1. **RECOMMENDATION**

1. Grant conditional permission, subject to a Section 106 legal agreement to secure the following:

   a) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the redundant crossovers in Chilworth Mews including signage improvements as required by City Highways. All to the council’s specification, at full cost (administrative, legal and physical).

   b) Employment and skills plan and financial contribution of £117,162.15 towards initiatives that provide employment, training and skills development.

   c) Carbon Off-set payment TBC

   d) The costs of monitoring the S106 agreement

   All figures are to be index linked and paid on commencement of development.

3. If the S106 legal agreement has not been completed within six weeks from of the date of the Committee’s resolution then:

   a) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Permission is sought for the redevelopment of the site with retention of internal structure, rear and roof extensions and associated alterations in connection with the use of the site as a hotel and restaurant. The principle of a hotel within the CAZ, POA and NWEDA is acceptable subject the use meeting all other relevant development plan policies.

Significant representation of objection has been received from SEBRA and the local community in close proximity of the site including many from Chilworth Mews and nearby streets, on a number of grounds including the principle of a hotel use which backs on to a residential mews, the physical and operational impact of the proposal on the amenities of residents of Chilworth Mews and other surrounding properties, its impact on transportation and highways and design and conservation. Paddington BID and two further representations, which include a small petition from the wider community support the proposal due to its location and benefits it would bring.

The key issues in this case are:

- The principle of hotel development in this location within the CAZ, POA and NWEDA, backing on to a residential mews.
- The physical and operational impact on the amenities of residents of Chilworth Mews
- The impact of the proposed hotel in transport and highways terms.

Officers fully acknowledge and understand the concerns of residents of the Chilworth Mews with respect to the potential physical an operational impact of the proposal. However, it is considered that with appropriate conditions, any potential adverse impact can be satisfactorily mitigated so as not to result in any significant impact on residents’ amenities or the local highway.

As such, the application is recommended favourably, subject to conditions and the completion of a S106 legal agreement to secure the planning obligations set out in the officer’s recommendation.
3. LOCATION PLAN

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4. PHOTOGRAPHS
5. CONSULTATIONS

ORIGINAL CONSULTATION 22.05.2019

HISTORIC ENGLAND
No comment

GREATER LONDON AUTHORITY (GLA)
No comment. Application is not referable to the Mayor.

TRANSPORT FOR LONDON
Comment. Car-free nature of scheme (except for four blue badge car parking spaces) is welcome. Blue badge car parking and cycle provision with adaptable spaces acceptable, subject to layout and end of journey facilities for staff according with policy. 1 coach parking space required and should be reviewed. However, noted that applicant identified existing coach parking in vicinity of the site, subject to this having capacity, should be secured through a taxi, private hire vehicle and coach management strategy, otherwise condition to prevent group booking should be imposed. With regard to trip generation, raw data should be provided. Construction Logistic Plan (CLP) requested to take into consideration ongoing works at Crossrail, Eastbourne Terrace and surrounding area and to consider measures such as delivery booking system, off-site fabrication, consolidation of deliveries and co-operation between construction sites in the area (including common procurement). Plan requested framework travel.

Further comment. Noted that coach parking within the site may not be possible, it should be demonstrated that the alternative arrangements are sufficient to accommodate any demand. Coach parking in locality is already likely to be well used and as such, surveys should be undertaken together with demand for coach parking from the development. Alternatively, a condition should be imposed to restrict group bookings. Would have preferred different method of trip generation for existing and proposed surveys used are dated and therefore applicant should undertake sensitivity testing for trip generation. Request Construction Logistics Plan and Travel Plan

NETWORK RAIL
No comment

CROSSRAIL
Comment. Detailed design of the development needs to take into account the construction of Crossrail. Pre-commencement conditions requested with respect to foundation design and settlement and concurrent working and informative with respect to transmitted ground Bourne noise and vibration.

LONDON UNDERGROUND LIMNITED
No comment. The applicant is in communication with London Underground engineers with regard to the development above. Therefore, we have no comment to make on the application except that the developer should continue to work with LU engineers.
THAMES WATER
No objection, subject to conditions regarding water and surface water network upgrades and informative with respect to water mains and underground water assets.

NATIONAL GRID
Any response to be reported verbally

ENVIRONMENT AGENCY
Any response to be reported verbally

LONDON FIRE SERVICES/LONDON FIRE AND CIVIL DEFENCE
Any response to be reported verbally

METROPOLITAN POLICE
Any response to be reported verbally.

COUNCILLORS FOR HYDE PARK WARD
Any response to be reported verbally.

ENVIRONMENTAL HEALTH
Holding objection of Air Quality grounds. No objection in all other respects, subject to conditions with respect to imposition of standard noise and vibration conditions and in relation to supplementary acoustic report, emergency generators, noise from internal activity, contaminated land, deliveries and servicing, cooking ventilation. Informative also requested.

ECONOMY TEAM
Comment. Based on total net uplift in floor space and employment and skills plan and financial contribution of £117,162.15 is required under Local Economy policy 2019.

HIGHWAYS PLANNING MANAGER
Comment. Support proposed servicing, car parking, cycle parking, trip generation, travel plan and waste storage. Unsupported transport issues - Chilworth Street entrance and impact on footway from hotel guests with luggage blocking the highway, Eastbourne Terrace more suited to this type of activity. Coaches and Taxi’s- No provision for coach party arrivals or departures within the site, relying on on-street provision for coach drop offs and collection of hotel guests and relies in part on Eastbourne Terrace post Crossrail, some of which is still in flux. Questionable if existing on-street coach provision has capacity for additional activity. Operational Management does not sufficiently address coaches and would need to be amended for taxi’s. Suggest S106 obligation for highways alterations, conditions and informatives.

WASTE PROJECT MANAGER
No objection, subject to condition.

DESIGNING OUT CRIME
Comment. Met with the applicant and designing our crime advice given.

BUILDING CONTROL
Any response to be reported verbally
ARBORICULTURAL MANAGER
Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY
No objection. No objection to principle of the development or facades. Take neighbours views into consideration.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION
Objection. Objection to change of use to hotel on grounds of harm to amenity of residents of Chilworth Mews, as do not consider that the harm could be overcome by conditions. Vehicles of up to 50 per day (total for both sites) as site becomes a loading/unloading facility for both 40 and 50 Eastbourne Terrace, would reverse into or out of the loading bay with associated noise from bleepers and doors. Hours of delivery should be shorter (for example 8-6 M-F and 10-4 other days). Impact of hotel bedrooms facing Chilworth Mews properties through light spill, potential overlooking.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT
Support. Timing for hotel use of this site is now right and Paddington's hotel offer needs to increase and modernise, with more appropriate accommodation being provided in the vicinity of the station, providing over 100 jobs. Opportunity for ground floor animation of more human scale to Eastbourne Terrace is welcomed, as completion of Crossrail is closer and the introduction of a cafe will provide a vital pause point for passengers exiting Crossrail as they navigate their way through Paddington. Servicing strategy including a consolidated zone applauded.

BAYSWATER RESIDENTS ASSOCIATION
Any response to be reported verbally

HYDE PARK ESTATE ASSOCIATION
Any response to be reported verbally

PADDINGTON RESIDENTS ACTION ON TRANSPORT
Any response to be reported verbally

ADOINING OWNERS AND OCCUPIERS AND OTHER REPRESENTATIONS
No consulted; 1057
No of replies: Numerous representations of objection from 25 individual properties Two representations of support including a petition of 27 signatures

OBJECTION

Land use
- Inappropriate location for a hotel in a residential street due to amount of activity it would generate as no way to mitigate the problems of a busy hotel operating day and night and the impact it would have on the quality of life in Chilworth Mews
- Proposal contrary to City Plan policies S23, S29 and NPPF as hotel proposed in a residential street
• Does not support public safety, accessibility, right of way access or pedestrian and cyclists.
• Already too many hotels
• Is extra hotel space needed?

Amenity
• Hotel use detrimental to residential amenity and character of Chilworth Mews50 and 40 Eastbourne Terrace and servicing requirements
• Cumulative impact of Mews.
• Hours of servicing too long causing noise and disturbance to residents of the News
• Impact of commercial hub of 24/7 commercial activity.
• Loss of light from increase in height of building
• Pollution on Chilworth Mews from increase in vehicles.
• 24/7 hotel use detrimental impact on residents sleep and lifestyles
• Lobby on Chilworth Street will cause 24/7 noise and disturbance due to footfall and drop offs and pickups.
• Proposal has no regard for residents
• Vehicle noise
• Impact of staff entrance to rear in Chilworth mews
• Does not improve local area or wellbeing
• Excessive scale of development
• Angled slat blinds to mitigate privacy needs careful consideration
• Peace of mews will be shattered
• Chilworth mews will become the service entrance for 366 room hotel
• Use of Mews for cigarette breaks
• Loss of privacy to Westbourne Terrace properties
• Loss of view from Westbourne Terrace properties
• Loss of light to Westbourne Terrace properties
• Associated dirt and rubbish on Chilworth Street and Westbourne Terrace unacceptable
• Impact on health

Transport
• Number of delivery vehicles underestimated and misrepresented due to temporary closure of Chilworth Street, Eastbourne Terrace changes and Crossrail
• Vehicles cannot stop on Eastbourne Terrace, so will use Chilworth Mews, Chilworth Street and Craven Road
• There is a qualitative and quantitative difference between servicing of offices and a 24/7 hotel.
• Servicing and delivery plan is to be submitted, what if it proves to be unworkable.
• Impact on safety of children an older people in the Mew
• Increased deliveries and traffic due to change from office to hotel
• Hotel use will result in Chilworth mews becoming a taxi stand
• Impact of increased vehicular movement on pedestrians as Chilworth Mews does not have any pavement
• Inadequate dropping off or short term parking facilities on Eastbourne Terrace consequently taxi, uber services will spill onto Chilworth Mews.
• Substantial spillage of commercial traffic to Chilworth Mews surrounding streets.
Applicant has closed the essential private access road on its land at 50 Eastbourne Terrace.
Proposed service route and car park has for the past 60 years been used as a children's play area.
Mews has a high level of pedestrian and cycle movement.
Mews is sole entry/exit for all Chilworth mews properties and their garages.
Servicing numbers exclude No.50 Eastbourne Terrace, and so will be much higher.
Both servicing bays would not be able to be used at the same time.
Road safety.
Traffic congestion.
Lack of taxi and food delivery points Overlooking from hotel to mews.
Proposed privacy mitigation has not been tested.
No mitigation of light pollution.
Alternative servicing arrangement could be from Craven Road and Chilworth Street.
The mews will become a congested lagoon of idling cars causing noise and pollution contrary to Mayors anti idling campaign.
Council's inability to stop illegal taxi ranking.
Will block garages in Chilworth mews.
Traffic increasingly use Chilworth Street and Mews as a rat run the bypass congestion and made worse by taxis backed up on Praed Street and deliveries to the Hilton hotel.
Lobby of Chilworth Street will maximise 24 hour use of this quiet residential street.
Use of Westbourne Terrace for coach parking is unacceptable.
Impact on Conduit mews.
Local infrastructure cannot cope.

Design
Proposal would dissolve the character of the conservation area.
Impact on setting of Chilworth Mews.
Residential character of Mews altered as Mews becomes a service yard.
Enclosed loading bay an eyesore.

Trees and landscaping
Removal of cherry tree.
Will the trees be retained—?
Landscaping proposal is weak compared to that of 10, 20, 30 Eastbourne Mews.

Other
Disappointing that developers have misrepresented the scheme and feedback that they have had from residents.
Developers have a duty to collaborate with the local community.
Visuals misrepresent the scale of the proposal.
Plans for 40 and 50 Eastbourne Terrace need to tally.
Revised draft City Plan- policy S23 now directs hotels to the CAZ, S24 states that entertainment uses should be of appropriate size and type to location and overconcentration of those uses prevented where cause harm. S40 to preserve character and appearance of conservation areas and protect their setting. S34 ensures quality of life, health and wellbeing and not adversely affected by harmful pollutants and negative impacts on the local environment and S32 to prevent adverse effects of noise.
and vibration. S30 servicing, collection and delivery needs should be fully met within a development site. S1 to balance competing functions within the CAZ. S3 POA inclusive and high quality public realm.

- Have already endured years of Crossrail building.
- Use of the private land on Westbourne Terrace as a fire assembly point for the hotel is unacceptable.
- Chilworth Street should not be used as an access point for construction as have suffered 5 years of Crossrail noise

ADVERTISEMENT/SITE NOTICE: Yes

RECONSULTATION AS ABOVE ON 05.08.2019 (DETAILED DEMOLITION DRAWINGS; LIGHT POLLUTION REPORT, AIR QUALITY CLARIFICATIONS, RAILINGS OMITTED FROM EASTBOURNE TERRACE AND CHILWORTH STREET, REVISED DRAWINGS TO SHOW CONTEXT WITH 50 EASTBOURNE TERRACE, LOADING BAY PLAN AND SECTION, TRANSPORT TECHNICAL NOTE, AGENT RESPONSE TO REPRESENTATIONS.

ENVIRONMENTAL HEALTH
No objection. Original holding objection of Air Quality grounds withdrawn.

WASTE PROJECT MANAGER
No objection

OBJECTION
General

- Amendments fail to address the substantive issues previously raised.

  Land use
- A community or arts use should be proposed.

  Transport
- Transport arrangements continue to pose a safety risk to pedestrians, cyclists and other road users from multiple large vehicles completing reversing manoeuvres in a narrow residential rad, obstructing the highways on exit and entry.
- Development should meet the servicing and delivery requirements within the development site as required by policy S42
- Two alternative options were put to the developer- reinstate the private service road through 50 Eastbourne Terrace or create access from Chilworth Street into the back of 40 Eastbourne Terrace.
- Chilworth Mews access arch is only single vehicle width.
- Chilworth Mews should be one-way

  Amenity
- Amendments fail to mitigate against reduced amenity, privacy, noise and light pollution
- Heavy loading bay doors will cause noise opening and shutting and vehicles manoeuvering
- Roof level plant will struggle to meet noise level criteria
• Light pollution report is inaccurate, refers to full height louvres which are not proposed and to internal lighting design being unresolved.
• No evidence provided that the louvres will prevent overlooking and privacy issues have not been addressed.
• Overlooking of back windows

Design
• Height of building is excessive
• Welcome investment in area and long-term economic benefits
• Will introduce greening and landscaping

SUPPORT
• Appropriately located within CAZ, POA and NWEDA.
• Hotel supported.
• Good public transport location
• Will provide a number of different jobs.
PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a 1950’s office block with curtilage access road and car parking to its rear. Its primary frontage is to Eastbourne Terrace facing the flank of the Grade I listed Paddington Station. It also faces onto Chilworth Street (north) and at the rear (west) to Chilworth Mews, beyond which lies the larger properties on Westbourne Terrace. Chilworth Mews is a public highway and comprises of a terrace of residential mews houses along its western side. To its south is 50 Eastbourne Terrace, previously also an office building, which is currently undergoing redevelopment for office and residential use. Access to Chilworth Mews is via arched entrances from Chilworth Street and Craven Road and the road which has no formal footpath is shared by pedestrians, cyclists and vehicles.

40 Eastbourne Terrace is not listed and is located outside of a conservation area, although the boundary of the Conservation Area runs down the centre of Chilworth Mews. There are a number of trees within the rear curtilage of the site, which are the subject of Tree Preservation Orders.

In terms of land use designations within the development plan, the site is located within the Paddington Opportunity Area (POA), the North Westminster Economic Development Area (NWEDA) and the Central Activities Zone (CAZ).

Eastbourne Terrace has been the subject of Crossrail works, which has resulted in various closures and diversions of vehicular and pedestrian traffic over the last few years.

6.2 Recent Relevant History
40 EASTBOURNE TERRACE
Permission was granted on 16.03.2015 for Alterations to an approved scheme under the course of construction (03/09674/FULL) for the existing five-storey office building refurbishment. Change of external appearance. New cladding panels, replacement windows, new spandrel panels, brise soleil, plant room cladding and new entrance facade enclosure and additional landscaping: Namely the erection of a full height atrium across part of the rear elevation. (05/00067/FULL).

Permission was granted on 29.04.2015 Alterations during the course of construction to a scheme granted permission dated 22 November 2004 (RN: 03/09674) for refurbishment and extensions to existing office building namely, modification to roof plant enclosures and new roof guard rail. (04/09872/FULL).

Pending application submitted on 19.07.2019 for temporary plant equipment located in the car park of 40 Eastbourne Terrace. (19/05644/CLEUD)

50 EASTBOURNE TERRACE
Conditional permission was granted subject to a S106 legal agreement on 10th July 2019 for Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) ‘L’ shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews.
NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; minor alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (Classes A1/A2/A3) and office (Class B1) floorplates including ancillary spaces.(18/09733/FULL).

This development is currently underway and 50 Eastbourne Terrace is currently a construction site.

7. THE PROPOSAL
Planning permission is sought for works of demolition and extension and external alterations to the building in connection with a change of use from office to hotel use.
The key elements of the proposal are set out below:-

- Demolition with retention of the existing structure of the building.
- Replacement of facades
- Roof extension
- Rear extensions
- External alterations
- Infill of front lightwell
- Use as 366 bed hotel with ancillary restaurant
- Flexible use of part of the ground floor for restaurant/hotel
• Reduction in the quantum of car parking to rear in Chilworth Mews
• Soft landscaping to rear.

<table>
<thead>
<tr>
<th></th>
<th>Existing GIA (sqm)</th>
<th>Proposed GIA (sqm)</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>9457</td>
<td>0</td>
<td>Loss of office 9457m²</td>
</tr>
<tr>
<td>Hotel</td>
<td>0</td>
<td>12,414m²</td>
<td>New hotel 12,414m²</td>
</tr>
<tr>
<td>Flexible hotel/restaurant.(C1/A3)</td>
<td>0</td>
<td>658m²</td>
<td>New C1/A3</td>
</tr>
</tbody>
</table>

Increase of 3615m² of floor space

The applicant has advised that they also own no. 50 Eastbourne Terrace and that the proposals for that site which are currently under construction, together with the proposals for this site forms part of a wider comprehensive mixed-use development of both sites, comprising hotel, office, retail and residential accommodation.

During the course of the application, the applicant has sought to provide further clarifications, documents, drawings and comments on matters raised during the original consultation. This included more detailed demolition drawings to clarify quantum of demolition, revised drawings to omit railings from corner of Eastbourne Terrace and Chilworth Street and to show the site context with 50 Eastbourne Terrace and further drawings and transport technical note with respect to the loading bay and servicing. Further clarifications with respect to air quality was provided together with a light pollution report and the agent has also sought to provide a written response to representations received during the original consultation. Subsequently, re-consultation was carried out to enable interested parties to provide any further representations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use
Policy S3 (Paddington Opportunity Area) of our City Plan seeks to provide new homes and new jobs within the POA by the provision of a range and mix of uses across the opportunity area, including offices, housing, health and other uses to support the economic and social regeneration of the area, including new retail, social and community facilities, entertainment and arts/cultural uses. The area is an established centre for officers and remains Westminster’s most important area for development with significant opportunities for place-making and improving connectivity.

Policies S12 (NWEDA) seeks to tackle deprivation and promote economic activity by contributing to increasing economic activity in the area, or providing local services, or improving quality and tenure mix of housing, and also contribute to a number of priorities relating to physical connections and severance, public realm and local environment, heat and power networks, housing, local services and employment.
Policy S6 (Core CAZ) indicates that the area is an appropriate location for a range of commercial and cultural uses and complementary residential use, subject to a number of priorities. The most relevant to this site is that “Supporting strategically important clusters of uses consistent with enabling the growth and evolution of places to ensure that the area retains its globally important function as a business location.

Whilst office use is encouraged within this location, there is no policy protection to the loss of office floor space by a change of use. Given the significant office floor space within the POA and in the pipeline within the vicinity of the site (e.g. Paddington Cube) and in the absence of any policy protection, the loss of office floor space is acceptable.

**Proposed Hotel use**

Policy S23 (Hotels and Conference facilities) directs new hotels to a number of locations including the POA, Core CAZ and NWEDA, to streets which do not have a predominantly residential character. A hotel in this area would support the commercial activities and would be located within the vicinity of a strategic transport hub.

In this case, the application site address and main frontage of the site is Eastbourne Terrace which is a street comprising of office buildings to the west site and which faces the flank of Paddington Station and the location of departures road. Eastbourne Terrace is also a pedestrian and vehicular highway and bus route, although over recent past has been subject to temporary closures due to Crossrail works. With the completion of Crossrail works, Eastbourne Terrace is expected to be a key street in pedestrian and vehicular movement from Paddington Station. However, this is very much in contrast to the rear of the application site, which backs on to Chilworth Mews, which retains to its western side a terrace of domestic scale mews houses in residential use and Chilworth Street that contains residential uses to its western end. However, this relationship between commercial uses on busy roads and the smaller residential properties in side streets is not un-common within Westminster.

Given the address and frontage of the site and its location within the POA, NWEDA and CAZ, the principle of a hotel on this site and in this location is considered to accord with Policy S23. The principle frontage of the building itself is not located in a residential street but a busy commercial street in the heart of Paddington. It is recognised that the building/site backs onto a residential mews, but this is not un-common within Westminster and applies to many buildings/sites within the POA, NEWDA and CAZ. As such, the objections raised to the principle of a hotel in this location in policy land use terms is not supported.

However, simply by accepting the principle of the hotel use in land use terms does not imply that it is automatically acceptable in all other respects. The proposed hotel use must be considered acceptable in all other planning considerations including in transportation and residential amenity terms. As assessment on these grounds is set out elsewhere in this report.

**Restaurant use**

Two areas at ground floor level, either side of the main entrance lobby from Eastbourne Terrace are indicated as being in connection with food and beverage offers. One area to the right of the main entrance lobby is proposed with a food prep area and as ancillary to the hotel operation. A larger area (658m2) to the left of the main entrance lobby
is proposed a restaurant with a kitchen (for primary cooking) and permission is sought for the flexible use of this space as either a hotel restaurant (Class C1) to be owned and operated by the hotel, or as a separate restaurant unit (Class A3) operated by an external restauranteur. In either scenario, the restaurant would be available for use by hotel guests and the public.

The introduction of an independent restaurant is an appropriate use in this location would support the wider commercial, hotel and transport infrastructure in the vicinity. Policy S24 requires entertainment uses such as restaurants, to be appropriate in terms of type, size of use, scale of activity and relationship to an existing concentrations of entertainment uses and cumulative impact. Residential amenity, health and safety, local environmental quality and the character and function of the area must not be adversely affected. Generally large-scale (over 500m2) late night entertainment uses will not be appropriate.

8.2 **Townscape and Design**

The existing building consists of a six storey (plus plant) L-shaped building; the site is cut off from the pavement by a lightwell along both the Eastbourne Terrace and Chilworth Street elevations. None of the buildings on site are designated listed buildings, although there are a number of heritage assets in the immediate setting, including the Grade I listed Paddington Station, Grade II listed Hilton Hotel and Grade II listed Westbourne Terrace. The site is bordered on the east and west sides by the Bayswater Conservation Area, with the site itself not being included within a conservation area.

The existing building dates from the 1960s and although having been upgraded and re-clad, is considered to be of limited architectural merit. The west side of Eastbourne Terrace is occupied by office buildings following the 1950s redevelopment plan in response to bomb damage in this area. To the rear of the site lies Chilworth Mews, the west side of which is located within the Bayswater Conservation Area. The buildings are typical of traditional mews buildings in terms of their scale form and detailed design. The buildings on Chilworth Street date from c.1840 and are characteristic of the four-storey stucco terraces found within Bayswater.

The application proposes the demolition of top floor and erection of replacement floor plus a one storey extension (resulting in a 7-storey building when seen from the rear) and plant area, a part 2 storey, part 5 storey rear extension, the infilling of the front lightwell and replacement facades.

The façade of the building will be re-clad in response to the retained structure beneath. Vertical bays will be created by the use of concrete ‘fins’, orientated either parallel or perpendicular to the façade and of a varied scale in order to visually break up the massing. A horizontal break between the existing building and proposed upper levels is shown to break up the verticality a create a degree of separation. The windows on the upper levels, serving the hotel room, will either be opaque or transparent, with the rear windows obscured in part by internal slats. The ground floor will predominantly be glazed, set within irregular columns. To the rear the lower 2 storeys will be clad in brick. The principle entrance is demarked by a projecting canopy located centrally on the Eastbourne Terrace elevation, whilst the second entrance is located on the northern corner of the block, demarked by a recessed portico. To the rear formal landscaping is
proposed in the form of hard landscaping and planters. On the Eastbourne Terrace elevation planters and seating are proposed; the hard landscaping will be staggered to accommodate the change in ground level.

The proposals are considered to be acceptable in design and townscape terms. UDP policy DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance Westminster’s townscape. It states that development should have regard to the prevailing townscape and character of the area. Whilst the mass of the building is greater than the existing building, the resultant height of the building is in keeping with those on the west side of Eastbourne Terrace. The encroachment of the height of the building on the adjoining buildings on Chilworth Street does result in the chimney stack not being the only feature of such height within the street scene; however, the staggering of the mass results in a transition between the existing and proposed heights, which is supported. Consequently, the height is considered sympathetic to the townscape and responsive to the prevailing heights of the buildings within the setting, including heritage assets. Whilst the plant room projects above the top storey, it has been located to the in the centre of the plan, which is the least prominent area of the roof where public and private views will be limited. The plant room will be evident in long and medium views from Eastbourne Terrace however; it will be seen in the context of other office buildings, which contain plant in more prominent locations.

In terms of detailed design and materials, the proposals are reflective of modern development within the immediate setting, including at Paddington Station opposite. The consistent framing and scale of the openings reference the terrace buildings found within the wider setting. Furthermore, the proportionality of the building, with respect of the relationship between the base, middle and top is appropriate and reinforced by the introduction of the horizontal break. The use of brickwork for the lower levels on the rear elevation works to create a human proportion, which comfortably relates to the scale of the mews buildings opposite.

The application contains indicative views within the Design and Access Statement. In terms of the towncape impact and the impact upon the setting of designated heritage assets, the increased height will have a limited impact and the positioning of the fins generates interest when viewed obliquely. With regards to impact on the setting of the mews houses within the Bayswater Conservation Area, given the design and materials are respectful of the characteristic scale, form and detailed design of the existing mews buildings and the greening will provide visual separation, the character and appearance of the Conservation Area is considered to be preserved. The proposal is considered to accord with design policies S25 and S28 of our City Plan and DES 1, DES 4, DES 9, DES 10 of the UDP.

8.3 Residential Amenity
Given the scale of the proposal and the proximity to residential properties, both the physical and operational impact of the proposal must be assessed.

Physical Impact

The physical impact of the proposed extensions require a full assessment as to the potential impact on the amenities of residential properties to the rear on Chilworth Mews
and those in Chilworth Street and beyond. Given the use as a hotel which involves 24/7 activity, careful consideration must be given to the fenestration to the rear of the building to prevent noise breakout, overlooking, light pollution, reflection, and overall loss of amenity.

A daylight and sunlight assessment and light pollution report has been undertaken and contextual section drawings and privacy details provided to aid assessment.

**Daylight and Sunlight**

A daylight and sunlight report has been submitted which sets out the impact of the proposed development on daylight and sunlight received by surrounding properties.

Properties that would experience a loss of daylight and that require assessment are set out in the table below. Some windows would see a minor loss of daylight above the 20% loss set out in the BRE Guidelines and some larger percentage losses are due to the existing low levels. However, a majority of the windows affected are one of a number of windows that serve the same room in a property and which would not be adversely affected. As such, overall the proposed rooms would continue to receive satisfactory daylight and the objections received on this ground are not supported by officers.

<table>
<thead>
<tr>
<th>Property</th>
<th>Room</th>
<th>Number of Windows</th>
<th>Existing VSC</th>
<th>Proposed VSC</th>
<th>% loss</th>
<th>Total No. of windows serving this room</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Chilworth Mews</td>
<td>Kitchen</td>
<td>1</td>
<td>1.50</td>
<td>0.81</td>
<td>44%</td>
<td>4</td>
</tr>
<tr>
<td>23 Chilworth Mews</td>
<td>Dining room D</td>
<td>2</td>
<td>2.15 2.09</td>
<td>0.48 0.50</td>
<td>77.67%</td>
<td>76.08%</td>
</tr>
<tr>
<td>25 Chilworth Mews</td>
<td>K/D/L</td>
<td>1</td>
<td>8.45</td>
<td>5.14</td>
<td>39.17%</td>
<td>5</td>
</tr>
<tr>
<td>31 Chilworth Mews</td>
<td>Living room</td>
<td>2</td>
<td>17.60 17.10</td>
<td>14.04 13.41</td>
<td>20.23%</td>
<td>21.57%</td>
</tr>
<tr>
<td>35 Chilworth Mews</td>
<td>Assumed</td>
<td>1</td>
<td>16.52</td>
<td>13.24</td>
<td>20.34%</td>
<td>1</td>
</tr>
<tr>
<td>37 Chilworth Mews</td>
<td>Assumed</td>
<td>1</td>
<td>9.87</td>
<td>7.55</td>
<td>23.51%</td>
<td>3</td>
</tr>
<tr>
<td>39 Chilworth Mews</td>
<td>Assumed</td>
<td>1</td>
<td>1.06</td>
<td>0.58</td>
<td>45.28%</td>
<td>1</td>
</tr>
<tr>
<td>55-61 Westbourne</td>
<td>Assumed W35</td>
<td>1</td>
<td>0.18</td>
<td>0.00</td>
<td>100%</td>
<td>4</td>
</tr>
<tr>
<td>Terrace</td>
<td>/2033</td>
<td>Assumed W51/2033</td>
<td>1</td>
<td>0.36</td>
<td>0.00</td>
<td>100%</td>
</tr>
<tr>
<td>---------</td>
<td>--------</td>
<td>-----------------</td>
<td>---</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>55-61 Westbourne Terrace</td>
<td>Assumed W36/2034</td>
<td>1</td>
<td>1.14</td>
<td>0.01</td>
<td>99.12%</td>
<td>4</td>
</tr>
<tr>
<td>55-61 Westbourne Terrace</td>
<td>Assumed W54/2034</td>
<td>1</td>
<td>1.31</td>
<td>0.02</td>
<td>98.47%</td>
<td>4</td>
</tr>
</tbody>
</table>

NB/ Assumed- means assumed habitable room to a residential property.

No surrounding properties would see any significant loss of sunlight.

**Sense of enclosure & Privacy**

The proposal would result in additional height and additional bulk to the building at the rear. The building (excluding loading bay) would retain a distance of 22-25 m from Chilworth Mews properties, set within landscaped parking area incorporating the retention of existing mature trees on site. The single storey loading bay would align with the proposed mews houses at 50 Eastbourne Terrace and would incorporate a green roof.

Given the height of the proposed building and distance to surrounding properties, it is not considered that it would result in any significant sense of enclosure to properties of Chilworth mews or other surrounding properties.

The proposed building would overall contain less glazing when compared to the existing building, which is welcomed (from 44% to 20%). However, given the change in the nature of use from office to hotel, there is more scope for loss of privacy to occur. In order to address this the applicant is proposing permanent physical internal screens to the internal face of the windows on the rear elevation. These screens are proposed as internal fixed horizontal slats, fixed to look upwards at 60 degrees extended to 1.85m and are now proposed at lower ground, ground, first and second floor levels, with a 45 degree angle proposed for the remaining upper floors. The applicants have provided a visual of this within their addendum design and access statement and officers have experienced a mock version on site. As such, it is considered that this permanent fixture would mitigate the opportunity for overlooking and would provide protection for residents. Consequently, officers do not support the objections raised on grounds of loss of privacy.

The applicant has undertaken a light pollution of assessment to provide comfort that the proposed 24/7 hotel use would not result in any significant light pollution to residents of Chilworth Mews.

Given the scale of the development and distance between the development and residents of Chilworth Mews and other surrounding properties, together with the use of appropriate fenestration arrangements, materials, and internal screening officers are satisfied that the proposed measures sufficiently mitigate any potential loss of amenity from overlooking or light pollution. As such, the physical impact of the development
would satisfy policy ENV13 of our UDP and S29 of our City Plan and the objections raised on amenity grounds are not supported.

Operational impact

Given the nature and activities associated with a hotel use it is paramount that procedures are put in place for the hotel to operate without causing a loss of amenity to the existing residents within Chilworth Mews to the rear and those within Chilworth Street and surrounding nearby streets.

It should be noted that the 7 car parking spaces shown in the submission are associated with the provision of residential car parking for the mews houses being built at the adjoining site of 50 Eastbourne Terrace and this arrangement has already received separate permission.

The main pedestrian entrance to the hotel and restaurant for staff and guests is proposed from Eastbourne Terrace (together with smoking areas to the front lightwell) and it is paramount that the use is operated in this way to ensure the majority of activity takes place away from Chilworth Mews including arrival and departure of guests over a 24 hour period and potential taxi drop off and pick up’s. However, there remains some pedestrian access to the building from the rear via Chilworth Mews, but only for specific users. Up to 28 staff cyclists using the on-site cycle storage provision and up to 4 guests with blue or white badges using the DDA car parking bays would be able to access the building from the rear. These low-key activities are considered unlikely to cause noise and disturbance to residents of the mews.

The key consideration with respect to activity in the Mews, is the potential impact of the proposed servicing activity. Servicing is proposed to take place within a single storey enclosed loading bay located to the rear of the site on Chilworth Mews. Up to 15 vehicles a day (one refuse vehicle, four lorries and ten transit vans) are proposed to use the loading bay between 07.00-20.00 Monday to Saturday and 09.00-16.00 Sunday bay, however in the absence of a vehicle turntable, all vehicles using the loading bay would have to reverse into or out of the site.

Significant objections have been raised by residents of the mews on grounds that the proposed servicing activity within the mews would detrimentally impact on their quality of life and amenities. Officers fully acknowledge these concerns. However, whilst is it regrettable that a vehicle turntable has not been proposed within the loading bay, an assessment of the proposed servicing activity must compare it with the impact of existing activity. The City Council’s Highways Planning manager has advised that the proposed use would result in less vehicle activity in the mews when compared to the existing use with no control over how or when the servicing is carried out. This is because offices (especially multi occupied) generate more servicing requirements and because the current site contains off-street car parking for around 37 vehicles. The proposed vehicular movement within the mews is proposed to reduce under this proposal, with fewer servicing vehicles and fewer car parking spaces. However whilst the servicing arrangements would involve up to 15 vehicles reversing into or out of the loading bay (whereas in the current arrangement vehicles drive into the car parking area) which is regrettable. Given the overall reduction in servicing vehicles attending the site, the reduction in the car parking spaces and associated vehicle movements with those spaces, together with the introduction of an enclosed loading bay and control over the
hours that servicing can take place. It is considered that the impact of servicing and vehicle movement on residents' amenities is comparable with the existing arrangement if not an improvement, as it would become controlled and regulated as opposed to the existing unregulated servicing of the site.

Therefore, notwithstanding the objections raised, subject to suitable conditions, the proposed operation of the proposed use is not considered to result in any significant detrimental to the amenities of residents of Chilworth Mews.

Whilst reference has been made as to the servicing impact of the proposed development under construction at 50 Eastbourne Terrace, this is not relevant to the determination of this application.

8.4 Transportation/Parking

The site benefits from a PTAL rating of 6b, which indicates that it is amongst the most accessible locations in Greater London. The site borders London Paddington Station, which acts as the western terminus for the Great Western Main Line and one of London’s major transport interchanges. This station, which is directly managed by Network Rail and sits within Zone 1, provides access to the following services:

- Great Western Railway services to the southwest, west and northwest of London;
- Heathrow Express services to Heathrow Airport;
- TfL Rail services to Heathrow Airport;
- London Underground.

A wider variety of destinations are available from other nearby rail interchanges, which can be easily reached using existing bus and London Underground networks. Five London Underground line are accessible within a 10-minute walk of the site.

In addition, Paddington Crossrail service will significantly increase the public transport capacity at Paddington Station. The main entrance to this service will be immediately opposite the development site.

The proposed hotel and restaurant development will incorporate general guest and staff access from Eastbourne Terrace and to the rear via Chilworth Mews an off-street servicing bay accessed, DDA car parking bays and staff cycle access to cycle parking.

Loss of car parking and proposed car parking

The existing site contains an office building and rear curtilage area which contains around 37 off-street car parking spaces. Under the proposed hotel use, this would be reduced to four off-street car parking spaces for guests requiring DDA access (blue badge parking). The further 7 off-street car parking spaces shown on the application drawings are connected to the proposed 7 new mews houses at 50 Eastbourne Terrace and secured under that separate permission. The layout of the proposed car parking spaces is acceptable and provision of electric vehicle charging points is welcome. The overall reduction of non-residential car parking is welcomed and supported under policy TRANS21, TRANS22 and TRANS25. Furthermore, the site is within a Controlled Parking Zone (CPZ).

Trip generation
It is accepted that the majority of trips associated with the operation of the hotel and restaurant (excluding servicing) will be made using public transport or by walking or cycling. As such, the Highways Planning Manager is satisfied that the proposal will not be detrimental to the safety or operation of the highway network. Whilst Transport for London (TFL) has queried the nature and age of the data used for calculating trip generation, the City Council’s Highways Planning Manager does not raise concern and is satisfied with the data provided.

**Cycle parking**

Provision is made for long stay parking of 28 cycles for staff within the building (secure, weatherproof), accessed from Chilworth Mews. In addition, short stay cycle parking is proposed to the front of the building on Eastbourne Terrace. This provision is in line with the requirements of the current draft London Plan policy T5 and will encourage sustainable transport.

**Servicing/ Deliveries and Waste**

The existing office building is currently serviced externally of-street from the rear car park/curtilage area via Chilworth Mews and is unrestricted and unregulated.

The proposed hotel would be serviced from a new purpose built enclosed loading bay structure also at the rear and access via Chilworth Mews. The structure would contain two bays, 1 for this site (40 Eastbourne Terrace) and 1 for the adjacent site (50 Eastbourne Terrace for its 32/33 vehicular movements a day) with a maximum clearance height of 4.6m allowing use by a smaller private refuse vehicle and provided with an electrical vehicle charging point. No turntable is proposed within the loading bay, and therefore vehicles would be required to reverse into the loading bay. Servicing hours of 0600-21.00 (with restriction between 08.00-10.00 and 16.00 and 19.00) were originally proposed but have since been revised to 07.00-20.00 Monday to Saturday and 09.00-16.00 Sundays and Bank Holidays.

When compared with the servicing requirements of the existing office building, the proposed hotel and restaurant would result in a reduction in servicing requirements. The hotel would generate 15 vehicular movements a day, one refuse vehicle, four 7.5t lorries and ten transit vans (as set out on page 57 of the transport study).

Given the overall reduction in servicing vehicles and cars attending the site under this proposed hotel use compared to the existing office use, the introduction of an enclosed loading bay and opportunity to control the hours of servicing, the proposed servicing arrangements are considered acceptable. The City Council’s Highways Planning Manager is satisfied that the servicing arrangements including the reverse manoeuvres required to access the off-street loading bay are acceptable and do not raise highway concerns. A Servicing Management Plan (SMP) has been submitted which contains overarching principles of how servicing will be managed. Given the revised made to hours etc., a revised and simplified SMP is recommended to be required by condition.

Whilst reference has been made as to the servicing impact of the proposed development under construction at 50 Eastbourne Terrace, this is not relevant to the determination of this application.
Provision is made within the proposed building for the provision for storage of waste and recycling and the City Council’s waste project manager is satisfied that the provision meets with our detailed requirements. The provision is proposed to be secured for this purpose in perpetuity and to restrict any waste being left on the highway.

**Taxi’s and Coaches**
The Highways Planning Manager advises that taxi and private hire vehicle movement is expected to be similar to that of the existing office building, but that the time profile would change with movement more likely during evenings and weekend movement. The applicant has advised that activity would be encouraged to use the eastern side of Eastbourne Terrace to limit the impact on traffic flow. However, whilst ideal this cannot be assumed and it is likely that activity will be outside of or close to the main entrances on Eastbourne Terrace. As such, whilst it is acknowledged that this activity main result in some localised congestion on Eastbourne Terrace, this is unlikely to be significantly different to that associated with the existing building (part from different time profile) and on that basis the proposal is considered to acceptable under policy TRANS7.

No provision is made for coach party arrivals or departures within the site, but reliance is made on existing on-street provision for coach drop offs and collection of hotel guests. These are located some distance from the site on Bishops Bridge Road and Westbourne Terrace. Both the City Council’s Highways Planning Manager and TFL have questioned whether this existing provision has capacity for additional activity associated with this proposed hotel. Without sufficient coach drop of pick up provision, or a plan to deal with this activity, coaches are likely to stop on the carriageway and obstruct both the highway and footway. In the absence of evidence of capacity of the existing coach provision drop off/collection locations and a coach management strategy to get guests from and to those areas, it is considered necessary and justified to restrict hotel or restaurant group bookings and coach parties attending the site.

**Pedestrian Access and Pedestrian footway**
Two pedestrian entrances are proposed to the hotel, to allow two separate hotel brands to operate. One is on Eastbourne Terrace; the other is on Chilworth Street close to the corner of Eastbourne Terrace. The Highways Planning Manager has raised concern with respect to the entrance on Chilworth Street, on the basis that the footway on Chilworth Street (northern façade) is narrow with street furniture and tree and currently is not an active frontage and that hotel guests with luggage could cause obstruction to other highways users. As such, as amending condition is recommended to seek a relocation of this entrance to Eastbourne Terrace, which is of much more suited to this type of activity and to retain the focus of pedestrian activity associated with the hotel use on Eastbourne Terrace.

**Travel Plan**
Whilst TFL has requested that a framework travel plan be produced, the City Council’s Highways Planning Manager is satisfied that given the location of the site and the proposed uses a travel plan there is no justification to require a travel plan.

### 8.5 Economic Considerations
The applicant has submitted an Economic Statement in support of this proposal. This statement sets out the predicted economic implications of the both the construction and
operational phases of the proposed development together with the potential projected visitor and worker expenditure.
A brief summary is set out in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Jobs</th>
<th>Apprenticeships/Trainee</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Phase of hotel</td>
<td>220 (40 FTE)</td>
<td>19</td>
<td>£660,000</td>
</tr>
<tr>
<td>Operational phase of Hotel</td>
<td>145 (120 FTE)</td>
<td></td>
<td>£5.7m per year + £ for the site + £29m per year additional by hotel guests away from the site</td>
</tr>
<tr>
<td>Existing offices</td>
<td>540 (500 FTE)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

NB/ TFE= Full time Equivalent

Policy S19 (Inclusive Local Economy and Employment) requires where appropriate, new development to contribute towards initiatives that provide employment, training and skills development for local residents and to ensure that local people and communities benefit from opportunities which are generated from the development.

Office floor space is capable of supporting a higher employment density than hotels. This means the proposed development would lead to a net loss in direct employment on site. However, when taking into account the wide variety of employment positions within the hotel industry, the apprenticeship and trainee opportunities during construction and the overall predicted expenditure resultant from the development during construction and future operation, it is considered that the proposal is acceptable.

Based on total net uplift in floor space an employment and skills plan and financial contribution of £117,162.15 is required under policy S19 and Inclusive Local Economy and Employment Guidance Note 2019. This is to be secured under a S106 legal agreement.

8.6 Other UDP/Westminster Policy Considerations

Trees and landscaping
There are six trees located in the carpark to the rear of the site adjacent to Chilworth Mews, five of which are subject to Tree Preservation Order (TPO). The single tree not subject to TPO is proposed to be removed as part of the scheme proposals and a soft landscaping scheme is proposed to the rear car park area together with a green roof
to the proposed single storey loading bay structure. Details of the soft landscaping scheme and that of the proposed green roof are to be required by condition

**Sustainability**
The energy strategy for the proposed development including the following passive and low energy design measures:
- High performance glazing
- Improved building fabric
- Low building air leakage rate
- Variable speed fans and pumps
- Heat recovery
- Low energy lighting.
- Automatic lighting control with occupancy sensors (auto on, auto off)
- Photovoltaic cells
- Air source heat pumps to provide the heating and cooling requirements
- Air to water heat pumps will preheat the domestic hot water to the hotel.
- BREEAM rating of Excellent.

Overall, the proposed energy strategy provides a carbon emissions reduction of 24.75% when compared to the baseline Building Regulation 2013 (TER) compliant scheme, resulting in an annual shortfall of 10.25% below the 35% target. As such, a cash-in lieu carbon offset payment will be required, to be secured through a S106 agreement.

**Other**
A Flood Risk Assessment (FRA) has been prepared by AECOM in support of the planning application. The site is located within Flood Zone 1 (Low Probability).

8.7 **Westminster City Plan**
The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster’s City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.8 **Neighbourhood Plans**
Not applicable to this location.
8.9 London Plan

This application raises no strategic issues and the application is not referable to the Mayor of London.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

The draft ‘Heads’ of agreement are proposed to cover the following issues:

a) All highway works immediately surrounding the site required the development to occur prior to occupation of the development, including reinstatement of the redundant crossovers in Chilworth Mews including signage improvements as required by City Highways. All to the council’s specification, at full cost (administrative, legal and physical).

b) Employment and skills plan and financial contribution of £117,162.15 towards initiatives that provide employment, training and skills development.

c) Carbon Off-set payment TBC

The application is liable for both Mayoral and Westminster CIL.

8.12 Environmental Impact Assessment

Environmental Impact issues have been covered throughout the report.

8.13 Other Issues

Construction impact
In line with Westminster City Council’s adopted CoCP, Appendix A, a code of Construction Practice Checklist has been completed and forms part of the submitted planning application. Under the City Council’s Code of Construction Practice the Proposed Development would be a ‘Level 1’ scheme and the applicant has confirmed their commitment to supporting at least 19 apprenticeships or trainee start positions over the course of the construction phase.

Construction and servicing vehicles will be routed primarily from the A40 in order to minimise local congestion. Routes and their viability will be confirmed as part of the Delivery and Servicing Plan and Construction Logistics Plan that are expected to be secured by planning condition.

Crime and security
The applicant has been in communication with the Designing out Crime Officer and advice has been given. A condition is recommended to secure further details as the detailed design progresses.
Technical Reports
Following consultation with Thames Water, Crossrail and our Environmental Health team on related technical aspects of the proposal, conditions are recommended in light of advice.

Community involvement
The Applicant appointed Kanda to develop a programme of community engagement to inform key stakeholders of the project and gather feedback from them. This has included dialogue with Councillors, local landowners, local businesses and residents, with public consultation events held on 14 and 15 March. Engagement with residents and commercial stakeholders meetings with, ward councillors, engagement with amenity groups including SEBRA and BID; a letter distributed to approximately 2,306 local residents and businesses inviting them to a public exhibition of proposals; a public exhibition and private viewings of proposals held over two days attended by 39 people.

(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: SARAH WHITNALL BY EMAIL AT switnall@westminster.gov.uk
9. **KEY DRAWINGS**
2. Loading Bay

As part of this proposal, a green roof has been introduced over the loading bay area in Coworth Mews to provide a more pleasant view to the residents. The proposed green roof covers the two loading bays for vehicles servicing both No. 40 and No. 50. A set of gates has been introduced to the front of each bay and the following amendments have been made following the reviewing of the requirements:

- Protected access corridor
- 4KT fire escape
- 3KT fire escape
- 2KT Service entrance / Cyclist access / Deliveries / Plant replacement
- Lobby between protected corridor and loading bay
- Loading to be short
- Ventilation towers

Proposed green roof has a shaped perimeter along 4KT and 2KT facades to enable a shared window prospect height for 4KT residential and ventilation at high level towards 4KT. The height of the green roof has been determined by the clear height requirement for the delivery and other vehicles that are going to be parked under the roof.

Ventilation to loading bay has been provided through the gable at low level to the louvres at high level in the back of the vehicles.
3. Window Screens

Following public consultation and individual meetings held with local residents, it has been acknowledged that overlooking and privacy in Clilverth Mews are a concern for Clilverth residents.

Alternative solutions have been explored to provide privacy both daytime and night time and in both directions.

These include introducing film application to windows to overcome this issue, but this was not found suitable as it wasn’t satisfying the above criteria. Film application generally provides good privacy during daytime, but as soon as the internal lights are switched on, they do not perform.

Comprehending material’s view and applications, the design team have developed a physical interior screen to the windows to eliminate the overlooking and privacy issue.

Proposed screens are installed to the internal face of the glazing and are composed of horizontal slats. They are permanent screens with the lower of the sets fixed to look upwards at 60 degrees (lower ground and ground floor and 45 degrees (first floor and above). In this way, at all times, the vertical cut to 30° from the lower level below leaves the top portions of the window clear to enable receiving daylight into the hotel rooms.

The dimensions and the spacing of the horizontal slats have been determined carefully in order to prevent visibility to and from Clilverth Mews and the inner houses.

The screens appear on every floor on Clilverth Mews elevation including the return elevation to the north end and providing privacy to all rooms as well as the mews houses.
DRAFT DECISION LETTER

Address: 40 Eastbourne Terrace, London, W2 6LG,

Proposal: Demolition of top floor and erection of replacement floor plus one storey extension, rear extensions, and replacement facades with associated external alterations for use as a 366 bed hotel (Class C1) with flexible use at part of ground floor for restaurant/hotel use (Class A3/C1).

Reference: 19/03058/FULL

Plan Nos: Site Location Plan; Design & Access Statement, by Sheppard Robson Architects; Heritage and Townscape Statement, by KM Heritage; Transport Assessment, by Steer; Draft Operational Management Plan, prepared by Gerald Eve LLP; Daylight and Sunlight Assessment, by Point 2; Energy Strategy, by WPP; Sustainability Strategy, by WPP; Noise Impact Assessment, by AECOM; Statement of Community Involvement, prepared by Kanda; Economic Statement, prepared by Volterra; Arboricultural Survey and Impact Assessment, by tree:fabrik; Air Quality Assessment, by Air Quality Consultants; Flood Risk Assessment, by AEC; Signed Draft Code of Construction Practice Appendix A Form. Existing and proposed drawings.

Case Officer: Sarah Whitnall  Direct Tel. No.  020 7641 2929

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 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 residents and the area generally as set out in S29 of Westminster's City
Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

3 **Pre Commencement Condition.** Prior to the commencement of any:, (a) Demolition, and/or, (b) Earthworks/piling and/or , (c) Construction, On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:
To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

5 You must apply to us for approval of 3m x 3m fabricated sample panels of the following parts, of the development; i) typical facade bay of the front elevation, upper level of the building., ii) typical facade bay of the rear ground and first floor levels., The sample(s) should demonstrate the colour, texture, face bond, pointing, component, interfaces and means of construction (including any typical expansion/movement joints). You, must not start any work on the superstructure of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

6 You must apply to us for approval of a scheme of public art. You must not start work on the, public art
until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it

Reason:
To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

7 You must provide the waste store shown on drawing 23340102-STR-HGN-100-DR-D-00502 Revision P2 within the Transport Statement. before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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

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

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

9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

a. A revised layout removing any pedestrian access points onto Chilworth Street. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:
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)

10 Prior to occupation you must provide to us and we must have agreed

a. An Operational Management Plan for the hotel and restaurant uses.
c. Details of how you will manage a No Coach/No group bookings policy,
d. Details of Electric Vehicle charging points for LGV delivery use and the 4 DDA car parking bays.

These plans must thereafter be followed/maintained for the life of the development, unless a revised plan is agreed by use in writing.
11 The enclosed loading bay shall be provided with a headroom of at least 4.6m (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. It shall be maintained for servicing (including waste collection) and for no other purpose. All servicing (including waste collection) shall take place from within this loading bay and no goods are to be accepted and dispatched or waste collected directly from any other location including from the highway.

12 You must provide each of the car and cycle parking spaces shown on the approved drawings prior to occupation and as set out below: a. A maximum of 4 car parking spaces for guests staying overnight at the hotel with a valid blue or white badge only with electrical vehicle charging points, b. A maximum of 7 car parking spaces retained for the adjoining residential mews houses currently under construction at 50 Eastbourne Terrace with electrical vehicle charging points, c. minimum of 23 long stay cycle spaces (19 for hotel use and 4 for A3 use) as indicated on the approved drawings, d. The short stay cycle parking as indicated on the approved drawings. Thereafter the car parking and cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

13 Prior to any demolition or construction, you must provide to us (in liaison with TFL) a Construction Logistics Plan which should take into consideration the ongoing construction works for Crossrail on Eastbourne Terrace and in the surrounding area and consider measures such as a delivery booking system, off site fabrication, consolidation of deliveries and co-operation between construction sites in the area (including common practice procurement).

Reason:
In the interests of public safety, to avoid blocking the road and to protect the environment of residents and the area generally as set out in S41 and S29 of Westminster’s City Plan (November 2016) and STRA25, TRANS 2, TRANS23, ENV5, ENV6 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

Reason:
To provide 4 parking spaces for blue or white badge hotel guests, 7 parking spaces for residents of the adjoining mews houses under construction at 50 Eastbourne Terrace and to provide cycle parking for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.9 (Table 6.3) of the London Plan 2016.

Reason:
In order to appropriately manage any potential adverse effects on the local road network and adjacent bus stops, as requested by Transport for London (TFL).
14. None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which: , (i) Accommodate the location and of the Crossrail structures including temporary works, maintenance and works compounds and all access and egress requirements, (iii) Mitigate the effects on Crossrail, of ground movement arising from development., B. None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded., The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by A and B this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.,

Reason:
To ensure that the development does not impact on existing Crossrail infrastructure and does not impede or compromise the delivery of Crossrail, as requested by Crossrail Limited.

15. Prior to occupation you must provide confirmation in liaison with Thames Water, A. that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan., B. that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:
The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. The development may also lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. All as requested by Thames Water.

16. You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

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)

17 Pre Commencement Condition. You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in ‘Contaminated Land Guidance for Developers submitting planning applications’ - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:
To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

18 All servicing must take place between 07.00-20.00; on Monday to Saturday and 09.00-16.00 on Sundays and Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:
To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

19 (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 LA90, 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. (R46AB)

20. 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. (R48AA)

21. (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 hotel and restaurant 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 hotel and restaurant 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. (R47AB)

22 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:
As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council’s noise criteria as set out in Condition(s) 19,20,21,22 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:
Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A) (1) of our Unitary Development Plan that we adopted in January 2007, so
that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

24 You must provide to us details of an acoustic report demonstrating how the noise from internal activity will meet the requirements of condition 21.

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. (R47AB)

25 You must apply to us for approval of details of a security scheme for the hotel and restaurant. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AC)

Reason:
To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

26 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping on site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

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)

27 The building shall be operated in accordance with the following details: A. The doors and windows to the ground floor rear elevation of the restaurant facing Chilworth Mews shall not be opened or used, except in the case of an emergency. B. The doors to the ground floor rear elevation of the building facing Chilworth Mews shall only be used by the following: i) Guests staying overnight at the hotel with a valid blue or white badge only using one of the four of DDA car parking spaces, ii) Staff Cyclists using one of the 23 long stay cycle spaces (19 for hotel use and 4 for A3 use), ii) In the case of an emergency.
Reason: To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

28 The ground floor restaurant must operate in accordance with the following: A. The doors and windows to the ground floor rear elevation of the restaurant facing Chilworth Mews shall not be opened or used, except in the case of an emergency. B. The restaurant shall not be open to members of the public (Non-Hotel guests) between Midnight and 7am daily.

Reason: To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

29 You must not use any of the roofs of the building or the enclosed loading bay for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason: To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

30 The rear elevation of the building shall be constructed in line with the details submitted set out in the Design and Access Statement Addendum May 2019 as amended by the following: A. The permanent screens with the angle of the slats fixed to look upwards at 60 degrees (at lower ground, ground floor, first and Second floor levels) and 45 degrees (to third floor and above) to the sky at all times and the height set to 1850mm from the floor finish level, leaving the top portion of the window translucent to enable receiving daylight into the hotel rooms.

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)

31 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and details of the green roof including maintenance and irrigation. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 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 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)
Reason:
To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

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, neighbourhood plan (where relevant), 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 developer is required to apply to Westminster City Council for approval of the chimney/flue height in accordance with the Clean Air Act 1993 (14) subsection 2. Applications should be made to environmentalsciences2@westminster.gov.uk

3 Please contact our District Surveyors’ Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment’s ‘Designing for Accessibility’, 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: https://www.westminster.gov.uk/street-naming-numbering (I54AB)
5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste.  (I08AA)

6 The term 'clearly mark' in condition 7 means marked by a permanent wall notice or floor markings, or both.  (I88AA)

7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).  (I09AC)

8 Crossrail Informative - transmitted groundbourne noise & vibration, The Developer is recommended to assess and consider mitigating the possible effects of noise and vibration arising from the operation of Crossrail (the future Elizabeth Line) within tunnels and nearby structures.

9 Thames Water Advice, The developer can request information to support the discharge of this Thames water conditions by visiting the Thames Water website at thameswater.co.uk/preplanning. Thames Water Development Planning Department (telephone 0203 577 9998)., , There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you’re planning significant works near our mains (within 3m) we’ll need to check that your development doesn’t reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes, , The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you’re considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk, , Waste: Based on the info provided; Proposed: 368 bed hotel. Foul water to discharge by gravity using 2 existing and 1 new
connection into combined 1829x787 sewer. Surface water to discharge by gravity via 3 combined connections as foul. Attenuated and restricted to 2l/s per connection (total 6l/s)., Foul - combined 1829x787 sewer has enough capacity Surface Water: Needs to reduce further.

10 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, Phone: 020 7641 2000, Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

11 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:,* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;*, * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm., It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

12 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:,* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,* Any changes of level, such as a step between floors, which are not obvious, are
marked to make them conspicuous. The markings must be fitted correctly and properly maintained; * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

12 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained; Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following; * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained; * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following; * Window cleaning - where possible, install windows that can be cleaned safely from within the building; * Internal atria - design these spaces so that glazing can be safely cleaned and maintained; * Lighting - ensure luminaires can be safely accessed for replacement; * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm. Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
appearance of the building, you will need to apply separately for planning permission. (I80CB)

14 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.

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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.