

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 July 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	2-3 Robert Street, London, WC2N 6BH,		
Proposal	Use of a part of the ground floor, mezzanine, basement and sub-basement (vaults) as a spa Facility (Class D2), installation of plant equipment to the Robert Street elevation and adjacent to the garage entrance in York Buildings. Associated works including excavation of 4 treatment pools at sub-basement level and new brickwork to rear. (Site includes 21 York Buildings) (linked with 17/11410/LBC)		
Agent	Purcell		
On behalf of	Aire Spa Solutions		
Registered Number	17/11409/FULL and 17/11410/LBC	Date amended/ completed	22 December 2017
Date Application Received	22 December 2017		
Historic Building Grade	Grade II star		
Conservation Area	Adelphi		

1. RECOMMENDATION

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

2. SUMMARY

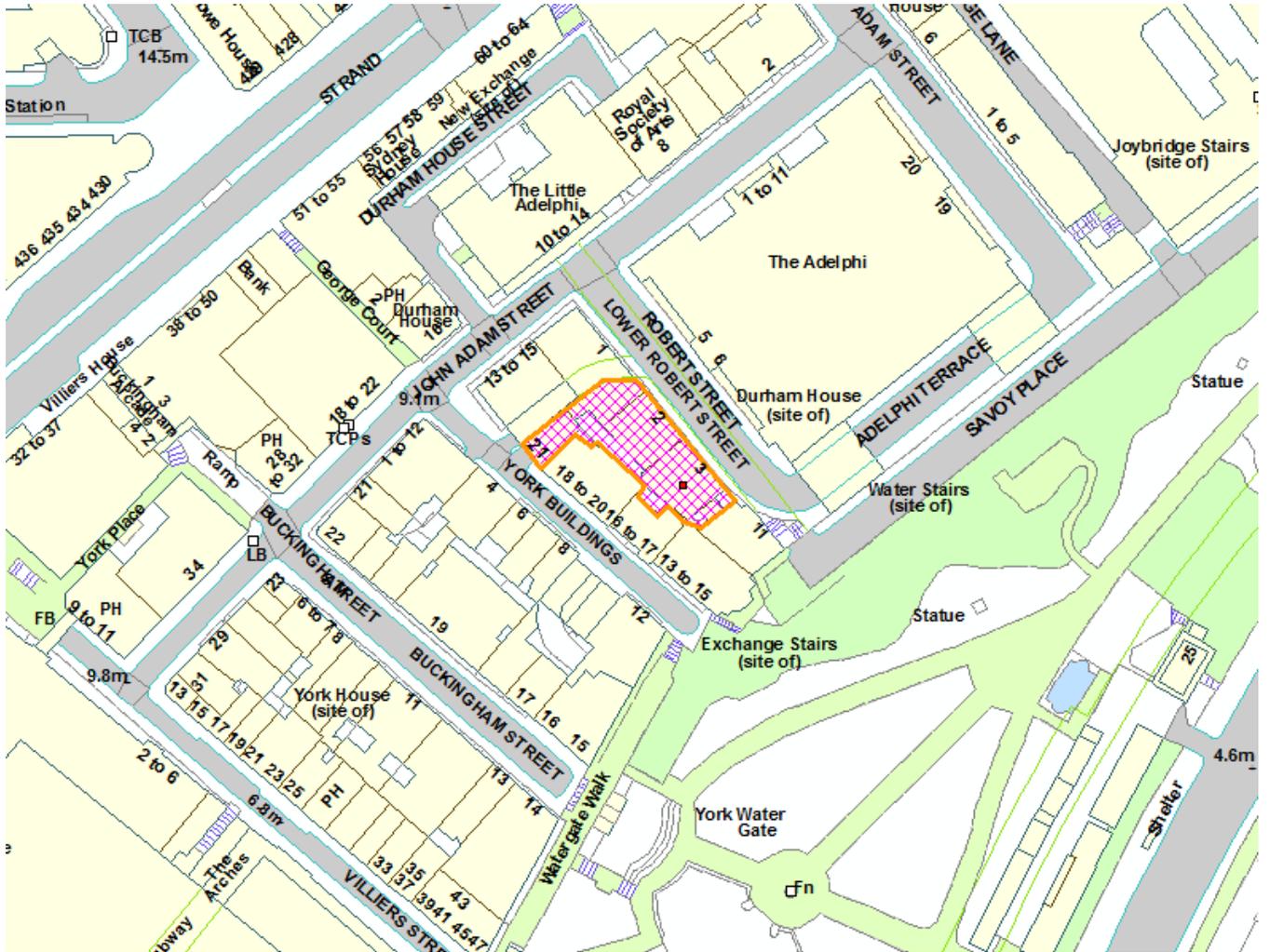
2-3 Robert Street is a Grade II star listed building located within the Adelphi Conservation Area and the Core Central Activities Zone (CAZ). The building comprises lower ground, ground and four upper floors over a basement and is currently in office use. This application proposes the use of a part of the ground floor, mezzanine level, basement and sub-basement as a spa facility (Class D2).

The key issues to consider in the determination of this application are:

- * The impact of the proposals in land use terms;
- * The impact of the proposals upon the listed building and the Adelphi Conservation Area;
- * The impact of the proposals upon the amenity of neighbouring properties.

For the reasons set out in the report, the proposals are considered acceptable in land use, amenity, highways and design terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). The application is recommended for approval subject to the conditions as set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



2-3 Robert Street

5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine as seen fit.

HISTORIC ENGLAND ARCHAEOLOGY

No objection subject to standard conditions.

WESTMINSTER SOCIETY

No objection. This scheme could be a useful addition to the overall area subject to an earlier closing time.

HIGHWAYS PLANNING MANAGER

No objection subject to condition requiring cycle storage.

BUILDING CONTROL

The structural method statement is considered acceptable.

ENVIRONMENTAL HEALTH

No objection subject to standard conditions.

CLEANSING MANAGER

No objection subject to standard conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 213

Total No. of Replies: 7

Objections have been received from neighbours raising the following points:

AMENITY

Increase noise levels and other inconvenience caused by customers leaving the premises.

Increased noise from condensing units.

Pollution caused by additional traffic.

Smells from the chlorine.

Midnight closing time is too late.

HIGHWAYS

Increased traffic and parking.

Drivers waiting near the Spa facility.

Obstruction of Lower Robert Street when servicing deliveries and collecting waste.

ADVERTISEMENT/SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

2-3 Robert Street is a Grade II star listed building located within the Adelphi Conservation Area and the Core Central Activities Zone but outside of the West End Stress Area. The building comprises lower ground, ground and four upper floors over a basement and is currently in office use (Class B1). The site includes part of 21 York Buildings located to the rear of the site.

6.2 Recent Relevant History

On 19 September 2016 permission was granted for the creation of roof terraces with balustrades and new roof access enclosure and associated external alterations, in connection with the existing office use. (16/07020/FULL)

On 25 June 2015 permission was granted for the conversion of existing buildings to 11 residential units (Class C3) including the removal of the link addition on the south elevation and rear extension, construction of infill rear extension between ground and third floor level, extensions at roof level to provide access to new terraces, installation of plant equipment in basement and associated external and internal works, including excavation of pool. (15/00473/FULL and 15/00474/LBC)

7. THE PROPOSAL

Permission and consent are sought for works including excavation of pools and installation of plant connection with the use of the sub-basement, basement and part of the ground floor as a spa facility (Class D2). In terms of the proposed layout, a reception, waiting room and office would be located at ground floor, at basement level there would be changing rooms, a small spa area, with the main massage rooms, therapy pools and relaxation areas located at mezzanine and sub-basement levels. The proposed opening hours for the spa is 0800 to 2300 each day. The applicant states that the spa would have a maximum capacity of 60 visitors at peak overlapping times with 20 employees.

The applicant is Grupo Aire Ltd, a 'premium' operator that provides ancient bath experiences. They currently operate in Seville, Almeria, Barcelona, Paris, Copenhagen and New York.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy 34 of Westminster's City Plan states that 'New social and community facilities will be encouraged throughout Westminster...' UDP Policy SOC 1 seeks to protect and improve the range of community facilities in Westminster.

The proposal will result in the loss of 900sqm of office floorspace. City Plan Policy S6 identifies the Core Central Activities Zone as an appropriate location for a range of commercial and cultural uses. There are no specific policies which prevent existing

offices from changing to other commercial uses. The loss of the office floorspace is considered to be acceptable in land use terms.

8.2 Townscape and Design

In design terms the proposals reduce the amount of work/ fabric removal proposed when compared with the residential scheme permitted in 2015. The works include the formation of two new internal door openings adjacent to the entrance at ground floor level and the repositioning of the lift to the rear of the building, which is beneficial over the previously approved location.

Within the basement levels works are limited mostly to the formation of pools (basement level 2) and the rooms to support the proposed use (basement level 1). These areas have been previously altered and consent has previously been granted for other internal works in these areas including the creation of pools. These proposals are not considered to adversely impact on the character of the building and are therefore acceptable.

8.3 Residential Amenity

Six letter's of objection has been received which raises a number of issues relating to the impact on the amenity of the local residents.

Noise

Concern has been expressed by local residents about increased noise in terms of comings and goings of pedestrians and vehicular traffic. The location of the site with Strand to the north and Villiers Street to the west means that there is already vehicle and pedestrian movements in this direction throughout the day and evening; however it is acknowledged that there is potential for this to increase as a result of the proposal. The Strand and Villiers Street are home to a number of entertainment uses, and given the close proximity to Embankment underground station means that the area surrounding Robert Street is utilised for access by pedestrians and taxis. There are other uses located nearby which provide evening entertainment including the Smith and Wollensky restaurant and Theodore Bullfrog public house both on John Adam Street.

It is acknowledged that Robert Street is much quieter than the surrounding main thoroughfares, however with regards to the potential disturbance it is important to consider the nature of the proposed use and the likelihood of the patrons using raised voices on their way to or from the Spa. The spa facility intends to solely cater for advance bookings rather than for passing trade and the spa experience is based around relaxation. A condition is attached, which limits the maximum number of customers within the spa to 60 people at any one time.

Environmental Health officers have reviewed the two acoustic reports produced with regards to the air chiller and swimming pool air-handling unit which is to be located at rear ground floor level within 21 York Buildings and the effect of condensing units which are to be located within a lightwell to the south of the site. From a technical perspective, Environmental Health is satisfied that the plant and sound insulation measures are capable of meeting the standards set out in ENV7 of the UDP, subject to standard conditions regarding maximum noise levels.

Hours of operation

The applicant had initially requested a final entry time of midnight, therefore a closing time of 0130 hours. The applicant has since agreed to a closing time of 2300 hours, therefore the last people entering the Spa facility would be at 2130 hours. As already acknowledged the proposal will bring additional activity during the evening in a location where the current office use would not tend to result in such activity. However, as outlined above the area is of mixed use character, close to busy thoroughfares and is within the Core CAZ. Given the low intensity of the use, with a maximum of 60 customers on site at any one time, it is unlikely to give rise to an unacceptable level of disruption. A condition is recommended to prevent customers using the spa outside of 0800 to 2300 hours each day.

Given the existing noise environment of the area and proposed opening hours it is not considered reasonable to refuse the application on this basis. To further ensure that any impact of the use is mitigated impact as far as reasonably practicable, a condition is recommended to secure an operational management plan.

Odour

The applicant has submitted information with regards to how they will mitigate the chlorine odours of the swimming pools from affecting the neighbours. This includes the following measures:

- Ultra violet equipment incorporated into the water treatment process to minimise chlorine dosing levels.
- The air handling system will limit the proportion of air from swimming pool spaces being extracted externally.
- Filters will be fitted on the exhaust air ductwork.
- Doors to the swimming pool spaces will be fitted with seals to avoid air leakage.

The measures put forward by the applicant are considered a reasonable means to reduce the potential for odours escaping. It is considered unlikely that the proposals would result in adverse impact to neighbours, however if odours become a statutory nuisance, action can be taken under the Environmental Protection Act. It must be noted that swimming pools were permitted on this site in 2015.

8.4 Transportation/Parking

Robert Street operates as a one way system and space is available to accommodate a number of vehicles adjacent to the servicing bays which currently provide adequate capacity for the office space. It is unlikely that the deliveries required for the spa facility would exceed the deliveries and courier activity associated with the existing office space.

Highways Planning has reviewed the application and stated that while no off-street servicing is indicated for the development, the site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. The proposed use will be serviced in a similar fashion to the existing use.

Highways Planning consider that the impact on the highway and transport networks is not likely to be significant and the impact of the change of use on parking levels will be minimal. No cycle parking is indicated on the submitted drawings. Based on 20 staff being present, 3 cycle parking spaces should be provided to comply with policy. Details of cycle parking is recommended to be secured by condition.

The waste project officer has reviewed the proposed storage arrangements for waste and recyclable materials and raises no objection.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Access to the building will remain as existing using the original entrances. A new DDA compliant lift is proposed to access all floors within the spa.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

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

8.10 Environmental Impact Assessment

The application does not require an Environmental Impact Assessment.

8.11 Other Issues

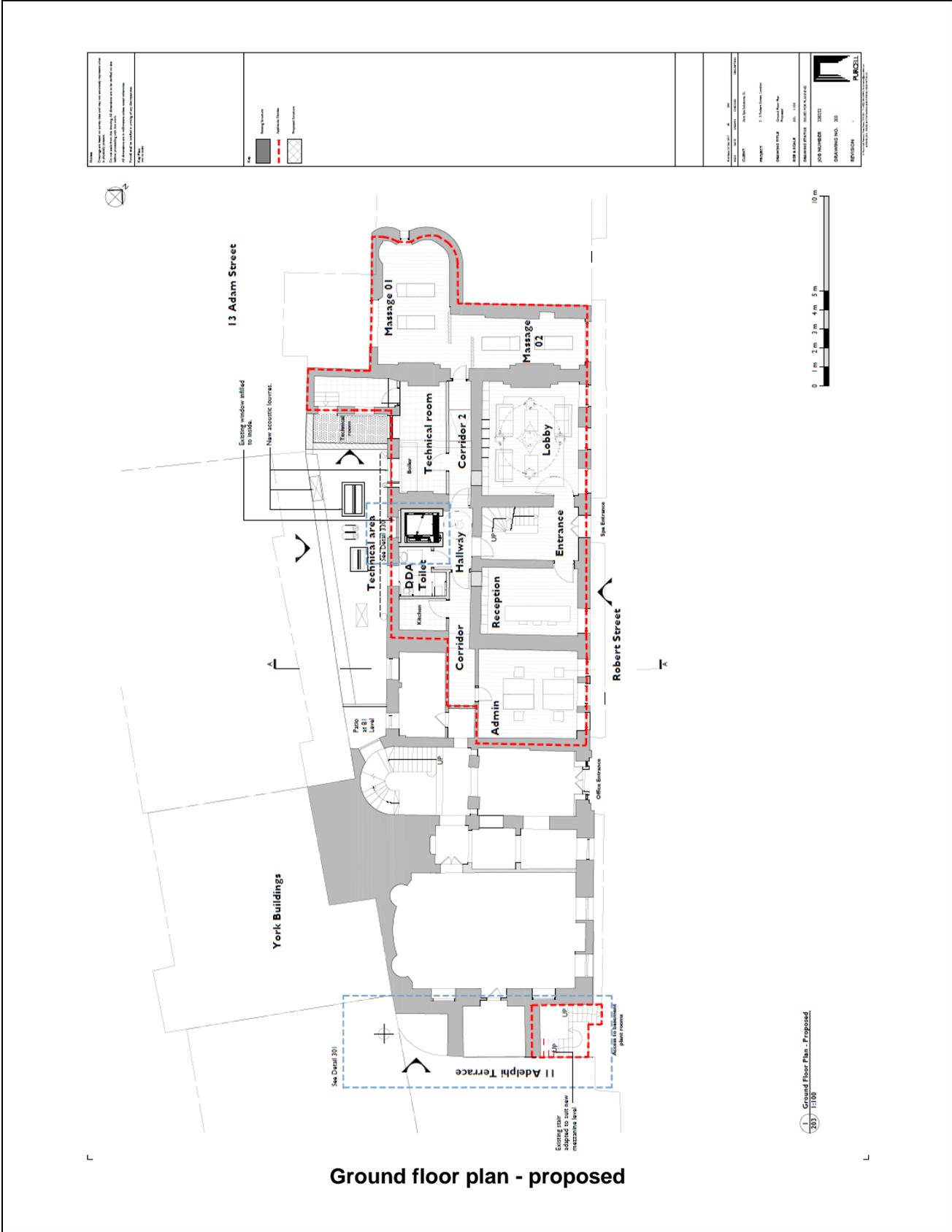
None relevant.

(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: VINCENT NALLY BY EMAIL AT southplanningteam@westminster.gov.uk.

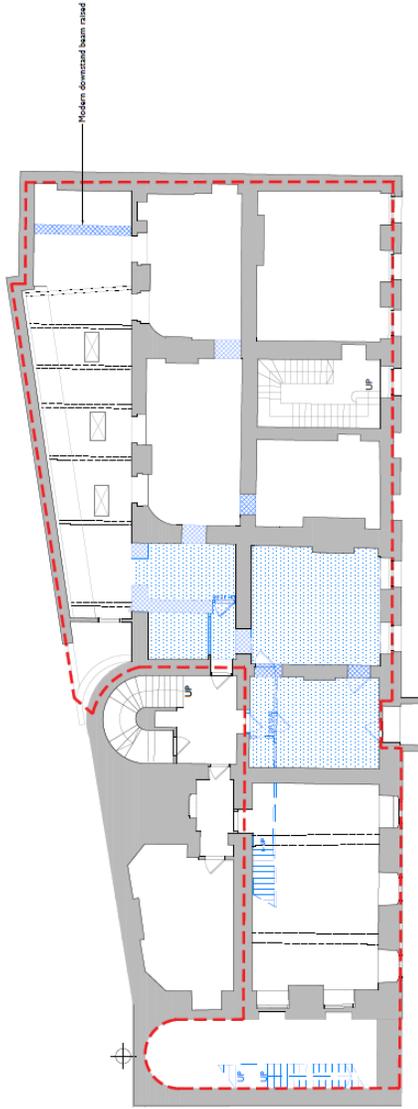
9. KEY DRAWINGS





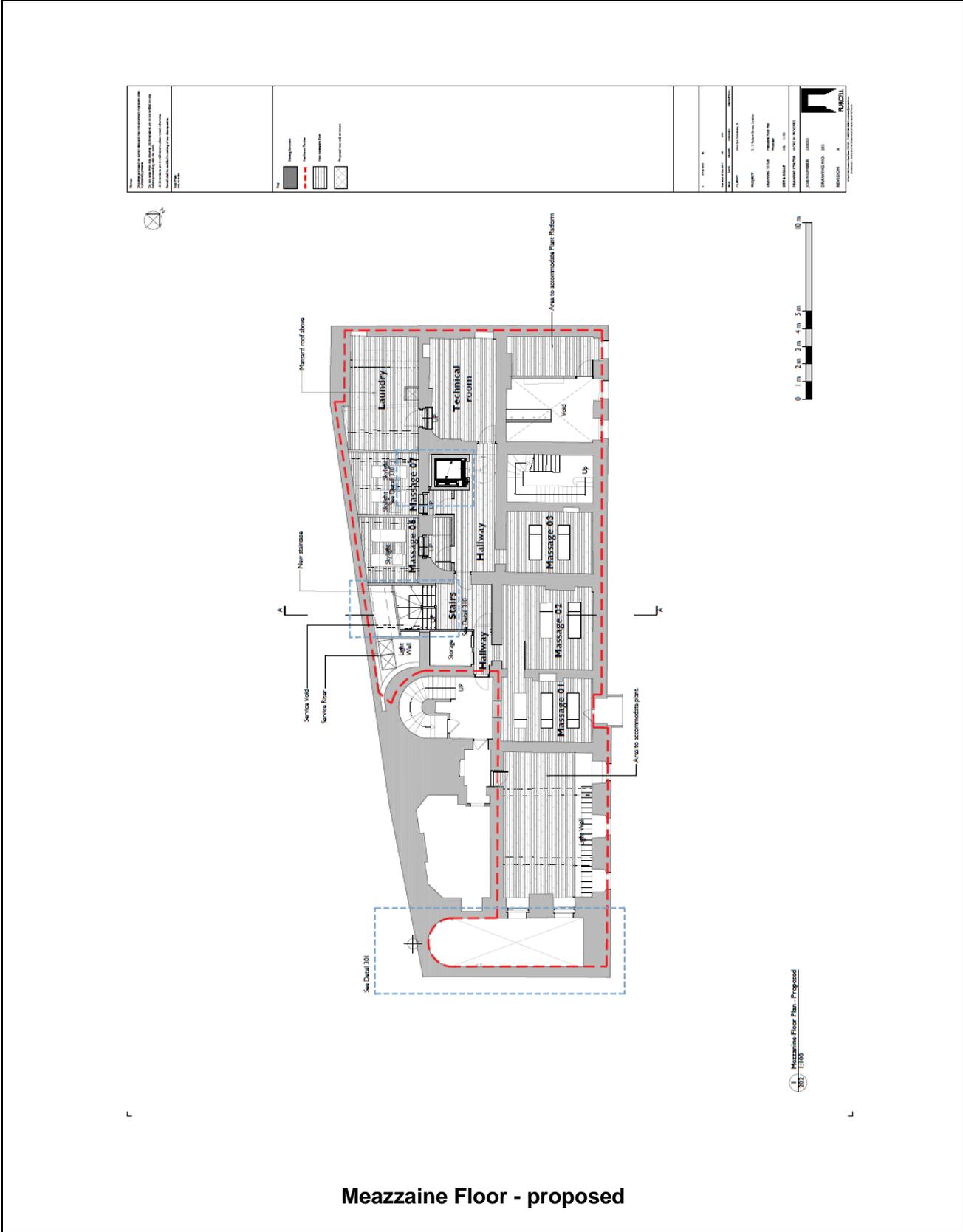
Ground floor plan - proposed

<p>NOTES</p> <p>1. This drawing is a preliminary drawing. It is not to be used for construction purposes without the approval of the architect.</p> <p>2. All dimensions are in millimeters unless otherwise stated.</p> <p>3. The architect is not responsible for the accuracy of the information provided by third parties.</p> <p>4. The architect is not responsible for the accuracy of the information provided by third parties.</p>	<p>KEY</p> <p>Existing structure</p> <p>Proposed structure</p> <p>Demolition</p> <p>Structural steel</p> <p>Concrete</p> <p>Brick</p> <p>Glazed curtain wall</p> <p>Roof structure</p> <p>Roof structure</p>	<p>PROJECT INFORMATION</p> <p>PROJECT NO. 1000000000</p> <p>CLIENT: [Name]</p> <p>ARCHITECT: [Name]</p> <p>DATE: [Date]</p> <p>JOB NUMBER: 202001</p> <p>DRAWING NO. 103</p> <p>SECTION: PARCELL</p>
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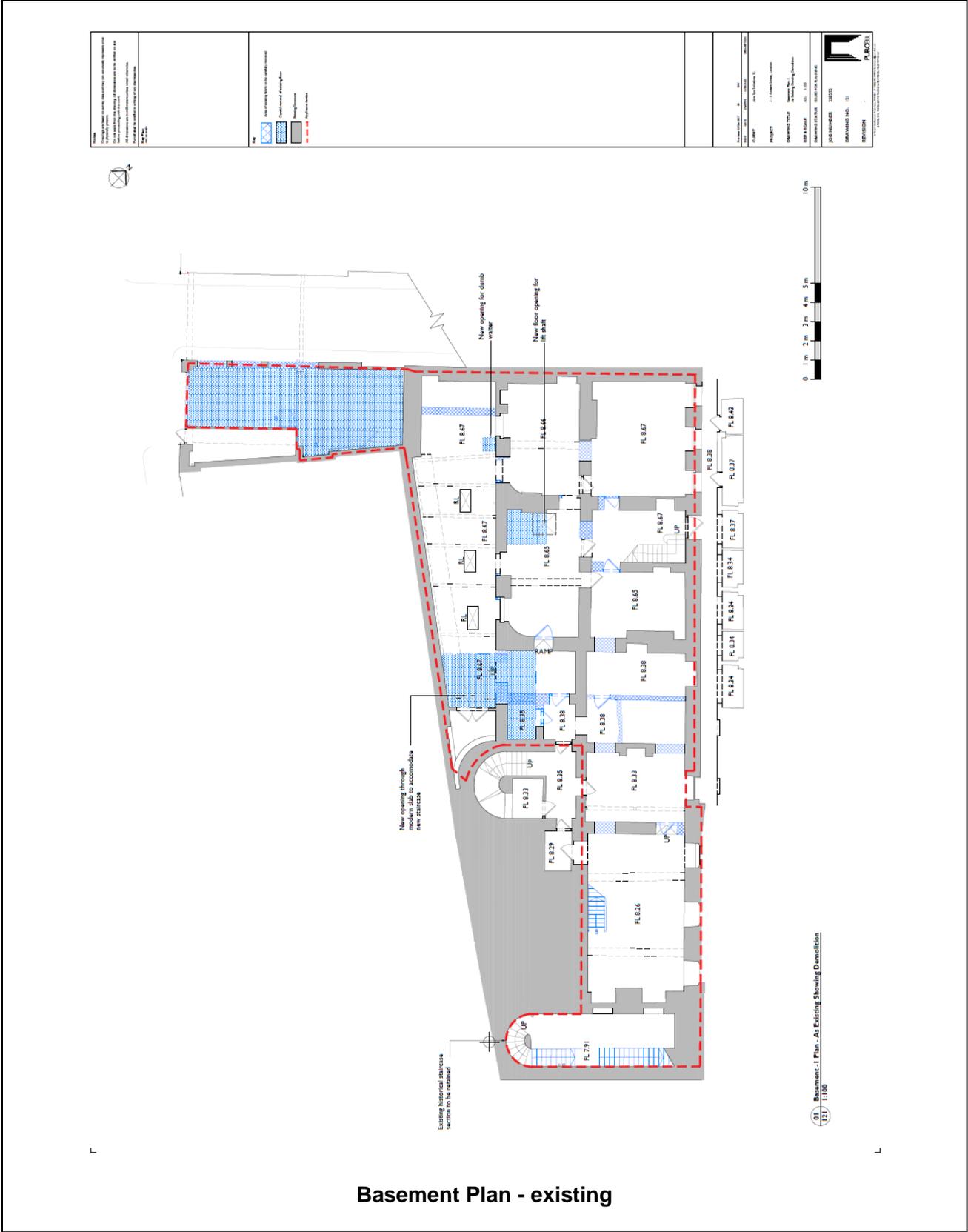


1 Mezzanine Floor Plan - As Existing Showing Demolition
1/100

Mezzanine Floor existing

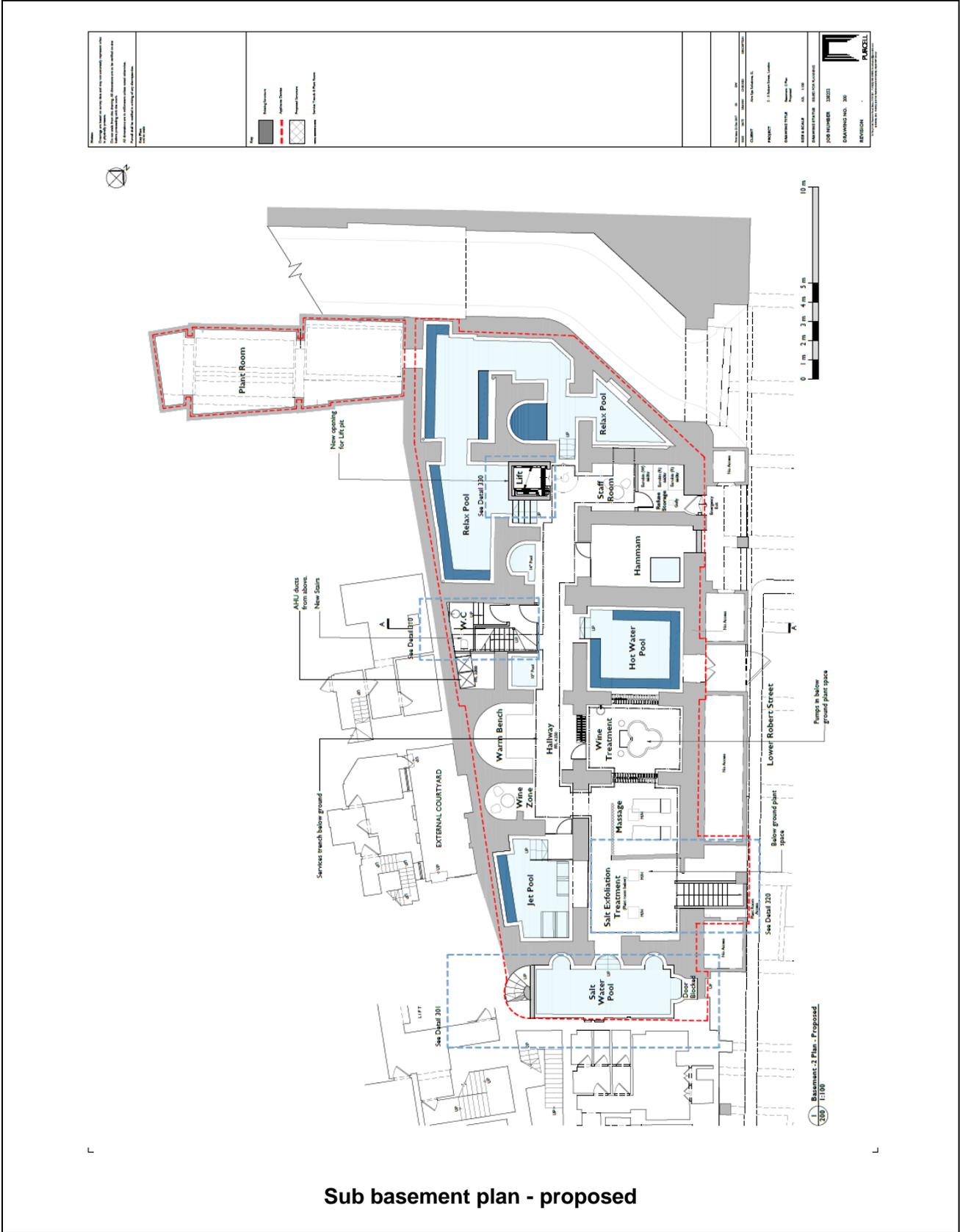


Mezzanine Floor - proposed

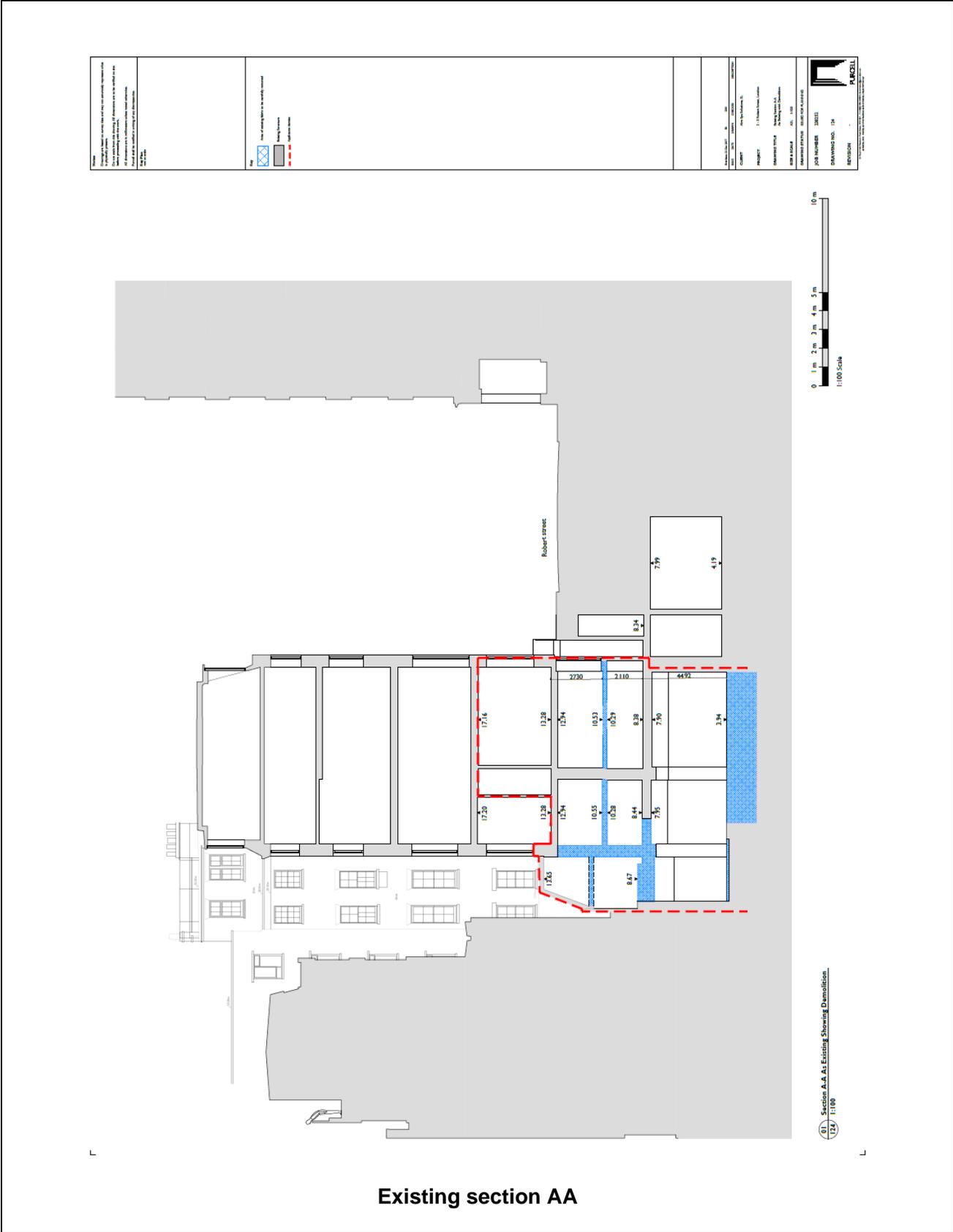




Sub basement plan - existing



Sub basement plan - proposed



DRAFT DECISION LETTER

Address: 2-3 Robert Street, London, WC2N 6BH,

Proposal: Use of a part of the ground floor, mezzanine, basement and sub-basement (vaults) as a spa facility (Class D2), installation of plant equipment to the Robert Street elevation and adjacent to the garage entrance in York Buildings. Associated works including excavation of 4 treatment pools at sub-basement level and new brickwork to rear. (Site includes 21 York Buildings) (linked with 17/11410/LBC)

Plan Nos: 001; 002; 121; 122; 123; 124; 126; 200; 201Rev a; 202Rev a; 203; 204; 205; 206; 127; 300; 301Rev a; 310; 311; 320; 330; 340; 341; 361; 360; Construction Management Plan; Archaeology Impact Assessment; Noise Impact Assessment; Structural Design and Methodology Statement; Design and Access Statement.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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

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

Reason:

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

- 2 Except for 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)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless

differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Adelphi 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)

- 4 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.

- 5 You must apply to us for approval of details of secure cycle storage for the spa facility use. 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.

- 6 The provision for the storage of waste and recyclable materials, as shown on drawing number 200, is to be made permanently available and used for no other purpose. The waste must be taken using route C as contained in section 4 of the servicing and refuse strategy of the Highways Statement dated 19 December 2017.

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)

- 7 Customers shall not be permitted within the Spa Facility premises before 08.00 or after 23.00 each day. (C12AD)

Reason:

To protect neighbouring residents from noise 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. (R13FB)

- 8 This condition relates to the plant and machinery hereby approved within 21 York Buildings.
- (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.

- 9 This condition relates to the plant and machinery hereby approved to the Robert Street building.
- (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 5 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 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.
- (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:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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.

10 This condition relates to 21 York Buildings.

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

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in

ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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.

11 This condition relates to the Robert Street building.

(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Spa use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

(a) The location of most affected noise sensitive receptor location and the most affected window of it;

(b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted

in conformity to BS 7445 in respect of measurement methodology and procedures;

(d) The lowest existing L A90, 15 mins measurement recorded under (c) above;

(e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we

adopted in January 2007 (UDP), so that the noise environment of people in nearby 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 not allow more than 60 customers into the property at any one time. (C05HA)

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 ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 14 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the Spa use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the Spa is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. 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. (R05GB)

- 15 You must use the premises only as a spa use. You must not use it for any other purpose including any within Class D2 of the Town and Country Planning (use Classes) Order 1987 as amended April 2005 (or 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 SOC 1 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

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 construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

DRAFT DECISION LETTER

Address: 2-3 Robert Street, London, WC2N 6BH,

Proposal: Use of a part of the ground floor, mezzanine, basement and sub-basement (vaults) as a spa facility (Class D2), installation of plant equipment to the Robert Street elevation and adjacent to the garage entrance in York Buildings. Associated works including excavation of 4 treatment pools at sub-basement level and new brickwork to rear. (Site includes 21 York Buildings) (linked with 17/11409/FULL)

Plan Nos: 001; 002; 121; 122; 123; 124; 126; 200; 201Rev a; 202Rev a; 203; 204; 205; 206; 127; 300; 301Rev a; 310; 311; 320; 330; 340; 341; 361; 360; Construction Management Plan; Archaeology Impact Assessment; Noise Impact Assessment; Structural Design and Methodology Statement; Design and Access Statement.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641 1091

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

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary

Development Plan that we adopted in January 2007, and paragraph 2.3-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 5 No development shall take place until details of the final foundation design have been submitted by the applicant and approved in writing by the planning authority. The development shall only take place in accordance with the approved details.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

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

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 and 2.5 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

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

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