

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	46 Berkeley Square and 46 Hay's Mews, London, W1J 5AT		
Proposal	Use of 46 Berkeley Square as a private members club (sui generis use), with internal and external alterations, including erection of Annabel's canopy to front, together with the demolition of existing mews at 46 Hay's Mews and erection of a replacement four storey building including a two storey basement for the provision of a health club (sui generis use) and associated mechanical plant and landscaping.		
Agent	Bidwells		
On behalf of	The Birley Group		
Registered Number	15/11330/FULL 15/11331/LBC	Date amended/ completed	9 February 2016
Date Application Received	4 December 2015		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

- a) Provision of £1,008,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development);
- b) A minimum of 4 days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days);
- c) 10% discounted membership for local residents of Berkeley Square and Hay's Mews (subject to them meeting the membership criteria in the same way any other member would be required to do);
- d) Scholars able to make appointments to view the building and obtain copies of the heritage report electronically free of charge;
- e) The applicant to apply for listed building consent for the removal of the existing canopy to the basement of Annabel's at 44 Berkeley Square and, subject to consent being granted, removal of that canopy before the erection of the approved canopy to the front of 46 Berkeley Square;
- f) Monitoring costs of the S106 legal agreement.

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

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

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

3. 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 application premises is a vacant office building on the western side of Berkeley Square that is linked at basement level to 46 Hay's Mews at the rear. 46 Berkeley Square is a Grade I listed building; the mews building is not listed. There is an open terrace between the buildings at ground level.

Permission and listed building consent are sought for alterations to the main building, the redevelopment of the mews building and excavation beneath the mews building and terrace to create a second basement level (though not beneath the main building), including a retractable single storey glazed extension within the central courtyard; this is on connection with the use of the main building as a private members club, comprising a new venue for Annabel's club (currently located at 44 Berkeley Square) in the basement and a 'day club' for Annabel's on the upper floors of the main building. The mews building would be used a health club/spa, with separate membership arrangements. However, the whole site would remain interlinked and there is expected to be crossover in membership between the uses.

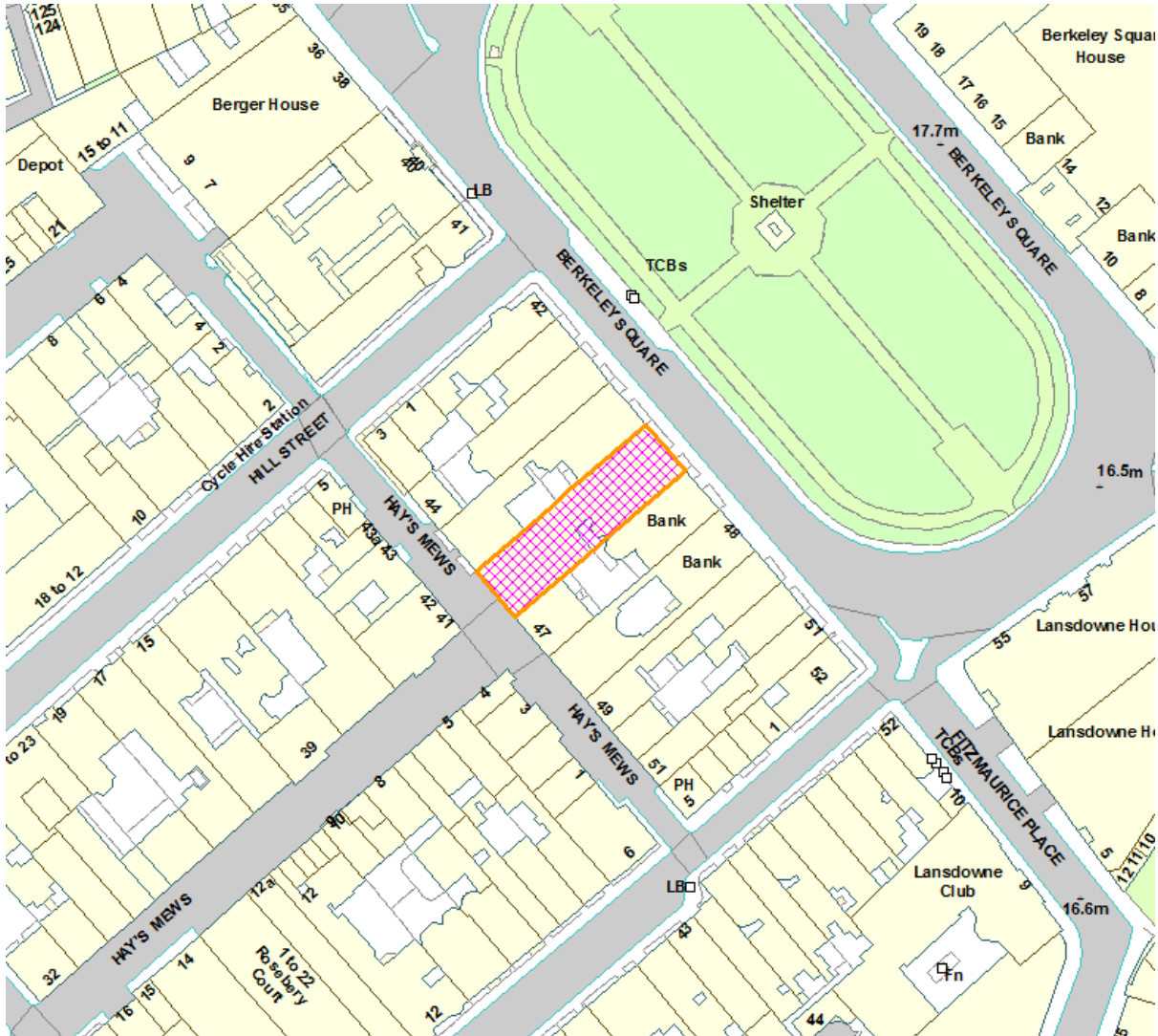
The key issues for consideration are:

- The impact of the proposed uses on the character and function of the area and on residential amenity;
- The impact of the works on the listed building;
- The design of the replacement mews building.

The extensions would result in an increase of 459 sqm in commercial floorspace (total 3,047 sqm). In accordance with the Council's mixed use policies to offset this increase in commercial floorspace, the applicant has offered a policy compliant financial contribution of £1,008,000 towards affordable housing. This will be secured by a S106 legal agreement. Having emphasised the benefits of refurbishing the listed building, the applicant is also offering some limited access for the general public and architectural scholars/academics.

Notwithstanding the objections that have been received, it is considered that subject to appropriate conditions controlling the operation of the proposed uses, that they are acceptable and appropriate for this part of Mayfair. (There have also been a number of representations of support.) The works are considered acceptable and would not detract from the listed buildings. The proposal is considered to comply with relevant policies set out in the adopted Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP), for the reasons set out in the main report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS

Any response to be reported verbally.

HISTORIC ENGLAND

- Have issued Authorisation for the Council to determine the listed building application;
- have no concerns about the demolition and replacement of the mews building;
- comment that the key alterations affecting the listed building relate to enlarged openings between rooms at ground and second floor, which result in some erosion of the historic plan form and loss of historic fabric but conclude that the alterations would result in less than substantial harm;
- recognise that there will be some heritage benefits arising from the scheme in terms of restoration and refurbishment of the property and some increased level of public access;
- on balance, consider the harm caused by the proposed alterations [openings between rooms] would be largely mitigated by the heritage benefits and that the proposed scheme would result in an appropriate viable use and sustainable future for the listed building.

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend no further archaeological requirements/conditions.

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

No objections subject to details including vent and pipework.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Support the application, commenting on the applicant's good record in terms of running their premises in Mayfair and endeavouring to be good neighbours with the residential population.

DESIGN OUT CRIME OFFICER

No specific comments on this proposal.

ENVIRONMENTAL INSPECTORATE

Advise that the size of the development and the type of work does not require environmental monitoring.

ENVIRONMENTAL HEALTH

Initial concerns about potential noise outbreak (particularly from the use of the terrace for dining) and adequacy of the high level kitchen extract subsequently overcome – recommend approval subject to conditions.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Consider the proposals to be acceptable on transportation grounds, subject to securing by condition an updated Servicing Management Plan.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 146; Total No. of replies: 24

No. in support: 18

No. of objections: 6 representations from 4 consultees, raising objections on some or all of the following grounds:

USE

- Questions about the extent of the public benefit/facilities being offered for the local area and the weight that should be afforded it - objection to this being used to offset the impact of the scheme;
- Inappropriate change of use from office to leisure in a predominantly residential road [Hay's Mews] leading to increased activity, noise and disturbance, particularly outside normal office hours;
- Objection to the description of development as an entertainment use given its private nature;

AMENITY

- General adverse physical, community and environmental impacts/short and long term environmental and physical damage that will arise from the execution and subsequent operation of a scheme of this scale
- Unacceptable adverse effect on residential amenity and adjoining commercial occupier
- Intrusive noise and disturbance adversely affect the current ambiance, character and quiet environment
- Particular concerns about noise and disturbance from the all year round outdoor dining on the ground floor terrace/courtyard [particularly affecting residential accommodation in 48 Berkeley Square/48 Hay's Mews and offices in 47 Berkeley Square] – request that the outside areas are not used between 22.00 – 07.00 hours on week days and not at all on Saturdays, Sundays and Bank Holidays;
- Loss of privacy, including overlooking from proposed balcony at rear of the mews building;
- Insufficient detail about certain aspects of the proposals;

- Questions about the efficacy of the measures offered by the applicant in the draft Operational Management Plan to protect the amenity of local residents
- Request for comparable examples of mitigation measures used elsewhere
- If approved, request that appropriate conditions are attached, including a requirement for an annual monitoring report of the Operational Management Plan and a Construction Management Plan.

DESIGN/HISTORIC BUILDING

- The overbearing impact and overall sense of the replacement building at 46 Hay's Mews
- The scheme as a whole will have an adverse effect of the scheme on the character and appearance of the Mayfair Conservation Area,
- In particular, the demolition and construction of the larger replacement building at 46 Hay's Mews is an overdevelopment that will have an overbearing impact and will not preserve or enhance the character and appearance of the Conservation Area
- Adverse effect of the scheme (including internal works) on the setting of 46 Berkeley Square, a Grade I listed building

HIGHWAYS/TRANSPORTATION

- Increased demand for on-street parking with associated congestion
- Increased vehicular and foot traffic in an area already crowded (especially at peak times)
- Worsening of amenity implications from increased servicing

MISCELLANEOUS

- Objection to the scale of the basement excavation [subsequently reduced]
- Disruption during building works
- Request for further details about party wall provisions
- Questions about the proposed use of ornamental shrubs and potential impact on nesting birds
- Request for more information about the proposed combined heat and power (CHP) plant
- Objection to the scheme not providing a connection to a local district heating network

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

46 Berkeley Square is a Grade I listed building that dates from the mid-eighteenth century. It is currently vacant but the lawful use is for office purposes. It comprises basement, ground and three upper floors. It is linked at basement level to 46 Hay's Mews, with a shared courtyard at ground floor level, which formed part of the office accommodation. The mews building is not listed. The site is within the Mayfair Conservation Area and the Core Central Activities Zone but it is not in a Stress Area.

The area is characterised by a variety of uses, including residential, commercial and entertainment-type activities, though Berkeley Square itself is predominantly (though not

exclusively) commercial and Hay's Mews has a greater concentration of residential accommodation.

6.2 Recent Relevant History

There is no relevant planning history concerning the application site. However, it is noted that permission was granted on 7th March 2016 for the use of the adjacent property (45 Berkeley Square) as a private members club (sui generis, 2,276 sqm), with alterations including the erection of a single storey glazed extension within the central courtyard, creation of external terraces at first and third floors, and associated internal alterations. There was not a specific user identified for that proposal and this permission has yet to be implemented.

7. THE PROPOSAL

Full planning permission is sought for the change the use of 46 Berkeley Square from offices (B1 use) to private members club (sui generis use) and the demolition of 46 Hay's Mews and construction of a four storey building with two basement levels (i.e. a replacement basement and one additional basement level) for use as a Health Club and Spa (sui generis use). (NB The original submission was for four basement levels beneath the new mews building but the scheme has been revised to omit two of the proposed basements.) Listed building consent is sought for the internal and external alterations to 46 Berkeley Square.

The proposals involve the establishment of a private members club at the site (comprising the relocated Annabel's and new Annabel's Day Club) and a new Health Club and Spa (both sui generis uses). Annabel's is a fashionable club for exclusive clientele, established in 1963, currently located two doors to the north (44 Berkeley Square). The relocated Annabel's will be contained within the existing basement of 46 Berkeley Square with a similar layout to the existing Club at No. 44. The basement can be accessed separately from Berkeley Square via the stairs from pavement level within the front lightwell. The basement (level -1) will comprise several lounge areas, a bar, dining and a dance floor, along with member toilets, cloakroom and back of house areas. This portion of the Annabel's Club will be for evening dining and dancing.

It is proposed to create Annabel's Day Club on the ground, first, second and third floors of the main house (No. 46 Berkeley Square). The Day Club will comprise of lounge areas, bar and dining rooms and private rooms for meetings and dining, along with associated supporting facilities. The proposals also include the use of the rear portion of the terrace to the rear of the main house for alfresco dining as part of the Annabel's Day Club concept. A retractable glass canopy to protect diners from inclement weather is part of the proposal but, whatever the weather, the intention is that this would extended to enclose the dining terrace at 22.30 hours.

The proposals include the total demolition of 46 Hay's Mews and construction of a replacement four storey building with a replacement basement and one additional basement; this will be used as a member's Health Club and Spa, comprising treatment rooms, private fitness studios, a gym with changing rooms, and a club bar with food offerings.

The table below sets out full details of the proposed uses including floorspace, opening times and covers:

Proposed Gross Floorspace (GEA) (including courtyard dining area)	3,047 sqm (existing = 2,588 sqm)
Capacity of Annabel's (basement)	165 covers
Capacity of Annabel's (ground and upper floors)	282 covers
Capacity of health club	68 covers
Total Capacity of Annabel's – seated - including standing at the bar	515 550
Annabel's basement club proposed hours Monday – Saturday	0700 - 0400
Annabel's Day Club proposed hours Monday – Sunday	0700 - 0400
Health club proposed hours Monday – Sunday	0600 - 2200

The key physical alterations are proposed for the main house:

- Façade cleaning and repair where required, and general refurbishment of the interiors;
- Replacement of CCTV cameras with smaller scale cameras;
- Exterior façade lighting to subtly light the building;
- Opening up an existing bricked up doorway at the rear ground floor of the house;
- Replacing a window with a doorway at basement level at the rear of the house and replacing an existing 20th century skylight;
- An infill extension at rear ground floor level to house a service hoist, installation of two dumbwaiters to rear extension to closet wing at first to third floor, and a single dumbwaiter to ground and basement level;
- Enlarging the existing ground floor opening between the front and rear principal rooms,
- Removal of pine panelling in rear room on second floor and introduction of a new doorway to allow separate access from the hall to the rear two rooms, and opening up of existing opening to create larger front room at second floor level and the introduction of partitioning to create men's toilets and create a room to the front with better proportions;
- The introduction of partitioning to the rear room at second floor to create ladies WCs and kitchen server;
- The insertion of kitchen extract and duct supply at third floor level;
- Excavation of Berkeley Square pavement vaults to create additional head space;
- Replacement of the existing lift and lift shaft and installation of a new service stair;
- Relocating the front canopy to Annabel's from no. 44 to no. 46.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The Council has recently changed its policy approach with regards to the loss of offices within the Core Central Activities Zone (CAZ). A statement from the Deputy Leader on 22

July 2015 redefined what the Council considers to be sustainable development in the context of office losses. The statement by the Council acknowledges the need to safeguard Westminster's role as the most significant business centre in the UK, with the need to meet the borough's considerable housing needs. The new policy approach seeks to redefine what is considered to be sustainable development in the context of the loss of offices. The statement sets out this new policy approach to the loss of offices, in which the loss of offices to residential floorspace within the Core CAZ and on the Named Street would only be considered acceptable where a developer can demonstrate that the benefits of a proposal, taken as a whole, outweigh the loss of the office floorspace.

However, the statement makes it clear that loss of offices will be acceptable where they are to other commercial uses, which is the case here, and therefore this aspect of the proposal is considered to be acceptable.

Proposed Private Members Club and Health Club (sui generis)

The applicant seeks to change the use of the main building to a private members club with a separate health club/spa in the mews building, both constituting a sui generis use. The proposal is not speculative and has a specific operator identified (Annabel's), unlike the recent approval for No. 45. The applicant states that the intention is to provide a club that will offer a very high quality range of facilities befitting of the Grade I listed status of the building, the aim being to embrace the buildings heritage status and make use of the principal rooms for entertaining, as would have been their original purpose. Section 7 sets out the details of the proposal.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. Given the size of the development, it needs to be assessed against UDP Policy TACE 10.

City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The applicant has drawn attention to their earlier proposals at 34 Grosvenor Square, where an appeal was allowed to extend a restaurant to over 500 sqm and where the Inspector considered that application of the relevant planning policies should be dependent upon demonstrable harm, rather than being applied in a generalised manner.

The impact of the use on amenity is addressed in the next section. With specific regard to the land use issue, members clubs form part of the longstanding character of Mayfair, and the unique nature of a private members club makes it distinct from other large scale entertainment activities open to the general public. Implementation of the proposal would bring the building back into active use, and help restore this important listed building to its optimum condition. Subject to the imposition of appropriate conditions (including adhering to a robust management plan) the use is considered acceptable in principle, and would not be harmful to the character and function of the area. Similarly the proposed health club/spa is considered to be an appropriate activity amongst the diversity of uses in the area, which includes a public house nearby on the corner of Hay's Mews and Hill Street.

An objection on the grounds that the proposal represents an inappropriate change of use from office to leisure is not considered to be sustainable, as the use is considered to be appropriate for this location. A further objection to the description of development as an entertainment use given its private nature is not considered to be sustainable, as the uses are clearly entertainment-based, irrespective of being restricted to a private membership.

In support of their proposals the applicant has offered some general public access to the building, of four days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days), as well as architectural scholars being able to make appointments to view the building and obtain copies of the heritage report electronically free of charge. There is also an offer of 10% discounted membership for local residents of Berkeley Square and Hays Mews (although still subject to normal membership criteria). These benefits are more limited than what was suggested at pre-application stage but nonetheless are considered to be acceptable.

It is noted that one of the objectors questions the extent of the public benefit/facilities being offered for the local area and the weight that should be afforded it, and object to this being used to offset the impact of the scheme. The proposal is for the relocation, and expansion, of an existing activity which is long established and clearly makes a contribution to the local area. The fact that both the main club and health club/spa require membership is not considered to be relevant to the facilities being offered. Whilst the benefits are welcomed, it is considered that they have limited weight, as the proposal is itself considered to be acceptable and appropriate, and therefore the objection that they are being used to offset the impact of the scheme is not considered to be sustainable.

It is important to note that there have been a number of representations in support of the proposals, including from residents in Hay's Mews, who consider the uses will be of benefit to the area. The Mayfair Residents Group also supports the proposals.

Proposed Use and Amenity

The applications have given rise to strong objections on behalf of the flats in 48 Berkeley Square/48 Hay's Mews, a resident in Hay's Mews, another in Charles Street [which backs on to Hay's Mews] and the office occupier in 47 Berkeley Square/47 Hay's Mews. The objections centre predominantly (though not exclusively) on the potential impact of the proposals on their amenity, as set out in Section 5 above. Whilst sympathetic to the concerns raised, it is considered that with appropriate conditions (including requirements

for robust operational and servicing management plans) that these concerns can be overcome and that the proposals will not have a material impact on the local environment.

The proposal has been revised to omit two of the basements that were originally proposed, thereby reducing the capacity of the scheme and the impact of building works.

Whilst there is residential accommodation in the vicinity of the site (the nearest being 48 Berkeley Square and 3, 4, 41, 42 and 48 Hay's Mews) this part of Mayfair has a strong commercial function representative of its location within the West End, including a number of well-established entertainment activities.

The main member's entrance to the premises will be from Berkeley Square, though the entrance for the health club/spa will be in the mews (also to be used for the staff entrance, deliveries and servicing). A Draft Operational Management Plan (OMP) has been submitted which seeks to demonstrate a commitment to minimising the noise impact of the proposal. The OMP covers measures to prevent noise breakout, the management of customers arriving and departing, car parking, access control, use of staff entrance in Hay's Mews and management of waste and recyclable material for disposal and collection. The main building would be open between 07.00 and 04.00 hours, the health club/spa from 06.00 until 22.00 hours, and these hours would be conditioned (as will the capacity, outlined above).

An objection has been received on the grounds that the proposal represents an inappropriate change of use from office to leisure in a predominantly residential road [Hay's Mews] leading to increased activity, noise and disturbance, particularly outside normal office hours. It is noted that a separate permission has been granted for the use of 45 Berkeley Square as a private members club (though this will not necessarily be implemented). Granting permission at both the application site and the adjacent premises would potentially result in two new private club uses adjacent to each other: this would be in addition to the vacated Annabel's club in the basement of No. 44, the upper floors of which are occupied by the Clermont Club, a private gaming club. The cumulative impact of the new entertainment use also needs to be considered. In this instance given the character of Berkeley Square and, provided that the club uses are well run, it is not considered that permission should be withheld for land use or amenity reasons. Subject to the proposed club operating in accordance with an appropriate operational management plan the use is considered appropriate.

An objection to there being insufficient detail about certain aspects of the proposals is not considered to be sustainable, as there is adequate information to assess the principles of the scheme, supplemented where necessary by appropriate conditions. Whilst the objector questions the efficacy of the measures offered by the applicant in the draft Operational Management Plan (OMP) to protect the amenity of local residents, the measures put forward by the applicant are considered to be acceptable and a condition will require a finalised OMP to be submitted before the use commences. Whilst the objector asks for an annual monitoring report of the OMP to be required, this is considered to be excessive: any breaches of the OMP (or any other condition) could be dealt with by the Council's Planning Enforcement Team. It is also noted that the applicant has a number of other premises in Mayfair and has emphasised that it has a good track record in managing these premises. Given the exclusive nature of the proposals, there is no reason to believe that this would not be as well managed. In the event that the applicant does

vacate the premises, a condition will require future occupiers to submit their own specific OMP.

The objectors have particular concerns about noise and disturbance from the all year round outdoor dining on the ground floor terrace/courtyard at the centre of the site. The applicant has emphasised that open air dining is a key concept for their proposals and something they wish to retain. The scheme has also been revised to lower the terrace area by 1.4m, thereby reducing the risk of noise nuisance as the noise source will be lower and beneath the existing courtyard wall level.

One objector requests that the outside areas are not used between 22.00 – 07.00 hours on week days and not at all on Saturdays, Sundays and Bank Holidays. The scheme includes the construction of a retractable glass roof and folding glazed wall and this will be used to enclose the dining area during inclement weather and at night, which would control potential noise nuisance late at night. Preventing use of the terrace at the weekends and on Bank Holidays is considered to be excessive: the applicant has requested that the dining is allowed to be alfresco until 22.30, at which point the retractable glass roof and folding glazed wall will be extended to enclose the dining area. 07.00 hours is considered to be an appropriate time to allow the terrace to be opened on the week, but it will be conditioned to remain enclosed until 08.00 hours on Saturdays, Sundays and Bank Holidays.

The applicant is now also offering a management plan to control noise outbreak and ensure that the staff take appropriate measures to control noise, aided with a noise monitoring regime (and have referred to this being used at their premises at 34 Grosvenor Square) the applicant suggests that a limit on noise levels is agreed with Environmental Health under condition and that, when an agreed level has been reached, the retractable glass roof and folding glazed wall will be closed to contain sound. This is meant to ensure that the management regime reacts to the precise noise conditions on the terrace at any point in time, rather than a blanket requirement that the roof be shut for particular hours. However, given the proximity of residential accommodation, it is considered appropriate that the terrace dining area is still enclosed no later than 22.30 hours but if necessary, depending on noise levels, the condition will require it to close earlier.

It is considered that these measures will address objectors' concerns about the proposals giving rise to intrusive noise and disturbance adversely affecting the current ambience, character and quiet environment. Whilst Environmental Health initially objected to the proposals over concerns about potential noise nuisance, based on the above measures they have now withdrawn their objection.

An objection to loss of privacy is not considered to be sustainable. The courtyard does not give any opportunity for overlooking. Whilst a balcony was proposed as part of the health club/spa at rear first floor level of the mews building, the applicant has confirmed that this will no longer be open to members and will be used for maintenance only. Again, this will be conditioned.

Mix Use Policies

UDP Policies CENT3 and Westminster's City Plan Strategic Policy S1 aim to encourage mixed use developments within Central Westminster, requiring any increase in

commercial development to be matched by residential provision provided this is appropriate and practical. The scheme involves an increase in commercial floorspace of 459 sqm without an equivalent increase in residential floorspace. As the site is located within the Core CAZ, this increase in commercial floorspace is considered to be acceptable in principle.

It is recognised that it is sometimes impractical and/or inappropriate to provide housing on-site in certain circumstances. Where it is accepted that residential cannot reasonably be provided either on or off site the policy adopts a 'cascade' approach in which acceptable alternative uses may be provided or an appropriate financial contribution may be made towards the City Council's affordable housing fund. Based on the 459 sqm increase in commercial floorspace a policy compliant payment would be £1,008,000.

The applicant has set out an assessment of why it considers that it is not possible to provide residential accommodation on the site. Such reasons including the site's heritage constraints and access issues of providing separate access, and that it would adversely impact on the scheme as a whole. The applicant also states that it does not own or have an interest in any suitable alternative sites in the vicinity where residential use could be implemented successfully without displacing an existing acceptable use that contributes to and enhances the character of the CAZ.

It is also noted that the statement from the Deputy Leader referred to above does state that the mixed use policy will be applied more flexibly to allow exceptions to the requirements to provide commensurate residential floorspace.

The applicant's arguments are noted. In this case therefore the applicant's offer to pay the full policy compliant commuted payment towards affordable housing is considered to be acceptable.

8.2 Townscape and Design

The site comprises amid eighteenth century house facing onto Berkeley Square which is listed grade 1 and a twentieth century neo-Georgian mews building on Hays Mews at the rear. The grade 1 listed building makes a very positive contribution to the character and appearance of the Mayfair Conservation Area. The unlisted mews building also makes a positive contribution to the conservation area. The adjacent two buildings to the north on Berkeley Square (44 and 45) are also listed grade 1 and the building to the south is grade 2 starred. The mews building to the north (45) is listed grade 2. The proposal involves works of conversion and refurbishment to the grade 1 listed building and demolition and redevelopment of the mews building.

The listed building

The building was listed in 1958. It was built as a town house circa 1744-50, along with 45, and is attributed to Henry Flitcroft. The list description states:

Both houses have fine interiors with contemporary plasterwork and chimneypieces. Very good ironwork to stone staircase of No 46. Part of best surviving terrace sequence in square and with exceptional interest.

At ground floor level and first floor level there are important original Palladian features, slightly later Adamesque decoration from the 1770's and late nineteenth century work, possibly by Norman Shaw. The second floor contains original panelled rooms at the front, but altered rooms at the rear. The third floor and basement are of much lesser interest. The rear and roof of the building have been altered, including an extension on the north side of the closet wing and a lift over-run at roof level. (The latter will be demolished, which is beneficial to the special interest of the listed building).

The proposals involve the retention and conservative repair of much of the interior and this is very welcome. There are areas where the proposals are considered to be harmful to the special architectural and historic interest of the interior. These include the widening of the opening between the front and rear rooms at ground floor level and the removal of the wall between the front rooms at second floor level. The applicant argues that these alterations are essential to the use of the building as a club. The first alteration is required to improve circulation, and the second to create a long room, the full width of the house, capable of accommodating a table for 30 people. These alterations are particularly contentious because the house is of the greatest architectural and historic interest, hence its grade 1 listed status.

The existing opening at ground floor level is not original, but could date from the late eighteenth century. Consequently the increased width of the opening would result in the loss of some historic, probably eighteenth century, fabric. The existing historic doors will be removed, and should be required (by condition) to be reused within the house. The existing panelling on the walls affected will be adjusted. Given that the opening is itself a later alteration, the increase in its width is considered acceptable in the context of the scheme as a whole.

At second floor level the smaller front room (south) appears to be largely original, lined with mid eighteenth century panelling, and other joinery. This was originally a bedroom. The other front room appears to have been altered. It may have been square too, but then extended towards the rear of the building. The removal of the wall between the two rooms is highly contentious because it involves a loss of original historic fabric (the panelled wall) and a loss of original plan form. Panelled bedrooms from the 1750's are scarce survivors. Whilst they may not be of the greatest architectural interest (compared with the principal floors below), they are certainly of historic interest. This proposal might be considered harmful in a grade 2 listed building, but in a grade 1 listed building, this causes significant harm.

Following objections from officers and Historic England, the scheme has been amended so that the panelling affected will be reused in the new room created. This means that although there is still loss of historic plan form, there is reduced loss of historic fabric, because it is reused. This is still harmful, but in assessing the acceptability of the proposals, that harm has to be balanced against any public benefits the scheme offers.

External alterations

The main change to the exterior is the addition of a canopy over the entrance to the basement on Berkeley Square. The introduction of this canopy is harmful to the appearance of the listed building and would normally be considered wholly unacceptable. However, the existing Annabel's nightclub at 44 Berkeley Square has such

a canopy which has been in situ for many years. No. 44 is also listed grade 1. It is considered that the harm caused at no.46 could be said to be off-set if the canopy at no.44 is removed and the front of this listed building is restored to something like its original appearance. The creation of a canopy at no.46 whilst retaining the one at no.44 would be wholly unacceptable in listed building and conservation area terms. It is therefore necessary to ensure that the canopy to no. 44 is removed prior to the installation of the approved canopy to no. 46. This will be secured through a legal agreement.

The mews building

This is a good neo-Georgian building but its replacement with a new building could be acceptable in conservation area terms, provided that the replacement building preserves or enhances the character and appearance of the Mayfair Conservation Area.

The replacement building is similar to the existing, but is higher, with the addition of a roof level plant area, enclosed with in a shallower pitched roof on top of the mansard. The design of the new facades is neo-Georgian, which is appropriate for this location. It is considered to be an acceptable replacement for the existing building, although some further design refinement is required to improve the appearance of the ground floor level frontage to the mews, and to reduce the size of the dormers slightly. These aspects can be controlled by condition. On this basis the objection to the design of the new mews building is not considered to be sustainable.

At the rear of the mews building is a terrace which is capable of being enclosed. It will have a retractable glass roof and folding glass doors. It is separate from the rear of the grade 1 building and is not considered to harm its setting. This is considered acceptable.

The balance of harm and benefits

Some of the proposed alterations are considered harmful to the special interest of the listed building. However, it is considered that overall the proposals deliver benefits, in terms of the future beneficial use of the building and the restoration of other parts of its interior, which are considered to outweigh the harm caused. This is a view shared by Historic England. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 5, DES 6, DES 9 and DES 10. The objection to the harm to the special interest of this listed building is not considered to be sustainable.

Archaeology

This matter has been assessed by Historic England who advise that there are no archaeological requirements.

8.3 Amenity (Mechanical Plant and Sunlight and Daylight)

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The scheme incorporates plant within the building at basement level and within the new mansard roof of the mews building. Environmental Health initially had concerns about the kitchen extract system (which are provided in both the main and the mews buildings) but is now satisfied that the discharge is at a sufficiently high level to be acceptable. All plant will be conditioned to minimise noise levels and vibration.

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

The rebuilt mews building is approximately the same height and bulk as the existing, although the inclusion of the double pitched mansard roof does mean that at its highest point the new building is 2.85m higher than the main roof of the existing building (not counting the large plant enclosure). The daylight and sunlight study demonstrates that there will only be small losses of light to the nearest residential properties (in Hay's Mews, opposite the new mews building), well within the recommended guidelines and therefore this aspect of the proposal is acceptable.

8.4 Transportation/Parking

Car Parking

No car parking can be provided given the constraints of the site, and the Highways Planning Manager is happy with this. Although there have been objections that there will be increased demand for on-street parking with associated objection, the Highways Planning Manager does not consider this to be an issue given the parking constraints in the area and the site's high level of public transport accessibility. He notes that there is likely to be demand for taxi traffic but that there is a fairly extensive section of double yellow line outside the premises which should prevent other vehicles from parking there, and this should mean that taxis should be able to access the kerbside without blocking the carriageway.

Servicing

All servicing will take place at the rear of the site on Hay's Mews. The Transport Statement advises that the proposed servicing of the premises would require 6 – 9 vehicles a day: although the existing office use would have had some servicing associated with it, the Transport Statement does not say how much.

The Highways Planning Manager notes that a new club competing with the existing premises at No 44, which may continue to operate as a private members' club in the future once vacated by Annabel's, could give rise to issues with the number of servicing vehicles in the Mews. However, he considers that it should be possible to avoid such problems by co-ordinating and controlling servicing through a Servicing Management Plan, which will be secured by condition.

To help ensure that servicing will not materially worsen the amenity of residents within Hay's Mews it is proposed to control its hours to between 07.00 and 21.00 hours Monday to Saturday, and not at all on Sundays and Bank Holidays.

Given these controls the objections on transportation grounds are not considered to be sustainable and that the proposal will comply with relevant planning policies (City Plan Policy S42 and UDP Policy TRANS20). Similarly the objection to increased 'foot traffic' in the area is not considered to be sustainable in the context of the high levels of pedestrian activity that already exist.

Cycle Parking

The application refers to the provision of 44 cycle parking spaces, most likely for staff. This is welcomed and will be secured by condition.

Waste

Refuse will be stored internally within a designated store within the Hay's Mews building. Separate storage will be provided for general refuse and recyclables. Refuse would then be collected at street level in Hay's Mews.

Highway Safety

Whilst the doors to the proposed sub-station within the replacement mews building will open out over the public highway (which is a requirement of UKPN), they will be opened infrequently and under close supervision. In the context of a very quiet mews, this is acceptable in highway safety terms.

8.5 Economic Considerations

Any economic benefits generated are welcomed, in particular providing a viable use for this listed building.

8.6 Access

Level access will be provided into the new mews building, where the new lift meets Part M minimum size requirements, and where there will be level access through to the terrace. However, there are steps into the main building from Berkeley Square and the difference in levels and the listed building constraints mean that this situation cannot be changed. The intention is that management will assist disabled members into the building, where there will be lift access to all other areas.

8.7 Other UDP/Westminster Policy Considerations

Biodiversity and Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise

on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The listed building constraints mean that there are no sustainability provisions for 46 Berkeley Square. However, there is greater opportunity for the new mews building, which will have insulation levels which exceed the current Building Regulations and which will minimise heat loss and energy demand. These "Be Lean" Measures deliver a reduction in carbon emissions of 0.6% on Part L 2013 Building Regulations.

In terms of "Be Clean" it is proposed to provide an energy centre incorporating a CHP plant within the mews: one of the objector's request for more information about this is not considered to be sustainable, as the level of information provide is sufficient for the planning application. There are no district heating networks in the vicinity of the site and the development is too small to become a district heating network for other developments: an objection on these grounds is therefore not sustainable. The building will also employ high efficiency mechanical ventilation and heat recovery. These features will deliver low carbon heat and power to the development. Together with the "Be Lean" measures this delivers an overall reduction of 47% compared to a Part L 2013 Building Regulations compliant development.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity but the site has no opportunity to make any provisions for this. There has been an objection on the grounds that the proposed use of ornamental shrubs may have a potential impact on nesting birds but this is considered to be extremely tenuous.

8.8 London Plan

The proposal does not raise any strategic issues and is not referable to the Mayor of London

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc are detailed in the Council's Supplementary Planning Guidance on Planning Obligations.

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

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

The applicant has offered a policy compliant financial payment of £1,008,000 towards the City Council's affordable housing fund in lieu of on-site provision (index lined and payable upon commencement of development). The planning obligation is considered to meet the tests outlined above and would be secured by a S106 legal agreement. Similarly the limited public access that is offered, and the need to remove the existing canopy at No. 44 are also considered to be appropriate matters to be secured as part of the S106.

8.11 Environmental Assessment including Sustainability and Biodiversity Issues

The existing buildings will be retained and alterations are limited to those necessary to achieve the change of use to a private members club. The historic fabric is retained. The relatively new existing building services and plant will be retained and modified to accommodate the proposed use.

8.12 Other Issues

Structural issues relating to basement excavation

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

The Council does not currently have an adopted policy with regards the construction of basements, but does have an adopted Basement Development SPD. The SPD indicates that it applies to residential basement extensions rather than new build and commercial basements and requires applicants to ensure the development responds to and is appropriate to its site and address sustainable design principles. With regards to basement development and heritage assets the SPD states all basement development should protect heritage assets and their settings. The SPD also notes that excavation work needs to be undertaken sensitively.

The Council has also proposed a new policy for basements to be included within the Westminster's City Plan: Strategic Policies, though again this is primarily related to basement development to existing residential properties.

The proposed additional basement in this commercial scheme is considered to be acceptable in land use terms and will be subject to the usual Building Control regulations. The works would also be subject to a construction management plan (see below) and on this basis the proposals are considered to be acceptable.

Construction impact

An objection has been received that the proposed works would result in a lengthy construction process and create general noise and disturbance. As indicated above, the scheme has been revised to reduce the number of new basement to one (in addition to the existing basement), which will reduce the length and scale of the works. Although not strictly a planning consideration, it is recommended that permission is subject to a condition that requires the development to be carried out in accordance with the Demolition and Construction Management Plan that has been submitted with the application. It is noted that the Council's Environmental Inspectorate section did not consider the original submission (with four basements) to be so significant as to require environmental monitoring.

A request for further details about party wall provisions is not sustainable as this is subject to separate, non-planning, legislation and procedures.

8.13 Conclusion

The proposed uses will bring the currently vacant buildings back into active use and allow a wider audience to enjoy the grandeur of the Grade I listed building (even if largely restricted to private members). In design terms, the alterations and extensions are considered acceptable and would not be harmful to the listed buildings. The uses are considered acceptable in land use terms, as the use accords with the character and function of this part of Mayfair, and subject to the imposition of appropriate conditions it is considered that there will be no material loss of amenity to neighbours.

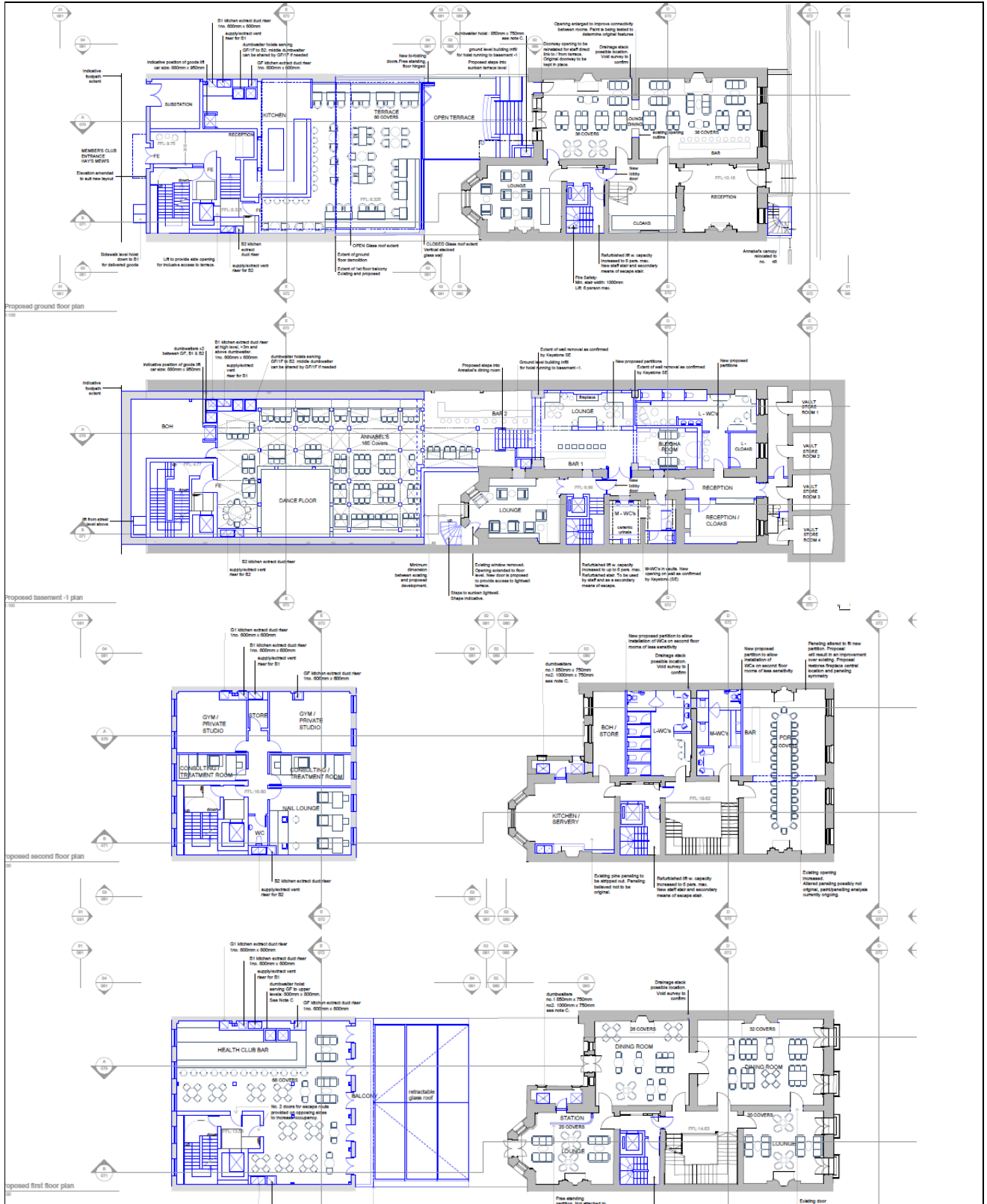
9. BACKGROUND PAPERS

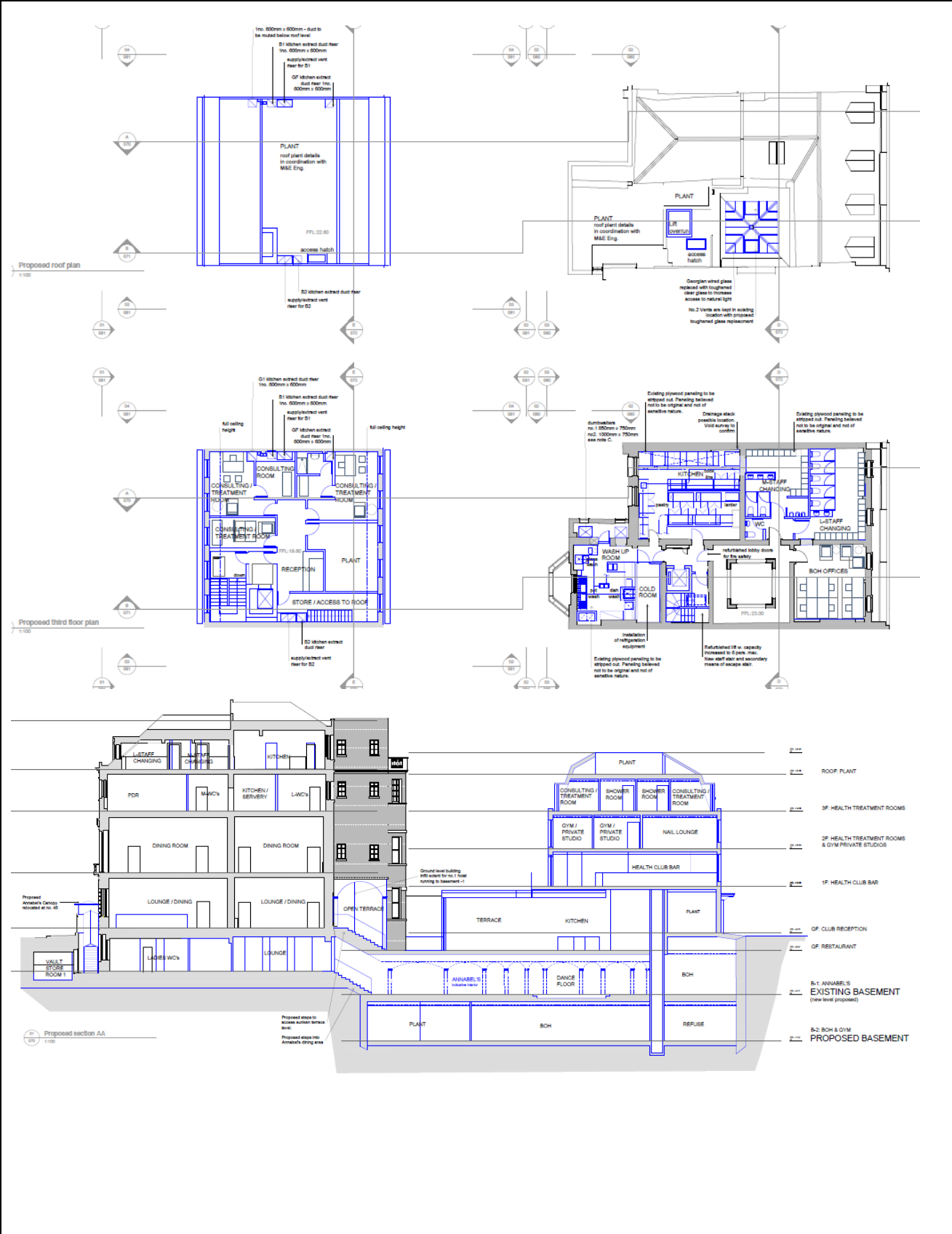
1. Application forms and letters from Bidwells dated 10, 11 and 15 February 2016
2. Letters from Historic England dated 8 January 2016 and 10 February 2016
3. Email from the London and Middlesex Archaeological Society (for and on behalf of the Council for British) dated 17 February 2016
4. Emails from the Mayfair Residents Group dated 10 and 12 February 2016
5. Memoranda from the Environmental Health Consultation Team dated 13 January, 26 February and 22 March 2016
6. Response from the Environmental Inspectorate dated 5 January 2016
7. Response from Designing Out Crime, dated 13 January 2016
8. Memorandum from the Highways Planning Manager, dated 23 March 2016
9. Letters from Taylor Wessing LLP, 5 New Street Square, dated February 2016
10. Representation from Enstar Capital, 54 Brooks Mews, dated 10 February 2016
11. Representation from occupier of 8 Rosebery Court, 15 Charles Street, dated 26 February 2016
12. Representation from occupier of 6 Grosvenor Street, London, dated 11 February 2016
13. Representation from occupier of 3 Hanover Square, London, dated 10 February 2016
14. Email from occupier of 6 Chesterfield Hill, London, dated 21 February 2016
15. Representation dated 22 January 2016 and copy of email dated 5 February 2016 from occupier of Rosebery Court, 15 Charles Street
16. Letter from occupier of Flat 71, 39 Hill Street, dated 1 March 2016
17. Representation from occupier of 51 South Street, London, dated 26 February 2016
18. Representation from occupier of 23A Hayes Mews, London, dated 12 February 2016
19. Representation from occupier of 15 Stratton Street, London, dated 10 February 2016
20. Representation from occupier of 23 Hyde Park Street, London, dated 10 February 2016
21. Letter from occupier of Flat B, 48 Berkeley Square, London, dated 2 March 2016
22. Representation from occupier of 15 Hays Mews, London, dated 8 February 2016
23. Representation from Tristan Capital, Berkeley Square House, dated 14 February 2016
24. Representation from occupier of 54 Brooks Mews, Mayfair, dated 10 February 2016
25. Representation from occupier of 10 Carlos Place, London, dated 10 February 2016
26. Online representation and separate letter from Lewis Silkin LLP, 5 Chancery Lane, both dated 18 January 2016
27. Letter from occupier of Flat 8, 6 Charles Street, dated 19 February 2016
28. Representation from occupier of 21 Bruton Street, London, dated 22 February 2016
29. Representation from occupier of 14 Adam's Row, Mayfair, dated 4 March 2016
30. Letter from occupier of The Garden House, 8, Hay's Mews, dated 10 February 2016

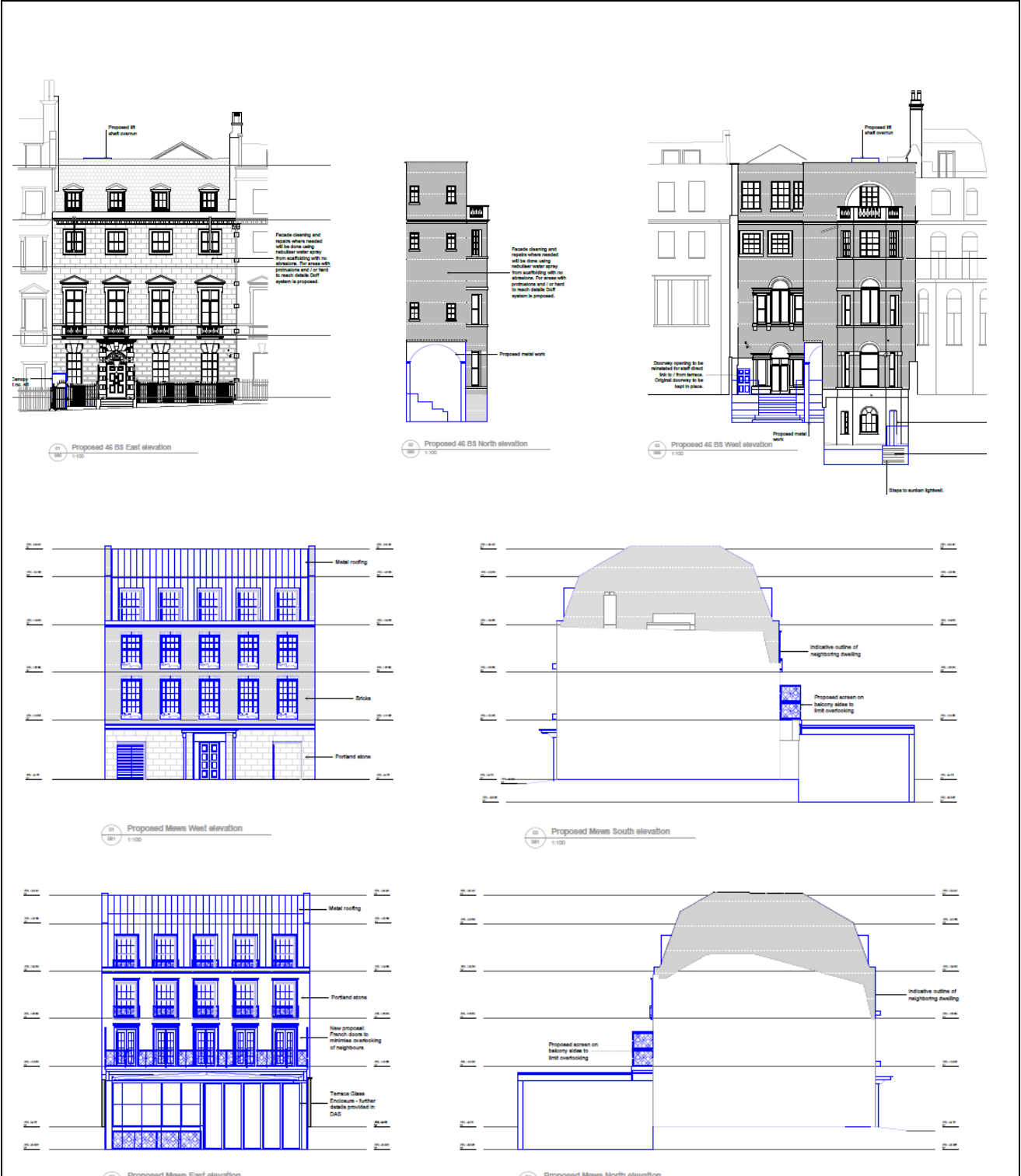
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS







DRAFT DECISION LETTER (15/11330/FULL)

Address: 46 Berkeley Square, London, W1J 5AT,

Proposal: Use of 46 Berkeley Square as a private members club (sui generis use), with internal and external alterations, including erection of Annabel's canopy to front, together with the demolition of existing mews 46 Hay's Mews and erection of a replacement four storey building including a two storey basement for the provision of a health club use (sui generis use) and associated mechanical plant and landscaping.

Plan Nos: Demolition drawings: 010 P01, 012 P00, 014 P00, 030 P01, 031 P01, 032 P00, 040 P01, 041 P00;
Proposed drawings: 048 P23, 050 P22, 052 P22, 054 P22, 070 P20, 071 P20, 072 P20, 080 P19, 081 P20;
Design and Access Statement dated December 2015 Rev 03.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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

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

Reason:

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

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

You must carry out basement excavation work only:

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

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

Reason:

To protect the environment of neighbouring 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 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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

Reason:

To protect the special architectural or historic interest of this 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 samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we

adopted in January 2007. (R26BE)

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

1. Reduction in the size of the dormer windows of the mews building;
2. Enhancement of the mews ground floor frontage, to reduce its solidity and incorporate more openings.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

1. New mews building - typical façade details at all levels;
2. Entrance canopy in Berkeley Square.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 Customers shall not be permitted within the specified parts of the premises outside of the following hours:

The basement club in 46 Berkeley Square: Monday - Saturday 0700 - 0400, and not at all on Sundays after 04.00;

The 'day club' on the ground and upper floors of 46 Berkeley Square: Monday - Sunday 0700 - 0400;

The health club/spa in 46 Hay's Mews: Monday - Sunday 0600 - 2200.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 Customers for the basement club and the 'day club' in 46 Berkeley Square shall only access the premises from Berkeley Square. Access from 46 Hay's Mews shall be restricted to customers specifically using the health club/spa within 46 Hay's Mews, staff (of any part of the premises) and for servicing.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 You must not allow more than the following number of customers into the specified parts of the premises at any one time:

The basement club in 46 Berkeley Square: Monday - 165 customers;
The 'day club' on the ground and upper floors of 46 Berkeley Square: 317 customers;
The dining area of the health club/spa in 46 Hay's Mews: 68 customers.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 (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.

- 13 (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 any of the uses 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 any of the uses 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: 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.

- 14 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.

- 15 The discharge of extracted air from the roof of 46 Berkeley Square shall not be less than 1m above the roof ridge of any building within 20m of 46 Berkeley Square.

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

- 16 You must apply to us for approval of details of a supplementary acoustic report (including real time noise data) demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must submit this information upon completion of the plant installation and you must start any of the uses (in terms of allowing any members of the public, including club members) 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.

- 17 You must provide the waste store shown on drawing 048 P23 before anyone moves into the properties. You must clearly mark it and make it available at all times to everyone using any part of the premises. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 18 You must provide details of an updated servicing management plan prior to any of the uses commencing. The uses must then be carried out in accordance with the approved plan.

Reason:

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

- 19 All servicing must take place within Hay's Mews, between 07.00 and 21.00 hours on Monday to Saturday and not at all on Sunday or Bank Holidays. 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 With the exception of the doors to the sub-station in the ground floor frontage of 46 Hay's Mews, you must hang all doors or gates so that they do not open over or across the road or pavement.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 21 The service hoist immediately in front of 46 Hay's Mews shall be kept closed at all times except during deliveries, waste removal and other servicing activities, during which time its use shall be supervised.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

- 23 You must apply to us for approval of an updated/final operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start any of the approved 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 that the building is in use. In the event that alternative users subsequently occupy the premises, a new operational management plan must be submitted, and approved by the Council, prior to their occupation of the building.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 Within 12-18 months of the first occupation of the premises, a monitoring report shall be submitted to the Council, demonstrating the effectiveness of the operational management plan required by condition 22. Subject to any issues or problems adversely affecting local amenity that may be identified, this monitoring report will set out any remedial measures to be implemented to address those issues or problems.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 You must provide the access for people with disabilities as outlined in the Design and Access Statement dated December 2015 Rev A03 before you use the buildings.

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 26 Notwithstanding the annotation 'balcony' shown on Drg. No. 052 P22, you must not use the first

floor balcony at rear first floor roof of the new mews building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (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: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 27 The al fresco dining area on the ground floor terrace/courtyard shall be enclosed within the retractable glass roof and folding glazed wall at least between no later than 22.30 until 08.00 hours the following day, every day, except where required earlier under the terms of condition 27.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 28 Details of a noise monitoring regime, to monitor noise levels in the terrace/courtyard dining area, shall be submitted to the Council for approval before any of the uses commence. This will include details an approved visual noise warning device to be provided within the al fresco dining area, to a noise limit which is deemed acceptable when assessed within neighbouring properties, as agreed with the Council's Environmental Health department. Any live music or music played through a PA system or similar system on or adjacent to the dining area shall also incorporate a digital limiting device. These devices shall be agreed with the Council's Environmental Health department and once agreed shall be locked off and secured. The agreed measures must then be installed before any of the uses commence and thereafter permanently maintained. Any adjustments made to the device shall be made only with the local authority's prior written approval.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 29 You must carry out the development in accordance with the IGP Management Ltd Demolition and Construction Management Plan dated 16 November 2015.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 30 You must provide the environmental sustainability features (environmentally friendly features) set out in the Beechfield Consulting Engineers Energy Statement dated 23 November 2015 before you start to use any part of the development. You must not remove any of these features. (C44AA)

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: Strategic Policies adopted November 2013. (R44AC)

Informative(s):

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

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) Provision of £1,008,000 towards the City Council's affordable housing fund (index linked and payable upon the commencement of development);
 - b) A minimum of 4 days per year (1 per quarter) for members of the public to look round the building between 09.00 and 16.00 (including one of the Open House London weekend days);
 - c) 10% discounted membership for local residents of Berkeley Square and Hays Mews (subject to them meeting the membership criteria in the same way any other member would be required to do);
 - d) Scholars able to make appointments to view the building and obtain copies of the heritage report electronically free of charge;
 - e) The applicant to apply for listed building consent for the removal of the existing canopy to the basement of Annabel's at 44 Berkeley Square and, subject to consent being granted, removal of that canopy before the erection of the approved canopy to the front of 46 Berkeley Square;
 - f) Monitoring costs of the S106 legal agreement.

- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

- 4 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the uses that we have approved will need planning permission.
- 5 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

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

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

- 6 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

DRAFT DECISION LETTER (15/11331/LBC)

Address: 46 Berkeley Square, London, W1J 5AT,

Proposal: Internal and external alterations (including installation of Annabel's canopy to front) to facilitate change of use to private members club

Plan Nos: Demolition drawings: 010 P01, 012 P00, 014 P00, 030 P01, 031 P01, 032 P00, 040 P01, 041 P00;
Proposed drawings: 048 P23, 050 P22, 052 P22, 054 P22, 070 P20, 071 P20, 072 P20, 080 P19, 081 P20;
Design and Access Statement dated December 2015 Rev 03.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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

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

Reason:

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

- 2 You must apply to us for approval of full particulars of internal restoration and refurbishment works to the listed building, including method statements where appropriate. 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 particulars. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 3 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 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 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: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

External

1. Entrance canopy in Berkeley Square

Internal

2. Alterations to ground floor rooms (GF03 and 04)
3. Alterations to second floor front rooms (2F01 and 03)
4. Alterations to second floor rear rooms (2F04 and 07)
5. New secondary stair
6. New vertical risers

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 The new joinery and plasterwork must exactly match the existing original work unless differences are shown on the approved drawings. (C27FA)

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: Strategic Policies adopted November 2013 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)

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 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

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

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