

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 17 th January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1 Chiltern Street, London, W1U 7PA,		
Proposal	Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY; to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan.		
Agent	CBRE		
On behalf of	Chiltern Firehouse Hotel		
Registered Number	14/11804/FULL	Date amended/ completed	25 November 2016
Date Application Received	28 November 2014		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission subject to a deed of variation to the existing legal agreement dated 18 December 2014 to refer to this new permission.
2. If the 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 the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers;

however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

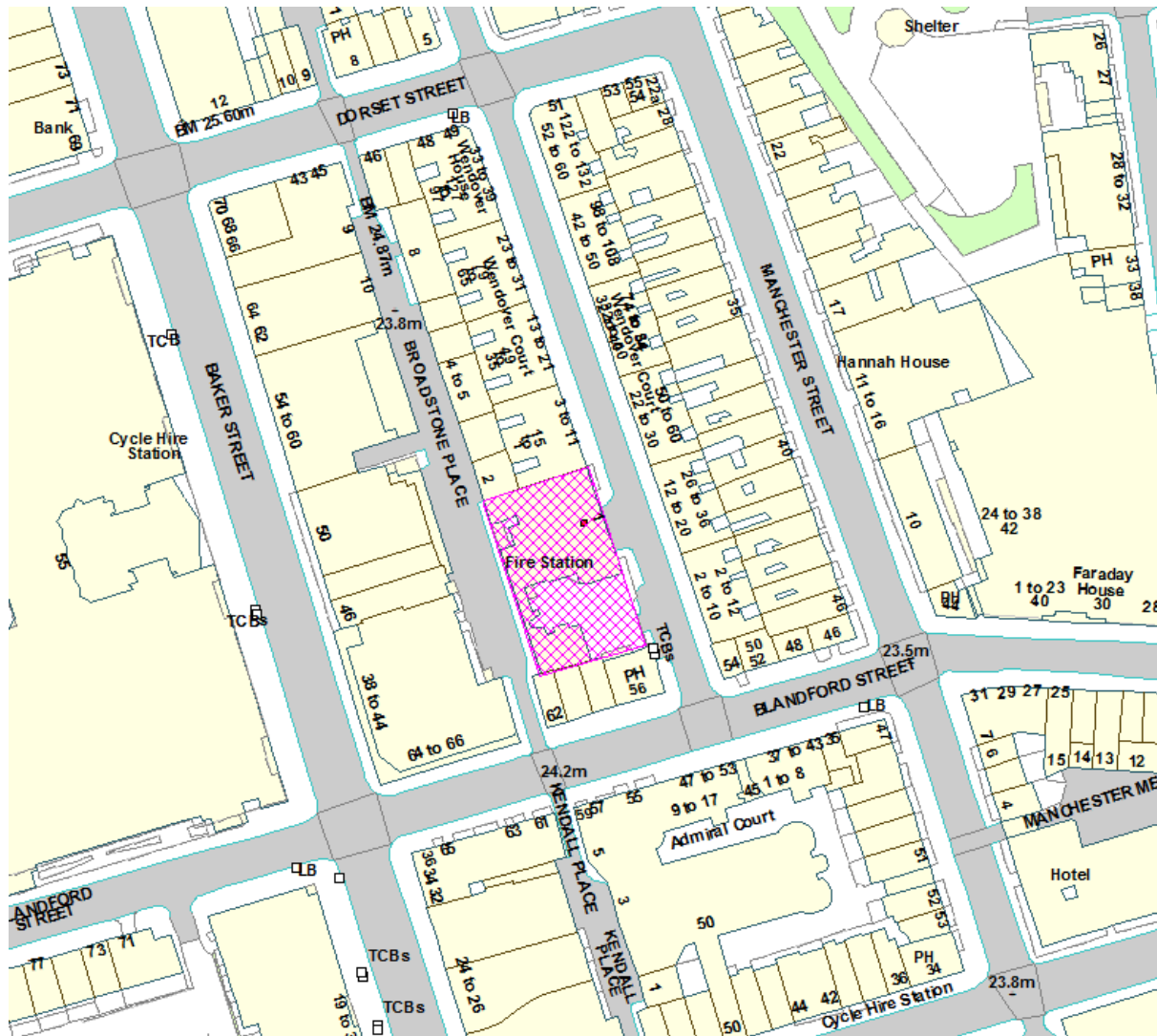
2. SUMMARY

The application concerns the Firehouse Hotel, Chiltern Street which, following a permission originally granted in 2009, has been in operation as an hotel since April 2014. Conditions were attached to that permission which limit capacity, the hours that the courtyard area may be used for drinking and dining, and to ensure compliance with the hotel's operational management plan. Condition 8 restricts access by non-resident guests to the hotel's restaurant, function and bar areas between the hours of 07:00 and 24:00. This application seeks to vary that condition to enable non-resident guests to have access to the hotel's reception and lobby areas beyond midnight, to update the management plan (Condition 9), to vary the capacity condition (to refer to the revised ground floor plan) and to update drawing numbers (Conditions 1, 26 and 31).

The key issue for consideration is the effect of these revisions on the amenity of nearby residents.

Objections have been received from a number of adjoining residential occupiers based on these concerns. In this case, the hotel currently operates with a reception and lobby area that lawfully enables non-resident guests to stay beyond midnight. The hotel's Premises Licence also allows the hotel lobby and reception areas to open (for pre-booked private functions) until 01:00. Given that the hotel has been operating with areas that lawfully enable non-resident guests to stay beyond midnight, and with the submission of a revised management plan that imposes additional conditions on the operation of the hotel, approval is recommended.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



Broadstone Place

5. CONSULTATIONS

Original Application

MARYLEBONE ASSOCIATION
Object to the re-wording of Condition 8

HIGHWAYS PLANNING MANAGER
No objections raised

ENVIRONMENTAL HEALTH
Objects on the grounds of noise nuisance, and consider the application premature in the absence of a Noise Mitigation Policy.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 291; No. of objections: 11

Eleven letters of objections raising all or some of the following concerns:

- * the hotel currently opens beyond their permitted hours and causes noise disturbance
- * any extension of the nightclub activities would result in increased nuisance
- * there is frequent loud music audible from 1am to 4am with guest and non-guest activity
- * noise is not just late at night but early in the morning with deliveries
- * objects to a 24/7 operation for non-residents
- * noise from parties and music is clearly audible on multiple nights
- * events are not consistent with the commitments made by the operator
- * the arrival and departure of guests and non-guests on Broadstone Place generates disturbance to residents with bedrooms facing Broadstone Place
- * the management plan should not be caveated to enable every key control measure to be varied without consultation
- * the hotel is a major destination for celebrities and paparazzi causing disturbance to local residents
- * increase in traffic flow at all hours with private drivers waiting both on Chiltern Street and Broadstone Place
- * the hotel operates as a hospitality venue, outdoor and indoor bar, nightclub and restaurant for non-resident customers and is not consistent with the clear commitments made by the operator when the original application was made for a 'boutique hotel' 'selling sleep'

Re-consultation following receipt of revised Management Plan

ENVIRONMENTAL HEALTH
No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 11;

6 number of objections raising all or some of the following concerns:

- * Use of the hotel areas for non-residents will cause extra noise and nuisance to residents in a formerly quiet and extremely narrow street.
- * Noise and general activity levels have greatly increased in Broadstone Place since the Hotel opened.
- * Loud cars and their stereos are a regular disturbance
- * Broadstone Place appears to have become a destination for people to congregate, and drink
- * Chiltern Street is regularly congested with hire cars and taxis piling up outside the hotel, causing noise and a hazardous environment for pedestrians. An extension of the bars opening hours will only add to this situation.
- * The application would enable non-resident guests to remain in all parts of the hotel, including the restaurant and potentially the courtyard

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the former Manchester Square Fire Station, a Grade II listed building within the Portman Estate Conservation Area. It is located on the west side of Chiltern Street and adjoins Wendover Court, a block of flats to the immediate north. The rear elevation backs onto Broadstone Place.

The building was purpose built as a fire station in 1889 and since February 2014 the building has been in use as a hotel.

6.2 Recent Relevant History

30 April 2009 – Planning permission granted for the use of the fire station as a 33 bedroom hotel (Class C1). Construction of new five storey building in yard, glazed rear rooflight and single storey rear extension at ground floor level and part two and three storey rear extensions at first floor level and above and new part basement excavation. Associated internal and external works. (Part of land use swap with Nos. 48, 58 and 63 Gloucester Place and 15-16 Fitzhardinge Street)

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

15 May 2013 – Planning permission granted for variation of planning permission dated 19 August 2011; namely for minor internal alterations at ground to third floor, alterations to glazing at basement to third floor, raising parapet wall at ground and first floor (south elevation), addition of rooflight at first floor, double glazed windows within doors to terrace at second floor, repositioned roof access hatch at fourth floor (roof), flue at roof

level within recessed dormers (north west corner), omission of louvred roof grille, window cill dropped to create doors at basement and ground floor.

December 2014 – Planning permission granted for variation of the permission dated 15 May 2013; namely to revise the wording of Condition 26 to allow revisions to access/egress arrangements to enable public access/egress from Broadstone Place.

Premises Licence

In April 2014 the hotel was granted a Premises Licence which allows the restaurant to open to non-resident guests until 01:00 and the hotel bar, lobby and function room to open (for pre-booked private functions) until 01:00. This license has subsequently been renewed.

7. THE PROPOSAL

The application seeks to vary Condition 8 which restricts access by non-resident guests to the hotel's restaurant, function and bar area between the hours of 07:00 and 24:00. This application seeks to vary that condition to enable non-resident guests to have access to the hotel's reception and lobby areas beyond midnight, to update the management plan (Condition 9) to vary the capacity condition (Condition 23 - to refer to the revised ground floor plan) and to update drawing numbers (Conditions 1, 26 and 31).

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms, the principle of the hotel in this location has been accepted by Committee and has been considered to be in line with the policies as set out in the Unitary Development Plan (UDP) and the City Plan.

8.2 Townscape and Design

No external alterations are proposed and therefore there are no design issues for consideration.

8.3 Residential Amenity

The original permission was subject to a condition that prohibited non-resident guests from staying in the hotel's restaurant, function and bar area beyond midnight. The intention of this condition was to prevent non-resident hotel guests from being in the front of house areas of the premises after midnight. In 2010 a revised application was approved which also made revisions to the front of house areas which enlarged the hotel's lobby and reception areas, and since then, the applicant has argued that Condition 8 does not apply to these areas. Non-resident guests have therefore been lawfully able to stay in these areas on a 24/7 basis (subject to the terms of the current Premises Licence). The plans now delineate a larger lobby and reception area and the current application has therefore been submitted to clarify the areas where non-hotel residents can stay beyond midnight. Despite the concerns raised, this application does not include the hotel's restaurant, which fronts onto Chiltern Street. The restaurant, and

the hotel's function room, at the rear of the premises, as in the original permission are only open to non-resident guests from 07:00 to midnight.

The main issues arising from the application are amenity related in terms of any potential noise and disturbance arising from the use of the hotel's lobby bar and reception area after midnight.

When the hotel was first opened it attracted a number of high profile guests and subsequently generated a high interest from the paparazzi resulting in general noise, disturbance and the subsequent use of bright camera flashes when a celebrity was spotted entering or leaving the premises. Since then, the hotel now actively discourages guests who court paparazzi attention, have introduced new policies including closing the main entrance gates onto Chiltern Street from 11.30 (and 10.30 on Sundays) and all guest egress after that time is via the exit onto Broadstone Place which is less residential in character.

The current applicant has also been subject to considerable negotiation particularly in relation to the submitted management plan which now includes the following measures:

- Door staff and bellmen ensure guests leave the premises quietly and disperse promptly to avoid impacting on local residents
- If complaints are received CCTV footage is reviewed to identify the source of complaint and appropriate action taken
- Hotel staff offer to call for cars and taxis on behalf of guests and guests are encouraged to wait inside the hotel rather than waiting on the street
- The hotel has employed a dedicated member of staff to act as a 'traffic liaison' who is a constant outside presence on Broadstone Place from 11pm onwards to engage and build up a rapport with drivers and to ensure all hotel staff enter and leave the premises as quietly as possible
- Door staff ask all vehicles waiting for any time on Chiltern Street and Broadstone Place to turn off their engines
- Staff are trained to be mindful of all anti-social behaviour on the street including instances unrelated to the Firehouse
- All guests are pre-registered so that their arrival can be anticipated and managed
- Local residents have been given direct contacts for senior members of staff and are able to contact them on a 24 hour basis
- Monthly meetings with a local residents liaison group are held where residents are able to raise concerns
- All references to enable the plan to be amended without the need for re-consultation have been deleted

In addition, the Council has already granted the applicant a Premises Licence (initially in April 2012, and again in December 2014, in February 2015 and in November 2015) allowing the hotel lobby and reception areas to open (for pre-booked private functions) until 01:00. Residents of the hotel, their guests and patrons of the hotel proprietor's guest list can also remain within the hotel lobby bar (up to a maximum of 25 persons) on a 24/7 basis. The current application has been submitted to enable the planning application to align with the approved Premises Licence.

In support of their application, the applicant cites a number of considerations:

- High profile guests who court paparazzi attention are asked not to return
- The Firehouse manager has built up a relationship with local residents over the last 3 and a half years and meets with them on a monthly basis and is available by telephone or email 24 hours a day. They have all been given her personal telephone number which they are encouraged to use anytime of the day and night. The manager reaches out to all new neighbours when they are made known to her and is in constant contact with the rest of the local community.
- 60% of all guests are loyal, regular or repeat guests who are aware of the hotel's procedures/restrictions
- The management plan has been updated on review of current practices in conjunction with Environmental Health and Licensing Officers
- Staff are employed to provide a 24 hour presence at the hotel and have built up a dialogue with taxi drivers

These points are noted and are considered to be material to varying degrees. It is also acknowledged that when the hotel first opened, numerous complaints were made to the Council's Noise Team, however, in the last 6 months only 6 complaints, from one objector, have been received, and only 6 letters of objection have been received to the revised application. It is considered that this gives some indication that the premises are being run effectively and with respect for neighbouring residents.

The premises have also been regularly monitored by the Council's City Inspectors who have reported that the hotel appear to fully comply with the procedures in their management plan as little disturbance and activity has been noted on Chiltern Street after midnight. However, the main source of activity after midnight when the restaurant closes, and when non-residents exit after leaving the lobby/reception area, is at the rear onto Broadstone Place. This is however predominantly commercial in character and the closest residential properties to the rear of the hotel are the flats on the upper floors of 44 Baker Street and the flats at the rear of Wendover Court. However, none of the mews buildings on Broadstone Place are within residential use.

Residents within the flats at the rear of Wendover Court have raised objections about the amount of activity and noise disturbance in Broadstone Place and as a result the Management Plan has been amended to include the requirement for the hotel to employ a dedicated member of staff to act as 'traffic liaison' and to be a constant presence outside on Broadstone Place from 11pm onwards. Following a recent inspection over the Christmas period, the City's Licensing Inspectors have reminded the hotel of the need to comply with this requirement. Whilst it is clear that not all traffic noise can be eliminated entirely on Broadstone Place, with a traffic liaison employee in place, noise from guests leaving after 11pm can be monitored by the hotel and the impact on local residents minimised.

The approved Premises Licence also imposes additional restrictions relating to the numbers of non-resident guests who can stay on the premises after 01:00 and this is limited only to guests of hotel residents and patrons of the hotel proprietor's guest list (up to a maximum of 25 persons). Notwithstanding the concerns received from residents, given the limited number of residential properties in Broadstone Place, the limited

capacity after 01:00, and with the measures set out in the revised management plan, and subject to appropriate controls it is not considered that the proposals could be refused as a result of adverse noise disturbance.

8.4 Transportation/Parking

Not relevant.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The premises provide level access from the street and a wc is provided at basement level, which is accessible by lift and suitable for disabled users.

8.7 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

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

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

A CIL payment is not liable.

8.11 Environmental Impact Assessment

The application does not prompt a requirement for an environmental statement.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health dated 4 February 2015
3. Response from Marylebone Association, dated 16 February 2015
4. Memorandum from Highways Planning dated 28 April 2015
5. Letter from occupier of Flat 8, Wendover Court, dated 14 February 2015
6. Letter from occupier of 41 Wendover Court, Chiltern Street, dated 5 February 2015
7. Letter from occupier of 10 Wendover Court, Chiltern Street, dated 8 February 2015
8. Letter from occupier of Flat 26 Wendover Court, Chiltern Street, London, dated 3 February 2015
9. Letter from occupier of 56 Wendover Court, Chiltern Street, dated 5 February 2015
10. Letter from occupier of 53A Blandford Street, London, dated 13 February 2015
11. Letter from occupier of 48 Blandford Street, London, dated 2 March 2015
12. Letter from occupier of 15 Wendover Court, Chiltern Street, dated 14 February 2015
13. Letter from occupier of 45 Wendover Court, Chiltern Street, dated 15 February 2015
14. Letter from occupier of 11 Admiral Court, 45 Blandford Street, dated 15 February 2015
15. Letter from occupier of 34 Wendover Court, Chiltern Street, dated 23 February 2015

COMMENTS RECEIVED FOLLOWING RE-CONSULTATION

1. Letter from occupier of 9 Wendover Court, Chiltern Street, dated 16 October 2016
2. Letter from occupier of 34 Wendover Court, Chiltern Street, dated 7 October 2016
3. Letter from occupier of 10 Wendover Court, Chiltern Street, dated 5 October 2016
4. Letter from occupier of 26 Wendover Court, Chiltern Street, dated 4 October 2016
5. Letter from occupier of 45 Wendover Court, Chiltern Street, dated 27 September 2016
6. Letter from occupier of 15 Wendover Court, Chiltern Street, dated 31 October 2016
7. Memorandum from Environmental Health dated 9 January 2017

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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

DRAFT DECISION LETTER

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

Proposal: Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY; to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan.

Reference: 14/11804/FULL

Plan Nos: DA/CS/PL/ 101 Rev AD

Case Officer: Josephine Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:

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

You must carry out basement excavation work only:

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

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

Reason:

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

- 3 You must carry out the work in accordance with the details approved under 12/11691/ADFULL approved on 20.12.2012, 11/09854/ADFULL approved on 28.11.2011 and 11/11918/ADFULL approved on 21.8.2012

Reason:

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

- 4 You must carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011

Reason:

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

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

Reason:

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

- 6 You must carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

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

Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 15 You must install the acoustic measures according to the works approved under RN 11/08504/ADFULL prior to the occupation of the hotel.

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in CS40 of our Core Strategy that we adopted in January 2011 and in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

we adopted in January 2007. (R12AC)

- 21 The courtyard area shall not be used for outside dining/drinking between 21:00 hours each day and 09:00 hours the following morning.

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

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

Reason:

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

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

area onto Chiltern Street shall be for means of escape only.

Reason:

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

- 27 The occupation of the premises for hotel purposes shall not begin until the parking bays on Broadstone Place have been replaced to the satisfaction of the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

Reason:

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

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

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.