).

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 10 In the event that the units at ground and lower ground levels shown on the approved plan for flexible Class A1/A3/A4/C1 and flexible Class A3/C1, the area at sixth floor levels designated as flexible Class A3/A4/C1 and the spa/leisure facility at basement level flexible Class D2/C1 are operated by the hotel as ancillary uses within Class C1, they must remain open to customers who are members of the general public (whether or not they are guests at the hotel or visitors of hotel guests) and shall not be used for any other hotel activity other than retail, restaurant or bar and spa/similar type of leisure facility as indicated. These units must be fitted out to at least shell and core and made ready for occupation before commencement of the hotel use in the remainder of the development.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (July 2016).

- 11 Non-hotel guests shall not be permitted within the retail/restaurant/bar units at ground and lower ground floor levels before 06.00 hours or after 01.00 hours each day.

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 10 of our Unitary Development Plan that we adopted in January 2007.

- 12 Non-hotel guests shall not be permitted within the restaurant/bar at sixth floor level (or any other facilities providing food and beverages that are created within the hotel in the future) before 08.00 hours or after 02.00 hours.

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 10 of our Unitary Development Plan that we adopted in January 2007.

- 13 The terraces adjacent to the restaurant/bar at sixth floor level as shown on drawing number 0256-Z06 R10 shall only be used by customers of the restaurant/bar and only between 08.00 and 21.00 hours and the al fresco dining within the Quadrangle shall only take place in association with the restaurant in the north-east corner of the ground floor as shown on drawing number 0250-Z00 R17 between 11.30 to 20.00 hours daily.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 14 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes Order) 1987 (as amended or any equivalent class in any order that may replace it), in the event that any of the ground units are occupied for Class A1 retail purposes, the retail accommodation hereby permitted shall not be used as a food supermarket or similar food outlet.

Reason:

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

- 15 Departures from any functions in the hotel ballroom after midnight or before 07.00 hours shall be via the main hotel entrance on Whitehall or Horse Guards Avenue and not from any of the entrances on Whitehall Place except in cases of emergency or in the event that Whitehall is closed for a state procession.

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 16 You must provide the storage for waste and recyclable materials as shown on drawing numbers 0249-ZL0 R13 and 0250-Z00 R17 before anyone moves into the property. You must clearly mark them and make them available at all times to everyone using the hotel and residential parts of the building. Waste and recyclable materials generated from the development must be managed in accordance with the Waste Management Strategy Addendum dated 6 January 2017 with the exception of paragraphs 2.2.10 and 2.2.11 and in addition, the Waste Management Strategy Addendum dated October 2017. You must not use the waste stores 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 17 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 2016 (R22FA)

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

- 19 No goods for the hotel and other commercial uses, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

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

- 20 You must apply to us for approval of a Servicing and Delivery Management Plan (SDMP) that takes account of all the uses in the development. The plan must identify the process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing coach party arrivals and departures to and from the hotel. You must not commence the hotel and commercial uses hereby approved until we have approved what you have sent us. The SDMP must thereafter be maintained and followed by the occupants for the life of the development, unless a revised strategy is approved (in writing) by the 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 21 The car parking spaces shown on the approved drawings shall only be used for car parking for residents of the development (54 spaces) and the other 19 spaces shall be used for car parking for hotel guests and for no other commercial use.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 22 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 22 A minimum of 20% of the car parking spaces in the basement car park shall be provided with electric vehicle charging points available for use prior to the commencement of the hotel use and thereafter maintained in working order.

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 (November 2016). (R44AC)

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

Reason:

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

- 24 You must apply to us for approval of a vehicle signalling system for the car parking/lifts. You cannot occupy the development until we have approved what you have sent us and thereafter it must be maintained in working order for the life of the development.

Reason:

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

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

Reason:

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

- 26 All servicing of the hotel and commercial uses within the development must take place within the servicing bay between 07.00 and 19.00 hours on Monday to Saturday and between 10.00 and 17.00 hours on Sunday and with the doors of the servicing bay closed. Servicing includes loading and unloading goods from vehicles, including any activities associated with the hotel ballroom, and collection of rubbish.

Reason:

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 28 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. (R48AA)

- 29 (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 C1/A1/A3/A4/D2 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 C1/A1/A3/A4/D2 use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
  - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

30 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(s) 27 and 28 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

31 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 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. (The 10 dB below limit is considered sufficient as measured in the two indices of Leq & LfMax so that the 'beat' of the low frequency music will be effectively inaudible to the residents.)

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. (R49BA)

32 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. (R49AA)

33 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 31 and 32 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain in accordance with the details approved by us as local authority on 18 December 2020 (20/07218/ADFULL).

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 (November 2016), by contributing to reducing excessive ambient noise levels. (R51BB)

34 The design and structure of the development shall be of such a standard that the received maximum noise levels generated by the lift (while the car lift is in use), should not exceed the Noise Rating Curve 15 (NR 15) inside the residential habitable rooms.

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. (R49BA)

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

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary

Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 36 You must apply to us for approval of a Noise Management Plan to show how noise from i) the restaurants and bars including the external terrace areas, ii) the hotel including the ballroom and iii) the servicing and delivery activities associated with the hotel and other commercial uses within the development will be managed to prevent nuisance to residents living within the development and to other residents living nearby. You must not start any of the uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times the building is in use.

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 (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 37 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. This landscaping scheme should include details of planter sizes, their soil volume and the proposed irrigation details using sustainable water sources.

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 landscaping and planting within 3 months; of completing the development (or within any other time limit we agree to in writing).

If you remove any plants or find that they are dying, severely damaged or diseased within two years; of planting them, you must replace them with plants of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Whitehall 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 (November 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)

- 38 All demolition, site clearance or building work must be carried out in accordance with the RPS Revised Arboricultural Method Statement dated 9.10.2017 approved by us on 10.10.2017 (17/07291/ADFULL) or any other tree protection method statement subsequently approved by us as local planning authority.

Reason:

To protect the trees and the character and appearance of this part of the Whitehall Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 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)

- 39 The heating systems used in the development should be designed, installed and commissioned in accordance with CIBSE CP1: Heat Networks Code of Practice. CIBSE CP1 accredited personnel (or equivalent) should be used to oversee the design, installation and commissioning and a completed client checklist should be submitted by accredited personnel for approval by us prior to occupation confirming as a minimum that stages 3-5 of the COP has been followed, performance targets are met and documentation has been provided.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 40 You must not install or use any outdoor cooking equipment or play any amplified music on the residential roof terraces at fifth, sixth and seventh floor levels as shown on drawing numbers 0255-Z05 R11, 0256-Z06 R10 and 0257-Z07 R11 or any other plans subsequently approved by us as local planning authority.

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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 41 Notwithstanding the detail shown on drawing number 10267-T1-0250-Z00-12, the drop-off bay on Horse Guards Avenue on the west side of the entrance into the Quadrangle is not approved and shall be omitted from the proposed ground floor layout plan.

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 Whitehall Conservation Area and in the interests of public safety and to avoid blocking the road as set out in S25, S28 and S41 of Westminster's City Plan (November 2016) and DES 1 and DES 5, DES 6, paras 10.108 to 10.128, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 42 The design and structure of the development shall be of such a standard that it will protect residents within it from ground borne noise from the Underground Tube Lines so that they are not exposed to levels indoors of more than 35dB LASmax within habitable rooms during the day and 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. (R49AA)

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

Reason:

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

## Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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:
  - i) a financial contribution of £10m towards the City Council's affordable housing fund (index linked and payable on commencement of development) in lieu of on-site affordable housing
  - ii) the hotel and commercial floorspace to be provided as part of the development not to be occupied until the residential accommodation to be provided as part of the development has been made ready for occupation
  - iii) Operational Management Plans for the hotel, restaurants, bars, ballroom and spa facility
  - iv) Public Access Strategy for the Hotel Suites of Principal Historic Significance
  - v) an employment and training opportunities strategy
  - vi) payment for all necessary highway works including the following to be carried out prior to the occupation of the hotel:
    - o changes to parking bays to accommodate the new vehicular entrances to the building and to re-provide lost parking places elsewhere if possible
    - o move the coach stop on Horse Guards Avenue
    - o provide a facility for taxis on Horse Guards Avenue
    - o move the bus shelter on Whitehall
    - o remove the security walls and bollards from Whitehall and make other changes to accommodate vehicular access to the building, whilst still providing a secure scheme.
    - o re-paving of the footways around the site
  - \* removal and replacement of street trees
  - vii) Car Parking Management Plan
  - viii) a financial contribution of £352, 800 towards the City Council's carbon off-set fund
  - ix) Liaison Group
  - x) costs of monitoring
- 3 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the commercial units on parts of the ground, lower ground, basement and sixth floors can change between the C1/A1/A3/A4/D2 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)
- 4 You may need to get separate advertisement consent and listed building consent for any advertisements you may wish to display on the building. Please also refer to Condition 6vi) of this decision letter which requires you to submit a signage strategy for the building.
- 5 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be provided at the premises, you will need to apply for a Special Treatment Licence. Please use the following link for further information and to make your application:

[www.westminster.gov.uk/massage-and-special-treatment-premises-licences](http://www.westminster.gov.uk/massage-and-special-treatment-premises-licences). You should contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice to ensure the treatment rooms meet the appropriate standards.

- 6 You must register your food business with the Council, please use the following link: [www.westminster.gov.uk/registration-food-business](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). 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).
- 8 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 9 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)
- 10 With regard to the Noise Management Plan required by Condition 36 of this decision letter, you are advised that this should be produced by a competent acoustic consultant who is registered with the Institute of Acoustics and that the Noise Management Plan should have regard to all matters contained in the Guidance on Noise section of the City Council's Licensing Policy (currently Appendix 11 of the 2011 Policy) as well as other noise sources related to the hotel including servicing and deliveries. For further advice on this matter please contact Phil McIlwain, [pmcilwain@westminster.gov.uk](mailto:pmcilwain@westminster.gov.uk).
- 11 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific

conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 12 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 13 The term 'clearly mark' in condition 16 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 15 Conditions 27, 28, 29, 35 and 43 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)
- 16 Under the Construction (Design and Management) Regulations 2015, 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](http://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.

- 17 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.
- 18 Working at height remains one of the biggest causes of fatalities and major injuries. 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/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.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)

- 19 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. You can get a copy of this document at [www.westminster.gov.uk/contaminated-land](http://www.westminster.gov.uk/contaminated-land). For further advice you can email Public Protection and Licensing at [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).
- 20 You should include an environmental sustainability system of irrigating the planting in the garden courtyards. For more advice on this, please see the Mayor of London's supplementary planning guidance: Sustainable Design and Construction, April 2014. It will need to consider rainwater harvesting and storage or grey water filtration and storage to minimise the use of mains water for irrigation. However, if any features materially (significantly) affect the appearance of the historic building, this is likely to need planning permission and listed building consent.
- 21 The Dawn Redwood trees on Whitehall Court (Tree Numbers T1, T2, T3 and T4 in the tree survey) were planted to commemorate the 40th Anniversary of the United Nations in 1985. The trees have significant cultural importance and the protection of these trees will need to be of the highest standard to ensure that they come to no harm during the development and that their long term health and visual amenity is not affected directly or indirectly by the work.

**Address:** Old War Office, Whitehall, London, SW1A 2EU

**Proposal:** Variation of Conditions 1, 8, 13 (part vi) and 19 (part h) of listed building consent dated 17 February 2020 (RN: 19/09926/LBC) namely to allow amendments to the Quadrangle courtyard including amendments to the cobble layout, installation of a sesame lift, installation of rising bollards within carriageway entrance, amendments to kerb levels within the Quadrangle; amendments to roof top bar at sixth floor level, installation of additional windows to the fifth floor, amendments to internal layout of two residential units, installation of external grilles to the east and north elevations and submission of details reserved by Condition 13 vi) internal finishes and Condition 19 h) stonework and ironwork gate details.

**Plan Nos:** Old War Office Approved Documents dated 17.02.2020 (19/09926/LBC) As

amended by listed building consent (20/04927/LBC) dated 12.10.2020

As amended by this consent (20/04928/LBC)

10267-T-01-0230-Z00 R14  
10267-T-01-0232-Z02 R12  
10267-T-01-0250-Z00 R17  
10267-T-01-0252-Z02 R13  
10267-T-01-0255-Z05 R11  
10267-T-01-0256-Z06 R10  
10267-T-01-0257-Z07 R11  
10267-T-01-0258-Z08 R10  
10267-T-01-0442-ZEA R08  
10267-T-01-0443-ZNO R09  
10267-T-01-0445-ZXX R09  
10267-T-01-0540-ZAA R12  
10267-T-01-0541-ZBB R12  
10267-T-01-4100-ZXX R08  
10267-T-01-4101-ZXX R05  
10267-T-01-9000-Z00 R08

for information only:

EPR S19 and S73 Report Rev 01 dated 31.07.2020;  
Donald Insall Associates Historic Building Impact Assessment dated August 2020

**Case Officer:** Amanda Jackson **Direct Tel. No.** 07866038919

**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 building and to make sure the development contributes to the character and appearance of the Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

4 A programme of building recording and analysis must be undertaken in accordance with the Historic Building Record: Written Scheme of Investigation (Historic England Level 3-4) dated September 2017, approved on 4 October 2017 (17/08033/ADLBC) and as amended by the Donald Insall Associates Heritage Impact Assessment dated September 2018 hereby approved.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

5 Any excavation on site shall be carried out in accordance with the Written Scheme of Investigation dated 9 October 2017.

You must then carry out the archaeological work and development according to this approved scheme and in accordance with the written report of investigation and findings approved on 05 August 2019 (RN: 19/05019/ADLBC).

Reason:

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

6 You must carry out works relating to the position, type and method of installation of services and related fixtures with particular regard given to pedestrian entrances, main corridors, stairways and Royal Suite and Function Room suites in accordance with drawings approved on 17 February 2020 (ref. 19/09926/LBC), or in accordance with other facing materials samples as submitted to and approved by the City Council, in consultation with Historic England.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

7 You must carry out the works in accordance with the samples of facing materials and annotated plans and elevations as approved on 17 February 2020 (ref. 19/09926/LBC), and in accordance with details in relation to new windows and state room glazing approved by the City Council as Local Planning Authority on 17 June 2019 (RN: 19/03629/ADLBC) and 12 June 2019 (RN: 19/03626/ADLBC) or in accordance with other facing materials samples as submitted to and approved by the City Council. You must not start 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 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

8 The granite setts to the Quadrangle paving shall be carefully lifted, stored on site and then re-used within the new Quadrangle paving layout.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 10 Notwithstanding that shown on the approved plans, you must provide us with further detailed drawings showing other options for the screening of plant to the central bay of the Whitehall Place elevation. You must not start work on this part of the development until we have approved what you have sent us. You must carry out the works in accordance with drawing OWO-EPR-AR-RPT-B-XX-TP-1000 hereby approved or any other details subsequently approved by us as local planning authority.

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 Whitehall Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must carry out the alterations to the historic loading bay to the Quadrangle as approved on 17 February 2020 (ref. 19/09926/LBC) or any other details subsequently approved by us as local planning authority.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 12 Notwithstanding that shown on the approved plans, you must submit revised details for glazing to the "state rooms" that excludes the use of double glazing. You must carry out the development in accordance with details approved by the City Council as Local Planning Authority on 12 June 2019 (19/03626/ADLBC) or in accordance with details submitted to and approved by the City Council.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

i) new roof parapets - which must be carried out in accordance with the details approved by us on 27.11.18 (18/08422/ADLBC) or any other details subsequently approved by us as local planning authority.

ii) new railings and gates - which must be carried out in accordance with the details approved by us on 18.9.2018 (18/06590/ADLBC) and approved and report titled OWO-EPR-AR-RPT-B-XX-TP-1908 or any other details subsequently approved by us as local planning authority.

- iii) new door and window surrounds which must be carried out in accordance with details approved by us on 17.06.19 (19/03629/ADLBC) or any other details subsequently approved by us as local planning authority.
- iv) height of openings in roof extension around the Quadrangle - must be carried out in accordance with the details approved by us on 3.10.18 (18/06590/ADLBC) or any other details subsequently approved by us as local planning authority.
- v) new ground floor entrances - which must be carried out in accordance with the details approved by us on 22.07.19 (RN: 19/05020/ADLBC) or any other details subsequently approved by us as local planning authority.
- vi) all new internal finishes, including vehicle and service areas - which must be carried out in accordance with the details approved by us on 06.09.19 (RN: 19/06447/ADLBC) and drawing OWO-EPR-AR-RPT-B-03-TP-1306 Part 3: Vehicle Entrance hereby approved or any other details subsequently approved by us as local planning authority.
- vii) all new doors - which must be carried out in accordance with the details approved by us on 06.09.19 (RN: 19/06478/ADLBC) or any other details subsequently approved by us as local planning authority.
- viii) all new windows - which must be carried out in accordance with the details approved by us on 17.06.19 (RN: 19/03629/ADLBC) or any other details subsequently approved by us as local planning authority.
- ix) all new lift enclosures - which must be carried out in accordance with the details approved by us on 22.07.19 (RN: 19/05026/ADLBC) or any other details subsequently approved by us as local planning authority.
- x) works to messenger screens - which must be carried out in accordance with the details approved by us on 22.11.18 (18/06841/ADLBC) or any other details subsequently approved by us as local planning authority.
- xi) new openings and screens along ground floor hotel corridor which must be carried out in accordance with the details approved by us on 22.11.18 (18/06841/ADLBC) or any other details subsequently approved by us as local planning authority.
- xii) lighting, floor finishes and decoration in the Royal and Function Room Suites - must be carried out as approved on 17 February 2020 (ref. 19/09926/LBC) or any other details subsequently approved by us as local planning authority.
- xiii) interface of new partitions in Officer's Mess with window mullions - must be carried out as approved on 17 February 2020 (ref. 19/09926/LBC) or any other details subsequently approved by us as local planning authority.
- xiv) the relocated section of ring main - must be carried out as approved on 17 February 2020 (ref. 19/09926/LBC) or any other details subsequently approved by us as local planning authority.
- xv) exterior lighting scheme
- xvi) signage strategy

You must not start work on these parts of the development until we have approved what you have sent us, in consultation with Historic England. You must then carry out the works 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**14 You must carry out the following works to the Library/Winter Garden area:**

- i) supporting corbels in new positions
- ii) new fixings in walls
- iii) any new openings in walls, including conversion of windows to doors

You must not start work on these parts of the development until we have approved what you have sent us, in consultation with Historic England. You must then carry out the works in accordance with the details approved by the City Council on 8 August 2019 (19/05025/ADLBC) or any other details subsequently approved by us as Local Planning Authority in consultation with Historic England.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 15 You must carry out works for any repairs to mosaic, terrazzo, marble and timber floors in accordance with the details and samples approved by us on 19.07.2019 (RN: 19/03624/ADLBC). or any other details subsequently approved by us as local planning authority.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 16 You must carry out works relating to secondary glazing to in accordance with the details, and mock ups approved by us on 05.06.2019 (RN: 19/03625/ADLBC ) or any other details subsequently approved by us as local planning authority, in consultation with Historic England.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 6 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 17 You must carry out the works to dismantle and reinstate the external elevation of the Quadrangle lightwell as approved on 17 February 2020 (ref. 19/09926/LBC) or any other details subsequently approved by us as local planning authority.

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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 10.108 to 10.146 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 18 You must submit details of the following for approval in writing by the Council as local planning authority in consultation with Historic England before the relevant work is begun:
- a. Details of new external doors, steps and sesame lifts and handrails - which must be carried out in accordance to details approved by us on 22.07.19 (19/05020/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
  - b. Specification and sample of relaid Quadrangle setts
  - c. Details of proposed relocation of historic mains pipe - which must be carried out in accordance with drawing OWO-EPR-AR-RPT-B-XX-TP-1516 or any other details subsequently approved by us as Local Planning Authority.
  - d. Details of joinery in new Memorial Room and new doors to Salon and new Library - which must be carried out in accordance to details approved by us on 22.07.19 (19/05023/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
  - e. Treatment of ceilings in new Salon, Library and Memorial Room; and new Residential Entrance and Reception - which must be carried out in accordance to details approved by us on 22.07.19 (19/05023/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
  - f. Details of alterations to create new lift lobbies either side of Marble stairs - which must be carried out in accordance to details approved by us on 06.06.19 (19/03630/ADLBC) or any other details subsequently approved by us as Local Planning Authority.

- g. Details and method statements for alterations to Library and Atrium roofs and interfaces with walls- which must be carried out in accordance to details approved by us on 08.08.19 (19/05025/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- h. Details of alterations to openings to new Winter Garden and Concierge Lobby and details of wall treatment.
- i. Mock-ups of plant room 'window displays'
- j. Details of roof-top bar including views analysis - must be carried out in accordance with the details approved by us on 3.10.2018 (18/06389/ADLBC) or any other details subsequently approved by us as local planning authority.
- k. Details of glazing, stairs and ladder to Whitehall turrets - which must be carried out in accordance to details approved by us on 06.09.19 (19/06479/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- l. Details of works to upgrade doors - which must be carried out in accordance to details approved by us on 22.07.19 (19/06479/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- m. Details of new lift shafts and relationships with historic stairs - which must be carried out in accordance to details approved by us on 06.09.19 (19/05026/ADLBC) or any other details subsequently approved by us as Local Planning Authority.

You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works in accordance with these approved 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 (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 10.108 to 10.146 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

19 You must apply to us for approval of details of the following parts of the development: -

- a) statement of reuse/disposal to collection of unaltered original internal doors - which must be carried out in accordance to details approved by us on 06.09.19 (19/06478/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- b) details and/or samples of new and retained ironmongery for all door types - which must be carried out in accordance to details approved by us on 06.09.19 (19/06478/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- c) details and/or samples of new door types and associated alterations to linings - which must be carried out in accordance to details approved by us on 06.09.19 (19/06478/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- d) samples of different floor finishes - which must be carried out in accordance to details approved by us on 19.07.2019 (19/03624/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- e) details of alterations to panelling to accommodate relocated fireplaces - which must be carried out in accordance to details approved by us on 06.09.19 (19/06480/ADLBC) or any other details subsequently approved by us as Local Planning Authority.
- h) details for stonework and details/samples of ironwork gates to vehicular entrances and joinery to restaurant entrance which must be carried out in accordance with drawing OWO-EPR-AR-RPT-B-XX-TP-1908 or any other details subsequently approved by us as a local planning authority.

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

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

**Page 59**

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 (November 2016) and DES 1 of our Unitary

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**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, the London Plan 2016, Westminster's City Plan (November 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 special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan 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 sent. (I59AA)

# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 2 March 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>Grove End Gardens, 33 Grove End Road, London, NW8 9LL</b>		
<b>Proposal</b>	Erection of a roof extension to provide two additional residential units and lift overruns, creation of two parking spaces, installation of associated plant equipment, green roofs and PV panels.		
<b>Agent</b>	Julian Shirley		
<b>On behalf of</b>	Grove End Housing		
<b>Registered Number</b>	20/00685/FULL	<b>Date amended/ completed</b>	26 June 2020
<b>Date Application Received</b>	31 January 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

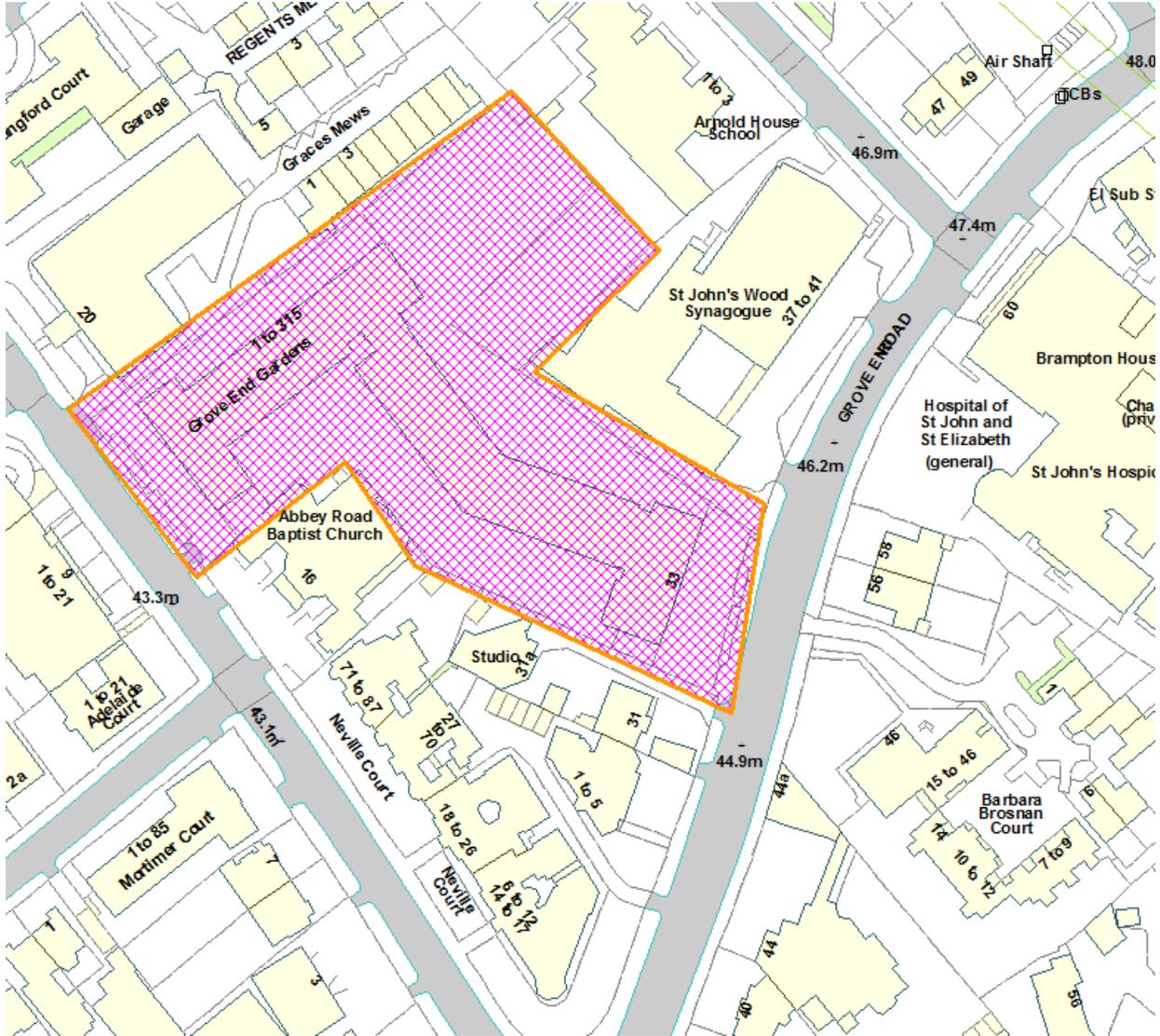
<p>The application site is a seven storey 1930's mansion block fronting Grove End Road and Abbey Road. The building is unlisted and the site is not located within a Conservation Area although the St John's Wood Conservation Area adjoins the building to the immediate south and west sides.</p> <p>Permission was granted in 2012 for the erection of a roof extension to the western part of the building to provide six residential units, erection of rear lift shaft, excavation below north east corner of garden to provide an underground parking area and associated works. This permission has been implemented.</p> <p>Planning permission is sought for the erection of a roof extension to the eastern part of the building to provide two additional residential units with terraces, a lift overrun with glazed link, formation of two car parking spaces at basement and ground floor levels, installation of associated plant equipment and PV panels.</p> <p>Four objections have been submitted on a number of grounds including potential access issues including loss of use of lift during construction, disruption and impact on amenity of residents during construction works from noise, dust and impact on safety and security.</p>
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The key issues are:

- The acceptability of the proposed roof extension in design terms.
- The impact of the proposals upon the amenity of neighbouring residents.
- The impact of the development on the highway network.

For the detailed reasons set out in this report, the proposed development is considered to be acceptable in land use, design, amenity and highways terms and would accord with the relevant policies in the Unitary Development Plan (UDP) adopted in January 2007 and Westminster's City Plan (the City Plan) adopted in November 2016.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Views from Grove End Road



View of rooftop looking towards Grove End Road

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR ABBEY ROAD:

Any response to be reported verbally

### ST JOHN'S WOOD SOCIETY:

No objection subject to neighbours comments

### BUILDING CONTROL:

No response

### HIGHWAYS PLANNING MANAGER:

Objection on original proposal on the grounds of the "reallocation of existing car parking spaces for the flats". Following the receipt of revised information regarding two parking spaces created at ground and basement level, agree that the proposals appear to be functional.

### WASTE PROJECT OFFICER:

No objection subject to condition requiring submission of a revised bin storage plan showing compliance with City Council requirements.

### ENVIRONMENTAL SCIENCES:

No objection subject to standard noise conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 336

Total No. of replies: 4

No. of objections: 4

No. in support: 0

Objections have been received on some or all of the following grounds:

- Potential Access issues including loss of use of lift during construction - request for additional lift as part of development.
- Potential loss of fire escape stairs.
- Disruption and impact on amenity of residents during construction works from noise, dust and impact on security.
- Refurbishment work on building ongoing.
- Previous roof extensions not completed to satisfactory standard resulting in safety concerns.

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Grove End Gardens is a seven storey 1930's mansion block fronting Grove End Road

and Abbey Road. The building is unlisted and the site is not located within a Conservation Area although the St John's Wood Conservation Area adjoins the building to the immediate south and west sides. The building has a recently constructed penthouse floor on the western part of the roof accommodating 6 flats and an underground car park below the north east corner of its associated garden.

## **6.2 Recent Relevant History**

### 11/00187/FULL

Erection of a roof extension to provide six residential units (3x2 bed, 2x3 bed and 1x4 bed); erection of rear lift shaft, excavation below north east corner of garden to provide an underground parking area with 21 car parking spaces and 22 bicycle spaces, green roof, reinstatement of rear garden and associated works.

Application Permitted 19 March 2012

A series of non-material amendment applications have also been approved since the original approval.

## **7. THE PROPOSAL**

Planning permission is sought for the erection of a roof extension to the eastern part of the building to provide two additional residential units, one two bed measuring 144sqm and one three bed measuring 172sqm. Terraces are proposed on each of the flats on the adjacent areas of flat roof. Two car parking spaces are to be created for the new flats, one within the car park at basement level created as part of the 2012 permission above and one at ground floor level adjacent to the building. Associated plant equipment and solar panels are also proposed to be installed on the roof.

Some minor revisions were submitted during the course of the application to correct discrepancies in the drawings. Due to their minor nature it was not considered necessary to re-advertise. The application was also amended to provide the two aforementioned car parking spaces for the flats whereas originally it involved the reallocation of existing spaces.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use terms the provision of two additional residential units, one of which is family sized (3 bed and over) would accord with Policy H3 and H5 of the UDP and S14 of the City Plan. All units are in excess of the required minimum space standards and would have a good level of natural light.

S14 requires that the number of residential units on development sites is optimised. Although the units are large (144sqm meters and 172sqm) it is recognised that there would be logistical difficulties in increasing the number of units on this roof top site. To facilitate a third unit, an access corridor to one of the lift/stair cores would need to be created which would take up a significant amount of the floorplate and would result in

any additional unit needing to be single aspect. It is therefore considered that the proposal is in accordance with S14 in this case.

The overall gross floorspace would be below 1000sqm and therefore does not require the provision of affordable housing. One of the two proposed units would be a family sized unit (3bed) therefore the proposal would comply with policy S15 of the City Plan and Policy H5 of the adopted UDP.

## **8.2 Townscape and Design**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "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."

Section 66 of the same Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, 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."

Section 72 of the same Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Although the building is not listed and the site is not located within a conservation area, it is considered to be a sensitive proposal in terms of the attractive character and prominent visual presence of the existing building, and that the St John's Wood Conservation Area adjoins this part of the building to the immediate south and west sides. Also, of consideration in terms of extensions to roof level of this part of the building is the adjoining grade 2 listed building at no. 31A Grove End Road and grade 2 listed Abbey Road Baptist Church buildings to the west side.

Extensions have previously been granted and erected to large areas of the roof of the building, including an extension over the roof of the wing which fronts onto Abbey Road and continuously from that point to down behind in line with the Abbey Road Baptist Church building. Notwithstanding that, the Grove End Road orientated wing of the building and the area of the mansion block behind it remains a sensitive location given

the relatively lower height of surrounding buildings and therefore the greater visual prominence of this part of the building in street level views. The extension proposed in this current application represents a new extension between the previously approved and now constructed extensions to roof level and the Grove End Road wing of the building.

As set out above, for much of the footprint of the proposed extension there is existing plant equipment, lift overruns, water tank enclosures and other cluttering structures at roof level. This is generally removed, and a notably lower service zone has been incorporated underneath the extension, hiding this equipment from view and leaving the appropriately designed extension as the external feature visible to roof level which is considered to represent a much neater finish to roof level. This is also the approach incorporated into the previously approved and constructed extensions to roof level on the building. This approach of rising above the new service zone does increase the overall height of the extension, however the extension remains lower than the previously approved and erected extensions immediately adjacent, and the stepping down of the height of the extension as it approaches the Grove End Road wing is considered appropriate. The extension also sets in from the side elevations, slightly more than previously approved to the north-east side.

With the exception of the new lift structure rising up from its line within the existing building, the extension will remain behind the line of the main Grove End Road facing wing of the building. Whilst the extension will be visible in angled views from Grove End Road and between buildings on Loudoun Road, nonetheless the main street facing Grove End Road wing will remain pre-eminent in general views of the building with the extension seen as a subsidiary feature set well behind it, and seen well set back from the Grove End Road elevation and in context with the existing roof extension adjacent it will not appear unacceptably bulky to the roofline of the building.

This projecting lift structure does not appear to be visible from street level except in long views where it would appear significantly screened by trees, and is considered in context with the removal of other existing plant equipment to the roof of the Grove End Road wing some of which is prominent to roof level in street views. A condition is attached to secure improvements to the design of the projecting lift shaft structure to ensure that in the limited number of views possible of the structure it appears well integrated into the overall design of the building. The glazed balustrade around the front terrace similarly does not appear capable of being visible from street level except in very long views through trees.

Overall, and mindful of the considerable set back from the Grove End Road elevation and smaller set backs from the side elevations, and given the existing roof level structures and the considerations above, the bulk, height and location of the extension proposed are considered acceptable.

The design of the extension both reflects the 1930's styling of Grove End Gardens and continues the approach for the earlier phases of extensions to roof level, and incorporates principally white render facing and with windows in style with those to the main building below with brickwork parapets to follow those approved to the earlier phases. The extension incorporates PV panels to its roof, though these are low profile, set well in from the edges of the extension, and they will not clutter or adversely affect

the skyline of the building.

In views from Abbey Road and the west the previously approved and constructed extensions are in the backdrop of the Church building, and that building is in context with an already very large mansion block running behind. It is not considered that the extensions now proposed will unduly compromise its setting or views from Abbey Road and the west generally. The small listed 20th century studio building at no. 31A Grove End Road is already largely surrounded by tall mansion blocks, and the additional extension proposed in this application would not adversely affect its setting. The extension would also in some views from Grove End Road be visible above the roofline of the 19th century villa building to this part of Grove End Road however the building is already heavily flanked by two large mansion blocks and with the existing roof level equipment also currently visible and as such it is not considered that the extension proposed would adversely affect its setting.

Given the above, the extension is not considered to adversely affect either the setting of the St John's Wood Conservation Area, the setting of the listed buildings adjoining to the west of this site, nor adversely affect the appearance of the building or surrounding townscape generally. It is considered in line with policies S25 and S28 in the City Plan, and policies DES 1, DES 6, DES 9 and DES 10 in the UDP.

### **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 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Policy ENV7 of the UDP and S32 of the City plan seeks to protect the amenity of occupiers of adjacent properties from noise.

#### **Sunlight and Daylight and Sense of Enclosure**

The proposed set back of the roof extension and its distance from adjacent buildings means that the proposal is considered not to have a significant adverse impact on neighbouring properties in terms of sunlight and daylight or sense of enclosure. A Sunlight and Daylight report has been submitted with the application. The assessment of the proposal has concluded that there would only be minor changes in terms of daylight and sunlight to neighbouring properties with three occasions which result in losses of Vertical Sky Component (VSC) in excess of what is recommended by the Building Research Establishment (BRE), of over a 20% loss. However, these instances only occur where the windows receive low levels of light as existing, whereby any loss would see a high percentage change. On each of these occasions the room is served by other windows which pass the BRE test, therefore on balance the minor infringements are

considered acceptable.

### **Privacy**

The set backs from the roof parapet together with the fact the windows of the flats would be within existing fenestrated elevations mean they would not result in any significant increase in overlooking or loss of privacy to neighbouring properties. The proposals involve the creation of three roof terraces, one serving unit 2 and two serving unit 1. Potential overlooking is mitigated from the two terraces on the north side of the building by the set back from and the height of the buildings parapet. They would also be a significant distance from the nearest neighbouring properties and would be within an existing fenestrated elevation. The largest terrace on the east side of the roof has a significant set back from the roof on all sides and again would be some distance from neighbouring properties. A condition is recommended to ensure that the areas of flat roof not proposed as terraces are only accessed for maintenance or in the case of emergencies.

Given the above considerations and the proposed condition, it is not considered that the terraces will have such a significant impact on the amenity of adjacent occupiers as to warrant a refusal.

### **Noise from Mechanical Plant**

Mechanical plant to serve the new units is proposed as part of the application. Environmental Health have no objection to the proposal on environmental noise or nuisance grounds subject to standard noise conditions. It is recommended these conditions are applied to any permission granted.

## **8.4 Transportation/Parking**

It was originally proposed that existing car parking spaces within the site would be re-allocated to the new units however the proposal has been amended to include the provision of two additional car park spaces to be allocated to the new flats, one within the Grove End Road frontage forecourt, and one within the buildings existing basement car park. Although the space on the forecourt area does currently appear to be used by contractors to support on site work it would be a new space and not a reallocation of an existing residential space and it would function adequately as a parking space. There would be the creation of an additional space within the car park and although this involves a reorganisation of the basement car parking spaces as approved by the 2012 permission (and a subsequent non material amendment) an additional space would be created. Subject to these spaces been secured for the use of the two additional units by condition the proposals would meet TRANS 23 of the UDP.

It is proposed that an additional four cycle parking spaces will be provided for the proposed flats within the buildings existing basement cycle storage area which would be in accordance with the London Plan. It is recommended that these spaces are secured by condition.

## **8.5 Economic Considerations**

Any economic benefits of the scheme are welcomed.

#### **8.6 Access**

Access to unit 2 is through the adjacent recently completed roof extension. Access to unit 1 is through a new glazed link from an extension to the lift core below. Unfortunately due to different levels, and in order to keep the bulk of the roof extension down, there are steps between the lifts and each of the flats. While this is regrettable, there is a clear design justification for this arrangement, which is therefore considered acceptable in this instance.

#### **8.7 Other UDP/Westminster Policy Considerations**

The Waste Project Officer has no objection to the proposal subject to condition requiring submission of a revised bin storage plan showing compliance with City Council requirements. It is recommended that such a condition be added to any permission.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

#### **8.9 Neighbourhood Plans**

There is no neighbourhood plan for the area in which the site lies.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

#### **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

#### **8.13 Environmental Impact Assessment**

Not relevant to this application.

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#### **8.14 Other Issues**

An objection has been received to the potential loss of a fire escape staircase leading from the balcony of an existing penthouse flat to the flat roof where the new units are proposed. The applicant has confirmed that the staircase in question is a temporary feature and not a means of fire escape.

Objections have also been received to potential disruption during construction works including noise, dust, lift access and impact on security and the resultant impacts on the amenity of residents. Concerns are also raised that refurbishment work on the building is ongoing and that the previous roof extensions were not completed to a satisfactory standard resulting in safety concerns. A standard condition restricting the hours of noisy work will be attached to any permission. An informative encouraging the applicant to join the nationally recognised Considerate Constructors Scheme will also be attached. The applicant has stated their intention to follow the requirements of this scheme. While the concerns in relation to the ongoing works are noted, refusal on these grounds could not be sustained.

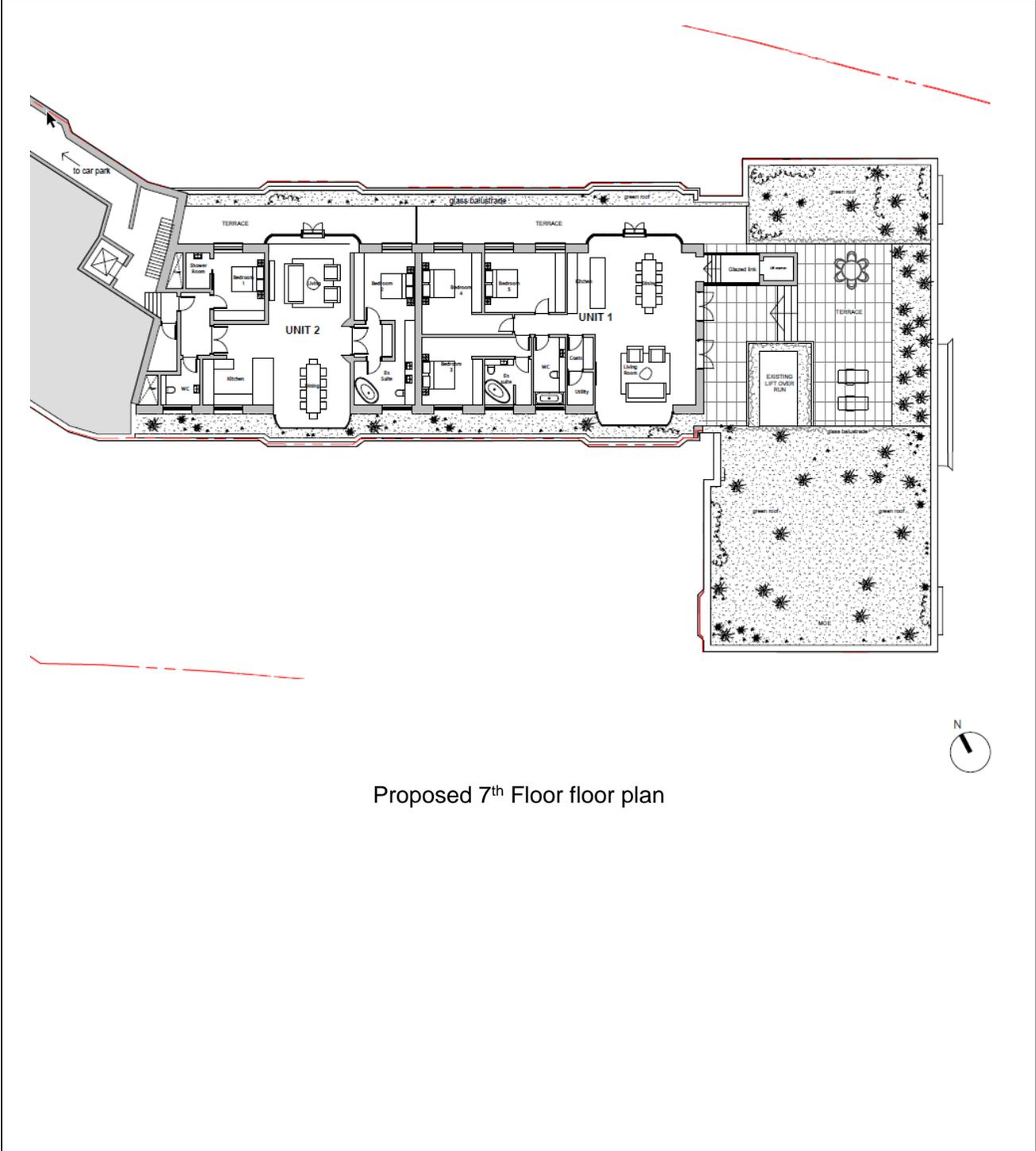
With regards to biodiversity and sustainability, the application proposes the installation of a green roof over the areas of roof not occupied by terraces and integrated PV panels on the roof of the flats. It is recommended that these features are secured by condition.

Concerns have been raised in relation to maintaining access to the lifts during building works. While these comments are noted, this would not be a reason to withhold permission as this will be a management consideration for the freeholder of the building.

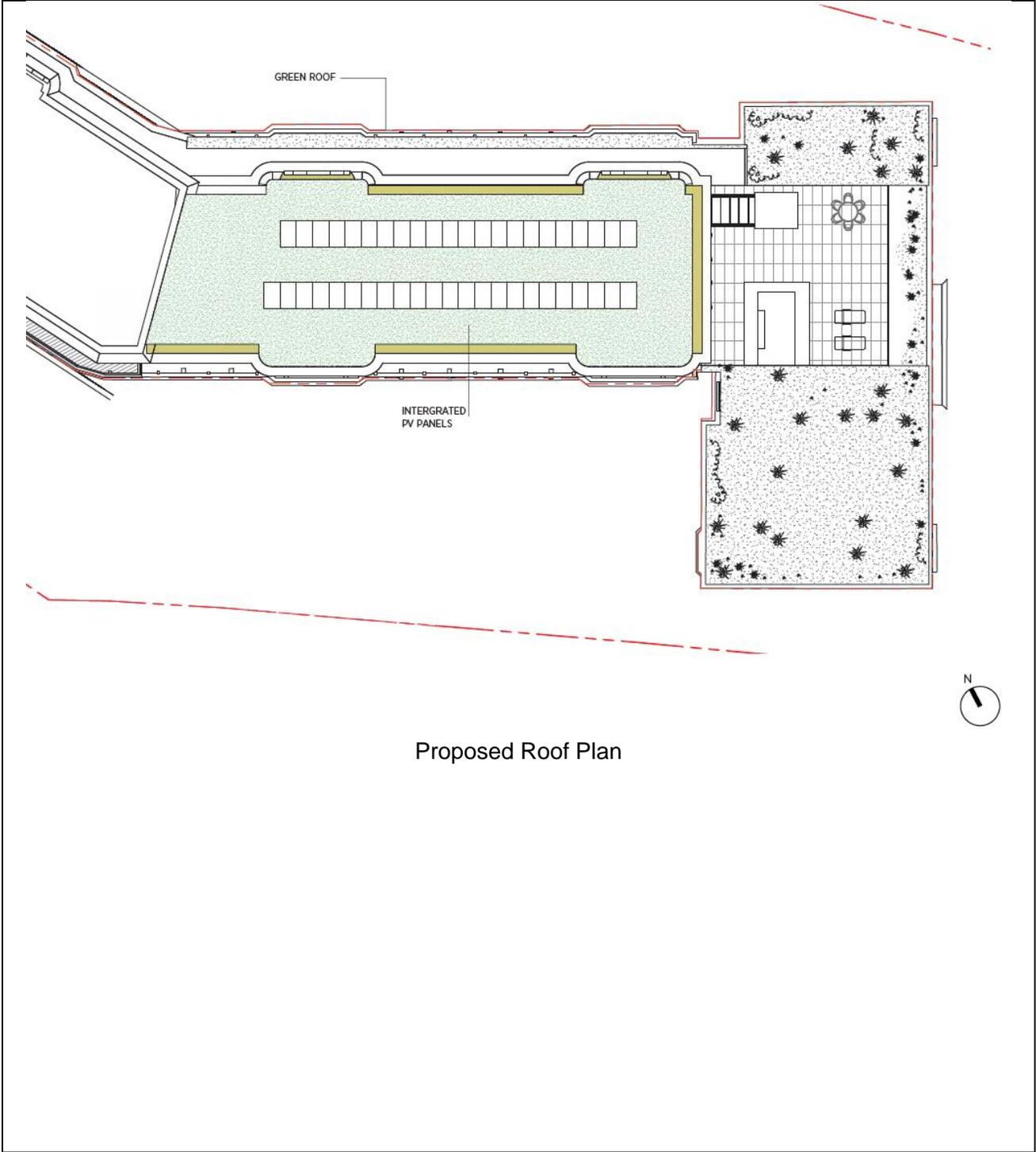
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT <a href="mailto:rhandley@westminster.gov.uk">rhandley@westminster.gov.uk</a>
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9. KEY DRAWINGS



Proposed 7<sup>th</sup> Floor floor plan



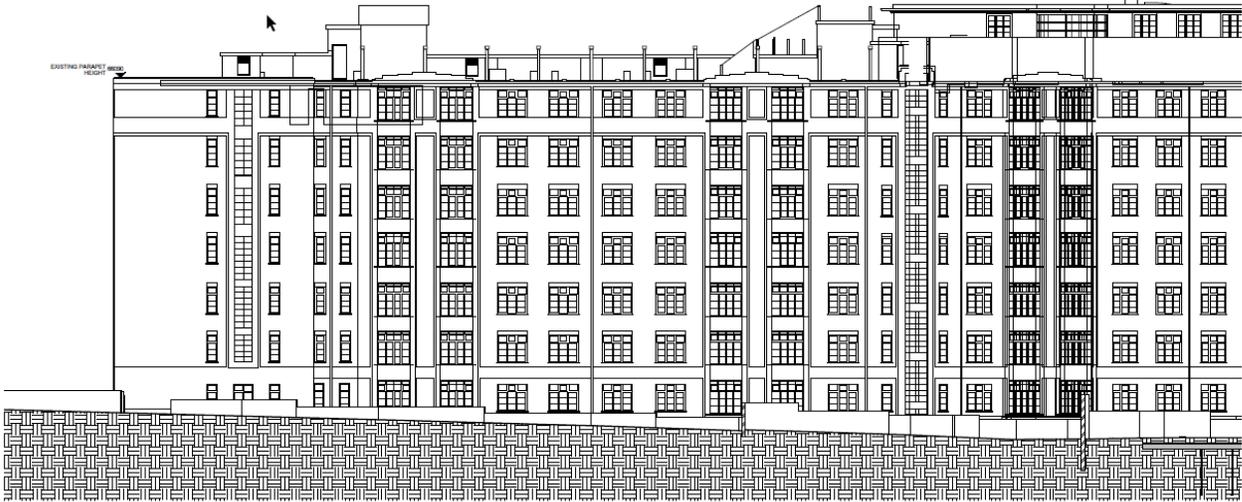
Proposed Roof Plan



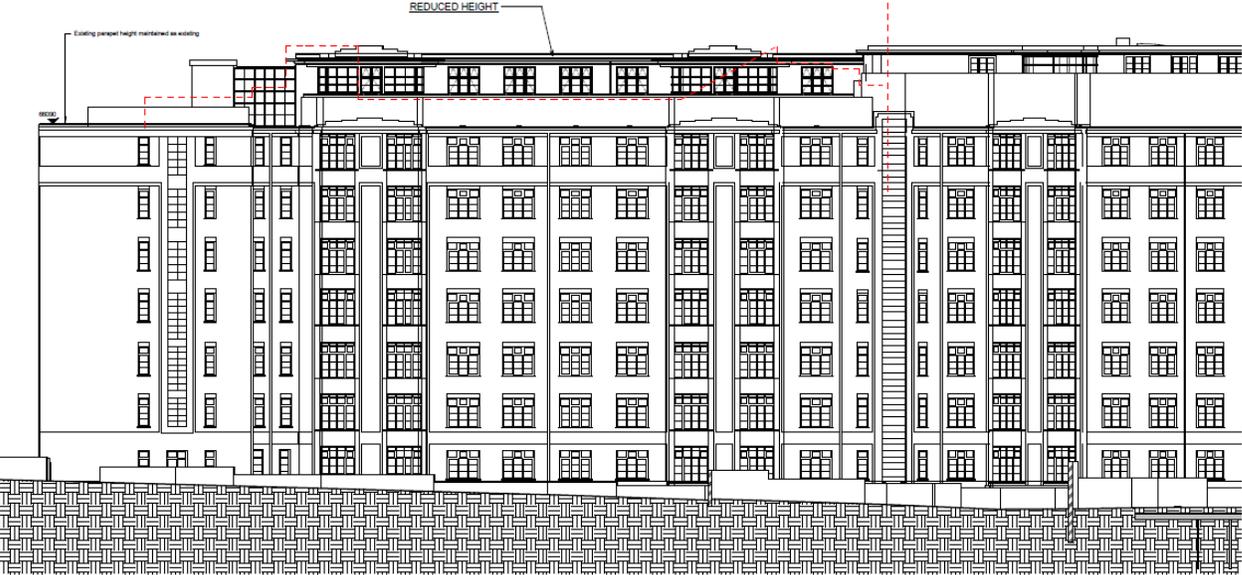
Existing East elevation



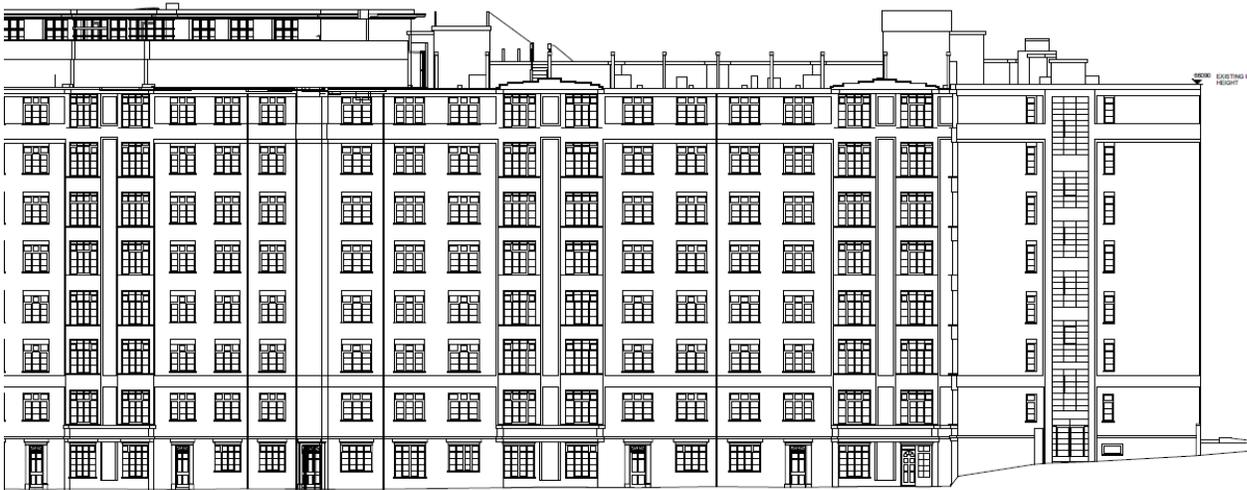
Proposed East elevation



Existing North elevation



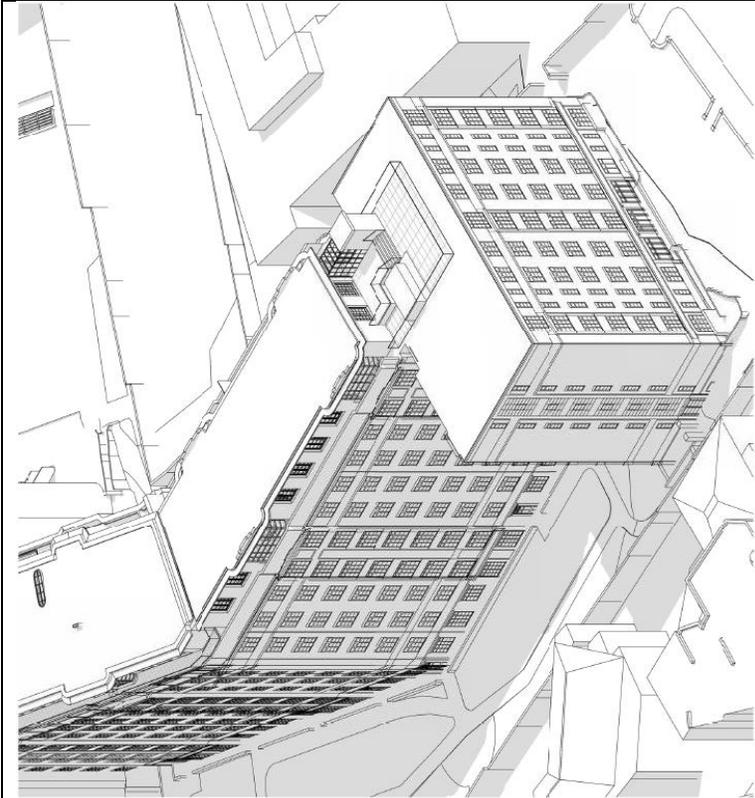
Proposed North Elevation



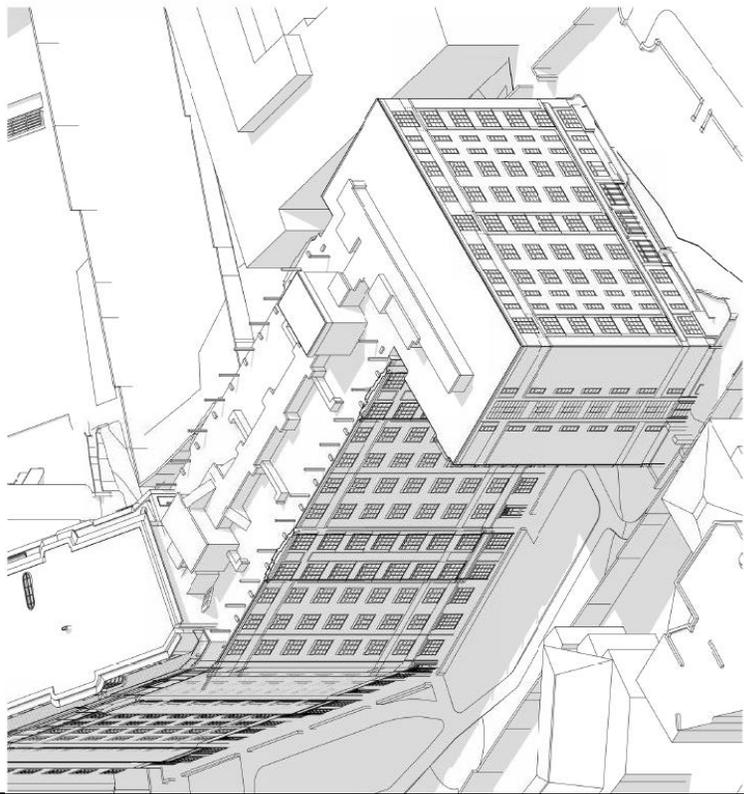
Existing South Elevation



Proposed South Elevation



2 Proposed Axo



1 Existing Axo

**DRAFT DECISION LETTER**

**Address:** Grove End Gardens , 33 Grove End Road, London, NW8 9LL

**Proposal:** Erection of a roof extension to provide two additional residential units and lift overruns, creation of two parking spaces, installation of associated plant equipment, green roofs and PV panels.

**Plan Nos:** 001RevA; 102RevA; 105RevA; 200RevE; 202RevA; 300RevA; 301RevB; 302RevB; 303RevB; 304RevA; 306; 400RevB; 401RevA; 402RevA; 403; D-301; D-302; D303; EX-110; EX-301RevA; EX-302RevA; EX-303RevA; Design and Access Statement; Sunlight/daylight Report; Covering letter dater 31st January 2020; Energy and Sustainability Assessment; Mechanical Plant Specification; Noise Assessment Report; Transport Assessment; Heritage Statement. 22974901-STR-HGN-NW8-DR-D-01401; 22974901-STR-HGN-NW8-DR-D-00801; 22974901-STR-HGN-NW8-DR-D-01301;

**Case Officer:** Richard Langston

**Direct Tel. No.** 07866036470

**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 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

- 4 The new sections of render shall be formed in smooth render which shall be painted or otherwise treated and permanently maintained in a white colour to match the colour of the existing render adjacent.

Reason:

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

- 5 You must apply to us for approval of an elevation drawing at scale of 1:20 (including showing relevant parts of the larger bay windows as appropriate at this scale) for each type of new window, including annotations for finished colour. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 6 Notwithstanding the submitted drawings, you must apply to the Local Planning Authority with a plan drawing (annotated as appropriate) confirming that the glazed balustrade (or any other structures projecting above the height of the flat roof/green roof) does not extend any further towards the Grove End Road elevation than immediately surrounding the area annotated as 'Terrace' and shown as a repeating grid of rectangular areas on drawing 15005-105A. 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 this drawing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan

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(November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 The balustrade surrounding the roof terrace (as secured under condition 6 of this approval) shall be formed in clear glazing and maintained as such thereafter.

Reason:

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

- 8 The new areas of facing brickwork must match the existing brickwork adjacent in terms of colour, texture, face bond and pointing.

Reason:

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

- 9 You must not put structures such as canopies, fences, loggias, trellises, built in seating or other furniture, umbrella stands, or satellite or radio antennae on the roof terrace.

Reason:

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

- 10 Notwithstanding the submitted drawings, you must apply to us for approval of detailed elevation and section drawings of the projecting lift overrun structure showing facing materials and detailed design. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings

Reason:

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

- 11 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 flats. 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 12 You must provide, maintain and retain the following bio-diversity and sustainability features before you start to use any part of the development, as set out in your application.

- i) Green Roof
- ii) Photovoltaic panels

You must not remove any of these features.

Reason:

To increase the biodiversity of the environment and provide the environmental sustainability features included in your application, as set out in S28, S38 and S40 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must provide each car parking spaces shown on drawings 22974901-STR-HGN-NW8-DR-D-00801 and 22974901-STR-HGN-NW8-DR-D-01301; one parking space shall be allocated to each of the flats hereby approved and shall only be used for the parking of vehicles of people living in those flats. (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)

- 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 2016 (R22FA)

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be

representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 16 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. (R48AA)

- 17 You must not use the roof of the existing building or the extension hereby approved (except where specified on the approved drawings as a terrace) for sitting out or for any other purpose. You can however use the roofs for maintenance and 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 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. (R49AA)

- 19 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. (R49BA)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 Under the Construction (Design and Management) Regulations 2015, 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](http://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.

- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

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British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
  
- 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 on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).

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# Agenda Item 3

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 2 March 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>1 Chiltern Street, London, W1U 7PA</b>		
<b>Proposal</b>	Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; namely minor internal alterations at ground to third floor, alterations to glazing at basement to third floor, raising parapet wall at ground and first floor (south elevation), addition of rooflight at 1st floor, double glazed windows within doors to terrace at 2nd floor, repositioned roof access hatch at fourth floor (roof), flue at roof level within recessed dormers (north west corner), omission of louvered roof grill, window cill dropped to create doors at basement and ground floor'; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until to 30 September 2021.		
<b>Agent</b>	WSP UK Ltd		
<b>On behalf of</b>	Chiltern Street Hotel Limited		
<b>Registered Number</b>	20/07858/FULL	<b>Date amended/ completed</b>	11 December 2020
<b>Date Application Received</b>	9 December 2020		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, for a temporary period until 30 September 2021, subject to a deed of variation of the existing legal agreement dated 18 December 2014.</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 Place Shaping and Town Planning shall consider whether the permission can be</p>
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issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

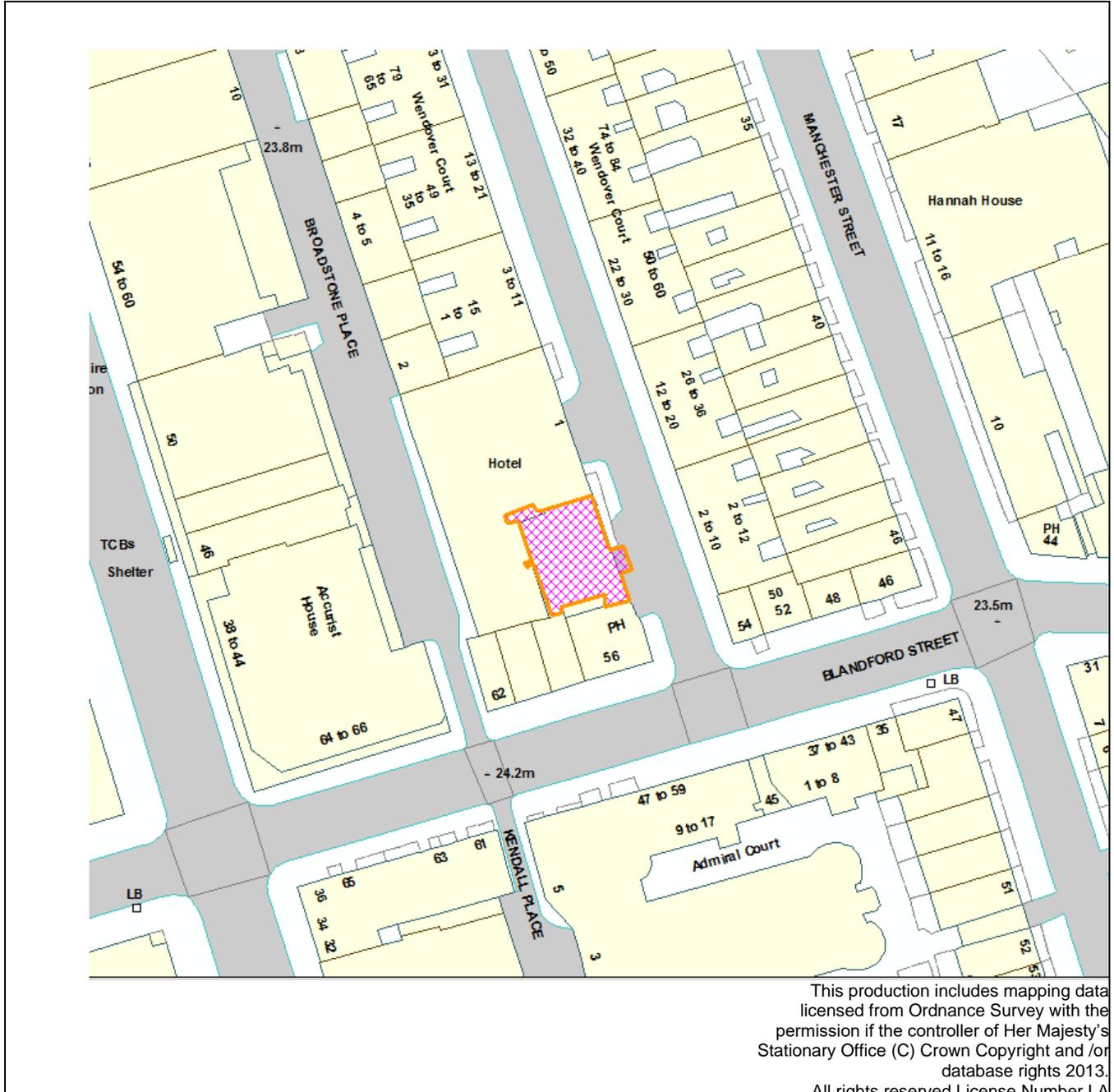
The application concerns the Firehouse Hotel, Chiltern Street which, following a permission originally granted in 2009, has been in operation as an hotel since April 2014. A condition was attached to that permission, and subsequent permissions including the permission of 28 March 2017, limits the use of courtyard area for drinking and dining from 09:00 to 21:00 hours each day (Condition 21). Planning permission is now sought to enable the courtyard area to be used until 22:00 hours each day.

The key issue in this case is the impact of the proposals on residential amenity.

Objections from neighbouring residents have been received on the grounds that the hotel is a poor neighbour, generating noise and disturbance to residents, and that the proposal will exacerbate these issues. The application originally sought a terminal hour until 23:00 but this has been amended to 22:00.

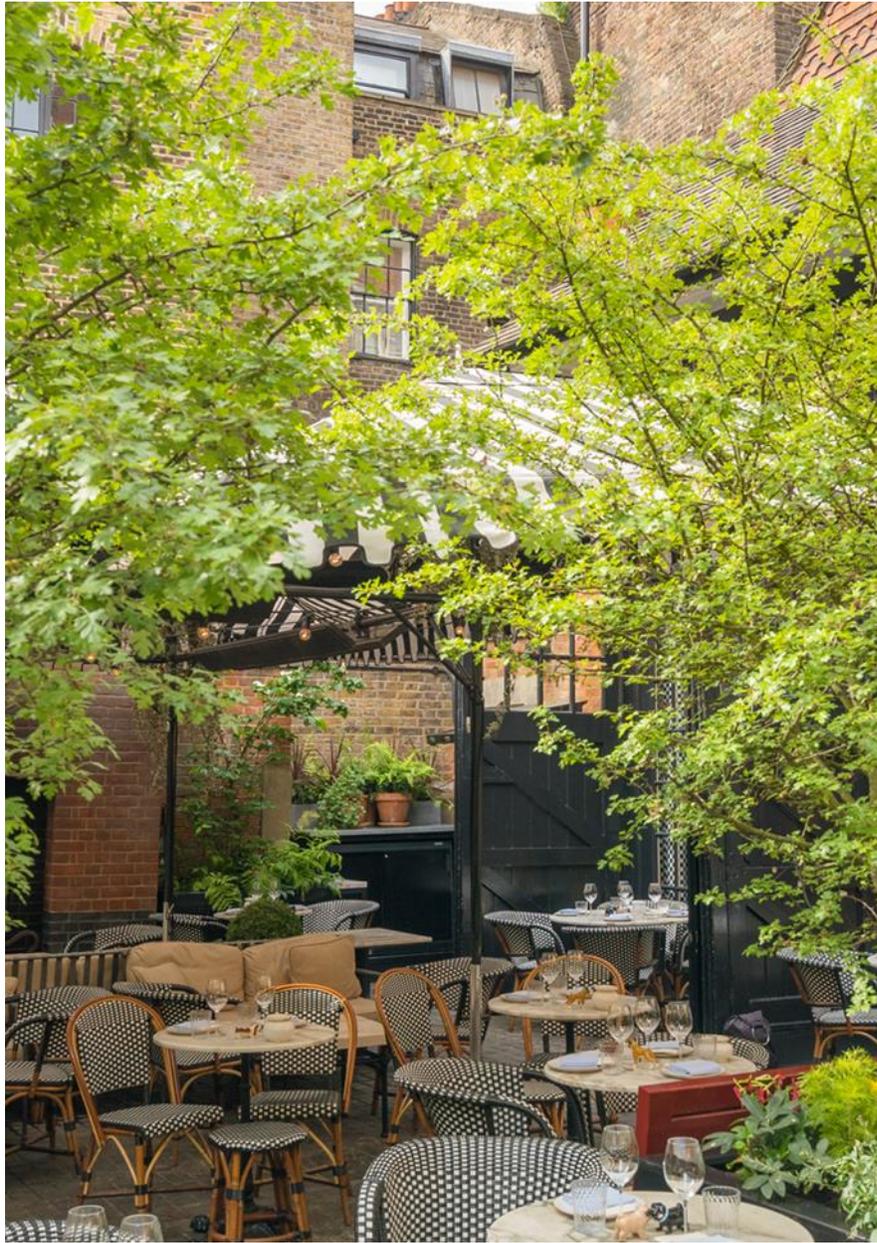
The Business and Planning Act 2020 includes a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including measures which enable businesses to provide outdoor restaurant seating without the need for planning permission. These are temporary arrangements which are due to end on 30 September 2021. Given these provisions, and notwithstanding officers' concerns about the impact of the proposals, it is considered reasonable to grant permission to allow the courtyard to be used until 22:00 hours, but only on a very temporary period until 30 September. However, the proposals are only considered acceptable in the light of the current, very exceptional, circumstances, and permission is unlikely to be forthcoming for any future application to enable the external seating to be used beyond the authorised terminal hour of 21:00 on a permanent basis.

3. LOCATION PLAN



4. PHOTOGRAPHS





## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Object on the grounds that residential amenity will be negatively impacted through an increase in noise and disturbance caused by the extended hours, from both patrons using the courtyard, and from staff clearing up tables, and other noise-generating activities such as the disposal of glass bottles into bottle bins.

### EH CONSULTATION

Object to a terminal hour of 23:00 but consider that a terminal hour of 22:00 is more acceptable.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48;

Total No. of replies: 19

Twelve letters of support, and six letters of objection raising the following matters:

\* This is predominately a residential street in which most other businesses close at 18:00 the current cut-off time is a reasonable compromise.

\*The premises already causes noise, disturbance and aggravation in a quiet residential area. Courtyard noise has been a constant issue, and this, and noise from vehicles at all hours, continues to be a problem for those living opposite and close to the venue. Later courtyard use will create noise at a time when residents, in properties only a few metres distant in some cases, are starting to go to bed, causing stress and potential health issues. There are bedrooms facing both Chiltern Street and Broadstone Place

\* Spill out of late-night activities around the operational hours frequently breach approved licensing hours.

\* The proposal would mean that the external seating (recently increased 100+ tables and chairs in the courtyard, plus the 10 tables and 20+ chairs on Chiltern Street), would be available to customers for an additional 2 hours every day, and crucially into the night-time hours. The hotel already has a significantly increased external seating capacity than previously.

\*Although this is proposed as a temporary amendment, it clearly seeks to set a precedent for an inevitable future application for an extension to outdoor hours

\*Until the applicant can demonstrate sound management within their existing approvals any extension of hours of operation should not be considered.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Chiltern Firehouse, a Grade II listed hotel, is located on the west side of Chiltern Street near the corner of Blandford Street within the Portman Estate Conservation Area.

Planning permission was originally granted for the use of the former fire station as an hotel in April 2009.

The operation of the hotel is subject to a number of conditions including a requirement to close the restaurant doors and windows on Chiltern Street between 20:00 and 08:00 and limiting the al fresco dining area within the courtyard between the hours of 09:00 and 21:00.

### 6.2 Recent Relevant History

Planning permission granted 30 April 2009 for the use of the fire station as a 33 bedroom hotel (Class C1). Construction of new five storey building in yard, glazed rear roof light and single storey rear extension at ground floor level and part, two and three storey rear extensions at first floor level and above and new part basement excavation. Associated internal and external works.

Planning permission granted 19 August 2011 for the use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations.

Planning permission granted 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations;

Planning permission granted 28 March 2017 for Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan (14/11804/FULL).

Permission was granted on 28 April 2000 for the use of the public highway for the placing of 10 tables and 20 chairs in an area measuring 14m x 2.5m between the hours of 09:00 and 20:00, in connection with the existing hotel for a temporary period of one year.

## **7. THE PROPOSAL**

Condition 21 of the current planning permission (ref. 14/08741/FULL) restricts the use of the outside courtyard until 21:00. There is no condition restricting the courtyard capacity. The proposal seeks temporary planning permission to extend the opening hours of the courtyard area by one hour (22:00), Monday to Sunday. The application originally sought to extend the courtyard use until 23.00, for a 12-month period, but was subsequently revised to amend the proposed terminal hours and to limit the temporary period of the extended hours of use until to 30 September 2021.

The applicant argues that the extension of hours is necessary to support the operation of the hotel as the COVID pandemic has created catastrophic problems for the hospitality industry and continues to do so. They advise that the use of the outside areas has increased due to the need for social distancing but that the use of the courtyard is limited by the current hours restriction. In light of this, they have applied to extend the hours of courtyard use which would enable them to increase the use of this area if the inside drinking/dinking spaces have had to close or their use has otherwise been restricted, and this would give them greater flexibility if more rigorous guidelines are imposed. They contend that this flexibility would give them increased certainty with regard to staff retention and, ultimately, the financial viability of the hotel.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

Not applicable to this case.

### **8.2 Townscape and Design**

Not applicable in the determination of this application.

### **8.3 Residential Amenity**

Policies S29 and S32 of the City Plan and ENV 6 of the UDP seek to protect the amenities of the occupiers of neighbouring properties.

S29 of the City Plan states that "The Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment". S32 states that "The Council will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors from noise by requiring development to minimise and contain noise and vibration."

ENV 6 of the UDP states that "The City Council will not permit development that will cause noise disturbance in tranquil areas".

Whilst a number of letters of support have been received, strong objections have also been received from neighbouring residents, and the Marylebone Association, primarily on the grounds the proposal would exacerbate existing problems surrounding general disturbance and noise nuisance late at night as the hotel generates noise which is

audible within neighbouring residential premises. Objectors contend that the hotel is an unreliable neighbour and consider that the proposals would have a material impact on residents' amenity.

It is accepted that the presence of tables and chairs close to residential premises can cause problems in terms of noise nuisance and late-night disturbance and it is clear that the premises have been a source of complaint from local residents. The premises is located in close proximity to a number of residential dwellings, the nearest being the flats directly opposite in Wendover Court. This is a relatively quiet location and it is acknowledged that the extended hours of use of the courtyard will result in an increase in later noise and activity.

The Environmental Services Officer (ESO) objected to the original proposal on the same grounds but is now of the view that the revised terminal hour reduces the risk of disturbance. In response to the ESO's concerns regarding the movement of furniture after 22.00 hours, the applicants have confirmed that there would be no need to move furniture after this time and that any changes to the furniture layouts to meet new Covid restrictions would be undertaken during the day. However, there would be some potential activity associated with clearing of tables after 22.00 when the use of the courtyard ceases.

Objectors have referred to the fact that the hotel has recently added additional tables and chairs in the courtyard, which now has a capacity of over 100. The current permission does not restrict the number of tables and chairs, or the total courtyard capacity, only the hours of its use. The applicant argues that current social distancing requirements would keep the number of patrons within the courtyard lower than at pre-Covid times. The applicant has since confirmed that the current maximum capacity of the area, with social distancing measures in place, is 80, but without social distancing measures, the courtyard can accommodate approximately 100-120 seated people.

Given that the courtyard currently can operate without a restriction on numbers, it is more appropriate in this case to regulate capacities through the Licensing process rather than through the planning system. The licensing process is also likely to explore ways to define and regulate the activities and the ways in which patrons are permitted to use the area so that the risk of public nuisance is reduced. There is a current Licensing Act application being considered at the moment (Ref: 20/11588/LIPV) for the use of the courtyard until 23:00 hours daily, for a temporary period until 1 March 2022. It is due to be considered by the Licensing Sub-Committee on the 17th March 2021.

Whilst the application is supported by a noise report, it refers only to historic background noise levels, rather than calculating anticipated noise levels emanating from the terrace. The report concludes that the recently installed glazed canopy helps to attenuate sound, and that the extension of hours of use would not result in significant adverse effect to residents as long as the activities within the courtyard are effectively managed.

Residents however refer to the fact that courtyard noise has been a constant issue, and the City Council's records show there have been 11 complaints in the last year that specifically refer to noise in the courtyard. Officers consider that it is unlikely that the perimeter glazed cloister would attenuate against 'peak' noises such as laughter, shouting or mobile phones. In this regard, the extended hours of use is likely to impact on the amenity of nearby neighbours and is contrary to the circumstances in which the

use of the courtyard was originally considered acceptable.

However, the Business and Planning Act 2020 includes a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including enabling businesses to provide outdoor restaurant seating without the need for planning permission. These temporary arrangements are due to end on 30 September 2021. Given these provisions, and notwithstanding officers' concerns about the impact of the proposals, it is considered reasonable to grant permission to allow the courtyard to be used until 22:00 hours each day for a temporary period until 30 September. However, the proposals are only considered acceptable in the light of the current, very exceptional, circumstances, and permission is unlikely to be forthcoming for any future application to enable the external seating to be used beyond 21:00 hours on an extended temporary or permanent basis.

#### **8.4 Transportation/Parking**

Not applicable to this application.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

#### **8.6 Access**

Not applicable to this application.

#### **8.7 Other UDP/Westminster Policy Considerations**

The objection relating to pollution from patio heaters has been referred to Environmental Health.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

#### **8.9 Neighbourhood Plans**

None relevant.

#### **8.10 London Plan**

This application raises no strategic issues.

#### **8.11 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.

#### **8.12 Planning Obligations**

The original permission was subject to a legal agreement which secured:

- i) A financial contribution of £377,325 towards public realm works;
- ii) A financial contribution of £194,102 towards the City Council's affordable housing fund;
- iii) The residential uses (and retention of) at 48, 58 and 63 Gloucester Place and 15 to 16 Fitzhardinge Street prior to the occupation of the hotel;
- iv) Retention of the school use at Bryanston Square;
- v) The permanent retention of the use of the hotel function room (free of charge) for local residents' use;
- vi) Public access to the hotel;
- vii) A parking mitigation payment of £9,000.
- viii) A Crossrail contribution of £67,020 as agreed between the applicant and TfL.

Whilst the financial payments have all been paid, a deed of variation to the original agreement will be required to secure the matters set out in iii) to vi) above.

A CIL payment is not liable.

#### **8.13 Environmental Impact Assessment**

Not applicable.

#### **8.14 Other Issues**

None relevant.

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK



**DRAFT DECISION LETTER**

**Address:** 1 Chiltern Street, London, W1U 7PA

**Proposal:** Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; namely minor internal alterations at ground to third floor, alterations to glazing at basement to third floor, raising parapet wall at ground and first floor (south elevation), addition of rooflight at 1st floor, double glazed windows within doors to terrace at 2nd floor, repositioned roof access hatch at fourth floor (roof), flue at roof level within recessed dormers (north west corner), omission of louvered roof grill, window cill dropped to create doors at basement and ground floor'; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period.

**Reference:** 20/07858/FULL

**Plan Nos:** AHA-CS-GA-100

14/11804/FULL  
DA/CS/PL/101 Rev AD

14/08741/FULL  
DA/CS/PL/101 Rev AA, , 12/10521/FULL, DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/10521/FULL  
DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/05388/NMA  
DA-CS-PL-103, DA-CS-PL-101, DA-CS-PL-104, DA-CS-PL-106, DA-CS-PL-107, DA-CS-DM-002, DA-CS-DM-003, DA-CS-DM-006, DA-CS-DM-011, DA-CS-DM-016, DA-CS-DM-018, DA-CS-DM-020, DA-CS-DET-510, DA-CS-DET-527, PE.CF3\_2201, PE.CF3\_2202, PE.CF3\_3105, PE.CF3\_3109, PE.CF3\_3110, 17196-ST-005, 17196-ST-010, 17196-ST-011, 17196-ST-012, 17196-ST-020, 17196-ST-021, 17196-ST-022, 17196-ST-030, 17196-ST-031, 17196-ST-032, 17196-ST-033, 17196-ST-034, 17196-ST-035, 17196-ST-040, 17196-ST-041, 17196-ST-050, 17196-ST-051, 17196-ST-060, 17196-ST-061, 17196-ST-062, 17196-ST-065, 17196-ST-070, 17196-ST-080, 17196-ST-081, 17196-ST-082, 17196-ST-083, 17196-ST-084, 17196-ST-085, 17196-ST-086, 17196-ST-090, 17196-ST-099, 17196-ST-100, 17196-ST-101, 17196-ST-102, 17196-ST-103, 17196-ST-109, 17196-ST-110, 17196-ST-112, 17196-ST-120, 17196-ST-121, 17196-ST-130, 17196-ST-131, 17196-ST-140, 17196-ST-141, 17196-ST-150, 17196-ST-151,

17196-ST-160, 17196-ST-161, 17196-ST-165, 17196-ST-170, 17196-ST-171,  
17196-ST-172, 17196-ST-173, 17196-ST-174, 17196-ST-180, 17196-ST-185,  
17196-ST-186,

11/09264/NMA

101-O, 103-J, 104-L, 105-L, 106-K, 107-J, 108-G, 109-D, 111-F, 113-H, 114-J, 115-F,  
116-E, 117-G, 118-E

10/10324/FULL

DA/CS/PL/100, 100.1A, 101F, 103F, 104F, 105E, 106E, 107D, 108C, 109C, 111D,  
113E, 114F, 115D, 116C, 117D, 118C; DA/CS/DM/002B, 003A, 004A, 005A, 006A,  
007A, 008A, 009A, 011A, 013A, 014B, 015B, 016A, 017A, 018A, 019A, 020A;  
DA/CS/EX 003, 002, 004, 005, 006, 008, 009, 011, 013, 014, 015, 016, 019;  
External Noise Assessment dated November 2010; Structural Engineering Report  
dated 15 November 2010 (FOR INFORMATION ONLY).

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641  
07866040238

### 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 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6

of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 You must carry out the work in accordance with the details approved under 12/11691/ADFULL approved on 20.12.2012, 11/09854/ADFULL approved on 28.11.2011 and 11/11918/ADFULL approved on 21.8.2012 or in accordance with alternative details to be approved by the City Council.

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 carry out the work in accordance with the samples approved under 11/11116/ADFULL or in accordance with alternative samples to be approved by the City Council.

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011 or in accordance with an alternative sample panel of brickwork to be approved by the City Council.

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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 8 Non resident hotel guests shall not be allowed access to or to remain on the premises within the hotel restaurant and function room except between the hours of 07.00 and 24.00

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 (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 9 You must carry out the measures included in your management plan dated 25 November 2016 at all times that the hotel is in use. (C05KA)

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 (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 You must install the ventilation measures approved under RN 11/11148/ADFULL prior to the occupation of the hotel. You must not change it without our permission.

Reason:

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

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted,

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

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 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. (R48AA)

- 13 You must operate the plant/machinery in accordance with the supplemental noise report approved under RN 14/00780/ADFULL at all times that the plant is in use.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number DA/CS/PL/103 revision S. You must clearly mark them and make them available at all times to everyone using the hotel. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 15 You must maintain the acoustic measures according to the works approved under RN 11/08504/ADFULL.

Reason:

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

- 16 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 CS40 of our Core Strategy that we adopted in January 2011 and in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 17 All servicing must take place between 08:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building

Reason:

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

- 18 You must carry out the measures in your Servicing Management Plan approved under RN 13/11973/ADFULL at all times that the hotel is in use.

Reason:

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway as set out in CS41 of our Core Strategy that we adopted in January 2011 and in Policy TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 19 You must hang all doors or gates so that they do not open over or across the road or pavement, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

- 20 All restaurant windows/doors on the Chiltern Street frontage shall be closed between 2000 hours each day and 0800 hours the following morning.

Reason:

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

- 21 The courtyard area can only be used for outside dining/drinking between 09:00 hours and 22:00 each day for a temporary period ending 30 September 2021. Thereafter, the

courtyard area may only be used for outside dining/drinking between the hours of 09:00 and 21:00 each day.

Reason:

In response to the recent COVID-19 outbreak, the City Council has resolved to grant this application for extended hours for outside dining/drinking for a temporary period in order to allow the Chiltern Firehouse to be COVID-19 secure whilst protecting as many hospitality jobs as possible. We cannot grant permanent permission as the extended hours for the use of the courtyard is considered to be detrimental to the amenity of neighbouring residents as set down in ENV 6 and ENV 11 of our Unitary Development Plan that we adopted in January 2007 and policies S29 and S32; of Westminster's City Plan (November 2016). For this reason, permission is only granted for a temporary period.

- 22 You must carry out the measures in your Travel Plan approved under 13.11973/ADFULL at all times that the hotel is in use.

Reason:

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

- 23 You must not allow more than 250 customers in the front of house areas at any one time.

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 (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 24 The existing firestation lantern and the firestation sign at second floor level on the Chiltern Street frontage shall be retained in situ unless otherwise agreed in writing with the Local Planning Authority.

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 (November 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)

- 25 The plant area at basement level shall be reserved for plant only and not be used for any front of house activities.

## Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 26 Public access/egress (for guests and non-resident patrons) shall only be through the courtyard entrance on Chiltern Street and the three entrances on Broadstone Place as respectively marked hotel entrance and secondary hotel entrance(s) on Plan no DA/CS/PL 101 (Rev AD). The door leading from the kitchen area onto Chiltern Street shall be for means of escape only.

## Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 27 The operation of the premises for hotel purposes shall only take place in accordance with the parking bays as replaced on Broadstone Place.

## Reason:

To provide parking spaces for people using the development as set out in CS 41 of our Core Strategy that we adopted in January 2011 and Policies STRA 25, TRANS 21 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 28 All existing original windows shall be retained in situ in the listed building. Double glazed windows shall not be installed within the listed building.

## 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 (November 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)

- 29 You must not use the first floor roof (marked as terraced area on your drawing no. DA/CS/PL 104 Rev P) for sitting out or hotel guest use, unless we have given our approval beforehand. You can however use the roof for maintenance or means of escape purposes.

## 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 30 No music or amplified sound played within the restaurant shall be audible outside the premises at any time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011(as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) a and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must only use the area shown as restaurant on the ground floor plan DA/CS/PL/101 AD as a sit-down restaurant with waiter service. You must not use any part of the restaurant as a bar or bar area, or for any other purposes, including any other within Class E 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:

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 (November 2016) and TACE TACE9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 retention of the residential uses at 48, 58 and 63 Gloucester Place, 15-16 Fitzhardinge Street and the school use at 48 Bryanston Square; to secure public access to the hotel and the permanent retention of the use of the hotel function room (free of charge) for local residents' use.

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.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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