

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 December 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Leconfield House, Curzon Street, London, W1J 5JB		
Proposal	Replacement of existing 7th floor level and roof plant area, excavation of three new basement levels, infilling of windows at the rear, replacement windows and doors at ground and first floor level, new loading doors onto Chesterfield Gardens and refurbishment works, all for use of the building as a 60 to 70 bedroom hotel and private members' club including restaurants, spa/wellness centre and retail (sui generis use), with plant at 6th, 7th floor, roof level and basement level 3 and roof terraces at seventh floor level.		
Agent	JLL		
On behalf of	Leconfield House Holdings Limited		
Registered Number	20/01200/FULL	Date amended/ completed	9 April 2020
Date Application Received	19 February 2020		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

1. Subject to the views of the Mayor, grant conditional permission, subject to the completion of a S106 legal agreement to secure:

- i. A contribution of £116,902.86 to support the Westminster Employment Service (index linked and payable prior to the commencement of development)
- ii. 50% discounted membership for local residents of Chesterfield House and immediate residents on Curzon Street (subject to them meeting the membership criteria);
- iii. Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee 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 the 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

Leconfield House is a large 7-storey, plus basement building, consisting primarily of office floorspace with a gym at basement level. The site lies in West Mayfair, fronting onto Curzon Street between South Audley Street and Chesterfield Gardens.

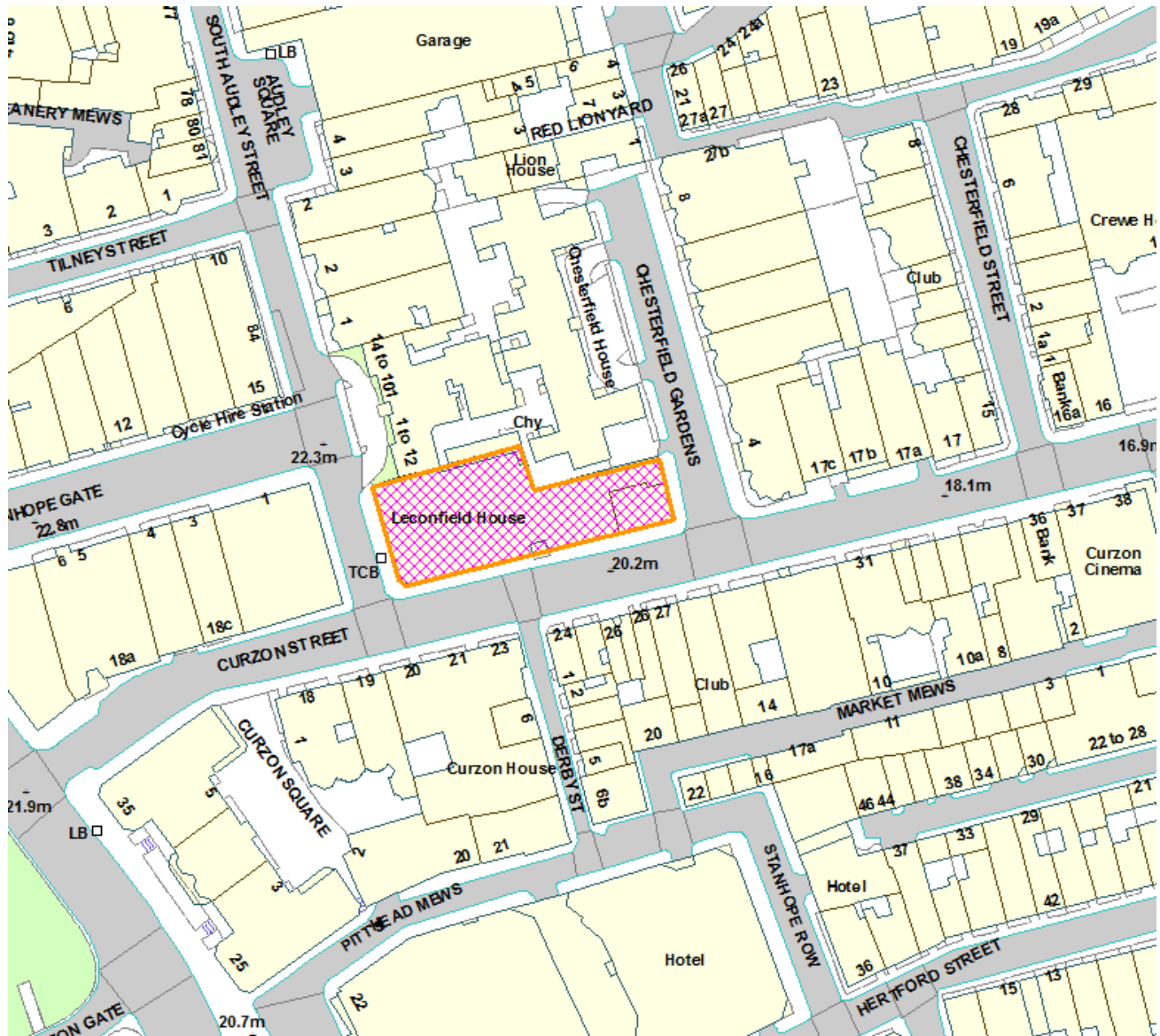
The application seeks to reconfigure and extend the existing building to provide a private members' hotel, including restaurants, bar, health club, spa, gym and retail space. The proposed reconfiguration and extensions include the demolition and replacement of the 7th floor with associated plant equipment on the roof above and the addition of three basement floors.

Objections have been received on land use, highways, amenity and design grounds. The key issues in this case are:

- \* The principle of a hotel and private members' club in this location;
- \* The impact on residential amenity and quality of the local environment;
- \* Highway issues particularly servicing and deliveries and parking implications;
- \* The impact of the scheme on the appearance of the building

For the reasons set out in the report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design, heritage and amenity terms. This is subject the conditions as set out on the draft decision letter and the completion of a legal agreement.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS







## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Consider and support the proposed uses which accord with London Plan Policy 2.11 and Policy SD4 of the Mayor's intend to publish London Plan subject to the gym being publicly accessible; broadly support the design and believe that no harm would be caused to the setting of the conservation area or nearby listed buildings and consider that the strategies for energy, flood risk, SUDs and water efficiency are generally supported in line with London Plan and the Mayor's intend to publish London Plan. Consider that further work should be carried out on the transport assessment to demonstrate how the development would contribute towards the delivery of Healthy Streets and request that various transport-related plans should be secured through planning condition or the Section 106 agreement.

### TRANSPORT FOR LONDON

Requests that the Transport Assessment is revised to demonstrate how the development contributes towards the delivery of Healthy Street; cycle parking should be revised to meet the standards of the London Plan and a Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan should be secured by condition.

### METROPOLITAN POLICE

No objections raised.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised subject to the imposition of a two-stage archaeological condition which would provide an acceptable safeguard.

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Use is inappropriate for the location and will see a significant increase in the night time economy contrary to the Mayfair Neighbourhood Plan. The private nature of the club is not an amenity for local residents. Support the objections from Lewis Silkin on behalf of the residents of Chesterfield House.

### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

### MAYFAIR NEIGHBOURHOOD FORUM

Believe that the proposals represent a missed opportunity to enhance this part of the Mayfair Conservation Area with no residential floorspace being provided, no affordable housing, no affordable workspace, no public realm improvements, no amenity, retail and no amenities that the community can use unless they become members of the club.

Consider that the proposals fail to adequately address policies MD1 which requires development to be of the highest quality design, MRU2.1 which requires development to respond positively to the character and quality of the particular characteristics of the immediate vicinity and MES 4.1 which states that all new non-domestic developments to be Zero Carbon. Also concerned that unless adequate conditions are incorporated, that the proposals may not be fully aligned with policies MRU1 which requires new entertainment uses to demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise

and rubbish between 11pm and 7am; MSM which states that within Shepherd Market new entertainment uses will only be permitted where a) they are small scale, low impact and will not result in an increased concentration of late night activity within the area, or an increase in harm to residential amenity and b) to demonstrate that they are appropriate in terms of their relationship to the existing; and MSD2 which requires all new development of a significant scale to demonstrate that the proposed waste and servicing arrangements will not adversely impact the amenity of neighbouring occupiers.

#### BUILDING CONTROL

No objections raised.

#### PROJECT OFFICER (WASTE)

No objections raised.

#### ENVIRONMENTAL HEALTH

Requests further information relating to internal noise break out.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 295; Total No. of replies: 64

64 letters of objection (including one letter on behalf of the residents of Chesterfield House and one from the General Manager of Chesterfield House on behalf of the 105 flats in Chesterfield House) on the following grounds:

##### Land use

- \*Contrary to policies S24 and TACE 10 introducing a large entertainment use of over 500sqm for which no exceptional circumstances exist
- \*Contrary to policy S23 as the site lies within close proximity to residential properties
- \*Contrary to policy S18 which states that commercial encroachment is not appropriate in residential streets
- \*There is no need for another hotel
- \* Only 6% of the proposed building would be retained as office use. Loss of office space is contrary to policy S20 and emerging policy 14D
- \*A missed opportunity to provide residential accommodation
- \*Contrary to basement policy and the emerging basement policy 46 which restricts excavation to no more than one storey below the original basement
- \*Contrary to Mayfair Neighbourhood Plan which protects residential amenity, including areas of 'pockets of quietness' and policies MRU1 and MRU3 which state that only commercial uses that complement nearby residential communities will be supported;
- \*No benefits to the local community are set out as required by draft CLP policy 17
- \*The public benefits set out in the applicant's planning statement are vague and speculative and raise questionable statements including that the building will be quieter than the existing offices, that the club will add to the international reputation of Mayfair and provides the sensitive addition of new floorspace.

##### Amenity

- \*Loss of privacy and increase in overlooking
- \*Overshadowing
- \*Excessive noise

- \*Noise generated by cars picking up/dropping off customers and from guests arriving and leaving late at night and in the early hours of the morning
- \*Noise from roof terrace and from restaurants within the building
- \*Live/recorded music on the roof terrace is inappropriate in a residential area
- \*High level of activity with 65 guest rooms, covers for 1,000 and 250 staff will harm residential amenity;
- \*The noise report has not identified a number of surrounding residential properties and has not demonstrated that internal noise will not exceed 15dB below background noise levels, that plant levels will be below 10dB, that noise breakout would not occur and noise levels for music playback should be accurately assessed;
- \*Any window facing Chesterfield House should be non-opening;
- \*Noise from roof-top plant
- \*Loss of sleep through increased noise and disturbance
- \*Contrary to policies S19 and S29 which are aimed at the quality of life of its residents
- \*The amount of entertainment space is far too big to cater just for the 65 hotel guests and will form a nightspot for a new large members club
- \*Restrictions need to be put in place to prevent disturbance and anti-social activities
- \*Daylight and sunlight report identifies 24 windows with a 20% loss, 3 windows suffering a 30-39% loss and 5 windows with over a 40% loss
- \*21 windows will fail VSC, 32 rooms NSL and 10 rooms fail BRE guidance for APSH;
- \*No window plans, contour plots have been provided with the sunlight/daylight report;
- \*Raising the height of Leconfield House would result in a major loss of light and sunlight
- \*Additional pollution
- \*Existing roller shutter door to servicing bay is noisy

### Design

- \*Significant impact on a heritage asset and on neighbouring listed buildings within a conservation area;
- \*The changes to the stonework at ground floor level would have a negative impact on the existing building;
- \*Changes to the fenestration on the Chesterfield Gardens elevation undermines the architectural logic of the building;
- \*Roof extensions would be visually intrusive and unsightly;
- \*The scheme results in less than substantial harm to the character of the conservation area and the setting of nearby heritage assets without any outweighing public benefits contrary to paragraph 196 of the NPPF.

### Highways

- \*Increase in traffic, servicing and delivery
- \*Congestion from servicing and deliveries and disruption during weekend periods (the Delivery and Servicing plan estimates 31 vehicles per day with each delivery taking 12 minutes, meaning 6 hours of delivery per day
- \*Access to Chesterfield Gardens will be blocked
- \*Lack of parking and drop-off spaces contrary to Policy S42
- \*There is insufficient parking within the area especially since the demolition of the multi-storey car park in South Audley Street.
- \*The suitability of the servicing area is doubtful as it appears extremely tight and is tracked by an unsuitable vehicle and there is no evidence that all servicing vehicles will be able to use the lift access into the development;
- \*Trip generation appears inaccurate and targets in the Travel plan ambitious;



\*Chesterfield Gardens is not suitable for servicing as it has no turning head and therefore reversing into the road will occur;

\*Any permission should be subject to a thorough Servicing and Delivery strategy to ensure that neighbours can coexist without any nuisance.

#### Other Issues

\*Noise generated by plant and machinery during the 4-year construction period

\*Noise, dust and vibrations and damage from excavation and construction

\*Foundations of Chesterfield House do not appear to have been assessed;

\*Residents have previously experienced subsidence and cracking walls following recent basement excavations nearby

\*Unclear what hours of work are proposed;

\*Loss of security

\*Proposal is likely to be unnecessary and redundant post Covid 19 and on the ability to operate safely for both local residents, visitors and construction workers;

\*Proposal will only benefit a small group and wealthy party goers

\*Loss of property values

\*Another night club will attract more thieves, pickpockets and drugs

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

#### Re-consultation following submission of revised plans

#### HIGHWAYS PLANNING MANAGER

No objections raised.

#### ENVIRONMENTAL HEALTH

No objections raised.

#### WASTE PROJECTS OFFICER

No objections raised.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 65; Total No. of replies: 17 ((including one letter from the General Manager on behalf of the 105 flats in Chesterfield House)

17 letters of objection on the following grounds:

A number of objectors refer to the fact that their concerns previously raised remain relevant and state that their previous concerns raised have been addressed.

#### Amenity

\*The sunlight/daylight report still shows that some windows will experience material losses of light

\*Over shadowing

\*Overlooking and loss of privacy

\*Noise from the extensive terrace on the seventh floor and the terrace on the eighth floor;

- \* Music on the 7th floor terrace
- \* Smells and pollution from proposed roof level flue
- \* The office use of Leconfield House does not create a nuisance but the proposal envisages 1000 people turning up for a night out dining, dancing and drinking, 24 hours a day and 7 days a week;
- \*Nuisance from smokers on the 7th floor terrace
- \*Noise from the air conditioning plant;
- \* The use of bottle crushers up to 23.00 hours will cause nuisance and disturbance.
- \*Noise from the large number of customers people entering and leaving and from delivery and waste management vehicles;
- \*Ongoing noise and disturbance by contractors, delivery agents, air conditioning plants, club members and their guests as well as staff, 24 hours a day, 7 days per week.
- \*The reduction in the size of the terrace will not improve the amenity to residential properties opposite the site
- \*The conclusion that the proposals will 'provide a valuable addition to Mayfair without adversely impacting on local residents' is misleading and false
- \*Smells and fumes from roof level flue

### Highways

- \*Congestion and traffic impact particularly on Chesterfield Gardens, from the high volume of private cars, taxis and delivery and waste management vehicles (which due to its size cannot enter the building);
- \*The appointed waste management contractors would continue parking vehicles in Chesterfield Gardens, blocking access and egress for residents and their workpeople, contractors and staff.
- \* Taxis and private cars idling in Chesterfield Gardens during days and nights
- \*Inconsiderate parking and use of Chesterfield Gardens driveway
- \*Developers now state that they do not intend to take any measures to control traffic flows into Chesterfield Gardens until one year after the club is opened
- \* Some of the reports/comments are post lock down Covid 19 and one can expect transport and traffic nuisance problems to be worse once London returns to normal.
- \* None of the previous traffic concerns raised have been addressed and further information is required for:
  - Drop-off/pick-up arrangements;
  - Car parking;
  - Servicing arrangements/Delivery and Servicing Plan;
  - Trip Generation; and
  - Travel Plan

### Other Issues

- \*Disturbance to residents and the potential structural damage to Chesterfield House from the excavation of three storeys below the existing basement.
- \*Noise and vibration and damage to Chesterfield House foundations and structure.
- \*Considerable noise would be generated by plant and machinery over four years of construction.
- \*Dust pollution during construction
- \*The reference to plant is not clear
- \*With multiple contractors the risks of potential financial shortfalls and insolvency are great and the project could easily halt partway through

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Leconfield House is a large 7-storey building, plus basement, consisting primarily of office floorspace with a gym at basement level. The building is located in the Central Activities Zone (CAZ) in West Mayfair, fronting onto Curzon Street between South Audley Street and Chesterfield Gardens. Part of the building adjoins Chesterfield House, a purpose-built mansion block comprising 105 flats.

There are several listed buildings in the immediate vicinity, including the Grade II\* listed Curzon House and Grade II listed 1 South Audley Street; 2 South Audley Street; 3 Audley Street; 4 Chesterfield Gardens; 5-7 Chesterfield Gardens; and, 8 Chesterfield Gardens.

There are also a number of neighbouring residential properties. This includes the 105 flats at the rear of the site in Chesterfield House, the single family dwellings at 20 and 21-23 Curzon Street and the flats on the upper floors of 25 and 26 Curzon Street and further properties on Derby Street. There are also a number of commercial offices and enterprises such as casinos, embassies and diplomatic premises facing or in near proximity to the site

### 6.2 Recent Relevant History

Planning permission granted in November 2005 for the creation of six new dormer windows at sixth and seventh floor mansard roof level (north facing elevation)

Planning permission granted November 2005 for the use of part of basement as a gymnasium (Class D2) with existing ground floor access.

Planning permission granted October 1988 for two conservatory extensions at 7th Floor level.

## 7. THE PROPOSAL

The application seeks to reconfigure and extend the existing building to provide a private members' hotel, including restaurants, bar, health club, spa, gym and retail space. The proposed reconfiguration and extensions include the demolition and replacement of the 7th floor with associated plant equipment on the roof above and the addition of three basement floors.

The first floor to fifth floors comprise hotel bedrooms primarily oriented towards Curzon Street. The 6th to 7th floor comprise private members' club rooms including a rooftop restaurant with a south-facing terrace at 7th floor level and a smaller terrace and plant rooms at roof level. Below ground, basement level 1 would comprise kitchen and restaurant spaces and the building's loading bay. A spa and wellness centre is to be located at basement level 4 for use by members' and residents, along with management offices and back-of-house facilities and plant at basement levels 2 and 3.

The existing and proposed land uses can be summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	8,610	302	-8,308
Hotel	0	5,770	+5,770
Retail	0	171	+171
Restaurant/bar	0	787	+787
Gym/spa/health club	147	849	+702
Back of house	0	2,652	+2,652
Plant	0	1,321	+1,321
<b>Total</b>	<b>8,757</b>	<b>11,852</b>	<b>+3,095</b>

It is understood that the use will function as a private members' club and hotel with categories of membership entitling the holder to a certain duration of nightly stays that can be utilised throughout the year. Other than access to the basement gym/spa area there will be no access to the hotel, club facilities to general members of the public.

The application has been amended since it was initially submitted to remove a roof level bar, with a reduction in the amount of proposed terracing and entertainment floorspace and a green wall has been omitted.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use

The proposed development would result in the loss of 8,610 sqm of office space. London Plan Policy 2.11 and Policy SD4 of the Mayor's intend to publish London Plan, set out that the central aim of the CAZ is to support and enhance office floorspace. Policy S20 of the Westminster City Plan (WCP) states that the loss of office floorspace to other commercial or community and social uses is acceptable since these uses contribute to commercial activity. Objections have been received to the loss of office accommodation to hotel/private members club use however the City Council has no current policies opposing the change of use of office accommodation to other commercial uses. As the loss of offices is considered acceptable in the context of the adopted policy framework, objections on this ground cannot be supported.

Objectors also refer to the emerging Westminster City Plan which states that the net loss of office floorspace in the CAZ will be resisted except in specific exceptional circumstances, including where there is no interest in the continued use of the site for office purposes, as demonstrated by vacancy and appropriate marketing for a period of at least 18 months, and the replacement use is for educational, community or hotel use. Whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

#### Retail use

Part of the ground floor is proposed for retail use which is understood will be occupied as

a dedicated cigar shop accessed from the main entrance and thus ancillary to the main use. Policy SS4 (UDP) aims to enhance the retail function and mixed-use character of the CAZ and recognises that redevelopments are an opportunity for introducing new shop-type units in locations which would benefit from additional retail uses. Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial uses and it is considered that the part use of the ground floor for retail purposes is appropriate in land use terms activating the existing frontage and providing an appropriate street level frontage that would attract visiting members of the public and enliven this part of Mayfair.

### **New hotel use**

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. Policy S23 of Westminster's City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. Policy TACE 2 of the UDP is also permissive towards new hotels in the CAZ that do not have a predominantly residential character where (i) no adverse environmental and traffic effects would be generated and (ii) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel. The traffic effects of the hotel are assessed in Section 8.4 below.

Policy MSG1 of the Mayfair Neighbourhood Plan (MNP) also encourages growth within Mayfair, including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units (where subdivision is appropriate), and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public). Policy MSG2 states that growth is 'particularly encouraged' within West Mayfair for mixed use and residential growth.

Objectors refer to the fact that the site is completely unsuitable for a hotel and private members' club as it is adjacent to primarily residential units within a unique "pocket of quietness" in Mayfair as identified in the Neighbourhood Plan and is therefore contrary also to Policy S18 of the City Plan. Whilst the MNP identifies West Mayfair as a location which is predominantly residential, it also recognises that there are important streets which are not predominantly residential. In this case, it is acknowledged that there are a number of residential properties within the vicinity of the site, including the 105 flats at the rear in Chesterfield House, the single family dwellings at 20 and 21-23 Curzon Street, the flats on the upper floors of 25 and 26 Curzon Street and further properties on Derby Street, however there are also a number of commercial offices and uses such as casinos (including Aspinall's casino opposite the site, Crockfords Casino at 30 Curzon Street) and embassies and diplomatic premises facing or in near proximity to the site. The building on the opposite side of South Audley Street at 1 Stanhope Gate is in office use and the building on the opposite side of Chesterfield Gardens is occupied by the Egyptian Bureau for Cultural and Educational Affairs (4 Chesterfield Gardens). This part of Mayfair is therefore considered to be of mixed character, and in these circumstances, despite the strong objections raised, the introduction of a new hotel on this site is considered acceptable in principle in land use terms.



**Operational Details**

It is understood that the hotel operator is likely to be SH Hotels and Resorts Group (part of Starwood Capital Group) who run the recently opened Treehouse London in Marylebone, and the future 1 Hotel Mayfair. The applicant's stated aim is to create a high quality, 5-star accommodation. The hotel will comprise a maximum of 70 bedrooms with a spa/wellness centre at basement level 4, a business floor at sixth floor and restaurants at seventh floor and restaurant/bars at ground and lower ground floor.

**Gym/spa area**

The proposals involve the loss of the existing gym use at basement level and therefore the application needs to be considered under Policy SOC1 of the UDP and S34 of the City Plan which protect existing social and community facilities. However, in this instance the existing gym is to be replaced with a larger facility which will continue to provide a social and community use. The applicant has agreed to offer a 50% discount on membership for the immediate residents, including residents in Chesterfield House, and this will be secured by legal agreement.

**Private members' club and new restaurant and bar use**

The scheme includes a restaurant/bar at both ground floor and basement level 1 and a restaurant at 7th floor. The applicant confirms that these facilities will be restricted for use solely by members, residents and their guests. The impact of these entertainment areas therefore need to be assessed against the City Council's entertainment policies.

The proposed restaurant and bar areas in total measure 787sqm. Entertainment spaces of this type and size located within the Core Central Activities Zone would be considered against Policies TACE10 of the UDP and S24 of the City Plan. Policy S24 of the City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'. The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The plan also acknowledges that there can be considerable variation between the effects of different types of entertainment uses. The London Plan, the Intend to publish London Plan 2019 (policy HC6) and Culture and Night time Economy SPG 2017, are also material considerations in planning decisions. These support the growth and diversification of the night-time economy, particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seeks to protect and

support evening and night-time cultural venues.

It is also accepted that members' clubs form part of the longstanding character of Mayfair, and that their unique nature makes them distinct from other large scale entertainment activities open to the general public.

There have been significant and strong objections from the local community with regard to the likely high level of activity and noise from patrons entering or leaving the premises and taxi movements. Concerns regarding the proposed late opening hours of the restaurants and bar have also been raised. Relevant policies within the UDP and City Plan seek to protect existing residential occupiers from the introduction of new uses which might detrimentally impact upon their amenity. The adopted Mayfair Neighbourhood Plan also includes policy MRU1 which states; 'proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.'. The applicant initially sought a terminal hour of 03.30 for the basement bar and ground floor restaurant and 01.30 for the seventh floor restaurant. These hours were considered unacceptable on the basis that the activities associated with the arrival and departure of up to 603 persons during these hours could cause material harm to residential amenity. The applicant now seeks the following hours of opening for the restaurant and bar uses:

	Monday – Wednesday	Thursday - Saturday	Sunday	Sundays before Bank Holidays	Capacity
Basement Level One bar and restaurant	00:00	00:30	00:00	00:30	188
Ground floor restaurant	00:00	00:30	00:00	00:30	204
7 <sup>th</sup> floor restaurant	23:30	00:00		00:00	211
External terrace	22:00	22:00	22:00	22:00	(Included in the above)

The proposed opening hours are now consistent with the core hours for entertainment uses in predominantly residential areas which are specified in the UDP. It is also considered that the staggered terminal hours that the applicant suggests would also help to ameliorate the impact of the entertainment spaces on the amenity of surrounding residents.

A draft Operational Management Plan (OMP) has been submitted with the application which currently includes the following obligations:

1. Opening hours and capacity

*The hotel will be open 24 hours each day and will accommodate a maximum of 1,063 customers at any one time. However, in practice, it is anticipated that the number of customers will be between 600-700 persons.*

2. Management of access/guests

*The hotel reception will be appropriately staffed at all times to manage the arrivals and*

*departure of guests including. An appointed front of house greeter shall be at the main entrance at all times when the premises is open and trained to ensure patrons leave quickly and quietly without causing disturbance.*

*A Head Doorman will manage waiting vehicles to ensure no double parking or queuing occurs.*

*A Reception Manager will greet and sign every customer into the club to ensure no waiting and/or queuing on Curzon Street. The lobby and outdoor covered portico provide sufficient waiting space inside the building. Notices will be posted on the inside doors reminding customers to leave the building quietly.*

*The building will be closely monitored by CCTV so that arrivals and departures can be supervised and recorded.*

*Staff will call taxis for departing customers and will manage taxi pick up/drop offs to ensure no queuing or double parking. Customers will be asked to wait inside the premises until their taxis arrive. Staff will only call a taxi if requested to by a customer, to prevent taxis from idling on Curzon Street.*

### 3. Servicing arrangements

*All deliveries will primarily take place between 8am and 6pm on Monday to Fridays with a few deliveries on Saturday mornings. Delivery slots will be arranged and co-ordinated in advance by a banksperson. Servicing will take place from a servicing bay at basement level and vehicle waiting will be prohibited on Chesterfield Gardens, with this actively managed by a banksperson.*

*A waste and refuse store will be provided in the basement. On waste collection day, bins will be transferred from the basement area to the ground floor holding area.*

### 4. Smoking

*Customer smoking will be directed to the roof terrace.*

*A staff handbook will require staff to make their way to a variety of locations to ensure that no congregation, and no smoking outside residential or openable windows will occur.*

### 5. Neighbour Liaison

*The operator will provide local residents, businesses, ward councillors and amenity societies with a direct telephone number and contact, in order that any concerns, including the dispersal of patrons at night, can be communicated quickly and effectively to the management. Management will welcome regular feedback from local residents.*

*Chesterfield House Management raise strong objections to the content of the OMP on the grounds of the 24/7 operation of the hotel, the overall capacity, the use of the 7<sup>th</sup> floor terrace, including smoking after 10pm, the hours of the restaurants and bar, the continual arrival and departure of cars and vehicles, nuisance from deliveries and waste*

vehicles and on the grounds that the dispersal policy would be impossible to implement, that patrons would gather on the pavement, that noise, including noise from bottle crushers cannot be controlled and that there would be frequent deliveries preventing access and egress on Chesterfield Gardens.

The applicant has agreed to make a number of changes to the OMP, including revising the hours of the restaurant and bar areas to a terminal hour of midnight for the 7<sup>th</sup> floor restaurant and 00:30 for the basement and ground floor bar and restaurant. Customers wishing to smoke after 10pm will be directed to a 'cigar lounge' in the basement of the property which is fully enclosed to ensure no noise outbreak but supported by the 'tobacco smoke extract system' to accord with government legislation on smoking indoors. Other amendments involve the requirement for a servicing management plan and restricting any music on the roof terrace. The comments from Chesterfield House Management regarding noise from bottle crushers and compliance with the dispersal policy are noted, however, the bottle crushing facility is within an entirely enclosed location at basement level 2 and the proposal benefits from both a large lobby, some 40sqm in size, and an outdoor covered portico some 30sqm in area which are considered sufficient in size to prevent patrons gathering on the pavement. The concerns relating to deliveries are set out in detail below in paragraph 8.4 of this report.

It is acknowledged that the proposed use has the potential to result in an increased noise nuisance to neighbouring residential occupiers and later into the evening than would be expected from the current office occupier. Objectors also refer to the impact of noise from a proposed 'extensive dance basement'. Whilst a small dance area measuring some 4.5 x 6m is shown at basement level 1, this is considered an entirely ancillary area to the restaurant at this level. The applicant has however also submitted an acoustic report that sets out the measures to control noise from the entertainment spaces. The report proposes a number of mitigating measures including high acoustic performance glazing to ensure that the external facades are designed to minimise noise breakout. Environmental Health have requested conditions requiring compliance with internal noise conditions to ensure that noise break out does not adversely affect nearby residents. It is also recommended that controls are imposed to restrict the layouts/uses of various parts of the premises to those shown, with controls over capacity, the use of the outside spaces, noise levels, and a requirement to keep all doors and windows closed. It is also proposed that the operation and management of the hotel and the associated restaurant and bar facilities are controlled via an agreed Operational Management Plan to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded especially when visitors leave the premises. Hours of servicing, including collection of waste, are also controlled by condition to daytime hours to address policy MSD2 of the Mayfair Neighbourhood Plan. The applicants have submitted a draft OMP at this stage; and it is recommended that a final version is secured by condition.

#### *Character of the area:*

Whilst the Mayfair Neighbourhood Forum refer to the requirement in Policy MSM for new entertainment uses to demonstrate that they do not adversely impact on the character and function of Shepherd Market, this site however, falls outside the Mayfair Neighbourhood Plan's defined Shepherd Market area. The adopted entertainment policies do however require proposals to demonstrate that they are appropriate in terms

of their relationship to any existing concentrations of entertainment uses and any cumulative impacts.

In relation to other licensed premises in the vicinity these include:

- Aspinall's Casino at 27-28 Cuzon Street: Licensed opening of 00:00 to 00:00 Monday to Sunday.
- Crockford's Casino at 30 Curzon Street: Licensed opening of 00:00 to 00:00 Monday to Sunday.
- Curzon Cinema at 38 Curzon Street: Licensed opening of Monday to Saturday; 09:00 - 02:30 and Sunday from 10:00 - 02:30

It is noted that there are a number of other hotels within the south west corner of Mayfair all within walking distance of the application site including the following:

- Park Lane Mews Hotel at 2-6 Stanhope Row
- The Dorchester, 45 Park Lane
- London Hilton Hotel, 22 Park Lane
- The Chesterfield Hotel, 35 Charles Street

Given the number, type and distribution of entertainment and hotel uses in the vicinity, it is not considered that the proposals would have any materially adverse impact on the character and function of the area, nor any materially adverse cumulative impact.

### **Other land use issues**

Objections have been raised on the grounds that the proposals fail to provide residential floorspace, affordable housing, affordable workspace, public realm improvements or any community benefits. However, for the reasons set out above, the development is considered consistent with adopted policies and it would not be possible to insist on the provision of the suggested alternative uses. With regard to comments about the emerging City Plan policy 17, which requires new entertainment uses to provide community benefits, as set out above, the draft City Plan continues to attract limited weight at this present time prior to the publication of the Inspector's report.

## **8.2 Townscape and Design**

Leconfield House was built in the 1930's in a modern classical style. At seven storeys high it is one of the larger buildings in Curzon Street. It has a two-storey stone base, with projecting balconies at second floor, with brick facades above. It is five bays long on Curzon Street, with the second and fourth bays being slightly recessed. It is an unlisted building in the Mayfair Conservation Area, to which it is considered to make a positive contribution. There are listed buildings adjacent on the south side of Curzon Street, the east side of Chesterfield Gardens and north of the site on South Audley Street.

### **The relevant legislation**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In considering whether to grant planning permission for development which affects



a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **The proposals**

These proposals have been subject to pre-application and post-application discussions with officers and the height and bulk have been reduced and the design has been improved as a result. The proposals now involve the addition of a single storey roof extension and facade alterations.

Objections have been received to the original proposal submitted with the planning application. These include

- The design of the proposed two storey roof extension.
- The changes to the stone base.
- The changes to the fenestration on Chesterfield Gardens around the original garage and service entrance.

#### **a. The roof extension**

As originally submitted the proposal featured a two-storey roof extension, highly glazed, with a plant room above. This was considered unacceptable in urban design and conservation terms by officers, and objections were received from consultees and neighbours. The roof extension was too tall and bulky, and the design inappropriate for this building and its location in the conservation area. This aspect of the proposal has been superseded by the revised submissions.

The roof extension now proposed is single storey, brick clad, with a plant area enclosed within a shallow pitched roof above, clad in pre-patinated bronze. The existing brick parapet is raised slightly. The roof extension is set back from the street facades and its visual impact from street level is much reduced (from the original design) and is now considered acceptable. The extent of glazing has been reduced and set within a brick faced framework, which sits comfortably with the existing facades below. The central part of the roof projects slightly from the rest of the roof, with an open loggia, with a terrace above. This is a relatively modest feature, which gives emphasis to the central bay of the building. It will not be readily visible from street level. It is considered that the proposed roof extension respects the architectural integrity of the existing building and will not harm the character and appearance of the Mayfair Conservation Area and will

not harm the settings of adjacent listed buildings.

#### **b. Facade changes**

The proposals also involve some changes to the facade at ground and first floor levels. The existing building has a stone base with rustication (recessed horizontal channels) at first floor level and plain stonework at ground floor level. It is proposed replace the existing base with a new natural Portland stone base with rustication on both ground and first floor levels. It is not uncommon for buildings to feature rustication over the whole of the base. Despite the concerns raised by consultees, it is considered that this will not harm the appearance of the building or harm the character and appearance of the conservation area.

The changes at the east and west ends are modest and carried out to respect the existing architectural character of the facade. The existing windows are not original and feature a heavy transom. These would be replaced by new windows with a central mullion. These changes will not harm the appearance of the building or the character and appearance of the conservation area.

#### **Conclusion**

It is considered that this is a well-designed proposal which will preserve and enhance the character and appearance of the Mayfair Conservation Area. It will not harm the settings of adjacent listed buildings. It complies with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and policies DES1, DES 5, DES 6, DES 9 and DES 10 of the Unitary Development Plan. It is also considered to comply with the policies MD1, MD2 and MD3 of the Mayfair Neighbourhood Plan.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

The closest affected residential properties are the flats in Chesterfield House to the immediate south of the site. There are also residential properties on the opposite side of Curzon Street at 20 Curzon Street, Curzon House (21-23 Curzon Street) and the upper floors of 25 and 26 Curzon Street. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to these adjacent residential properties. Following revisions to the scheme, a revised sunlight and daylight report has been received, and although not originally submitted, the report is now supported by window plans and contour plans.

Objections to the originally submitted scheme were received from a number of residents within Chesterfield House and on behalf of the residents of 21-23 Curzon Street.

#### Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidance advises that the window will have the potential to provide good levels of

daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

The sunlight/daylight assessment submitted with the application demonstrates that none of the adjoining or adjacent residential properties would see any losses of VSC above the 20% standard set out in the BRE guidelines.

Objections from an occupier of a flat in Chesterfield House and a letter on behalf of the occupiers of 21-23 Curzon Street refer to the fact that the scheme would still result in losses of NSL and that the application should be refused on this basis. Four rooms within Chesterfield House would see losses of NSL of between 20.9 and 28.5%. Two of the rooms serve bedroom accommodation to a flat at eighth floor level, the other two rooms are to a flat at seventh floor level, one serves a bedroom, but it is unclear what the function of this second room is. This second room would see a reduction of 20.9% in terms of NSL values, which is just over BRE tolerances. The other rooms, a bedroom at seventh floor would experience a loss of 21.4%, and the two bedrooms at eighth floor would experience losses of 27% and 28.5% respectively. As these windows serve bedroom accommodation, which the BRE guidelines also state as being less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal.

Three rooms within 21-23 Curzon Street would see losses of between 20-29%. Two of the rooms at third floor level would see NSL losses of 22.6% and 28.1%. One room at lower ground floor level would experience an NSL loss of 20.7%. These three rooms currently experience low existing values in respect of daylight distribution (below 50% of the room). It therefore follows that any additional massing is likely to trigger disproportionate changes in percentage terms – triggering a breach of the BRE test. The third floor rooms appear to serve bedroom accommodation, and given that the BRE guidance gives less importance to daylight distribution in bedroom accommodation, it is not considered that the application could be refused on this basis.

### Sunlight

With regard to impact on levels of sunlight, the BRE guidance state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. The guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The habitable windows to the properties on Curzon Street facing the application site do not face within 90 degrees of due south and therefore are not required to be analysed for the purposes of loss of sunlight under the BRE guidelines. With regard to the residential flats at Chesterfield House, all of the windows will comply with BRE guidelines, with a number of windows seeing a subsequent improvement in sunlight hours. Whilst one objector refers to the fact that his property faces south and that the proposals will make

his flat feel darker, given that the sunlight and daylight report shows no discernible impacts to sunlight levels, it is not considered that the occupier would experience any adverse material amenity impact.

### **Sense of Enclosure**

With the removal of the originally proposed eighth floor, there is now only a limited increase in height and bulk at seventh floor level, and most of this is created by the new pitched roof to the replaced seventh floor. However, given the relationship between this part of the development and the closest residential at Chesterfield House it is not considered to result in any material increase in the sense of enclosure for neighbouring residential properties.

### **Privacy and Noise**

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. Objections from residents in Chesterfield House have been received on the grounds of overlooking from hotel corridors at the rear and objections have also been received on behalf of the occupier of 21-23 Curzon Street on the grounds that the proposal would result in overlooking into bedroom and bathroom windows and that screening should be placed on the roof to prevent overlooking from the roof terrace.

The existing building has a number of windows on each floor in the rear elevation that currently overlook Chesterfield House. These are all to be infilled with the exception of eight windows at ground floor level. These windows partly serve the loading bay and a ground floor reception area and are currently obscure glazed. A condition is proposed requiring these to be retained with obscure glass.

With regard to the concerns regarding overlooking of 21-23 Curzon Street, this property is the opposite side of the street some 16.5m from Leconfield House. Some windows are being reconfigured at ground and first floor level and a greater amount of glazing is proposed in the replaced seventh floor. However, given the existing relationship between the two buildings and the fact that these two buildings are a street widths apart, it is not considered that the proposal would not cause any undue additional loss of privacy. Objections regarding overlooking from the proposed roof terrace are also raised, however, there is an existing roof terrace in this location, and whilst it is acknowledged that the size of the terrace is increased, and that it is likely to be used more intensively than with the current office use, given that the terrace is proposed at seventh floor, three floors above the top floor of the buildings opposite, it is not considered that its use would cause such harmful loss of privacy to warrant refusal.

With regard to noise from the roof level terrace, the extent of terracing has been amended since the application was originally submitted. A section of terracing has been omitted from the eastern part of the roof, and the terracing has been reduced in size on the western part of the roof. Objections on behalf of the occupiers of 21-23 Curzon Street comment that these revisions do not overcome their original concerns and residents of Chesterfield House raise strong concerns on the grounds that the use of the terrace, and the playing of music here, will create noise.

A revised noise report has been submitted which sets out that as the terrace is limited to the front and side areas of the building residual noise from road traffic will provide

beneficial masking effect of terrace activities. The report also proposes the following mitigation measures:

- No public access to rooftop terrace, ie solely for private members and hotel guests
- Time restrictions to access rooftop terrace, up until 22:00.
- No external music will be allowed.
- Noise mitigation through the installation of a 3.3m acoustic screen on the northern boundary with Chesterfield House.

The report has been assessed by Environmental Health who recommend that the above measures should be conditioned in the form of an operational management plan to ensure that any impacts are minimised as far as practicable to address the concerns raised.

#### **8.4 Transportation/Parking**

##### **Servicing:**

S42 and TRANS20 require adequate off-street servicing provision. Currently there is an access into the basement car park from Chesterfield Gardens, via a roller shutter door leading to a ramp. This is also utilised by office tenants and building management as a servicing door, for deliveries in/out and refuse. The existing roller doorway has only a limited headroom which is not suitable for the anticipated servicing requirements of the proposal.

A draft Servicing Management Plan (SMP) and Operational Management Plan (OMP) have been submitted in support of the application. Additional information has also been provided following objections raised on the accuracy of the trip generation data, the acceptability of drop-off/pick-up arrangements and how deliveries will be managed. The SMP calculates that there would be some 34 deliveries per day, a net increase of 19. It is accepted that the existing office accommodation has traditionally been served from on-street as the only existing vehicular access is the one to the car park, which has a headroom of only 2m. The most recent Transport Note suggests that, while most deliveries will be capable of being undertaken off-street, around 8 each day would have to take place on-street. There would therefore be some 8 vehicles per day delivering on-street compared to some 15 with the existing use. The applicant has confirmed that they would be willing to accept a condition capping the number of vehicles that can service from on-street. The Highways Planning Manager believes that such a condition, coupled with a Servicing Management Plan (SMP), would ensure that any issues in Chesterfield Gardens should be minimised to such a degree that there should be fewer issues than there are with the existing office development. The SMP will be required to operate from first occupation, and not after a year of occupation as originally suggested.

The draft Servicing Management Plan will need to be enhanced to specify the process, storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case. This must be provided for waste collection as well. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other



highway users, including the residents of Chesterfield House.

Objections had been received with regard increased noise disturbance from the existing roller shutter door and from servicing of the proposed use but with hours of servicing conditioned between 08:00 and 18:00 on Monday to Friday and between 08:00 and 13:00 on Saturdays it is not considered any noise from the servicing would occur at a sensitive hour and the objections on these grounds cannot be sustained. The existing noisy roller shutter door is also to be replaced as part of the proposals.

### **Parking:**

No car parking is associated with the use and anyone visiting the site by private car would be subject to the on-street parking restrictions, it is envisaged the majority of patrons will visit the site either by taxi or by public transport. The submitted Operational Management Plan details how the impact of patrons visiting the site will be managed and this has been evaluated in the land use section of this report. There is an area of single yellow line outside the main entrance where this could take place and which could cater for two vehicles at a time.

The applicants Transport Note specifies that departures from the site would be spread throughout the day with 38% of guest trips during the busiest hour, resulting in 291 trips (on the assumption of a maximum capacity of 900 with 136 guests staying in the hotel). The applicant estimates that 25% of these trips will be by taxi, which equates to 73 trips by taxi. With at least two people in each car, it is anticipated actual taxi demand would be lower than the forecast 73 vehicles. The Highways Planning Manager has considered the submitted information and determined that this would not cause any traffic or road safety issues, particularly given that the entertainment spaces would very largely function as restaurants where, while they would have a closing time, guests would tend to leave in small groups across the evening, rather than all at the same time.

A number of objectors have commented on the lack of parking within the area particularly following the demolition of the former National Car park site in South Audley street. Whilst overall trips, compared to the existing development, are predicted to reduce quite substantially, trips by car and taxi are expected to increase by up to 17 and 39 trips per day. The Highways Manager believes that this is not considered objectionable given that it is across the entire day and it is not considered that a refusal on these grounds could be sustained.

### **Cycle Parking:**

The proposal provides a total of 38 off-street cycle parking spaces. This is clearly not in line with either the London Plan standards of 31 long-stay and 56 short-stay cycle spaces, nor with TfL's comments, which have calculated that there should be 18 long-stay spaces and 91 visitor spaces. However, the Highways Planning Manager believes that with regard to short-stay parking it is unlikely that there would be such a large number of visiting cyclists and that it would be difficult to conceive where the City Council could accommodate the extra spaces that would be required on its streets.

The Highways Planning Manager therefore considers that the 38 off-street cycle parking spaces are acceptable, being more than the transport consultant thinks is necessary and

more than twice the amount of long-stay cycle parking that TfL suggests would be appropriate.

## **8.5 Economic Considerations**

The economic benefits of the scheme are welcomed.

## **8.6 Access**

The development would be accessed via a ground floor foyer located in the same central part of the Curzon Street frontage as the existing office entrance. Internally, the lobby will give on to either the hotel reception space, the members' club areas including the restaurant and bar areas and the ancillary retailing space. The alterations, including a 'sesame lift' at the main entrance, will for the first time allow full level access to the entire building.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Plant**

An acoustic assessment has been submitted with the application which has been amended during the course of the application to address concerns raised regarding the accuracy of the background noise levels and the location of nearby sensitive receptors. Environmental Health raises no objections in principle and subject to conditions, it is unlikely that plant associated with this development will result in noise/disturbance or vibration to nearby residents. The majority of the plant will be located at basement level, and within a rooftop enclosure.

Objections have been raised on grounds of smells and fumes, however, in accordance with the Council's standard practice a full height extract duct for the restaurant uses is proposed terminating at roof level. This terminates above the adjoining flats in Chesterfield House and therefore Environmental Health raise no objections.

### **Refuse /Recycling**

Refuse and recycling facilities are proposed at basement level 2 including a Eurobin compactor and glass compactor. A separate holding area for waste is provided at ground floor. The arrangements have been revised during the course of the application and the Projects Officer (Waste) now agrees that the waste facilities are acceptable.

### **Sustainability**

An Energy and Sustainability Strategy have been prepared by Hoare Lea in support of the application. The proposed development demonstrates an estimated carbon dioxide saving of 45.2%. This is against a target emission reduction of 35% over Building Regulations Part L 2013). The Mayfair Neighbourhood Forum object on the grounds that the development fails to meet Policy MES 4.1 which states that all new non-domestic developments to be Zero Carbon. However, the Mayor's intend to publish London Plan states that to meet the zero-carbon target, an on-site reduction of at least 35 per cent beyond the baseline of Part L of the current Building Regulations is required. The development complies with this requirement. The Energy Strategy sets

out several energy efficiency measures that have been incorporated to achieve the 45.2% carbon dioxide saving including the installation of thermal insulation to the external walls, use of heat pumps, provision of low-energy, efficient light fittings throughout in conjunction with lighting control systems and the combination of Water Source Heat Pumps (WSHP) and Reversible Air Source Heat Pumps (RASHP) are proposed as the primary heat generator for the proposed development.

A BREEAM UK refurbishment and fit out 2014 pre-assessment report has also been prepared by Hoare Lea as an appendix to the Sustainability Strategy. This report identifies an anticipated score of 70.11% and a BREEAM rating of 'Excellent'. All mandatory requirements to achieve a BREEAM 'Excellent' have been targeted.

It is understood that there are no district wide heat networks in the vicinity of the site and none are planned. The development will be future-proofed to enable future connection to any district heating scheme.

### **Other**

The site is within the city-wide Air Quality Management Area and the application is supported by an Air Quality assessment report. The report has been assessed by Environmental Health officers who recommend that dust mitigation measures will need to be incorporated into a site-specific Environmental Management Plan (as required by the Council's Code of Construction Practice (CoCP)). Setting of current Emission limits during the construction period is also a requirement of the CoCP and therefore any impacts will be mitigated. Compliance with the CoCP (see Section 8.12 below) will ensure that the impact of the construction phase on air quality is minimised.

The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). This is acceptable.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council is currently consulting until 18 January 2021 on the main modifications recommended by the Inspectors. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

## **8.9 Neighbourhood Plans**

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's

statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

### **8.10 London Plan**

This application has been referred to the Mayor of London and the Stage 1 response received from the GLA is summarised in the consultation section of this report. The GLA support the proposed uses which accord with London Plan Policy 2.11 and Policy SD4 of the Mayor's intend to publish London Plan subject to the gym being publicly accessible; broadly support the design and believe that no harm would be caused to the setting of the conservation area or nearby listed buildings and consider that the strategies for energy, flood risk, SUDs and water efficiency are generally supported in line with London Plan and the Mayor's intend to publish London Plan. In line with the Mayor's request a 'Healthy Streets' Transport Assessment has now been submitted and, as requested conditions relating to servicing management and construction management are to be secured through planning condition.

If Members are minded to approve this planning application, it will need to be referred back to the Mayor again (Stage 2) and allow 14 days for his decision.

### **8.11 National Policy/Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition for a written scheme of investigation for a programme of archaeological work and one to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of these conditions.

### **8.12 Planning Obligations**

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

- i. A contribution of £116,902.86 to support the Westminster Employment Service (index linked and payable prior to the commencement of development);
- ii. 50% discounted membership for local residents of Chesterfield House and immediate residents on Curzon Street;
- iii. The costs of monitoring the S106 legal agreement.

The estimated CIL payment is:

Mayoral CIL: £769,753

Westminster CIL: £438,505

Total CIL: £1,208,258

### 8.13 Environmental Impact Assessment

The scheme is of insufficient size and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

### 8.14 Other Issues

#### Basement

The proposal includes the excavation to create three additional basement levels. Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the Code of Construction Plan (CoCP). These have been submitted.

Objectors argue that the proposal will cause subsidence, structural damage to adjoining properties and is contrary to Policy CM28.1 and refer to the fact that part (C) of the policy does not allow the excavation of more than one storey below the lowest original floor level. However, this part of the policy only relates to sites outside the Core CAZ and part (B) of the policy does not restrict the size or the depth of basements within the Core CAZ.

Objectors also refer to emerging policy 46 which restricts developments of not more than one storey beneath the lowest original floor level unless the site is large with high levels of accessibility for construction. As set out above, the draft City Plan continues to attract limited weight at this present time prior to the publication of the Inspector's report.

The applicant has provided a Structural Engineering report explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advise that the structural approach appears satisfactory and that the proposals to safeguard adjacent properties during construction are considered acceptable. We are not approving this



report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

**Flood Risk**

City Plan policy CM28.1. requires all basement developments to demonstrate that the site specific ground conditions, drainage and water environments in the area of the development have been considered. A Flood Risk Assessment has been submitted which identifies the site lies on the boundary with the St James Surface Water Flood Risk Hotspot. The site also lies within Flood Zone 1 where there is a low risk of flooding.

The Flood Risk Assessment concludes that there is a low risk of flooding and the proposed development will not increase the risk of flooding elsewhere. Building Control consider that the proposals submitted are considered to be acceptable.

**Construction impact**

Many of the objections raised by local residents relate to the construction impact, noise, dust, vibrations and the traffic associated with the development. Policy MRU4 of the Mayfair Neighbourhood Plan also requires any “new development proposals in Mayfair of a scale and type that will be likely to generate significant construction traffic movements within Mayfair, should demonstrate (through a construction management plan or otherwise) how the impact on traffic and residential amenity will be mitigated.”

It is recognised that the construction work will affect local residents and businesses over a four year period given the scale of the proposal. A condition is recommended to ensure that the development complies with the Code of Construction Plan (CoCP), which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. The applicant has confirmed that the development would be carried out in accordance with the City Council’s COCP and a condition is also recommended requiring adherence to the Council’s standard hours of construction.

A draft Construction Logistics Plan, as requested by Transport for London, has been submitted and will be required to be submitted as part of the CMP to demonstrate compliance with the CoCP.

**Crime and security**

Concerns on the grounds of crime and security have been raised, however, the

Metropolitan Police have been consulted and raise no objections.

**Archaeology**

The site is within the Great Estates Special Archaeological Priority Area (APA). English Heritage Archaeology has been consulted who have raised no objection to the proposals subject to the imposition of a condition requiring a written scheme of investigation prior to any demolition works taking place.

**Other issues**

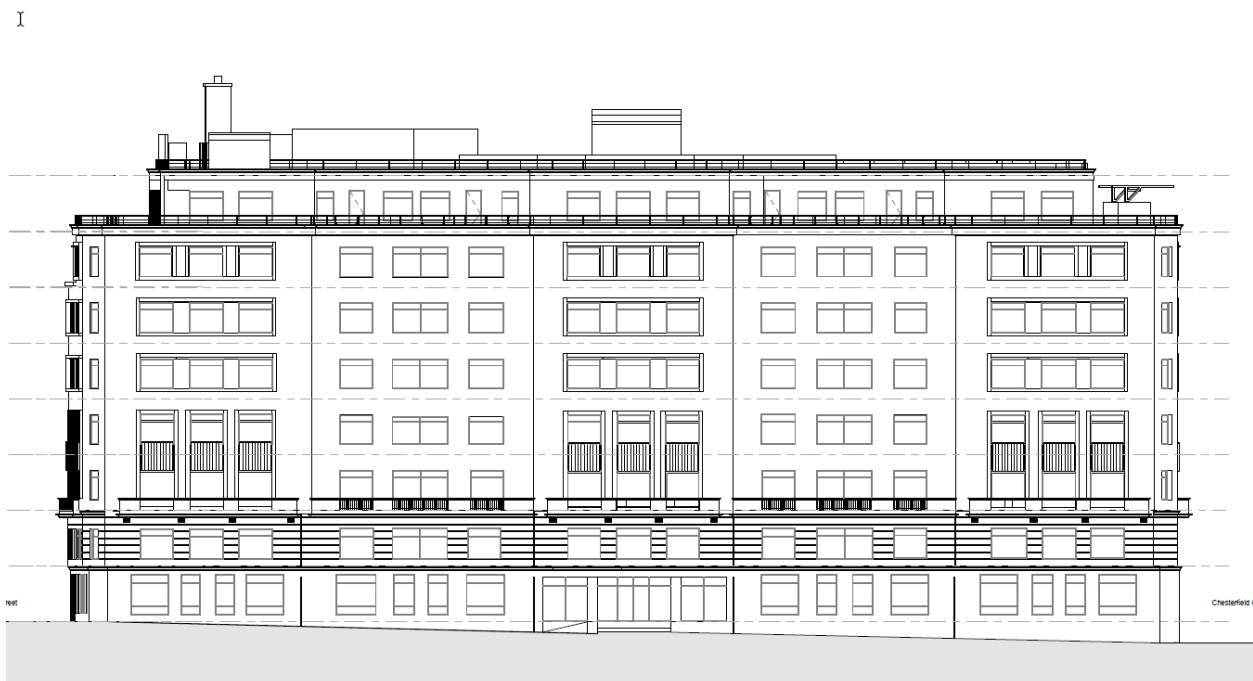
Objections have been raised on the grounds that the development will cause loss of property values, be unnecessary post Covid-19 and will of only be benefit to the wealthy few. The application could not be refused on these grounds.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

## 9. KEY DRAWINGS

Existing South Elevation



Proposed South Elevation



Existing West Elevation



Proposed West Elevation



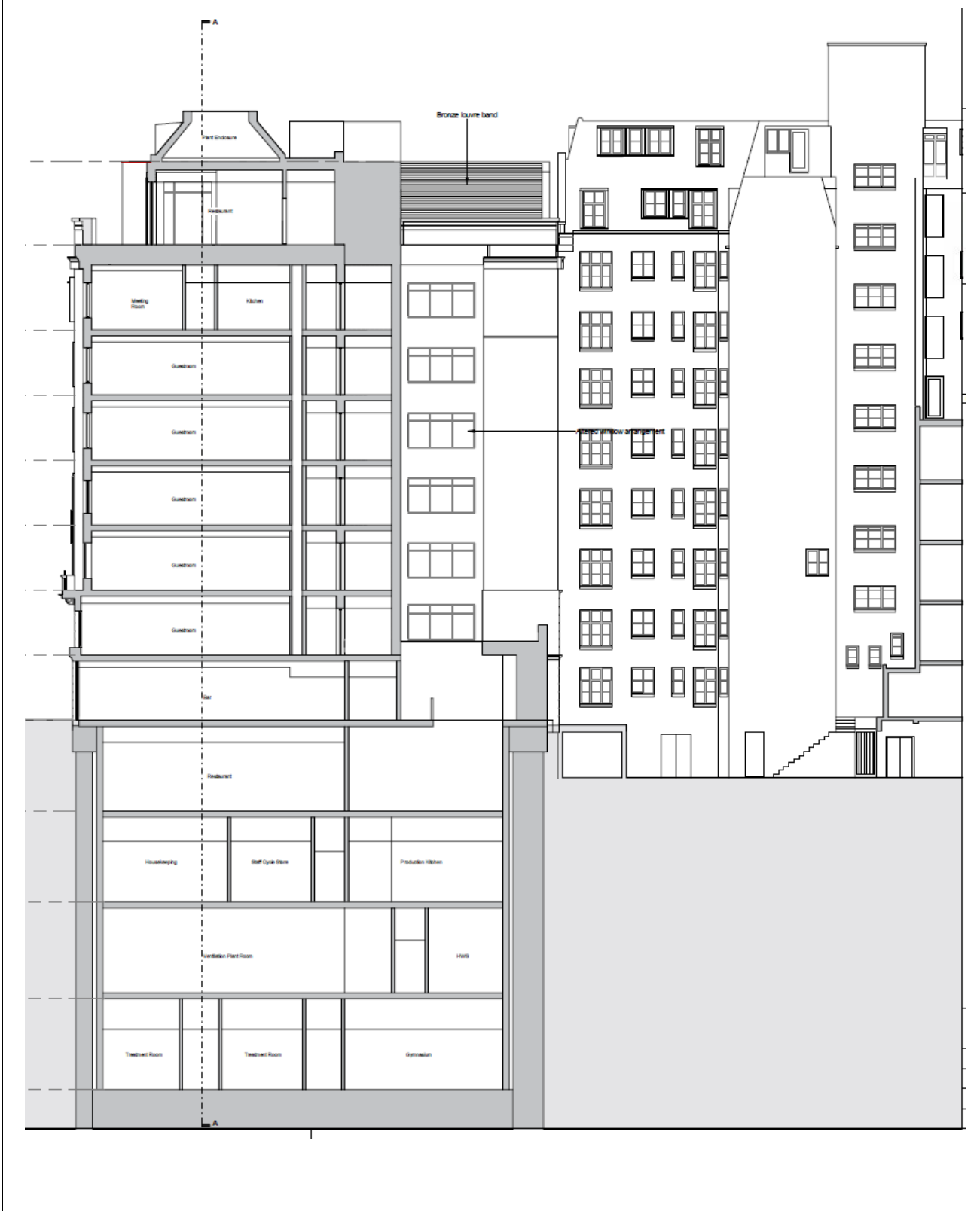
Existing East Elevation



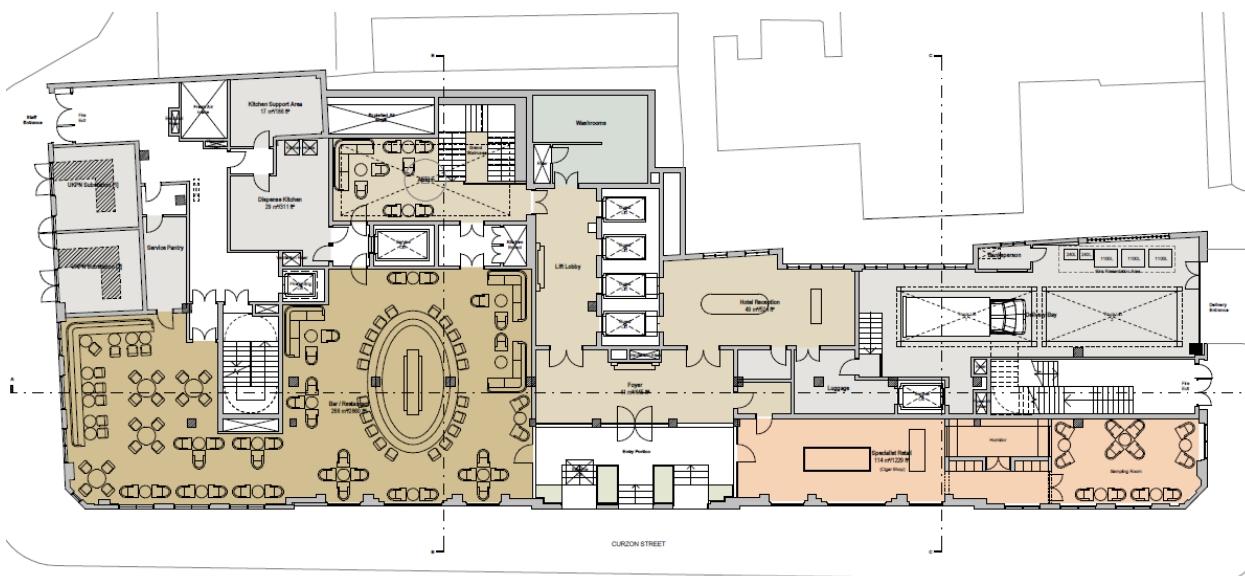
Proposed East Elevation



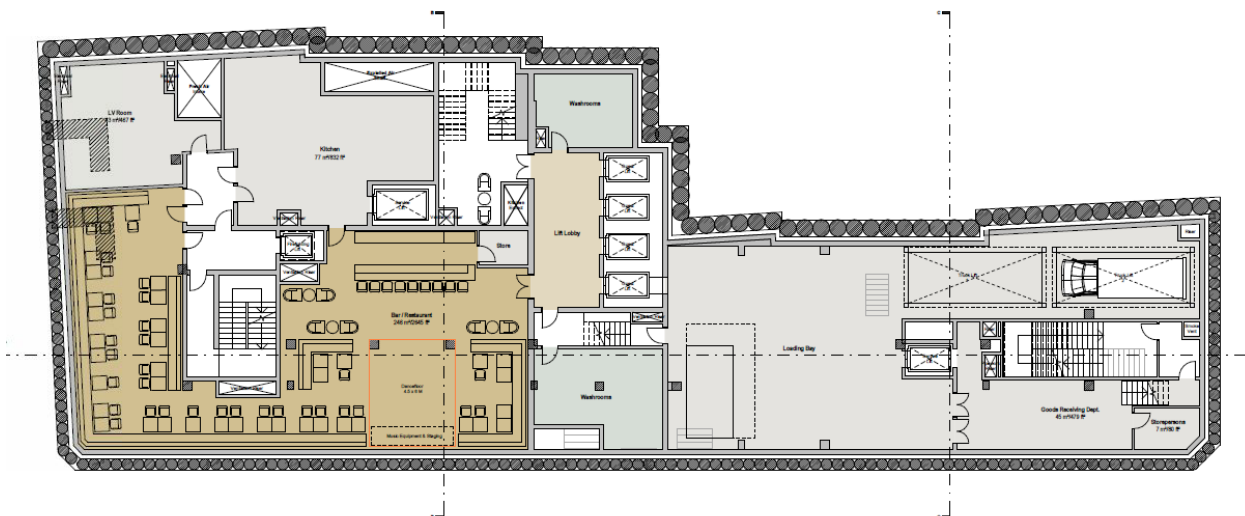
## Proposed section



Proposed Ground floor

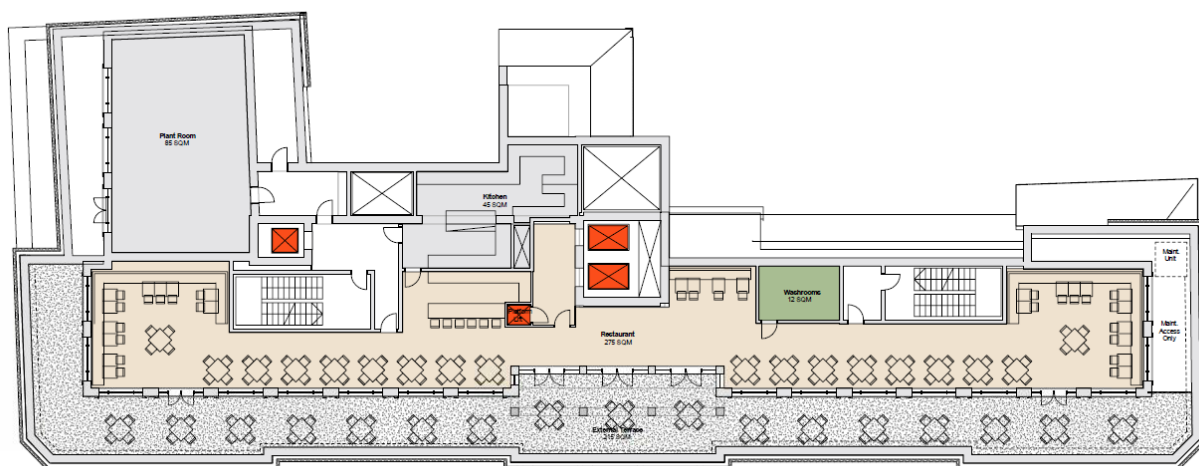


Proposed basement level 1

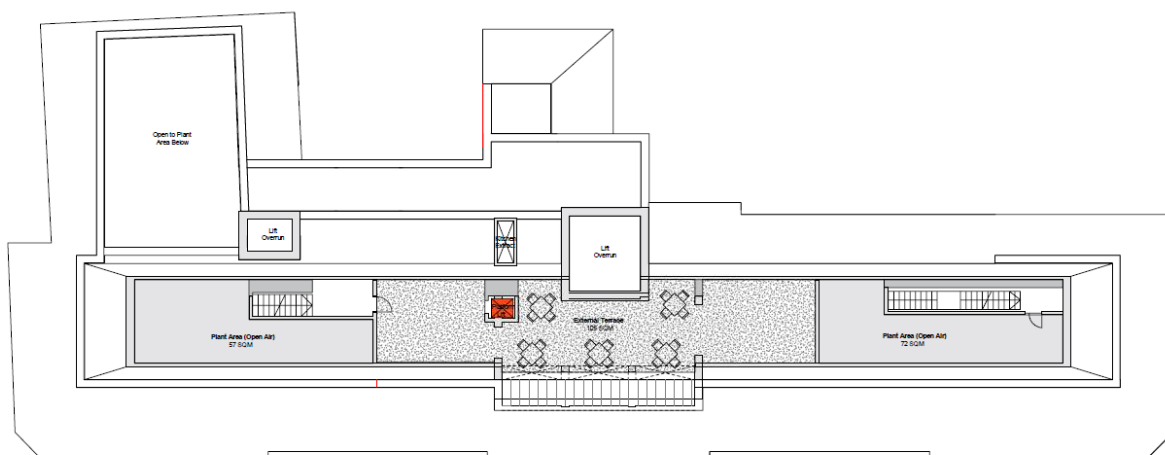


[illegible]



Proposed 7<sup>th</sup> floor

Proposed roof plan



**DRAFT DECISION LETTER**

**Address:** Leconfield House, Curzon Street, London, W1J 5JB,

**Proposal:** Replacement of existing 7th floor level and roof plant area, excavation of three new basement levels, infilling of windows at the rear, replacement windows and doors at ground and first floor level, new loading doors onto Chesterfield Gardens and refurbishment works, all for use of the building as a 60 to 70 bedroom hotel and private members' club including restaurants, spa/wellness centre and retail (sui generis use), with plant at 6th, 7th floor, roof level and basement level 3 and roof terraces at seventh floor level. (AMENDED DESCRIPTION OF DEVELOPMENT), ,

**Reference:** 20/01200/FULL

**Plan Nos:** EPR-00-B4-DR-A-02-0096, B3-DR-A-02-0097, B2-DR-A-02-0098 Rev P1, B1-DR-A-02-0099 Rev P1, 00-GF-DR-A-02-0100 Rev P1, 01-DR-A-02-0101, 02-DR-A-02-0102, GF-DR-A-02-0103, 07-DR-A-SK-0510 Rev P1, 08-DR-A-SK-0511 Rev P1, 00-DR-A-SK-0405 Rev P1, 00-DR-A-SK-0406 Rev P1, 00-DR-ASK-0407 Rev P1, 00-DR-A-SK-0408 Rev P1, AA-DR-A-SK-0501 Rev P1, BB-DR-A-SK-0502 Rev P1, CC-DR-A-SK-0503 Rev P1

Demolition drawings: EPR-00-B1-DR-AD-0099, 00-DRA-D-0100, 01-DR-AD-0101, 02-DRA-D-0102, 03-DR-AD-0103, 04-DRA-D-0104, 05-DR-AD-0105, 06-DR-AD-0106, 07-DR-A-D-0107, 00-DR-A-D-0401, 00-DR-A-D-0402, 00-DR-A-D-0403, 00-DR-A-D-0404, EPR-ZZ-S0-DR-A-D- 0501, EPR-00-AA-DR-A-D- 0502, EPR-00-CC-DR-A-D- 0503

Structural engineering report and subterranean construction method statement by Elliottwood dated 18 February 2020 (FOR INFORMATION ONLY).

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641  
07866040238

**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 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 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 using the approved materials. (C26BD)

Reason:

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

- 3 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development:

1. The roof extension
2. Facade alterations at ground floor and first floor level
3. New windows

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 according to these detailed drawings. (C26DB)

Reason:

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

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

Reason:

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

- 5 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),

## 6 **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),

## 7 **Pre Commencement Condition.** ,

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us. , ,
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and

findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA. , ,

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

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

- 8 Non-residents hotel guests shall be permitted to access, or remain within, the following parts of the building, at the following times only:

\* basement level one and ground floor bar and restaurant area: between 07.30 and 00.00 (midnight) on Mondays to Thursdays and on Sundays (not including bank holidays and public holidays), between 07.30 and 00.30 on Fridays, Saturdays and Sundays before bank holidays.

\* seventh floor restaurant area: between 07:30 and 23:30 on Mondays to Thursdays and on Sundays (not including bank holidays and public holidays), between 07.30 and 00.00 on Fridays, Saturdays and Sundays before bank holidays.

\* ground floor hotel reception area, lobby, atrium, retail gallery and foyer: between 07.30 and 00:30.

\* private meeting rooms on the sixth floor: between 06.00 and 00:00 (midnight).

\* hotel spa, gym and leisure facilities: between 07.00 and 23.00.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must apply to us for approval of a revised Operational Management Plan which also includes measures to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the hotel until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel and private members' club are in use.

**Reason:**

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., ,
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., ,
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may

ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 11 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)

- 12 (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 private members' club 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 private members' club 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)

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

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 14 You must install the high level extract duct as shown on the approved drawings before use of the building as a hotel and private members' club can begin.

**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)

- 15 You must provide the waste store shown on drawing EPR-B2-A-02-00098 Rev P1 and EPR-00-GF-DR-A02-0100 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 and materials for



recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 16 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)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 18 All servicing must take place between 08:00 and 18:00 on Monday to Friday, between 08:00 and 13:00 on Saturdays and not at all on Sundays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C2)

Reason:

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

- 19 With the exception of collecting rubbish, and a maximum of 10 delivery vehicles per day, no other goods that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road.

Before occupation of the hotel/private members' club, you must apply to us for approval of how the number of deliveries undertaken on street will be regulated and monitored. You must not start the use until we have approved what you have sent us.

You must then at the end each of each month, for the first 6 months after first occupation of the hotel/private members' club, provide to us a schedule of all daily deliveries undertaken on-street.

This schedule must thereafter be provided at the end of each third month, for the following year, and thereafter at the end of each calendar year for the life of the

permission.

Reason:

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

- 20 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 21 You must not allow more than 204 customers in the ground floor restaurant and bar, 188 in the basement level one restaurant and bar and 211 customers in the seventh floor restaurant and terrace areas at any one time.,

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 22 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) 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in 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. (R51BB)

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the sound insulation will be sufficient to protect

residential from break-out of internal activity noise and that the development will comply with the Council's noise criteria set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

**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)

- 24 (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)

- 25 You can only use the roof terraces between 08:00 and 22:00 hours daily., , Outside of these hours you can only use the roof to escape in an emergency and/or for maintenance purposes.

**Reason:**

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 26 All windows within the ground floor restaurant/bar shall be fixed shut and all doors and windows to the seventh floor restaurant shall be remain closed between the hours of 22:00 and 08:00

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 27 The hotel and private member's club use shall only provided in accordance with the accommodation layouts/uses shown on the drawings hereby approved.

Reason:

In accordance with the submitted application and to protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 28 You must not play any live or recorded music on your premises, including on the roof terraces, that would be audible outside of your premises

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

- 29 At least 10% of all guest bedrooms must be DDA accessible or adaptable.

Reason:

To make sure that there is reasonable access for people with disabilities, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 30 The glass that you put in the ground floor windows in the north elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

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 the following parts of the development - the roof level acoustic screen on the northern boundary. 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 according to these approved details. (C26DB)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

**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 development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices,**

**surcharges, late payment interest and prison terms.**

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 With reference to condition 6 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant

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phase., , Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a contribution towards Westminster's Employment Service and the provision of a discounted local residents membership. (I55AA)

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.

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