

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 January 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	27 and 28 Curzon Street and 18 Market Mews, London W1J 7TJ		
Proposal	Erection of new and replacement rear second floor structures to enclose enlarged terrace for use in association with casino (<i>Sui Generis</i>), installation of replacement plant at main roof level, installation of replacement canopy at front ground floor level and removal of timber screens from roof level. Internal alterations.		
Agent	Daniel Rinsler & Co.		
On behalf of	Crown Aspinalls		
Registered Number	15/07744/FULL and 15/07745/LBC	Date amended/ completed	21 August 2015
Date Application Received	20 August 2015		
Historic Building Grade	Grade II (No. 28 Curzon Street)		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant condition permission and listed building consent.
2. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The application site comprises a Grade II listed Georgian townhouse (c. 1710) (No. 28 Curzon Street) and two unlisted buildings (No. 27 Curzon Street and No. 18 Market Mews). The site is located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). The site is not located within a Stress Area. The entirety of the site is in use as a casino (*sui generis*).

Permission is sought to erect a replacement smoking enclosure at rear second floor level of No. 27 Curzon Street and to erect a new smoking shelter covering a new terrace at rear second floor level of No. 28 Curzon Street. These terraces are proposed to be used for gaming

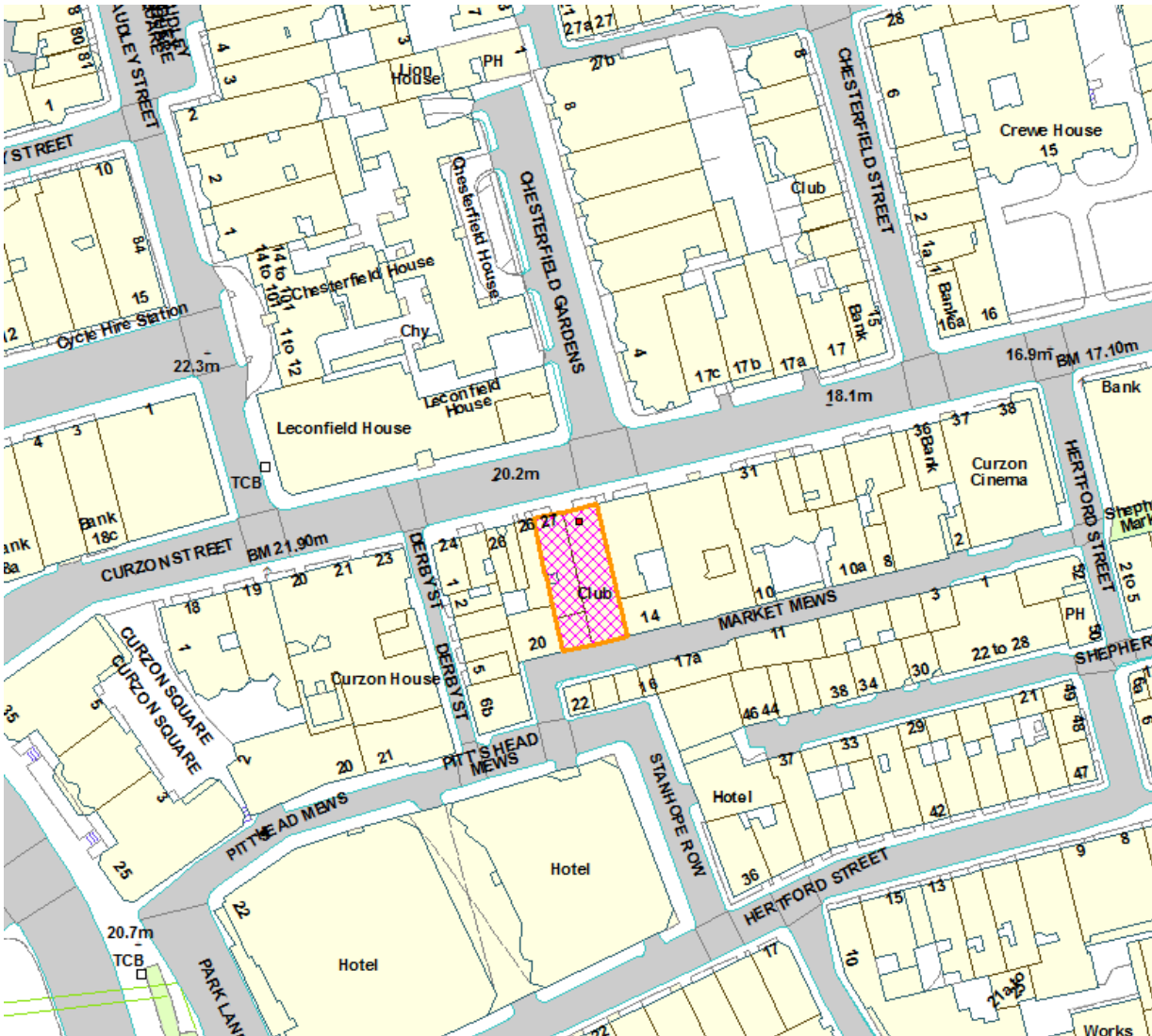
24 hours a day. Replacement plant at roof level and a number of internal alterations are proposed to No. 28 Curzon Street. Finally, a replacement entrance canopy is proposed to No. 27 Curzon Street.

The key issues for consideration are:

- The impact of the proposed internal and external alterations on the special interest of No. 28 Curzon Street.
- The impact of the proposed external alterations on the character and appearance of the Mayfair Conservation Area.
- The impact of the proposed terraces on the amenity of the occupants of the adjoining residential properties in terms of daylight / sunlight, noise, disturbance and overlooking.
- The impact of the proposed plant on the amenity of the occupants of the adjoining residential properties in terms of noise.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the special interest of No. 28 Curzon Street. For these reasons it is recommended that conditional planning permission and conditional listed building consent be granted.

LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

3. PHOTOGRAPHS



4. CONSULTATIONS

Residents Society of Mayfair & St. James's:

- No objection.

Historic England:

- Authorisation provided for the City Council to determine the application for listed building consent as it sees fit.

Ancient Monuments Society:

- Any response to be reported verbally.

Council for British Archaeology:

- No objection in principle but some concern raised about the 'smoothing out' of the floor levels at first floor and major concerns about the detailing of increased opening at ground floor level and the principal openings at ground and first floor levels.

The Georgian Group:

- Any response to be reported verbally.

Society for the Protection of Ancient Buildings:

- Any response to be reported verbally.

Twentieth Century Society:

- Any response to be reported verbally.

The Victorian Society:

- Any response to be reported verbally.

Environmental Health:

- No objection

Adjoining Owners/Occupiers And Other Representations Received:

- No. Consulted: 141
- Total No. of replies: 0
- No. of objections: 0
- No. in support: 0

Press advertisement / site notice: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application site comprises Nos. 27 and 28 Curzon Street and No. 18 Market Mews. No. 28 Curzon Street is Grade II listed whilst the other buildings are unlisted. The site is located within the Core Central Activities Zone (Core CAZ) and the Mayfair Conservation Area. The site is not located within a Stress Area. The entirety of the site is in use as a casino (*sui generis*).

The rear second floor terrace to No. 27 Curzon Street is currently enclosed by a metal-framed awning that provides an outdoor gaming area for users of the casino.

The nearest residential properties are immediately to the west (No. 20 Market Mews and No. 26 Curzon Street) and east (No. 14 Market Mews) and directly opposite the rear of the site on the south side of Market Mews (Nos. 16, 18, 20 and 22 Stanhope Row).

5.2 Recent Relevant History

Permission (Ref: 89/6642/FULL) was granted on 22 February 1990 to use No. 28 Curzon Street as a casino. No condition controlling the hours of operation was imposed.

Permission (Ref: 96/3958/FULL) was granted on 19 September 1996 to use No. 27 Curzon Street as an extension to the existing gaming club at No. 28 Curzon Street and to create a dining terrace at rear second floor level. Condition 4 of this planning permission restricted the opening hours of the casino to between midday and 04.00 the following morning. Condition 5 allowed the use of the terrace from midday to 23.00. An application (Ref: 97/01726/FULL) to make variations to this permission was granted on 7 May 1997. Conditions 4 and 5 were re-imposed.

Permission and consent (Refs: 06/09820/FULL and 06/09821/LBC) were granted on 31 January 2007 to install a trellis screen on the parapet wall and two new chiller units at rear second floor flat roof level with associated air ducts and pipework to No. 28 Curzon Street.

Permission and consent (Refs: 07/06026/FULL and 07/06027/LBC) were refused on 3 September 2007 for, *inter alia*, the erection of glazed canopy over around half of the rear second floor roof of No. 27 Curzon Street and over a small part of the rear second floor roof of No. 28 Curzon Street on the grounds that the canopy's high-level location, projection and detailed design would be harmful to the special interest of the listed building and the character and appearance of the Mayfair Conservation Area.

Permission (Ref: 07/09664/FULL) was refused on 17 January 2008 for external alterations in connection with erection of a glazed canopy over around one-third of roof terrace at rear second floor level of No. 27 Curzon Street on the ground that the canopy would result in an increase in use of the terrace and a consequent detrimental impact on the amenity of nearby residents, contrary to UDP Policy ENV 6. An appeal (Ref: A/08/2070184/NWF) against this decision was allowed on 7 November 2008. The Inspector found that smokers could use the second floor terrace regardless of the weather and that he did not believe that, in this mixed-use area, the provision of a modest canopy would be likely to lead to such a significant increase in the use of this terrace to harm the amenity of neighbouring residential occupiers in terms of noise and general disturbance. The inspector added that the operating hours of the rear terrace was, in any event, limited to between midday and 23.00 and this would remain unchanged by the proposed canopy.

A lawful development certificate (Ref: 08/04964/CLEUD) was issued on 19 August 2008 confirming that Condition 5 of the 1997 permission had been breached for a continuous period of ten years. A planning application (Ref: 10/00871/FULL) was granted on 8 April 2010 to delete Condition 5. The result is that this terrace can be used 24 hours a day.

Permission (Ref: 08/03128/FULL) was granted on 18 September 2008 to vary Condition 4 of the 1997 permission to allow the casino within No. 27 to open between midday and 06.00. Permission (Ref: 09/06737/FULL) was subsequently granted on 15 October 2009 for the deletion of Condition 4. The result is that the entire casino use can now operate 24 hours a day.

In 2010 and without planning permission being granted, the existing steel framed canopy and associated wooden screening and planters on the second floor rear terrace of No. 27 Curzon Street were erected. A lawful development certificate (Ref: 14/04868/CLEUD) was issued on 16 July 2014 confirming that this structure is lawful through being immune from enforcement action by virtue of the time limit for taking enforcement action having expired (four years).

6. THE PROPOSAL

The existing metal-framed awning at rear second floor level of No. 27 Curzon Street is proposed to be removed and two glazed structures erected at rear second floor levels of Nos. 27 and 28 Curzon Street to enclose two terraces. These terraces are proposed to be used as two large private gaming salons with dedicated facilities. Masonry walls are proposed to enclose the terraces to the east and west and perforated moveable screens are proposed to enclose the terraces to the rear (south) and separate the terraces from each other. Set 1.0m away from the rear screens, a 2.4m tall glazed screen with vertical slate fins is proposed in an attempt to provide protection for the gamers from the wind.

These two structures are intended to be used by gamers who wish to smoke whilst they gamble. They are proposed to be used 24 hours a day. The design of the structures is intended to comply with the Health Act (2006) that prohibits smoking in places of work that are enclosed or substantially enclosed. In order to not fall with the Act's definition of 'substantially enclosed', the screens proposed are made from perforated metal so that no more than half of the area of the perimeter walls is retained permanently open.

The trellis screens at rear roof level of No. 28 Curzon Street are proposed to be removed and replacement plant installed at roof level.

A canvas canopy above the front entrance of No. 27 Curzon Street is proposed to be replaced with a wrought iron canopy with central lantern to match the canopy at No. 28 Curzon Street.

Listed building consent is also sought to make a number of internal alterations to No. 28 Curzon Street, including works to amalgamate the two rear ground floor rooms and to demolish the rear first floor pair of canted bays in order to create a large first floor rear room.

7. DETAILED CONSIDERATIONS

7.1 Land Use and Residential Amenity

The proposed outdoor terraces will provide the casino with additional capacity. As such, the increase in floorspace should be assessed against the City Council's entertainment policies. The proposed new terrace to the rear of No. 28 Curzon Street will provide an additional 60 sq.m (GIA) of casino floorspace, increasing the floorspace of the casino from 1,742 sq.m (GIA) to 1,803 sq.m (GIA). As the resulting floorspace exceeds 500 sq.m the relevant policy is UDP Policy TACE 10 which states that permission will be granted for such proposals only in exceptional circumstances. The policy goes on to state that, where permission is granted, the City Council will (where necessary and appropriate) impose conditions to control the proposed use in a number of ways.

As set out in Section 5.2 above, as a result of breaches in planning control not being enforced against, the City Council has accepted that the second floor rear terrace of No. 27 Curzon Street can be used 24 hours a day and the steel framed canopy covering this terrace is now lawful. The result is that this terrace can be used 24 hours a day, in inclement weather and without any control by the City Council.

Despite the City Council's lack of control over the use of the rear second floor terrace of No. 27 Curzon Street, erecting a structure over the rear second floor roof of No. 28 Curzon Street would double the area that can be used for gaming. This 24 hours use clearly has the potential to cause a material loss of amenity for local

residents in the form of overlooking, noise and disturbance, contrary to UDP Policy ENV 13 and City Plan Policy S29. This is particularly the case given that the nearest residential properties are immediately to the west (No. 20 Market Mews), immediately to the east (No. 14 Market Mews) and directly opposite the rear of the site on the south side of Market Mews (Nos. 16, 18, 20 and 22 Stanhope Place).

The existing terrace to the rear of No. 27 Curzon Street has operated in all weathers and over a 24 hour period since 2010 without complaints being raised by neighbours. The terrace accommodates three gaming tables that allow up to ten customers to play at any one time, plus seating for up to six. The applicant advises that this terrace typically accommodates between 0 – four customers at any one time, rising to between five and ten once per calendar month and accommodating up to 12 twice a year. The applicant advises that the proposed terrace to the rear of No. 28 Curzon Street will accommodate similar numbers of customers.

In support of the application, the applicant has submitted an acoustic report that sets out noise measurements taken from the existing terrace to the rear of No. 27 Curzon Street and uses this data to predict the noise impact from the proposed terraces. This acoustic report has been examined by the City Council's Environmental Health Team who has advised that, subject to the 2.4m tall glazed screen to the rear of the proposed terraces being installed, the noise from the proposed terraces is likely to be 15dB below the background noise level at all of the surrounding residential properties. The City Council's policies state that tonal noise that is 15dB below the background noise level will not have a harmful impact upon residential amenity. As a result, the City Council's Environmental Health Team advises that there is likely to be no significant adverse impact from the proposed terraces and, as such, raises no objection to the proposal from an environmental noise perspective.

In addition, in order to ensure that the combined use of the two terraces does not have a materially greater amenity impact than this existing terrace, the applicant has suggested that conditions be imposed securing the following:

- No more than 12 customers can occupy either individual terrace at any one time and no more than ten customers can occupy each individual terrace when both are in use.
- No live or recorded music can be played on the terraces at any time and all TV screens and monitors must be muted at all times.

The applicant advises that, as these terraces are proposed to be used for VIP patrons, it is likely that for the majority of the time the numbers of customers on the terraces will be well below these maximum figures.

Casinos are generally well managed and highly controlled environments (as recognised with UDP Paragraph 8.85). The proposed terraces are to be used for gaming that, in this type of establishment, requires a calm and quiet atmosphere.

This is evident in the lack of complaints in respect to the existing terrace to the rear of No. 27 Curzon Street. Were the terrace to be used in association with another entertainments use, the terraces would not be acceptable in amenity terms.

Importantly, the new structures offer the opportunity for the City Council to imposed control over the use of the two terraces where there currently is no control over the terrace to the rear of No. 27 Curzon Street. Subject to conditions controlling the maximum number of customers and prohibiting any music / TVs being played, it is considered that the 24 hour use of these two terraces in associated with the casino will not cause an unacceptable increase in noise and disturbance for the adjoining residential properties.

In terms of overlooking, a combination of the nature of the proposed use and the wind screens with vertical slate louvres that will mitigate any overlooking, it is considered that the two terraces will not cause a material increase in overlooking to the residential properties on the south side of Market Mews.

Given the above, it is considered that exceptional circumstances exist for the purpose of UDP Policy TACE 10 to allow this extension to this entertainment use on overlooking, noise and disturbance terms.

7.2 Townscape and Design

The application includes a thorough study of the history of the buildings. Both have been altered significantly over the years. No. 28 was altered and extended in the 1920s. Many of the internal features of No. 28 are Georgian in style but not in origin; much appears to date to the 1990s. Both buildings make a positive contribution to the character and appearance of the Mayfair Conservation Area.

External alterations

The main changes are at the rear of the buildings, above the mews buildings. Here a smoking enclosure on No. 27 is replaced with a new flat roofed, semi- open structure, which extends onto No. 28, replacing unsightly plant. The structure is set back from the mews to reduce its visibility, and its main impact is on the view from the junction of Market Mews and Pitt's Head Mews. It is also visible obliquely from the east from Market Mews. The use of the slate fins seeks to give it a neutral, roof-like appearance. At the main roof level there is a large amount of plant, which appears to be unauthorised. This will be replaced and rationalised to reduce its visual impact. This is beneficial.

The front facades of the buildings remain unaltered, except for the entrances. The large canvas canopy on No. 27 will be removed and replaced by a traditional metal and glass structure, similar to those in Curzon Street. A similar structure is proposed for No. 28. Details of the alterations to the entrances should be controlled by condition.

Internal alterations

The main changes to the interior of the listed building are at the rear, and do not affect historic rooms. These rooms are almost entirely twentieth century in origin. The canted bays on the rear façade are from this period. The works include opening up to create larger spaces, but nibs and downstands will be retained to leave an indication of historic plan form. It is considered that, given the extent of alteration which has taken place in the past, the proposals will not harm the special architectural and historic interest of the interior.

Overall, any harm caused by the rear extensions is outweighed by the benefits of tidying up the existing plant at the rear and on the roof, and the scheme is considered acceptable.

7.3 Amenity

7.3.1 Sunlight and Daylight

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents.

Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek, mainly, to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms), whilst bedrooms are protected to a lesser extent.

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows within 90 degrees of due south of the proposed extension need to be tested.

The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed extension on all affected residential windows in the vicinity of the site.

The assessment finds that the modest increase in the height and bulk of the rear extension will have a negligible impact upon the daylight levels received at the properties immediately opposite the rear of the site (Nos. 18, 20 and 22 Stanhope Row), with VSC losses of up to 16% (i.e. below the 20% threshold above which such losses are perceptible by the occupants of these properties). The losses to the north-facing windows of No. 14 Market Mews also do not exceed the 20% threshold, with the most effected by the nearest window to the proposed terrace at No. 28 Curzon Street which is predicted to experience a 20% loss in VSC. The losses in VSC to the south facing windows of No. 26 Curzon Street are also small, with losses between 3% - 5%.

Only the two rear windows of No. 26 Curzon Street face within 90 degrees of due south and therefore only these windows needs to be assessed in terms of the impact of the proposed development on the amount of sunlight received. Whilst there are some small losses over the year, as these windows are at second floor level and face almost due south, they are still predicted to receive 36% and 50% of the annual probable sunlight hours. This is well above the 25% threshold below which the guidance requires any losses to be limited to 20%. There is expected to be no change in the amount of winter sunlight to these windows.

The submitted daylight and sunlight report demonstrates that the impact of the proposed development upon neighbouring residential properties in terms of daylight and sunlight is fully compliant with the guidance within the BRE Guide (2011) and therefore will not see a material loss of amenity

7.3.2 Noise

The existing plant at rear second floor level of No. 28 Curzon Street is proposed to be removed and replacement plant installed at main roof level. This plant will operate on a 24 hour basis. The plant has not yet been specified but an acoustic report submitted that assesses the background noise level and sets design criteria for the plant's adherence. A condition is recommended to be imposed requiring the submission of a supplementary acoustic report prior to the installation of the replacement plant demonstrating that it will comply with the criteria with UDP Policy ENV 7 (i.e. 10 dB below the lowest background noise level if the plant is not tonal or 15 dB below the lowest background noise level if the plant is tonal). Environmental Health has no objection to the proposal subject to the imposition of such a condition.

7.4 Transportation/Parking

The modest increase in the size of the casino is unlikely to have a material impact upon its transportation impact.

7.5 Economic Considerations

Any economic benefits from the modest increase in the size of the casino are welcome.

7.6 Access

The current access to the property remains unchanged as a result of the proposed development. Internally, a number of changes are proposed that will enhance wheelchair access around the casino.

7.7 Other UDP/Westminster Policy Considerations

None of particular relevance.

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

The scheme does not generate any requirements for planning obligations.

7.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

7.12 Other Issues

None of particular relevance.

8. BACKGROUND PAPERS

1. Application form
2. Online response from Residents Society of Mayfair & St. James's dated 28

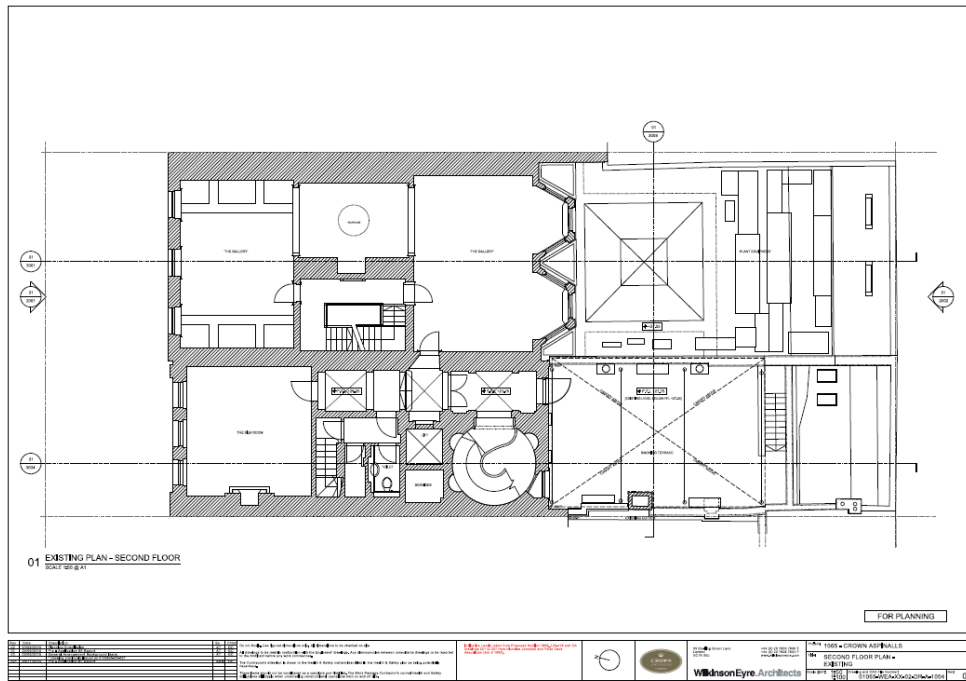
September 2015.

3. Letter from Historic England dated 30 September 2015.
4. E-mail from the Council for British Archaeology dated 14 October 2015.
5. Response from Environmental Health dated 17 December 2015.

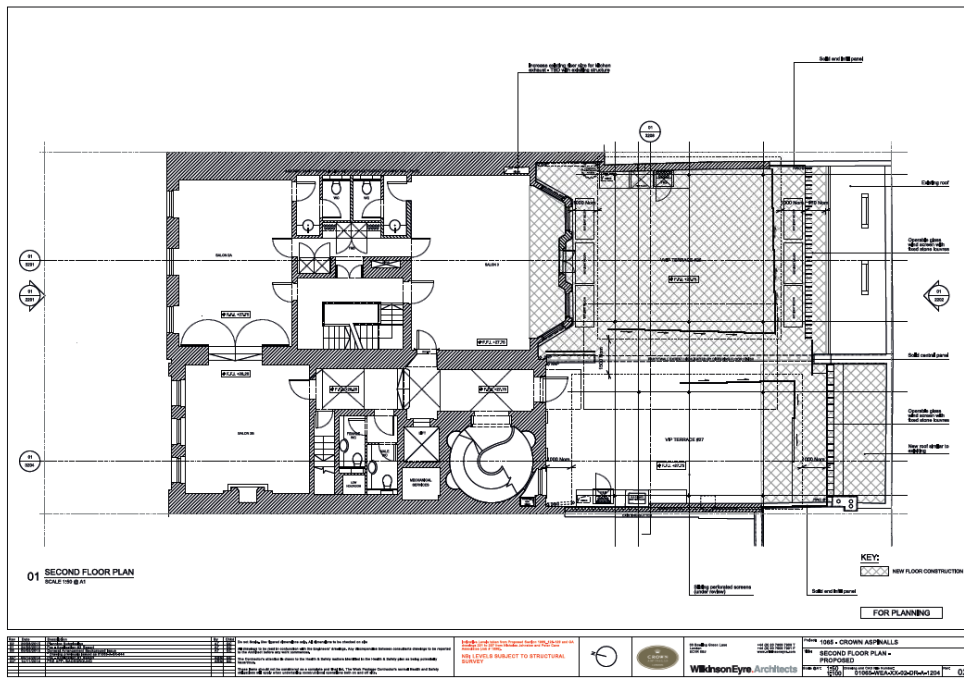
Selected relevant drawings

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

9. KEY DRAWINGS



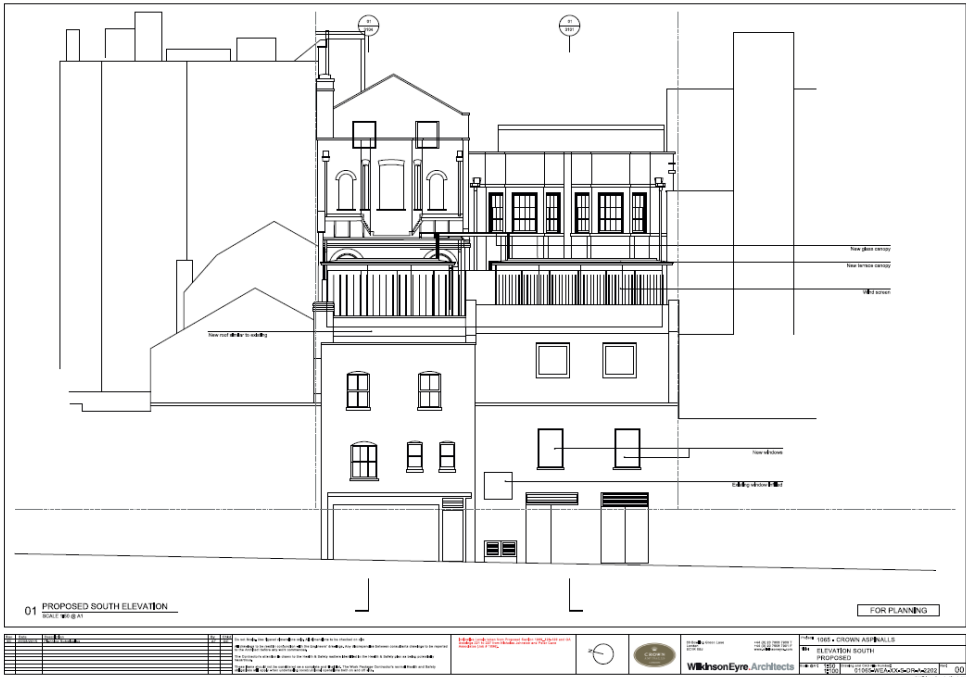
Existing second floor



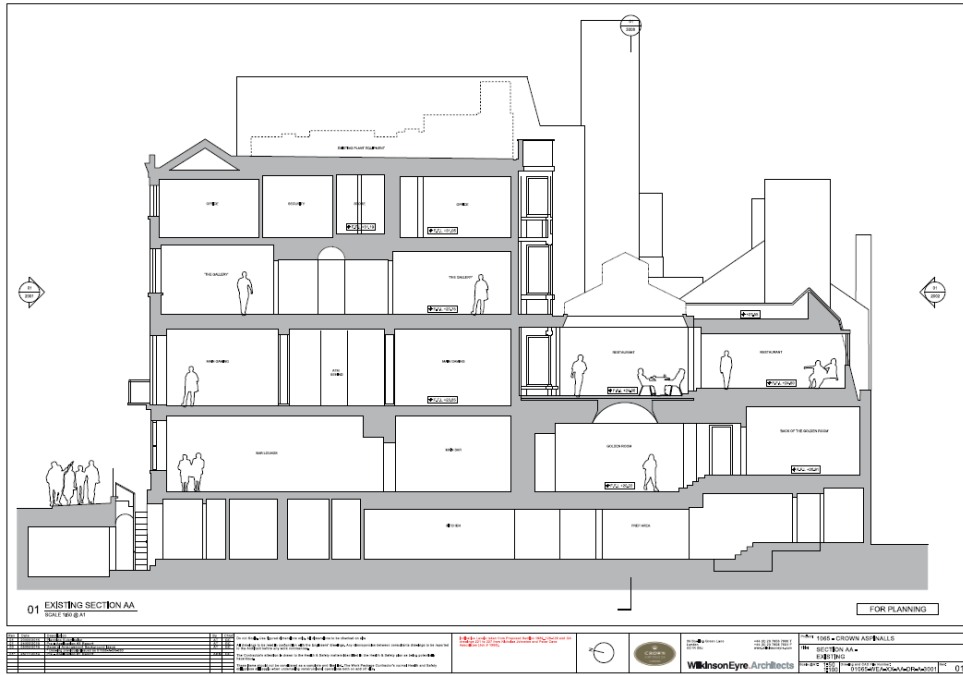
Proposed second floor plan.



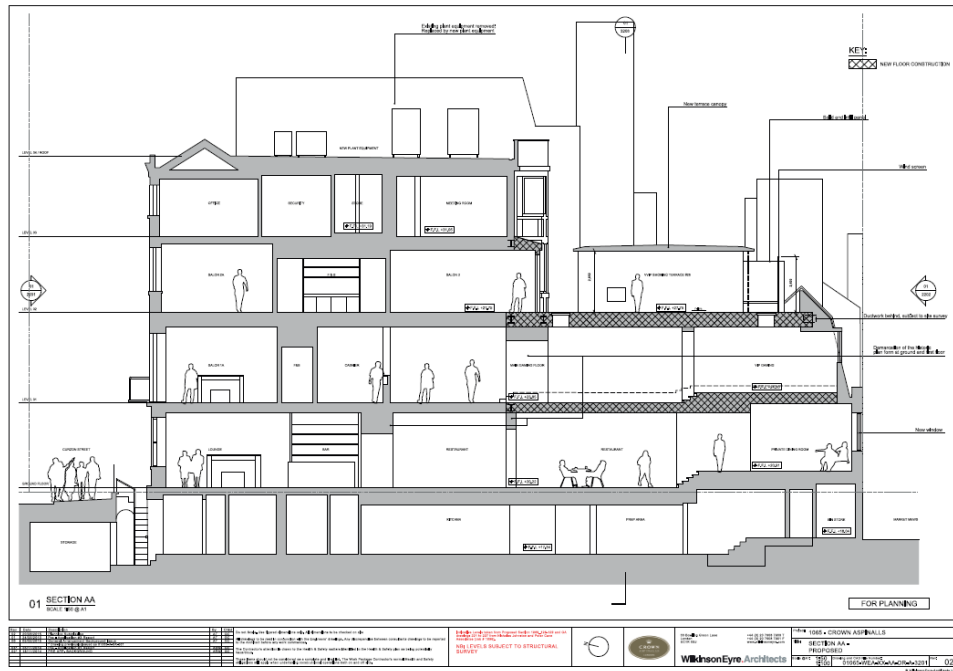
Existing rear elevation



Proposed rear elevation



Existing section through No. 28 Curzon Street (front-to-back).



Proposed section through No. 28 Curzon Street (front-to-back).

DRAFT DECISION LETTER (15/07744/FULL)

Address: 28 Curzon Street, London, W1J 7TJ,

Proposal: Erection of new and replacement rear second floor structures to enclose enlarged terrace for use in association with casino (Sui Generis), installation of replacement plant at main roof level, installation of replacement canopy at front ground floor level and removal of timber screens from roof level. Internal alterations.

Plan Nos: 01065-WEA-XX-B1-DR-A-1201 Rev. 02, 1202 Rev. 02, 1203 Rev. 02, 1204 Rev. 02, 1205 Rev. 02, 1206 Rev. 02, 1207 Rev. 02, 2201, 2202, 3201 Rev. 02, 3204 Rev. 02 and 3208 Rev. 01; 01065-WEA-XX-B1-DR-A-1101, 01065-WEA-XX-GF-DR-A-1202, 01065-WEA-XX-01-DR-A-1103, 01065-WEA-XX-02-DR-A-1104, 01065-WEA-XX-03-DR-A-1105, 01065-WEA-XX-04-DR-A-1106, 01065-WEA-XX-N-DR-A-2101, 01065-WEA-XX-S-DR-A-2102, 01065-WEA-XX-AA-DR-A-3101, 01065-WEA-XX-DD-DR-A-3104 and 01065-WEA-XX-HH-DR-A-3108.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not allow more than:

- 12 customers on either rear second floor terrace at any one time when a single terrace is

in use; or

- Ten customers on each rear second floor terrace when both terraces are in use simultaneously.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 4 You must not play live or recorded music on either of the rear second floor terraces at any time. All equipment on the rear second floor terraces, including television screens and monitors, must be muted at all times.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery

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

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

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 7 The glass wind screen with fixed slate louvres hereby approved at rear second floor level shall be installed in full and retained in situ for as long as rear second floor terraces are in

situ.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 10 The works to the roof level hereby approved shall be carried out and completed in their entirety within three months of the commencement of works to install the structures at rear second floor level.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must apply to us for approval of detailed drawings of the alterations to the Curzon Street entrances, including the following alteration to the scheme.

Only one canopy shall be provided at the front (Curzon Street) entrance (either 27 or 28), and not one on each building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

It is considered that two canopies would be detrimental to the appearance of these buildings and the character and appearance of the Mayfair Conservation Area.

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

1. New structures at the rear
2. All roof level plant

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

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

- 2 Conditions 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 3 This permission in no way obviates the requirement for the rear structures to comply with the Health Act (2006) that prohibits smoking in places of work that are enclosed or substantially enclosed. Advice from the City Council's Environmental Health Team should be sought on this issue.

DRAFT DECISION LETTER (15/07745/LBC)

Address: 28 Curzon Street, London, W1J 7TJ,

Proposal: Erection of structure to enclose flat roof at rear second floor level, installation of replacement plant at main roof level, installation of replacement canopy at front ground floor level and removal of timber screens from roof level. Internal alterations.

Plan Nos: 01065-WEA-XX-B1-DR-A-1201 Rev. 02, 1202 Rev. 02, 1203 Rev. 02, 1204 Rev. 02, 1205 Rev. 02, 1206 Rev. 02, 1207 Rev. 02, 2201, 2202, 3201 Rev. 02, 3204 Rev. 02 and 3208 Rev. 01; 01065-WEA-XX-B1-DR-A-1101, 01065-WEA-XX-GF-DR-A-1202, 01065-WEA-XX-01-DR-A-1103, 01065-WEA-XX-02-DR-A-1104, 01065-WEA-XX-03-DR-A-1105, 01065-WEA-XX-04-DR-A-1106, 01065-WEA-XX-N-DR-A-2101, 01065-WEA-XX-S-DR-A-2102, 01065-WEA-XX-AA-DR-A-3101, 01065-WEA-XX-DD-DR-A-3104 and 01065-WEA-XX-HH-DR-A-3108.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 The works to the roof level plant hereby approved shall be carried out and completed in their entirety within three months of the commencement of works to install the structures at rear second floor level.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of detailed drawings showing the following alteration to the scheme.

Only one canopy shall be provided at the front (Curzon Street) entrance (either 27 or 28), and not one on each building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

It is considered that two canopies would be detrimental to the appearance of these buildings and the character and appearance of the Mayfair Conservation Area.

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

1. New structures at the rear
2. All roof level plant

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:

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

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.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON ON 020 7641 2523 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk