

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

1. RECOMMENDATION

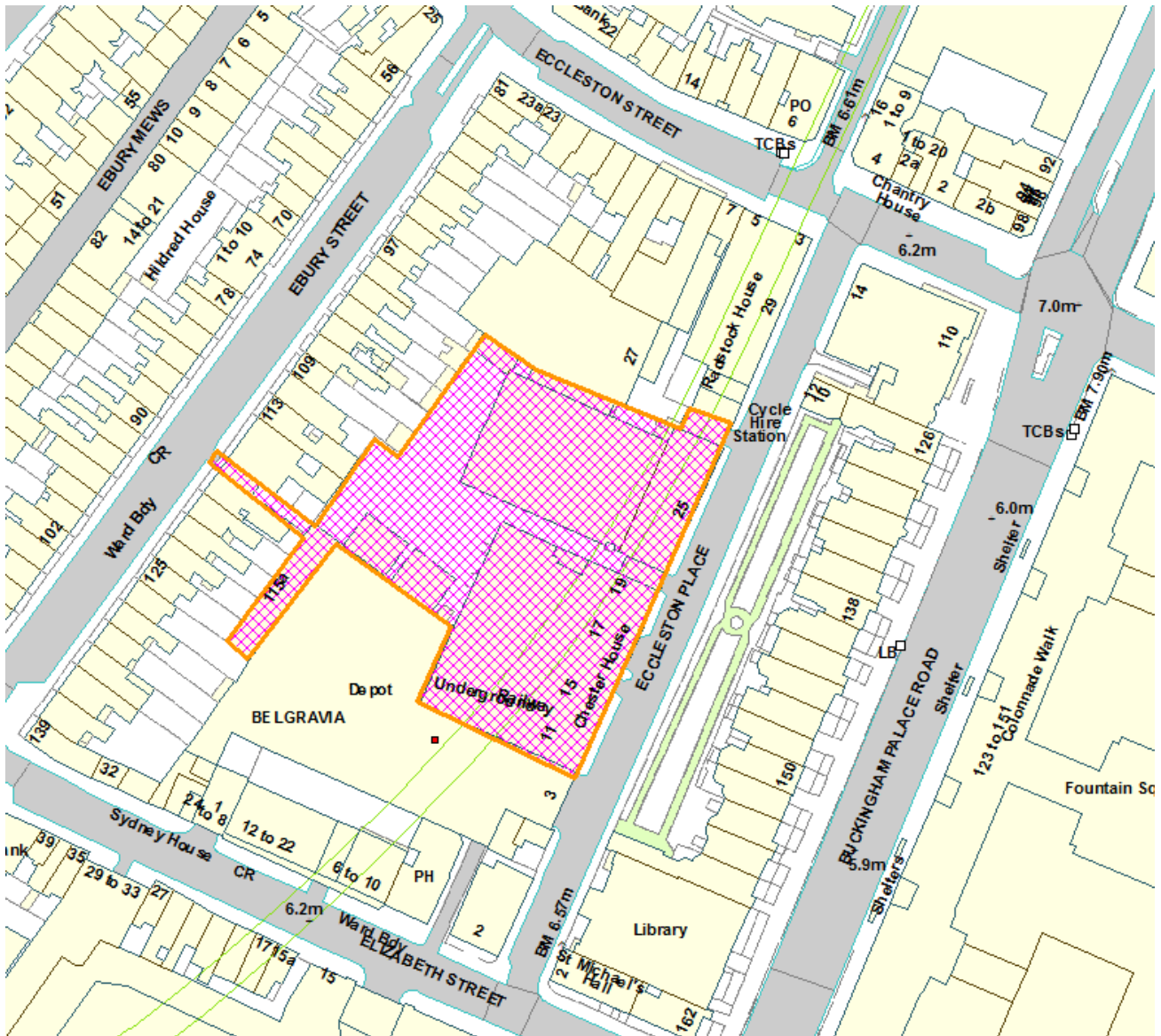
Grant conditional permission.

2. SUMMARY

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



25 Eccleston Place (with Chester House to far left)



Chester House



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



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



From car park looking towards entrance from Eccleston Place



Rear of 25 Eccleston Place

5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION

Any response to be reported verbally.

BELGRAVIA SOCIETY

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

CROSS LONDON RAIL LINKS

No comment.

LONDON UNDERGROUND LTD

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to recommended conditions.

CLEANSING

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

HIGHWAYS PLANNING MANAGER

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

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 322

Total No. of replies: 2

No. of objections: 1

No. in support: 2

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

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

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

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

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

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

6.2 Recent Relevant History

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

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

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

7. THE PROPOSAL

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

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

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed disposition of uses is as follows:

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

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

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

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

Summary table (Gross External Area in square metres):

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

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

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

Offices

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

Retail

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

Entertainment uses

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

The proposed operating hours are as follows:

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

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

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

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

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

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

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

Gym

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

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

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

8.2 Townscape and Design

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

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

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

8.3 Residential Amenity

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

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

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

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

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

8.4 Transportation/Parking

Access

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

Car Parking

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

Cycle Parking

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

Servicing and deliveries

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

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

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

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

8.5 Economic Considerations

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

8.6 Access

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

8.7 Other UDP/Westminster Policy Considerations

Plant

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

Refuse /Recycling

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

Trees, landscaping and biodiversity

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

Sustainability

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

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The application does not trigger any planning obligations.

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Crime and security

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

9. BACKGROUND PAPERS

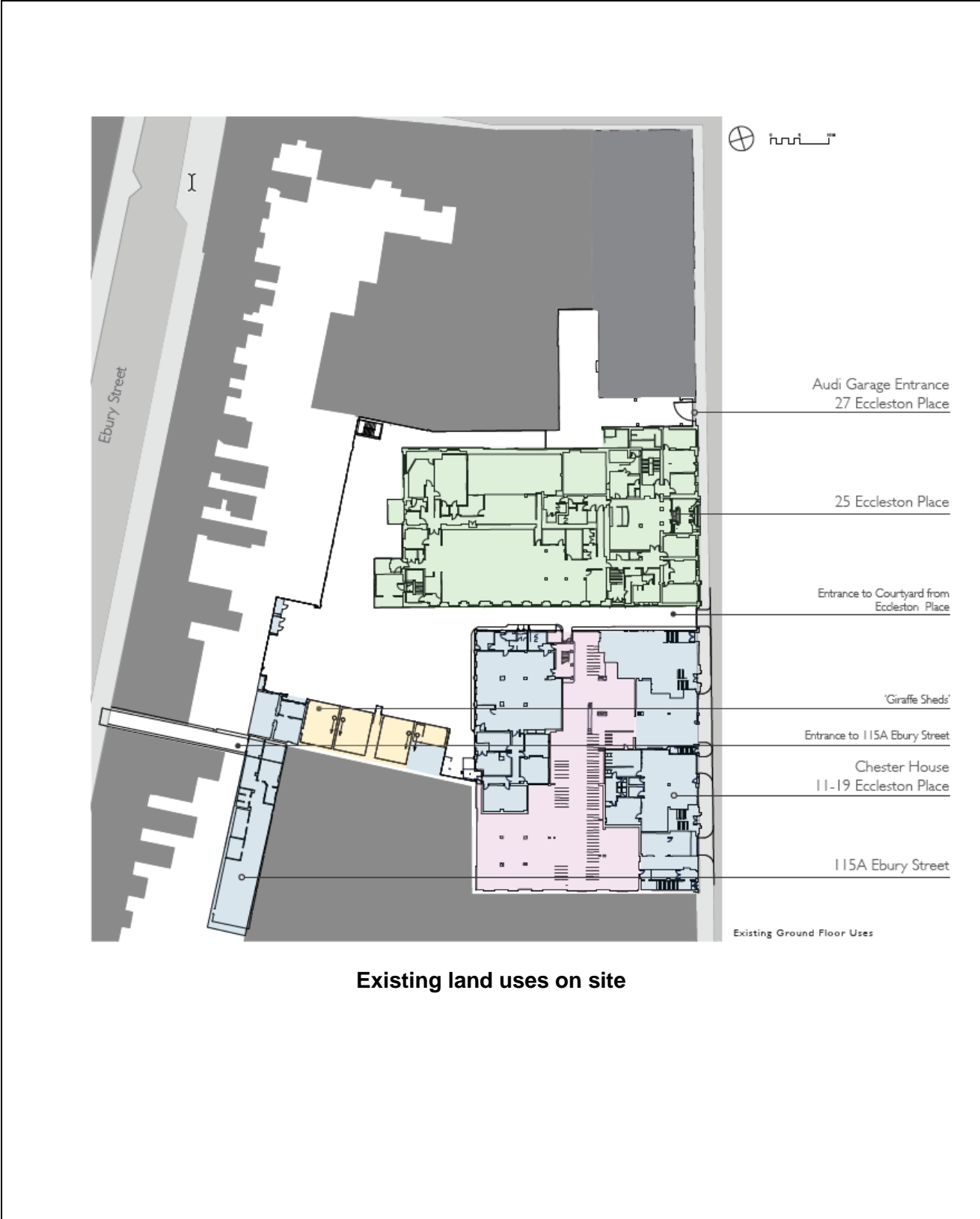
1. Application form.
2. Letter from Crossrail dated 26 May 2016.
3. Letter from occupier of 28 Mount Street, London W1K 2RU, dated 3 June 2016
4. Letter from the Belgravia Society, dated 15 June 2016.
5. Response from the occupier, 105 Ebury Street dated 8 July 2016.
6. Letter from Victoria BID dated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

Selected relevant drawings

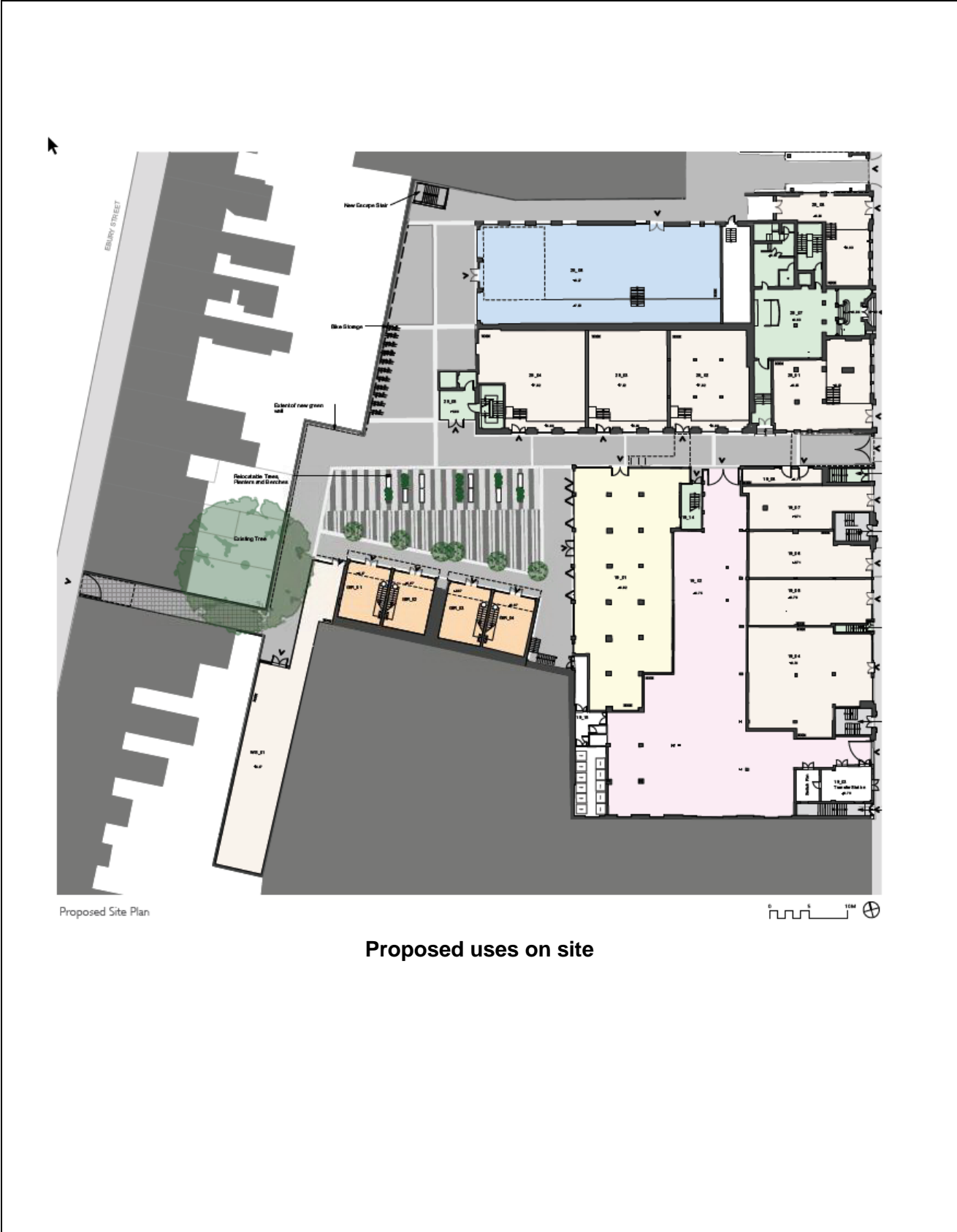
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

10. KEY DRAWINGS



Existing land uses on site



Proposed Site Plan

Scale 1:1000

Proposed uses on site



25 Eccleston Place proposed elevation



Chester House proposed elevation



Proposed rear elevation of 25 Eccleston Place (gym entrance)



Proposed 'giraffe sheds' elevation

DRAFT DECISION LETTER

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

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

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

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of drawings of the following parts of the development;
- i) any new windows at a scale of 1:10
 - ii) any new gates/doors at a scale of 1:10
 - iii) the vertical fins
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the works according to these details.

Reason:

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

- 5 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

(R23AC)

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

Reason:

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

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

Reason:

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

- 17 You must apply to us for approval of details of secure cycle storage for each use hereby approved. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

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

complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

- 24 You must apply to us for approval of the ways in which you will protect the tree to the rear of 115 Ebury Street. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In submitting details in relation to condition 5, full details of the 'green wall' should also be included.
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form**

immediately. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 4 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.