

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2017	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, 115A Ebury Street And 2, Elizabeth Street, SW1		
Proposal	Variation of Conditions 1, 7 and 28 of planning permission dated 16 August 2016 (RN 16/03582/FULL) for the 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 PI) 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, namely to vary drawings and other documents to include changes to fenestration, relocation of plant and extended gym opening hours.		
Agent	Gerald Eve		
On behalf of	Grosvenor Estate Belgravia		
Registered Number	17/06293/FULL	Date amended/ completed	17 July 2017
Date Application Received	14 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant Planning 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.

Permission has previously been granted for the use of this site for a variety of uses including Class A1 and A3 retail uses, a gym and indoor flexible event space together with external works.

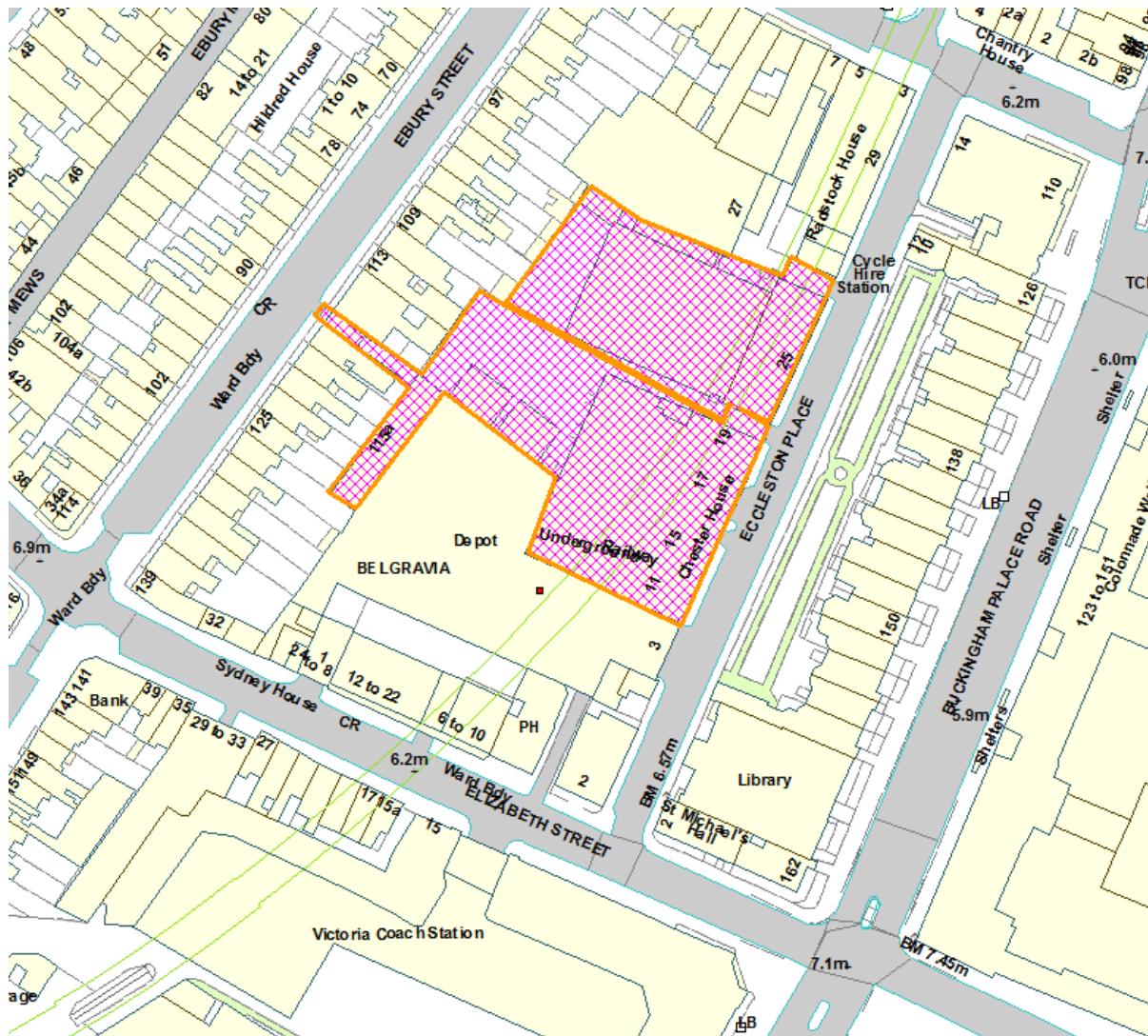
This application seeks to make a number of design changes to the approved scheme through the variation of condition 1, to change the operating hours of the approved gym and to revise condition 28 which requires the development to be completed in full within 18 months of works commencing on site. As originally submitted the proposal also sought to vary the opening hours for the Class A3 restaurant uses but this element has been withdrawn from the application.

The key issues in this case are:

- * The impact of the proposals upon the character and appearance of the Belgravia Conservation Area and;
- * The impact of the proposals upon the amenity of neighbouring residents.

The application has attracted objections principally to the extended opening hours to the restaurant (now withdrawn) and the gym on noise and disturbance grounds. For the reasons set out in the main report the application is substantially similar to the approved scheme and is considered acceptable in amenity terms. The application is also considered acceptable in conservation and design terms subject to the recommended conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Any response received to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response received to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response received to be reported verbally.

ENVIRONMENTAL HEALTH:

No objections subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 229

Total No. of replies: 4

No. of objections: 4

No. in support: 0

The letters of objection raise concerns about the amenity impact of the extended restaurant and gym opening times and about how the pedestrian entrance to the site from Ebury Street will be used in practice.

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 1980 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. Its 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.

Construction works have started on site in relation to planning permission dated 16 August 2016.

6.2 Recent Relevant History

17/06189/FULL

Use of 11-19 Eccleston Place as a sui generis use comprising retail, cafe, restaurant, coffee production, training, events and office functions; internal and external physical alterations to existing building, alterations to existing substation, plus installation of plant. Application Pending

16/03582/FULL

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. Conditional permission granted on 16 August 2016

16/10656/NMA

Amendments to the above planning permission dated 16 August 2016 (RN: 16/03582), namely amendment of wording of condition 15 to read as follows: "You must hang all doors or gates on Eccleston Place so that they do not open over or across the road or pavement; except for the entrance doors at the proposed new substation on Eccleston Place". Amendments granted on 30 November 2016

7. THE PROPOSAL

This application seeks to make a number of design changes to the approved scheme through the variation of condition 1, to change the operating hours of the approved gym

(condition 7) and to vary the wording of condition 28 which requires the development to be completed in full within 18 months of works commencing on site. As originally submitted the proposal also sought to vary the opening hours for the Class A3 restaurant uses but this element has been withdrawn from the application.

The design changes to each of the three buildings that form part of the site are as follows:

Chester House:

- Alterations to internal layouts;
- Changes to signage zones to be installed;
- Retention of existing gate to courtyard instead of a replacement;
- Retention of some existing windows and doors instead of replacements;
- Alterations to proposed bin stores;
- Alterations to proposed doors and glazing at ground floor level;
- Addition of man-safe systems at roof level;

25 Eccleston Place

- Addition of man-safe systems at roof level;
- Revised mechanical plant at roof level;
- Alterations to proposed internal layouts;
- Retention of external staircase rather than removal and installation of shopfront;
- Retention rather than replacement of some of the existing wall at south elevation;

115A Ebury Street and the Giraffe Sheds

- Addition of shopfronts at west elevation of Giraffe Sheds;
- New mezzanine and staircase to each unit;
- Relocation of waste and services;
- Amendment to location of approved green wall
- Additional external lighting above the green wall and;
- Retention of existing concrete plinths across Giraffe Sheds front (north) elevations

Condition 7 states:

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

The application seeks to revise condition 7 to allow the gym to open at 05:45 and to close at 22:15 each day.

Condition 28 states:

You must complete the development in full within 18 months of works commencing on site. You must notify us of the start date of building works within four weeks of their commencement.

The reason given for the imposition of this condition was to make sure the applicant carried out the development in full and that its appearance is satisfactory in design terms. However the applicant has now submitted a separate application for revisions to the indoor flexible event space at Chester House, 11-19 Eccleston Place (see history) for its use as a sui generis retail, cafe, restaurant, coffee production, training and events space and the wording of the condition needs to reflect this.

The revised wording sought for condition 28 is:

Other than the approved indoor flexible event space at Chester House, 11-19 Eccleston Place, you must complete the development in full within 18 months of works commencing on site.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of the use of the buildings that form part of this site for a variety of uses including Class A1 and A3 retail uses, a gym and indoor flexible event space has already been established by the extant permission. This proposal does not change the mix of uses already approved and given that there has been no significant change in policy since August 2016, the proposal is again considered acceptable in policy terms.

The revision sought to the wording of condition 28 is considered acceptable. The applicant has advised that works commenced in February 2017 and will be complete within the 18 month timeframe permitted by the condition. However it is considered appropriate to exempt the indoor flexible event space within Chester House at 11-19 Eccleston Place from this condition as revised proposals for this part of the site have been submitted under a separate application under 17/06189/FULL (see Section 6.2). If permission is granted for the revised indoor flexible event space then the recommendation will include the same condition requiring the scheme to be implemented in full and within an appropriate timescale.

8.2 Townscape and Design

None of the buildings within the site are listed and whilst they are identified as unlisted buildings of merit within the draft Belgravia Conservation Area Audit, the internal elevations that face the courtyard are less distinctive and have less architectural merit.

Overall the revisions to the scheme detailed in Section 7 of this report are minor and mostly affect the rear courtyard elevations. Many of the changes are internal or retain existing elements which were to be replaced in the original permission.

More specifically the fenestration changes are considered acceptable and the revised shopfronts on the west elevation of the Giraffe Sheds would be in keeping with the ethos of the original style of the development approved. Additional external lighting above the approved green wall on the boundary with 111-115 Ebury Street would only be directly visible from the courtyard and is acceptable in design terms. The proposed roof edge protection system on the rear of Chester House and the front of 25 Eccleston Place will add additional roof clutter but is required for health and safety purposes. It will not have a significant impact on townscape views from Eccleston Place.

Overall it is considered that the proposed design changes would be considered acceptable and would not detract from the character and appearance of the Belgravia Conservation Area. As such, the proposal would be in compliance with DES1 and DES 9 of the Unitary Development Plan and Westminster City Plan policies S25 and S28.

8.3 Residential Amenity

The key amenity implication with this revised scheme revision is the change to the opening hours of the gym. An objection has been received from a local resident in Ebury Street to the revised opening hours. The entrance to the gym unit is at the back of 25 Eccleston Place from within the internal courtyard. The applicant has advised that the gym operator would run a 'bootcamp' style gym class which would offer classes within a specific time slot. In order for these classes to start at 06:00 and finish at 22:00 an additional 15mins is proposed before the class start time and another 15mins at the end of the last class in the evening to allow customers to use the changing facilities.

It is acknowledged that a start time of 05.45 is early however the first class of the day is unlikely to generate large numbers of customers. There is a condition on the decision notice that requires the submission of a detailed Operational Site Management Plan and the expectation is that this will contain measures that will help protect the residential amenity of neighbours, particularly those that back onto the site in Ebury Street. The revised start time is substantially similar to the already approved opening time of 06.00 and is considered acceptable. In terms of closing, given that there are other activities on the site that will open beyond 22.15, the revised closing time is also considered acceptable.

The proposal does not propose any other changes that would affect the residential amenity of neighbouring residential occupiers. A number of residents in Ebury Street are concerned that the access arrangements to the courtyard from Ebury Street are changing under this application. To clarify, there would be no change to the arrangements under this application and there will be no vehicle access from Ebury Street. This is controlled by condition 19 on the draft decision notice. The servicing arrangements to the site will need to be approved by the council through a detailed servicing management plan and the expectation is that this will be from Eccleston Place.

8.4 Transportation/Parking

There are no changes to the approved scheme.

8.5 Economic Considerations

There are no economic considerations from the proposed amendments under this application.

8.6 Access

There are no access considerations from the proposed amendments under this application.

8.7 Other UDP/Westminster Policy 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.

Mechanical Plant

There is no change to the location of approved mechanical plant on the roof of both 25 Eccleston Place and Chester House, however, the specification of the mechanical plant

on the roof of 25 Eccleston Place has changed. The applicant has provided an updated acoustic report and Environmental Health has raised no objections subject to the imposition of our standard conditions.

Refuse /Recycling

The general layout of the refuse would remain similar to the details already approved, however, the proposed plans now show an additional residential refuse store in Chester House.

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

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

8.11 Environmental Impact Assessment

An Environmental Impact Assessment is not required for this proposal.

8.12 Other Issues

There are no other issues.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Environmental Health, dated 6 September 2017
3. E-mail from occupier of 8 Kings Road, Richmond, dated 19 August 2017
4. E-mail from occupier of 115 Ebury Street, London, dated 21 August 2017
5. E-mail from occupier of Flat 5, 115 Ebury Street, London, dated 20 August 2017
6. E-mail from occupier of 115 Ebury Street, London, dated 21 August 2017

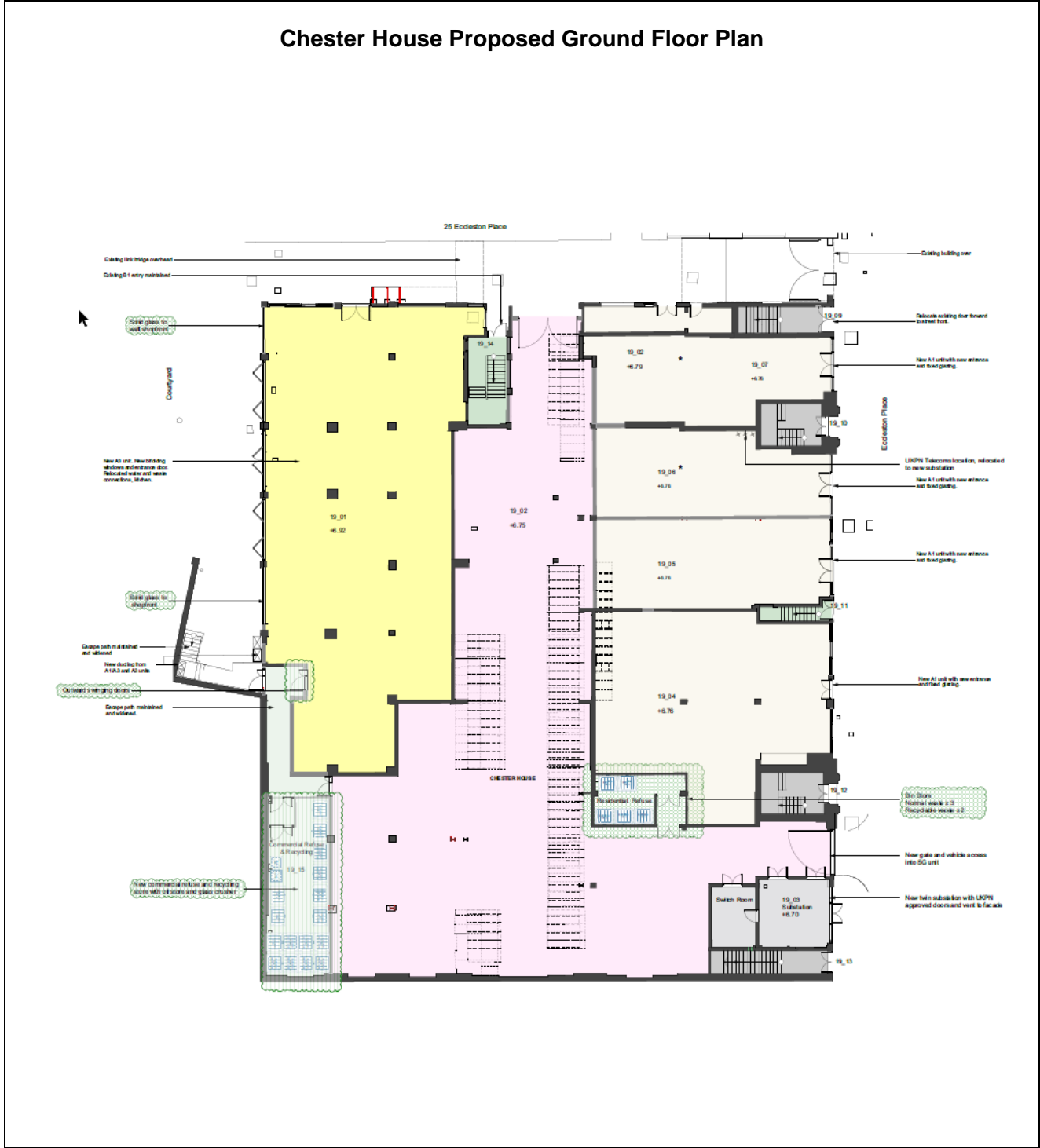
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT amandajackson@westminster.gov.uk

9 KEY DRAWINGS



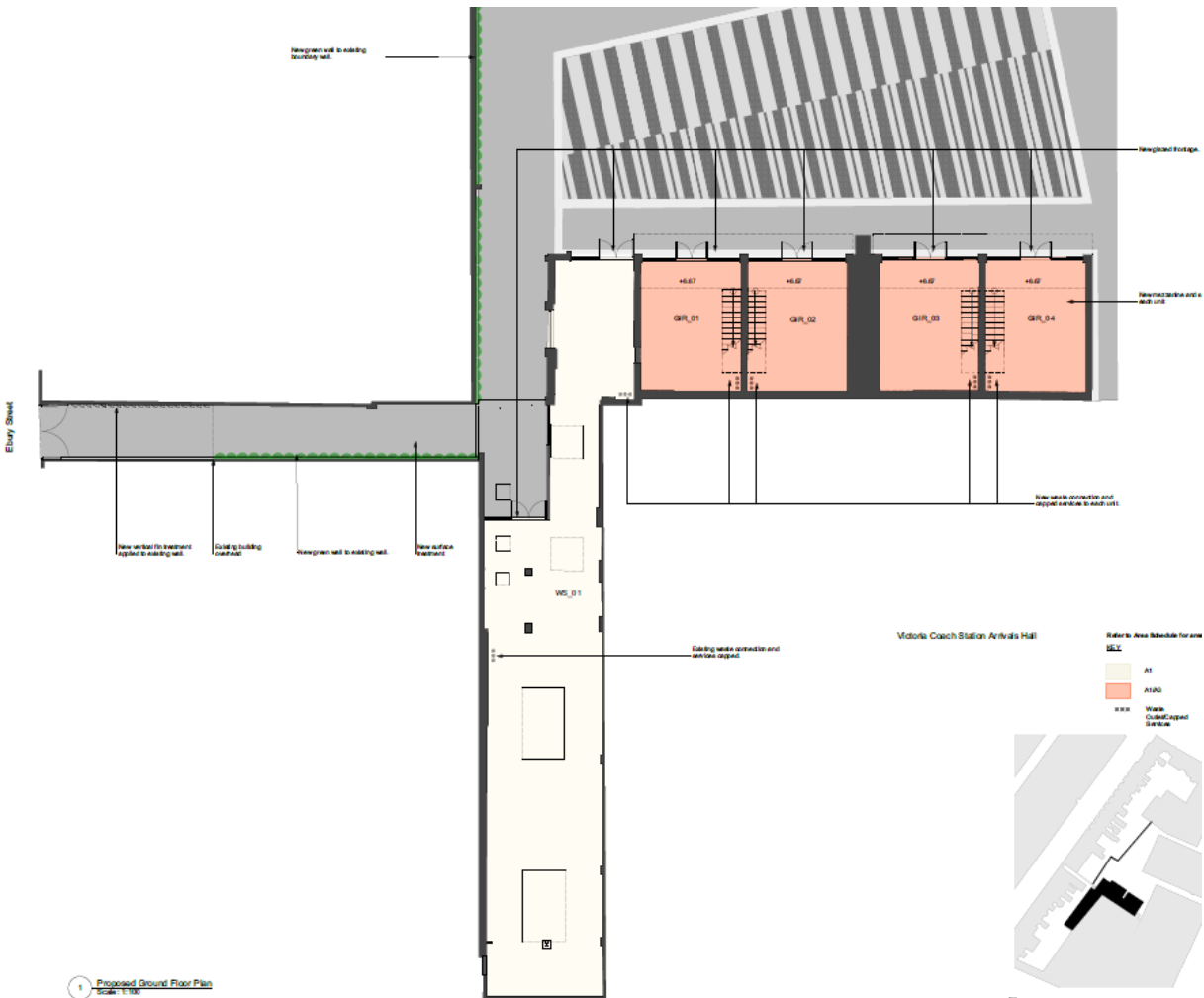
Chester House Proposed Ground Floor Plan



25 Eccleston Place Approved Ground Floor



115 Ebury Street Approved Ground Floor Plan



1 Proposed Ground Floor Plan
Scale: 1:100

Victoria Coach Station Art/Valis Hall

Refer to Area Schedule for area
KEY

- AT
- ATAG
- Walls Outside/Entrance

DRAFT DECISION LETTER

Address: Development Site At 3-5, 11-19, 25-27 Eccleston Place, 115A Ebury Street And 2, Elizabeth Street, London, ,

Proposal: Variation of Conditions 1, 7 and 28 of planning permission dated 16 August 2016 (RN 16/03582/FULL) for the 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, namely to vary drawings and other documents to include changes to fenestration, relocation of plant and extended gym opening hours.

Reference: 17/06293/FULL

Plan Nos: 16/03582/FULL, 961_LP_01A, 961_GIR_EE_01A, 961_GIR_EE_02A, 961_GIR_EE_03A, 961_GIR_EE_04A, 961_GIR_EX_GFA, 961_GIR_EX_RFA, 961_GIR_EX_WLA, 961_GIR_DE_E_01A, 961_GIR_DE_E_02A, 961_GIR_DE_E_03A, 961_GIR_DE_E_04A, 961_GIR_GA_RFA, 961_GIR_GA_WLA, 961_GIR_ED_01A, 961_25_EE_01A, 961_25_EE_02A, 961_25_EE_03A, 961_25_EE_04A, 961_25_EX_GFA, 961_25_EX_RFA, 961_25_DE_E_01A, 961_25_GE_01A, 961_25_GE_02A, 961_25_GE_05A, 961_25_GE_06A, 961_19_EE_01A, 961_19_EX_01A, 961_19_EX_GFA, 961_19_EX_RFA, 961_19_DE_E_01A, 961_19_GE_01A, 961_19_GE_04A, 961_19_ED_01A and 961_19_ED_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.,
As varied by , Location Plan 961_LP_01 rev: A, 961_GIR_DE_P_P_GF Rev P1, 961_GIR_GA_P_GF Rev P1, 961_GIR_GA_P_01 Rev P1, 961_GIR_GA_P_02 Rev P1, 961_GIR_GA_P_03 Rev P1, 961_25_DE_E_P_02 Rev P1, 961_25_DE_E_P_03 Rev P1, 961_25_DE_E_P_04 Rev P1, 961_25_DE_P_P_GF Rev P1, 961_25_ED_P_01 Rev P1, 961_25_ED_P_02 Rev P1, 961_25_GA_P_GF Rev P1, 961_25_GA_P_RF Rev P1, 961_25_GE_P_02 Rev P, 961_25_GE_P_03 Rev P1, 961_25_GE_P_04 Rev P1, 961_19_DE_E_P_02 Rev P1, 961_19_DE_E_P_03 Rev P1, 961_19_DE_P_P_01 Rev P1, 961_19_DE_P_P_GF Rev P1, 961_19_GA_P_01 Rev P1, 961_19_GA_P_GF Rev P1, 961_19_GA_P_RF Rev P1, 961_19_GA_P_02 Rev P1 and 961_19_GA_P_03. Rev P1 Plant Noise Impact Assessment SDV/EC14611-024 dated 13 July 2017.,

Case Officer: Nosheen Javed **Direct Tel. No.** 020 7641

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 This permission must be commenced no later than 16 August 2019

Reason:

This permission authorises amendments to the original planning permission granted on 31 August 2016 (RN 16/03582/FULL) which must be commenced no later than the above date.

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of 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)

- 4 You must carry out the development in accordance with the samples of facing materials approved by the City Council under RN 17/02608/ADFULL dated 10/04/17.

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

- 5 You must carry out the development in accordance with the detailed drawings for windows and gates/doors approved by the City Council under RN 17/02608/ADFULL dated 10/04/17.

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

- 6 You must carry out the development in accordance with the hard and soft landscape details approved by the City Council under RN 17/05792/ADFULL approved on 08/09/17. 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.

Reason:

To ensure that the approved landscape scheme improves 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 (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 7 You must only use the part of the property (rear ground floor of 25 Eccleston Place as labelled on drawing 961_25_GA_P_GF Rev P1) 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)

- 8 Customers shall not be permitted within the Class D2 gym premises before 0545 or after 2215 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 (November 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 (November 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 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 (November 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 (November 2016) and ENV 6, ENV 7 and TACE10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 The Ebury Street entrance shall be closed by 2300 hours and the Eccleston Place entrance closed by midnight each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and 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 as a food retail 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 (November 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 (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 With the exception of the entrance doors to the substation, you must hang all doors or gates on Ecclestone Place so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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

- 17 You must provide the cycle parking shown on drawing 961_GIR_GE_P_02 Rev P1 prior to the use of any part of the development hereby approved. Thereafter the cycle parking shall be maintained in accordance with the approved plans.

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 provide the commercial refuse and recycling facility shown on drawing 961_19_GA_P_GF Rev P1 prior to the use of any part of the development hereby approved. Thereafter the commercial refuse and recycling facility shall be maintained in accordance with the approved plans.

Reason:

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

- 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 (November 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 (November 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 (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.

- 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 carry out the development in accordance with the tree protection measures for the tree to the rear of 115 Ebury Street approved by the City Council under RN 16/1012/ADFULL on 19/12/2016 and thereafter shall be maintained in accordance with the approved details for the duration of the construction works.

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 (November 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 (November 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 (November 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).

- 28 You must not use the roof of Chester House and 25 Eccleston Place for sitting out or for any other purpose. You can however use the roof for maintenance purposes as well as to escape in an emergency. (C21BA)

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)

- 29 Other than the approved indoor flexible event space at Chester House, 11-19 Eccleston Place, you must complete the development in full within 18 months of works commencing on site.

Reason:

To make sure that you carry out the development in full and to make sure that we are satisfied with the appearance of the development, according to DES 1 (A) of our Unitary Development Plan that we

adopted in January 2007. (R02DB)

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.
- 2 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.**
- 3 Conditions on the decision notice control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 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.
- 5 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

Item No.
4

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.