



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (3)

Meeting Date:

Tuesday 9th January, 2018

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Andrew Smith (Chairman)
Richard Beddoe
Barbara Grahame
Robert Rigby



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|--------------------------|
| 1. NORMAN HOUSE, 105-109 STRAND, LONDON, WC2R 0AA | (Pages 3 - 32) |
| 2. BLACKSTONE HOUSE, 3 GARDEN COURT, MIDDLE TEMPLE, LONDON, EC4Y 9BW | (Pages 33 - 54) |
| 3. ROYAL SOCIETY OF ARTS, 8 JOHN ADAM STREET, LONDON, WC2N 6EZ | (Pages 55 - 84) |
| 4. 30 UPPER GROSVENOR STREET, LONDON, W1K 7EH | (Pages 85 - 104) |
| 5. 5 ALBION CLOSE, LONDON, W2 2AT | (Pages 105 - 120) |
| 6. 85 PICCADILLY, LONDON, W1J 7NB | (Pages 121 - 142) |
| 7. 48 ALBEMARLE STREET, LONDON, W1S 4DH | (Pages 143 - 180) |

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 9th January 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/07421/FULL St James's	Norman House 105-109 Strand London WC2R 0AA	Part demolition, alteration and extension of main building and rear wing to provide a building of two basements, ground and part eight, part three upper storeys accommodating retail (Class A1), restaurant (Class A3) and office (Class B1) floorspace; alterations to facades including replacement shopfronts and glazing; provision of roof terraces, plant and associated works	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 17/08153/FULL 17/08154/LBC St James's	Blackstone House, 3 Garden Court, Middle Temple, London EC4Y 9BW	Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House.	
	Recommendation Refuse permission - design and increased sense of enclosure.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/06484/FULL 17/06485/LBC St James's	Royal Society Of Arts, 8 John Adam Street London WC2N 6EZ	Alterations at ground and basement levels including refitting of catering kitchen at Basement Level -3, to establish improved facilities and access for the RSA. Replacement of roof light in front area lightwell and installation of external extract grille.	
	Recommendation <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. 			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 17/08544/FULL West End	30 Upper Grosvenor Street, London W1K 7EH	Use of part of the ground floor of 30 Upper Grosvenor Street as a restaurant (Use Class A3). Installation of full height extract duct within rear lightwell, roof top plant, external alterations.	
	Recommendation Grant conditional permission			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 9th January 2018
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/08257/FULL Hyde Park	5 Albion Close London W2 2AT	Use of the garage as habitable accommodation, alterations to front and rear elevation windows and doors, extension of second floor to enclose internal courtyard, installation of a rooflight and installation of an air conditioning unit at roof level.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
6.	RN(s) : 17/07384/FULL West End	85 Piccadilly London W1J 7NB	Variation of Condition 1 of planning permission dated 13 January 2015 (RN 14/09157/FULL) for, 'Installation of ductwork from ground to roof level on south west elevation, installation of plant within first floor car park, and installation of replacement plant and acoustic screens at rear sixth floor level and at roof level'; NAMELY, to amend the approved development to re-position and modify the duct running from first floor to main roof level and associated opening at first floor; alterations to acoustic screens at rear sixth floor level and at roof level and alterations to the rear walkway at first floor level to include steps over rear plant at first floor level.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
7.	RN(s): 17/03502/FULL West End	48 Albemarle Street London W1S 4DH	Use of part ground floor level and first to second floor levels for either continued office (Class B1) use or retail (Class A1) use or a sui generis use comprising retail, restaurant and bar elements; the installation of a full height extract duct on the rear elevation and installation of plant with associated acoustic screening on the flat roof area at rear first floor.	
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2018	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	Norman House, 105-109 Strand, London, WC2R 0AA		
Proposal	Part demolition, alteration and extension of main building and rear wing to provide a building of two basements, ground and part eight, part three upper storeys accommodating retail (Class A1), restaurant (Class A3) and office (Class B1) floorspace; alterations to facades including replacement shopfronts and glazing; provision of roof terraces, plant and associated works		
Agent	Gerald Eve LLP		
On behalf of	The Duchy of Lancaster		
Registered Number	17/07421/FULL	Date amended/ completed	30 November 2017
Date Application Received	17 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

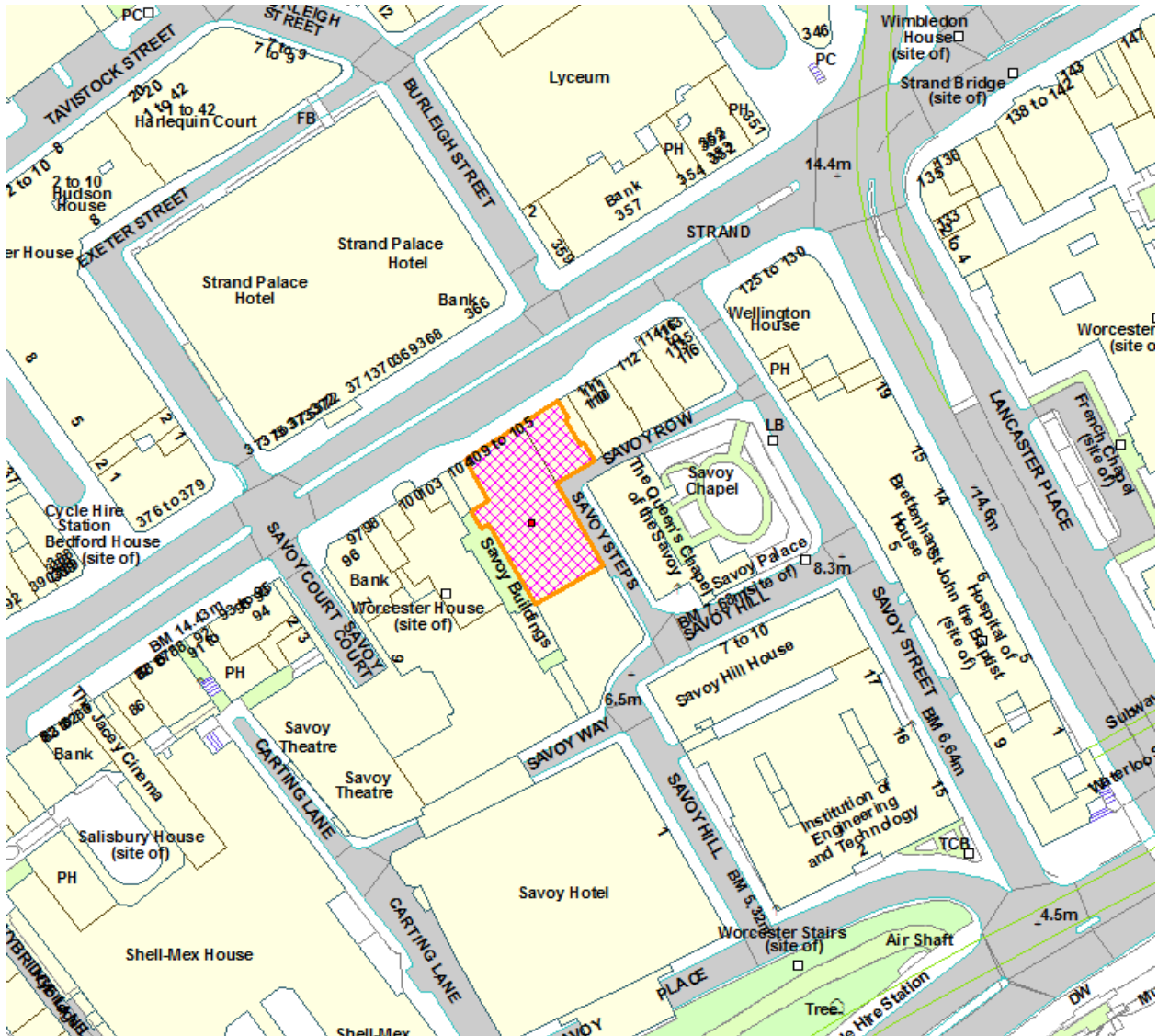
Norman House (105-109 Strand) is an unlisted building within the Strand Conservation Area and the site immediately backs onto the Savoy Conservation Area to the south. The main building comprises two basement levels, ground and seven upper storeys and the rear wing comprises two basement levels, ground and one upper storey.

The key issues in this case are:

- the acceptability of the proposals in land use terms;
- the impact of the proposals on the appearance of the building and the significance of designated heritage assets including adjoining listed buildings and Conservation Area; and
- the impact of the proposals on adjoining properties; and
- the impact of the proposals on the operation of the public highway.

The provision of additional office space in this location is acceptable in principle and there is no requirement for residential provision under the City Council's mixed use policy. The proposed alterations and extensions are not considered to be harmful to application building, the setting of adjacent listed buildings or the character and appearance of the Strand Conservation Area. The proposal will also not result in any material harm to the amenity of adjoining residents. For these reasons, the proposal is considered acceptable in land use, design, conservation and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). For these reasons it is recommended that conditional planning permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Strand



View from rear (from Savoy Street left and Savoy Steps right)

5. CONSULTATIONS

HISTORIC ENGLAND ARCHAEOLOGY

No objection subject to a condition.

WESTMINSTER SOCIETY

Supports the application.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HIGHWAY PLANNING MANAGER

No objection subject to conditions.

CLEANSING MANAGER

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 65

Total No. of replies: 1 (neutral)

No. of objections: 0

One neutral comment has been received from a business operating in an adjacent premises enquiring about the building schedule.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Norman House (105-109 Strand) is an unlisted building of merit within the Strand Conservation Area. The site immediately backs onto the Savoy Conservation Area to the south and is close to the boundary of the Covent Garden Conservation Area to the north. Immediately adjoining the site are the Grade II listed buildings which make up the Savoy Hotel development, whilst the rear of the site, on the opposite side of Savoy Steps, is the Grade II* listed Queens Chapel of the Savoy, the only remnant of the former Savoy Palace which was originally built between Strand and the pre-embankment north river bank.

The main building comprises two basement levels, ground and seven upper storeys and the rear wing comprises two basement levels, ground and one upper storey. The site contains two Class A1 retail units over parts of the basement level 1, ground and first floor levels; one Class A3 restaurant over parts of basement level 2, basement level 1 and ground floor levels; and Class B1 office floorspace over the upper floors. The site is located within the Core Central Activities Zone (Core CAZ).

6.2 Recent Relevant History

None relevant.

7. THE PROPOSAL

Permission is sought for the part demolition, alteration and extension of the main building and rear wing to provide a building of two basements, ground and part eight, part three upper storeys accommodating retail, restaurant and office accommodation; alterations to facades including replacement shopfronts and glazing; provision of roof terraces and installation of plant.

The motivation for the proposal is to increase the quantity and quality of commercial floorspace. The main elements are the demolition of the existing roof of the main building (fronting Strand) and erection of a three storey extension with a roof terrace above; the partial demolition of the first floor of the rear wing and erection of a three storey extension also with a roof terrace above. Alterations at street levels include new shopfronts and alterations to form a new office entrance.

The proposal would see an increase in office floorspace of 1,909 sqm. There would be reductions in Class A1 retail and Class A3 restaurant floorspace, and a reduction in the number of Class A1 retail units from two to one.

The table below provides a summary of the existing and proposed floor areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	2,636	4,545	+1,909
Retail (Class A1)	1,017	611	- 406
Restaurant (Class A3)	1,155	937	- 218
Total	4,808	6,093	+1,285

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in Office Floorspace

Policy S20 of the City Plan identifies the need for significant additional office floorspace within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The provision of additional office floorspace in this location is therefore acceptable in principle.

Policy S1 of the City Plan sets out the circumstances in which development proposals which include an increase in B1 office floorspace trigger a requirement to provide new residential accommodation. As the net additional floorspace (1,285 sqm GIA) is less than

30% of the total existing building floorspace (27% of 4,808sqm GIA), no residential floorspace is required to offset the increase in office floorspace.

Loss of Retail Floorspace

The City Plan and UDP state development proposals within the Core CAZ should provide the same amount of retail floorspace as was there before and that Class A1 retail should be protected at basement, ground and first floor levels. The loss of retail floorspace at first and part ground and basement floors amounts to 624 sqm. It is necessary that the loss of retail floorspace should be considered in the context of the wider benefits of the scheme.

At ground and the basement level the loss of retail occurs in order to provide an enlarged and improved office lobby at ground floor and to create necessary ancillary offices areas, such as cycle and waste stores, on the basement floors. These facilities are required to allow for the primary and significant benefit of the proposals: the increased quantity and quality of office floorspace. The new office lobby would visually link the Strand with the Savoy Steps and, along with the new retail frontages, would improve the streetscape as discussed in section 8.2 of this report.

The applicant states that these proposals would represent an improvement in the quality of the retail floorspace within this building, particularly in terms of layout. The loss of retail floorspace is largely to back of house areas which are remote from the Strand frontage. Whilst smaller overall, the applicant contends the re-provided retail would serve to create an improved Class A1 retail unit and Class A3 restaurant unit which would enhance the vitality and viability of the area. In addition to the improved units, the operation of the restaurant will be conditioned to cruelled the maximum number of cover to 300 and opening hours of 07:00 to 01:00 between Monday and Saturday and 11:00 to 23:30 on Sundays. This is considered an improvement over the existing unrestricted situation.

Officer's consider that in the context of the significant benefit of the proposal in terms of the additional B1 office floorspace and the sub-optimal quality of the existing retail floorspace, the loss of largely ancillary retail floorspace, on balance, would not harm the character and function of the retail frontage or the vitality and viability of the area.

8.2 Townscape and Design

Built in 1923-4 to a design by Trehearne and Norman, the building is of considerable individual architectural significance despite the loss of its eastern wing. At roof level it features an interesting but architecturally unresolved series of 'extensions' although these are thought be original and are of some interest, they are architecturally harmful and are not of such interest that they should be preserved.

Below the sixth floor is architecturally significant, set back from the main façade as part of the building's architectural composition to account for the prevailing height of buildings on the road at the time. To the rear a substantial four storey rear wing projects from the western end of the building and fronts onto Savoy Steps where access formerly existed up to Strand as part of the pre-embankment layout of the area. Due to the significant drop in street level between the Strand and Steps frontages this wing is substantially lower than the main front wing. Whilst it shares some architectural motifs with the main rear elevation, it carries a somewhat more 'industrial' character, reminiscent of the riverside origins of this

side of the site. This wing is significant in backdrop views of the Savoy Chapel from the east, as is the rear elevation of the main front wing.

The principle of replacing the existing topmost 'toilet-block' storey is acceptable in principle as explained above. The replacement of the floor below this is more contentious as it is part of the original design and is built well of good quality stone. The proposals include for this to be rebuilt to architecturally match the existing but with adjustments to building line and floor heights. Above this a new double-mansard would be added featuring two rows of stacked dormers. On the flat top of this mansard would be built a roof terrace with balustrading set back from the roof edge.

Whilst the proposal would represent a notable increase in accommodation and bulk at these levels, the resultant upper roof heights would not be significantly higher than the somewhat broken and ad-hoc, architecturally disjointed existing roof storey which would be removed. The proposals would provide a good resolution to the building's architecture which has always been somewhat incomplete. The manner in which this is designed would interpret the character of the existing building and surrounding roofs well whilst not slavishly replicating historic roof forms. To the rear the proposals would be particularly successful and would not cause a harmful increase in the impact of the site on the character of its surroundings, including long-distance views from surrounding streets and Waterloo Bridge, nor to the setting of the Queens Chapel or adjacent Savoy listed buildings.

The rear wing would also receive a new three storey roof extension, replacing the existing set-back modern plant storey. This would adapt the design of the lower storeys which would be retained, with alterations to windows and to provide new retail frontages within the existing arches at Steps level. This would be a substantial extension to this wing, but would remain notably subservient to the main front wing and would adapt the character and scale of the lower storeys. In views from the east, the extension would rise above the roof of the Queens Chapel, making this wing more prominent in those views. However, this would continue to sit well below the established backdrop of the buildings forming the Strand frontage, and would not cause a harmful increase to the tightly developed urban setting of the Chapel. The design of the new windows to this wing remain somewhat unresolved however, and as such are recommended to be worked on further through an amending condition.

At street level the proposals are particularly successful, providing a valuable opportunity to resolve a disjointed set of existing shopfronts fronting Strand, and to reinstate a form of visual linkage between Strand and the Savoy Steps in the form of the office entrance, albeit this would remain a private enclosed space. The shopfront proposals have been revised during the course of the application and would preserve the remaining elements of the original ground floor façade within a high quality new set of shopfronts and office entrance.

The proposals would both preserve and enhance the character of the building, positively contribute to the character and appearance of the Strand Conservation Area, and to the setting of the Queens Chapel and Savoy Conservation Area.

8.3 Residential Amenity

The neighbouring properties are primarily in non-residential use. The nearest residential properties are located to the south west of the site within a complex known as the Savoy Court Buildings. Between the rear wing of the application building and the Savoy Court Buildings is the Savoy Buildings passage, a narrow alleyway off Strand. The windows directly opposite the rear wing across this alleyway are non-residential windows, the residential windows are found further south down the alleyway. No objections have been received from neighbouring residents.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms.

The principal BRE methodology for the assessment of daylight values is the 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

The assessment confirms one residential window within the Savoy Court Buildings would suffer a loss of daylight in excess of BRE guidelines amount to a 33.16% loss of the former value. This window serves a galley kitchen. Such rooms are not principle living areas of a residential unit. Given the site is within a dense urban environment and the rear wing is to be enlarged to match the scale of an adjacent building, it is not considered reasonable to resist the application on the grounds of loss of light to this room. No residential windows would suffer a loss of sunlight in excess of the BRE guidelines.

Sense of Enclosure

The extension to the rear wing would further enclose the Savoy Buildings alleyway. As the nearest residential properties are further south and do not have a direct view of the application site, residents would not be unacceptably impacted by this.

Privacy

The new windows to the extensions and the roof terraces on top of them would not allow for harmful overlooking of neighbouring residential windows given the location and

orientation of the nearest neighbouring residential windows, and the setback nature of the terraces from roof edge, in particular the significant setback of the rear wing roof terrace from the south west corner of that building.

Noise from roof terraces

Given the position of the roof terraces relative to the nearest residential occupiers and given the roof terraces would be for office users, it is considered reasonable to restrict the use of the rear terrace between 09.00 and 20.00 Monday to Saturday. On this basis the terraces are unlikely to result in an unacceptable increase in noise disturbance.

8.4 Transportation/Parking

Car parking

No car parking is provided as part of the development. The site is located within a Controlled Parking Zone and has a good level of public transport accessibility. Given the this, the proposed use of the site and its size, it is considered that the proposal is highly unlikely to have a significant impact on on-street parking in the area.

Servicing

Policy S42 of the City Plan encourages servicing to be undertaken off-street. Where the council considers that this is not possible, servicing should be undertaken in a way that minimises the adverse effects on other highway and public realm users, and other residential or commercial activity. In this case there is no opportunity to provide an off-street service bay and the existing situation to service from the street is to be retained.

Single and double yellow lines in the vicinity can be used for loading and unloading. There is also an on-street service bay in front of the site on Strand. The largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection or laundry vehicle. These will service this property in a similar fashion to the existing use and nearby properties. The Highway Planning Manager notes that the overall uplift in servicing trips would be modest and would not have an adverse impact on the public highway.

Cycle Parking

The London Plan requires two spaces for the first 100sqm and one additional space for every 175sqm of floorspace for A1 and A3 uses, with one space per 90sqm for B1 office use. The proposal includes storage for 64 cycles at basement level 2. The initial cycle storage arrangement proposed was identified as not being adequately accessible for users of the building by the Highway Planning Manager. Following revisions and the submission of further details of the cycle storage arrangements, there is now no objection subject to condition ensuring the proposed cycle storage is provided.

8.5 Economic Considerations

The economic benefits of a more intensive use of the site as a result of the increase in office floorspace is welcome.

8.6 Access

Step free access to all uses are proposed on the Strand. Level access is provided to all floors via lifts. A condition is recommended to ensure the access arrangements proposed are provided.

8.7 Other UDP/Westminster Policy Considerations

Plant

The application includes plant to be located in in parts of the basement 2, seventh, eighth and ninth floors, and a replacement extraction system for the restaurant. The Environmental Health officer sought additional information regarding the extract system and the applicant has provided this. Environmental Health raises no objection to the proposal, but notes that the acoustic report submitted to support the application does not provided information on the specific plant that would be installed, and therefore a supplementary acoustic report is required which is recommended to be secured by condition, in addition to standard noise conditions.

Refuse /Recycling

The initial waste storage shown was identified as not being adequate for the proposal by the Council's waste officer. Following revisions and the submission of further details regarding waste arrangements and management, there is now no objection subject to condition securing the proposed waste storage and that no waste shall be left or stored on the highway.

Sustainability

The application is accompanied by an Energy Strategy and Sustainability Statement. These provide an analysis of the energy and sustainability credentials of the scheme, and assesses them within the context of national, strategic and local planning policy, and outline measures of energy strategy.

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green).

London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development. The energy strategy would result in a 36% reduction and this is considered acceptable. The measures proposed are recommended to be ensured by condition.

Archaeology

The site is within a Tier 1 Archaeological Priority Area (Lundenwic and the Strand) which is known or strongly suspected to contain heritage assets of national importance. The Greater London Archaeological Advisory Service (GLAAS) reviewed the Historic Environment Assessment originally submitted by the applicant to support the proposal and considered that further exploratory fieldwork and assessment was required. The applicant subsequently dug archaeological trial pits and undertook further evaluation. GLAAS reviewed this work and are now satisfied that the proposals accord with relevant standards and guidance, and raise no objection subject to a written scheme of investigation being secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

National Government has introduced the Community Infrastructure Levy (CIL) – a charge which local authorities (both the Mayor and Westminster City Council) can levy on most types of development to help fund infrastructure needed to support the development of an area in line with local development plans.

The Mayor's Crossrail Funding Supplementary Planning Guidance state contributions through the planning system towards funding of the Crossrail should be sought from the uses/areas that generate the most significant contributions to congestion on the rail network. This scheme requires a charge of £140 sqm for the net increase of office floorspace, minus the Mayoral CIL. Arrangements for this payment is recommended to be secured by condition.

The total estimated CIL payment is: £ 329,750.

- £64,150 of this is Mayoral CIL
- £256,600 of this is Westminster CIL.

8.11 Environmental Impact Assessment

Not applicable.

8.12 Other Issues

Construction impact

The proposals constitute a level 2 type development and the applicant will sign up to the Council's Code of Construction Practice, recommended to be secured by condition. A draft Appendix A checklist has been submitted as part of the application submission.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Westminster Society, dated 14 September 2017.
3. Response (x2) from Historic England (GLAAS - Archaeology), dated 04 September 2017 and 30 November 2017.
4. Response (x2) from Highways Planning Manager, dated 24 August 2017 and 09 October 2017.
5. Response (x2) from Cleansing Manger, dated 06 September 2017 and 03 November 2017.
6. Response (x2) from Environmental Health, dated 15 September 2017 and 25 October 2017.
7. Letter from occupier of CVC Capital Partners, 111 Strand, dated 8 September 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

10. KEY DRAWINGS



Existing and Proposed Strand Elevation





Existing and Proposed Savoy Steps Elevation





Existing and Proposed Ground Floor Plan



DRAFT DECISION LETTER

- Address:** Norman House , 105-109 Strand, London, WC2R 0AA
- Proposal:** Part demolition, alteration and extension of main building and rear wing to provide a building of two basements, ground and part eight, part three upper storeys accommodating retail (Class A1), restaurant (Class A3) and office (Class B1) floorspace; alterations to facades including replacement shopfronts and glazing; provision of roof terraces, plant and associated works
- Reference:** 17/07421/FULL
- Plan Nos:** Site Location Plan (above ground); Site Location Plan (below ground); NOR ORM 00 00 DR A - 12002 rev P04; NOR ORM 00 00 DR A 12004 rev P02; NOR ORM 00 08 DR A 12208 rev P02; NOR ORM 00 05 DR A 12205 rev P02; NOR ORM 00 01 DR A 12201 rev P02; NOR ORM 00 04 DR A 12204 rev P02; NOR ORM 00 GF DR A 12200 rev P02; NOR ORM 00 02 DR A 12202 rev P02; NOR ORM 00 07 DR A 12207 rev P02; NOR ORM 00 06 DR A 12206 rev P02; NOR ORM 00 03 DR A 12203 rev P02; NOR ORM 00 EA DR A 12502 rev P04; NOR ORM 00 NO DR A 12500 rev P04; NOR ORM 00 NO DR A 12510 rev P03; NOR ORM 00 SO DR A 12501 rev P04; NOR ORM 00 WE DR A 12503 rev P04; NOR ORM 00 B1 DR A 12111 rev P04; NOR ORM 00 B2 DR A 12112 rev P04; NOR ORM 00 08 DR A 12108 rev P04; NOR ORM 00 05 DR A 12105 rev P04; NOR ORM 00 01 DR A 12101 rev P04; NOR ORM 00 04 DR A 12104 rev P04; NOR ORM 00 GF DR A 12100 rev P04; NOR ORM 00 09 DR A 12109 rev P04; NOR ORM 00 02 DR A 12102 rev P04; NOR ORM 00 07 DR A 12107 rev P04; NOR ORM 00 06 DR A 12106 rev P04; NOR ORM 00 03 DR A 12103 rev P04; NOR ORM 00 AA DR A 12300 rev P03; NOR ORM 00 BB DR A 12301 rev P03; NOR ORM 00 BB DR A 12310 rev P03; NOR ORM 00 CC DR A 12302 rev P03; NOR ORM 00 DD DR A 12303 rev P03; NOR ORM 00 EE DR A 12304 rev P03; NOR ORM 00 FF DR A 12305 rev P03; NOR ORM 00 NO DR A 12550 rev P05; NOR ORM 00 NO DR A 12560 rev P03; NOR ORM 00 WE DR A 12553 rev P05; NOR ORM 00 08 DR A 12158 rev P07; NOR ORM 00 01 DR A 12151 rev P05; NOR ORM 00 04 DR A 12154 rev P06; NOR ORM 00 GF DR A 12150 rev P06; NOR ORM 00 09 DR A 12159 rev P06; NOR ORM 00 RF DR A 12160 rev P05; NOR ORM 00 02 DR A 12152 rev P06; NOR ORM 00 07 DR A 12157 rev P07; NOR ORM 00 06 DR A 12156 rev P07; NOR ORM 00 03 DR A 12153 rev P06; NOR ORM 00 B2 DR A 12212 rev P04; NOR ORM 00 B2 DR A 40032 rev P06; NOR ORM 00 FF DR A 12355 rev P03; NOR ORM 00 B1 DR A 12211 rev P04; NOR ORM 00 B1 DR A 40033 rev P04; NOR ORM 00 B1 DR A 12161 rev P08; NOR ORM 00 B2 DR A 12162 rev P12; NOR ORM 00 EA DR A 12552 rev P06; NOR ORM 00 SO DR A 12551 rev P08; NOR ORM 00 00 DR A 40031 rev P05; NOR ORM 00 BB DR A 12351 rev P06; NOR ORM 00 CC DR A 12352 rev P05; NOR ORM 00 DD DR A 12353 rev P07; NOR ORM 00 EE DR A 12354 rev P06; NOR ORM 00 BB DR A 12360 rev P05; Planning Statement (Gerald Eve); Cover Letter (Gerald Eve); Design and Access Statement (Orms); Additional Design Information (Orms); Townscape, Heritage and Visual Assessment (Richard Coleman); Acoustic Assessment Report (Hoare Lea); Energy Strategy (Hoare Lea); Sustainability Statement (Hoare Lea); Archaeological Desk-Based Assessment (CgMs); Archaeological Trail Pit Evaluation Report (CgMs); Desk-Based Archaeological Deposit Model Report (CgMs); Daylight and Sunlight Report (Delva Patman Redler); Transport and Waste Statement (waterman).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Conditions and Reasons

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

adopted in January 2007. (R11AC)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 5 You must apply to us for approval of a detailed written and photographic schedule of the facing materials you will use, including reference to any sample panels prepared on-site for our inspection, and annotated versions of the approved elevations and plans to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 Strand Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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 Strand 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)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces, with the exception of those shown on the approved drawings. (C26NA)

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 Strand 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)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development:
- a) New windows (including dormers), doors and rooflights (drawn elevations, plans and sections at 1:5)
 - b) Overall profile of extensions (drawn elevations, plans and sections at 1:20);
 - c) Shopfront, including surrounding stonework and office entrance (drawn elevations, plans and sections at 1:20)
 - d) Detail of brick relief work (drawn elevations and sections at 1:20).

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 Strand 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)

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

- Redesign of windows to rear wing, to better reflect the small-paned character of the original steel windows.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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 Strand 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)

- 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.

- 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.

- 12 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 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:

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.

- 13 (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 office and retail 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 office and retail 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.

- 14 (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.

- 15 All servicing must take place between 07:00 and 23:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 17 You must provide the waste store shown on drawing 12162 rev P12 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 18 You must not use the roof terrace on top of the rear wing except between the hours of 09.00 and 20.00 Monday to Saturday; and not at all on Sundays, bank holidays and public holidays. Outside of these hours you can only use the roof terrace to escape in an emergency.

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)

- 19 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket outlet or similar.

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 You must provide the environmental sustainability features (environmentally friendly features) set out in the Energy Strategy and Sustainability Statement both dated 17 August 2017 before you start to use any part of the development. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

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

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

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

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 22 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)

- 23 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated August 2017 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, 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)

- 24 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

Arrangements for a contribution to fund Crossrail.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set

out in S33 of Westminster's City Plan (November 2016) and in the Mayor's Crossrail Funding SPG of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 25 You must apply to us for approval of an operational management plan for the restaurant (Class A3) unit to show how you will mitigate the use from being harmful to the local environment, including causing nuisance to people who live in nearby buildings. You must not start the relevant restaurant use until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times for as long as the relevant restaurant unit is in use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 26 Customers shall not be permitted within the restaurant (Class A3) premises before 07.00 or after 01.00 the next day on Monday to Saturday and before 11.00 or after 23.30 on Sundays.

Reason:

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

- 27 You must not allow more than 300 customers into the restaurant hereby approved at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold

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

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:

www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team,
Environmental Health Service,
Westminster City Hall,
64 Victoria Street,
London,
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 6 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 or visit www.ccscheme.org.uk.
- 7 Conditions 10 - 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 8 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

- 9 Under condition 24, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure Crossrail Community Infrastructure Levy payment, as set out in the letter dated 20th December 2017 from Gerald Eve. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2018	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	Blackstone House, London, EC4Y 9BW.		
Proposal	Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House.		
Agent	Indigo Planning Limited		
On behalf of	The Honourable Society of the Middle Temple		
Registered Number	17/08153/FULL	Date amended/ completed	1 December 2017
Date Application Received	11 September 2017		
Historic Building Grade	Blackstone House is unlisted and 1 & 2 Garden Court are grade II listed		
Conservation Area	Strand (City of Westminster) and Temple (City of London)		

1. RECOMMENDATION

Refuse permission – design and increased sense of enclosure.

2. SUMMARY

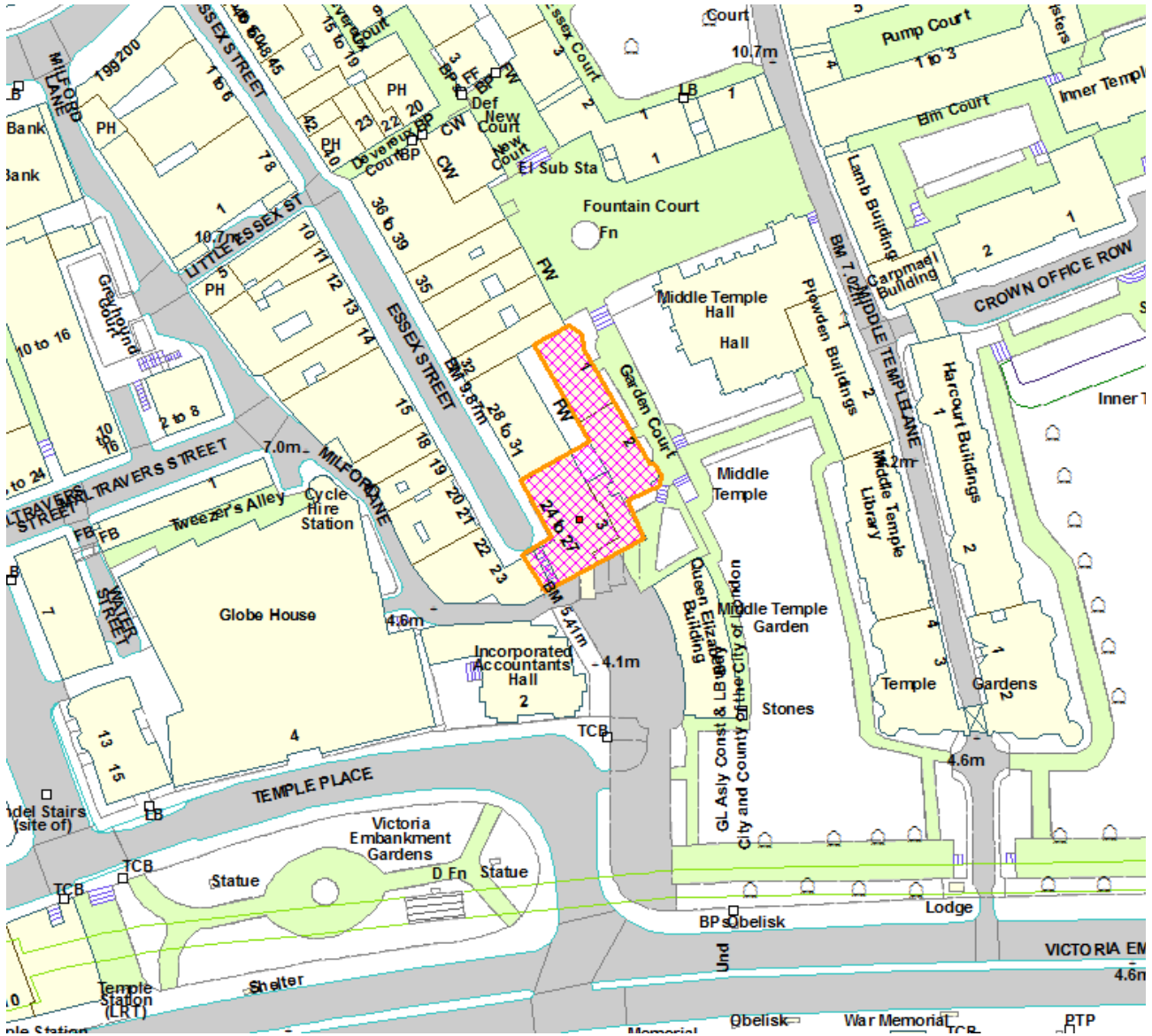
Blackstone House is an unlisted building and 1 & 2 Garden Court are grade II listed buildings in Middle Temple. The buildings are used as barrister’s chambers. The boundary between the City of Westminster and the City of London runs between Blackstone House and 1 & 2 Garden Court. The buildings are interconnected at ground and first floors. The site is located within the Strand (City of Westminster) and Temple (City of London) Conservation Areas.

The key issues in this case are:

- the impact of the proposals on the significance of designated heritage assets including the impact on listed buildings, an adjoining listed garden and conservation areas; and
- the impact of the proposals on the amenity enjoyed by neighbouring residential occupiers.

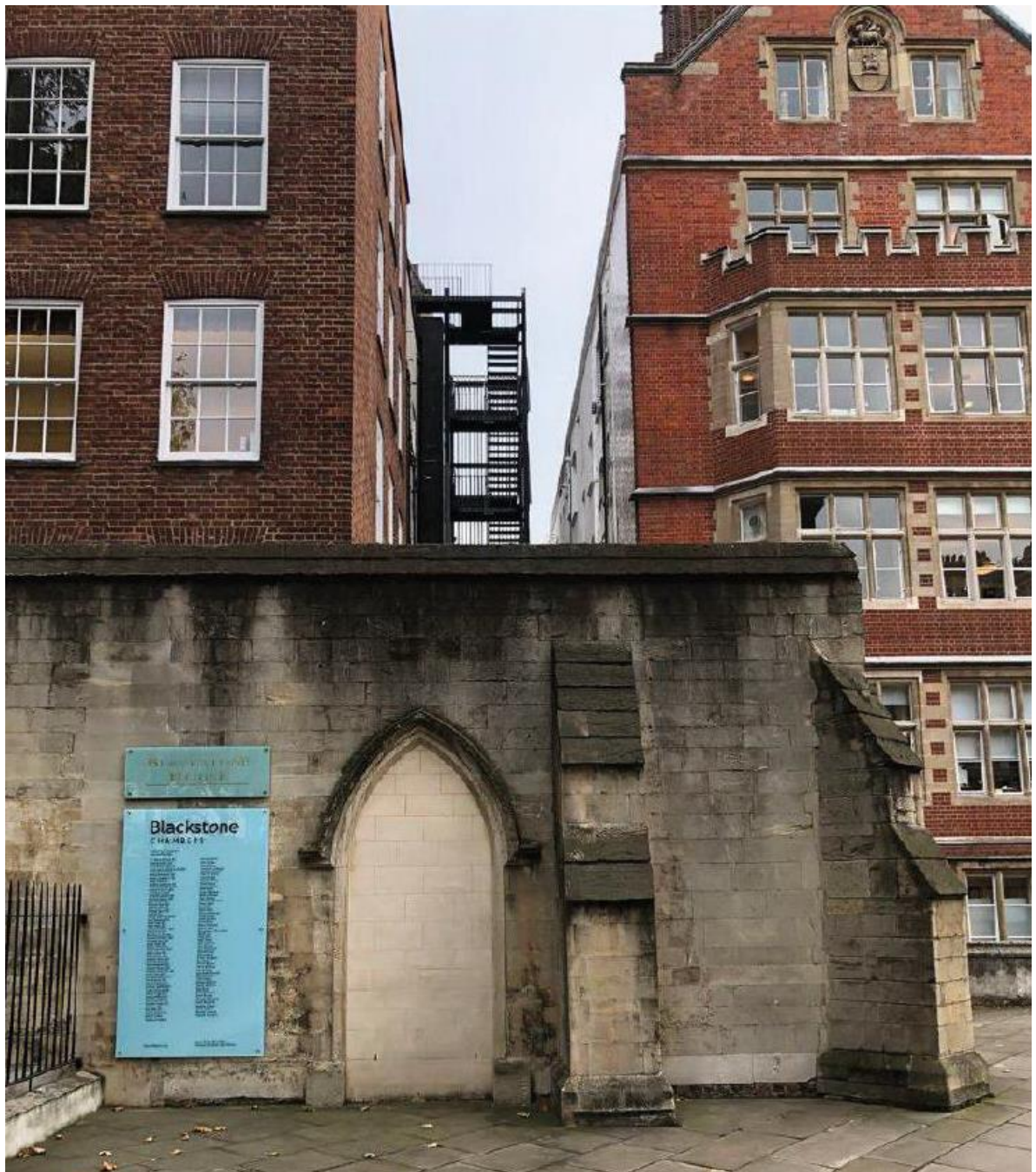
The proposed infill extension would harm the character and appearance of Blackstone House and the Strand Conservation Area; and would harm the setting of the Grade II listed 1 & 2 Garden Court, the Temple Conservation Area and the neighbouring Grade II Registered Gardens at Middle Temple Gardens. The extension would also result in a significant increase in a sense of enclosure for residents living in Aldwych Chambers, Essex Street. As such the proposal fails to meet with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is recommended for refusal for the reasons set in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Blackstone House (left) and 1 & 2 Garden Court (right)



**View from fire escape
Blackstone House (right) and 1 & 2 Garden Court (left)**

5. CONSULTATIONS

CITY OF LONDON:

Consider the application acceptable. Less than substantial harm is caused to designated heritage assets by the visual prominence of the extension, but this harm is outweighed by the benefits of the proposal which principally relate to improved access between the buildings.

HISTORIC ENGLAND:

No comment.

HISTORIC ENGLAND (ARCHAEOLOGY):

No objection subject to conditions.

THE GARDENS TRUST:

No comment.

WESTMINSTER SOCIETY:

Recommend the application be approved.

ENVIRONMENTAL HEALTH:

No objection subject to conditions.

HIGHWAY PLANNING MANGER:

No objection.

CLEANSING MANGER:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 39

Total No. of replies: 17 (objections)

Objections received on the following grounds:

RESIDENTIAL AMENITY

- Loss of light and increased overshadowing, the submitted daylight and sunlight report is inaccurate;
- Overbearing height and bulk and loss of outlook;
- Increased overlooking; and
- The proposals would increase the intensity of the use of the buildings.

DESIGN

- Harm to the character and appearance of the buildings and conservation area.

OTHER

- Noise and disturbance from building works, hours of work should be restricted;

- The applicant ought to investigate an alternative fire strategy for the building to allow for the removal of the external fire escape staircase which has a negative impact on the appearance of the building and residential amenity;
- The benefits of the proposal to the applicant/ tenant in terms of improved circulation and increased floorspace does not outweigh the harm it would cause to neighbouring residential occupiers and designated heritage assets; and
- The extension would result in the loss of monetary value of adjoining properties.

The applicant and tenant of the application building have written in support of their proposal.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Blackstone House is an unlisted building located within the Strand Conservation Area and the City of Westminster. 1 & 2 Garden Court are grade II listed buildings located within the Temple Conservation Area and the City of London. Both buildings are used as barrister's chambers and are interconnected at ground and first floors by an existing glass infill extension. The site is located within the Core Central Activities Zone (Care CAZ).

6.2 Recent Relevant History

On 2 July 2007 permission was granted for the erection of a part one, part two storey glazed link between Blackstone House and No. 2 Garden Court to provide additional (Class B1) office space. Alterations to Blackstone House including the formation of new openings in the rear elevation, installation of seven air conditioning units at roof level, alterations to library wall including blocking up of existing entrance and formation of new window. Alterations to No. 2 Garden Court including the formation of new openings in rear elevation, demolition of existing single storey extension and installation of new platform lift. (RN: 07/04155/FULL)

7. THE PROPOSAL

Permission is sought for to erect a new glazed infill extension between Blackstone House and 1 & 2 Garden Court. The extension would create an atrium connecting the buildings at second, third and fourth floor levels. The additional space would provide chamber floorspace and improve the circulation between the buildings. Other works are sought to install plant to the foot of Blackstone House.

The applicant has submitted identical applications to the City of London and the City of Westminster. Whilst the submissions are identical, each planning authority can only authorise or refuse work within their boundaries. Blackstone House and the gap between it and the Garden Court buildings where the proposed extension is sought is within the City of Westminster.

The floorspace figures are summarised below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+
Chambers (office B1)	3905	3934	29

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S20 of the City Plan identifies the need for significant additional office floorspace within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. The Core CAZ is identified as a suitable location for office floorspace in Policies S6 and S20 of the City Plan as it contributes to the unique and varied mixed use character of the Core CAZ which will ensure the continued vitality, attraction and continued economic success of Central London. The provision of additional office floorspace in this location is therefore acceptable in principle.

Policy S1 of the City Plan sets out the circumstances in which development proposals which include an increase in office floorspace trigger a requirement to provide new residential accommodation. As the net additional floorspace (29 sqm GIA) is less than 30% of the total existing building floorspace and less than 400sqm, no residential floorspace is required to offset the increase in office floorspace.

8.2 Townscape and Design

The two buildings that form the site are currently linked at ground and first floors by a part single-storey, part two-storey glass atrium within the gap which separates the two. This low atrium is set behind and concealed from public view by the high stone boundary wall which encloses the southern end of the site.

The Westminster portion of the site is wholly within the Strand Conservation Area, it is spatially separate and defined from, the grade II listed 1 & 2 Garden Court by a sizeable open gap. 1 & 2 Garden Court are located within the Temple Conservation Area. Blackstone House is unlisted but defined by the Strand Conservation Area Audit as a building of merit. It is built of brick to an L-shape planform enclosing the southern end of Essex Street where a rebuild of the old Essex Steps descend through the Grade II listed gateway to Milford Lane and Temple Place, marking the ancient line between the street and the pre-embankment riverside. The building's southern elevations are a plainer stripped-back version of the front, representative of their 20th century date. They are however positive elevations and a well-mannered composition.

Close to the east of the site is Middle Temple Garden, a Grade II Registered Garden within the City of London. The site and the gap between the buildings is readily visible from the gardens and forms part of its setting, contributing generally positively to the collegiate character of the Temples.

In addition to the evident positive characteristics of the site, the metal fire escape staircase, which is visible in the gap between buildings, has a negative impact on the buildings and area.

Legislation, Policy and Guidance

When determining applications for development within a conservation area, or affecting a listed building or its setting, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant and require special regard be had to the desirability of preserving the setting of the listed building, and of preserving or enhancing the character and appearance of the conservation area.

Sections 7 and 12 of the NPPF require that great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits; 'less than substantial' should not be confused with 'acceptable' harm.

Together, and as informed by a range of legal judgments, the above statutory and national policy basis for decision-making equates to a strong presumption against harm, which may only be permitted if the harm caused would be significantly and demonstrably outweighed by public benefits which could only be achieved through allowing that harm. In considering this, it should also be considered whether there may be less harmful means of achieving the same, or whether those benefits could not be acceptably provided elsewhere.

UDP Policies DES 1 (urban design / conservation principles), DES 5 (alterations and extensions), DES 9 (conservation areas) and DES 10 (listed buildings) and DES 12 (registered parks and gardens) apply to the consideration of the application proposals, whilst S26 and S28 of the City Plan provide the strategic basis for the application. Relevant London Plan (2016) Policies include 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage assets and archaeology). The Strand Conservation Area Audit is directly relevant to the application proposals.

Design, Conservation and Townscape Impacts

The extension would provide bridge links at every level linking the two buildings, along with additional meeting and break-out spaces. The extension would rise to just below the buildings' parapets, representing an increase in height of the equivalent of three storeys.

The extension would be essentially glazed. The glazing would incorporate a patinated bronze metal mesh encapsulated within its laminations, to help provide solar shading and control of outward light spill and reflectivity. The proposed extension would visually fill the gap which currently divides the site, and would present a tall wall of glass and metalwork readily to view from a number of angles to the south and neighbouring residential properties to the north. Objections have been received from neighbours on the grounds that the extension would harm the appearance of the buildings and conservation area. Some objectors consider that the metal fire escape staircase should be removed as part of these proposals as it impacts negatively on the appearance of the buildings and their properties.

The existing low level atrium is successful precisely because it is well concealed behind the pre-existing boundary wall – a clever and well executed scheme which has allowed the

two buildings to be used as one site. The proposed extension by contrast would quite dramatically alter the spatial character of the site, introducing a large object which architecturally and materially jars with the soft tones and textures of the brick and stonework which dominates the collegiate character of the Temple complex.

Whilst the bronze mesh within the glass would mean the glazing would appear different to regular glazed walling, the proposal would act as a large illuminating presence at night, and during the day it would present a visually hard and solid wall enclosing what spatially should be a gap separating two architecturally defined buildings. Both day and night, the gap would be transformed into a visually occupied place, exposing high levels of human activity where historically there has been none. Furthermore, the bronze mesh within the glass would fail in its stated intentions (of mitigating the appearance of the glass), and would instead present a highly eye-catching, decorative aesthetic, which would be notably discordant with the traditional materiality and aesthetic characteristics of this collegiate location.

These impacts would also have a direct effect on the appearance, character and setting of both of the site's main buildings. The rear elevations facing into the lightwell gap would be largely screened from view. Whilst the atrium's glazing would theoretically provide some visual permeability, the rear elevations of both buildings would be fundamentally changed to become internalised elevations, largely obscured from free view from the outside. This would also have a wider impact on the site's positive contribution to the conservation area, to the Temples Conservation Area and to the setting of Middle Temple Gardens.

For these reasons, it is considered that the proposals would harm the character of both Blackstone House and 1 & 2 Garden Court, and would also fail to preserve the character and appearance of the Strand Conservation Area, the setting of the Temples Conservation Area and Middle Temple Gardens. This harm is considered 'less than substantial harm' as defined by the NPPF which means the presumption is for refusal unless public benefits outweigh the identified harm.

Public Benefit and Potential Alternatives

The applicant notes the benefits of the scheme include the improved usability and accessibility between the two buildings and the increase in office floorspace, without which the applicant contends will result in the existing tenant seeking alternative accommodation elsewhere and this would have financial implications on them. The applicant also contends a benefit of the proposal would be to obscure the fire escape staircase from public vantage points. It is understood that the fire escape staircase is required as part of a fire excavation strategy for Blackstone House (and it is not redundant). External works outside of Westminster's boundaries to the front of 1 & 2 Garden Court are being considered by the City of London and these would provide level access externally in front of the Garden Court buildings and are cited by the applicant as a benefit. Some objectors have recognised the benefits of the scheme but do not consider they outweigh the harm.

The applicant's and tenant's circumstances are understood, and the provision of additional office floorspace and the improvement in the accessibility of the existing buildings are welcomed in principle. In this case however, these benefits are not

considered to outweigh the harm discussed above. The application buildings are, and it is considered they should remain as, separate visual entities and in this context there will therefore be limits to the degree to which they can be used together or expanded. The spatial and architectural limitations noted above are perhaps the most fundamental of these. Nonetheless, officers have advised the applicant that with a suitable degree of compromise and sensitivity a single link-bridge at either third or fourth floor level could be appropriate. This, whilst still requiring some transfer between floors, would improve accessibility whilst causing a much smaller degree of visual intrusion between the buildings thereby achieving much of the accessibility benefits the applicant seeks. There are many exemplars of well-designed high level link-bridges, both traditionally and more recent.

Furthermore, given the improved buildings are private chamber office premises, the extent to which the benefits of their very modest expansion in terms of floorspace and improved accessibility can be reasonably considered a weighty public benefit is somewhat limited. Given the obscuring of the fire escape is achieved by way of an extension that is considered harmful itself and would evidently be more prominent from public vantage points than the fire escape, this is not considered a benefit. Even if it were, it could be screened by much less intrusive means than the application proposals. Neighbours have noted that cumulative impact of both the proposed extension and existing staircase would be negative visually, and officers concur. There would also be significant harm to residential amenity which is discussed in section 8.3 of this report. As the works to the front of Garden Court are within the boundaries of the City of London and could be proposed separately to, and are not understood to be dependent on, the proposed extension, limited weight is given to this as benefit that would outweigh harm caused by the proposed extension.

In light of this, it is considered that the proposal is not the least intrusive means of improving this site and providing the benefits that the applicant states would arise. Therefore, permission is recommended to be refused in accordance with the presumption against harm discussed above.

8.3 Residential Amenity

The nearest residential properties are located within Aldwych Chambers, 29 Essex Street. This residential building is immediately adjoining Blackstone House to the north of the application site. The flats here have windows which face into the gap between 1 & 2 Garden Court.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

17 objections have been received from residents who live in Aldwych Chambers on the grounds the extension would harm the enjoyment of their flats in terms of loss of light, overbearing/ increased enclosure, overshadowing and loss of privacy.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms.

Daylight

The principal BRE methodology for the assessment of daylight values is the 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

The applicant's daylight and sunlight report has been conducted in accordance with BRE guidelines. It identifies four windows which would receive losses in daylight in excess of the guidelines. These are located at basement, lower ground, upper ground and first floor levels within Aldwych Chambers adjacent to the proposed infill extension.

The four windows belong to four different flats and they serve three bedrooms and one living room. Only one of the windows is the single window to the room it serves, namely a bedroom to Flat 9 at first floor level. The remaining three windows serve rooms with at least one other window which complies with the VSC test.

The extent of actual light loss to the windows is low but the losses appear high in percentage terms given the low existing VSC levels. The actual losses in VSC are between 0.1% to 0.52%.

Given three of the rooms impacted are served by other windows which do not fail the VSC test and the single window room is in use as a bedroom, which should be considered of less importance than principle living areas, on balance it is not considered sustainable to resist the proposal on the grounds of loss of daylight.

Sunlight

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

None of the Aldwych Chambers properties face 90 degrees of due south and as such will not be impacted upon in terms of loss of sunlight.

Overshadowing

The BRE guidelines have methodologies to assess overshadowing of gardens. And during the course of the application the applicant conducted one with reference to the sun-on-ground on the spring equinox. This is used to determine the areas which receive direct sunlight and those which do not. This method applies to both new and existing areas of amenity space. The BRE Guidelines suggest that the Spring Equinox (21 March) is a suitable date for the assessment as this is the midpoint of the sun's position throughout the year. It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March.

The applicant's assessment confirms the existing gardens to the rear of Aldwych Chambers are currently inadequately sunlit and they receive zero sunlight hours on 21 March. The proposal would not alter this position. As such, the proposals would not result in a noticeable increase in overshadowing.

Sense of Enclosure

The proposals would result in three additional stories on the boundary with Aldwych Chambers and the application site. The gap between the Garden Court and Essex Street properties is narrow and the existing extension to Blackstone House infills part of the gap, being two stories high on the boundary with Aldwych Chambers. The flats in Aldwych Chambers have windows which face into this gap and most of these windows serve habitable rooms, the lowest flats also benefit from courtyard gardens inside the gap. The properties nearest to the proposed extension also endure the enclosure which the existing fire escape staircase creates.

Policy ENV13 of the UDP states that developments should not result in a significant increase in the sense of enclosure. Many of the objections from neighbours relate to the scale, proximity and overbearing nature of the proposed extension which they consider would harm the enjoyment of their flats.

The applicant contends that because officers do not consider the loss of light would be of a severity that could sustain a refusal on that ground that the development is thereby also acceptable in terms of enclosure. Loss of light and sense of enclosure are distinct however, and the applicant's assertion is addressed directly under policy ENV 13 where it states even when there may be no material loss of daylight or sunlight, new development can still be unacceptable because of an increase in the sense of enclosure.

This existing situation is already highly compromised. Even when compared to other dense urban environments this existing situation is highly enclosed. It is considered that the proposals would result in the further enclosure of this space which would be to the detriment of residents, particularly those who live close to the boundary, which includes units with a single aspect facing Garden Court. Outlook is severely restricted by the very close proximity of Garden Court – the gap is approximately 4.5 metres wide. For those rooms which are closest to the boundary, which include living rooms and bedrooms, this severely restricted outlook is worsened by the fire escape staircase structure directly in front of them. The proposals would unacceptably worsen this further by adding an additional three stories of height and bulk on top of the existing boundary wall. This would

unacceptably increase the sense of enclosure experienced by residents within Aldwych Chambers making them feel too shut in.

Loss of Privacy

Objectors consider the extension would allow for additional opportunities to overlook their properties. The additional three stories on the boundary within the gap would consist of an extension to the party wall of one storey with two glazed stories on top. The glazing would include a metal mesh and the applicant states the opacity of this glazing to the rear elevation would be of a degree that would prevent harmful views through it. The applicant states that the gauge of the mesh would be adjusted to make it more transparent to the front and less to the rear. Had the application been acceptable, a condition could have been attached to ensure that the mesh is of sufficient density to prevent views through it.

Light Spill

Highly glazed extensions can result in harmful light spill. The applicant states the metal mesh glazing that is proposed has properties that prevent harmful light spill. Had the application been considered acceptable, a condition could have been attached to ensure that the mesh was sufficiently dense to reduce light spill.

8.4 Transportation/Parking

Given the modest increase in floorspace, the Highway Planning Manager does not consider that there would any implications in highway terms.

8.5 Economic Considerations

Discussed earlier in this report.

8.6 Access

The proposal would increase the accessibility and circulation between the two buildings by reducing or eliminating the need to use multiple lifts to travel between the two buildings, which would be an improvement to this private use. All floors are currently accessible by lifts however the applicant considers this arrangement sub-optimal.

8.7 Other UDP/Westminster Policy Considerations

Plant Equipment

The applicant has submitted a noise survey as part of the application. Plant equipment is proposed at roof level of Blackstone House; the noise report indicates that the equipment assessed would likely be inaudible at the nearest residential premises. Had the application been considered acceptable, standard noise conditions could have been imposed.

Refuse /Recycling

Details of waste storage and collection have not been provided. Given its modest size, it is accepted that the proposed extension will not result in waste being left on the highway for collection. However, the Cleansing Manger recommends details of this provision be secured and that could have been done by condition had the application been acceptable.

Archaeology

The site was formerly within the grounds of the medieval Knights Templar and is located in a Tier 1 Archaeological Priority Area (Lundenwic and the Strand) which is strongly suspected to contain heritage assets of national importance. The Greater London Archaeological Advisory Service (GLAAS) reviewed the archaeological assessment provided by the applicant to support the proposal and considered that further exploratory fieldwork and assessment was required. GLAAS advised this could be secured by appropriate conditions to secure a staged programme of archaeological work, and had the proposals been acceptable a condition requiring this would have been attached.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Environmental Impact issues are not relevant to a development of this scale.

8.12 Other Issues

Construction impact

Objectors have raised concern on the grounds of the disruption of building works. Noise and disturbance during construction is an unwelcome and well understood consequence of allowing new development; had the proposal be acceptable a condition would ensure work is not carried out at anti-social times. Maintenance, including keeping the property clean, would be the responsibility of the building's operator.

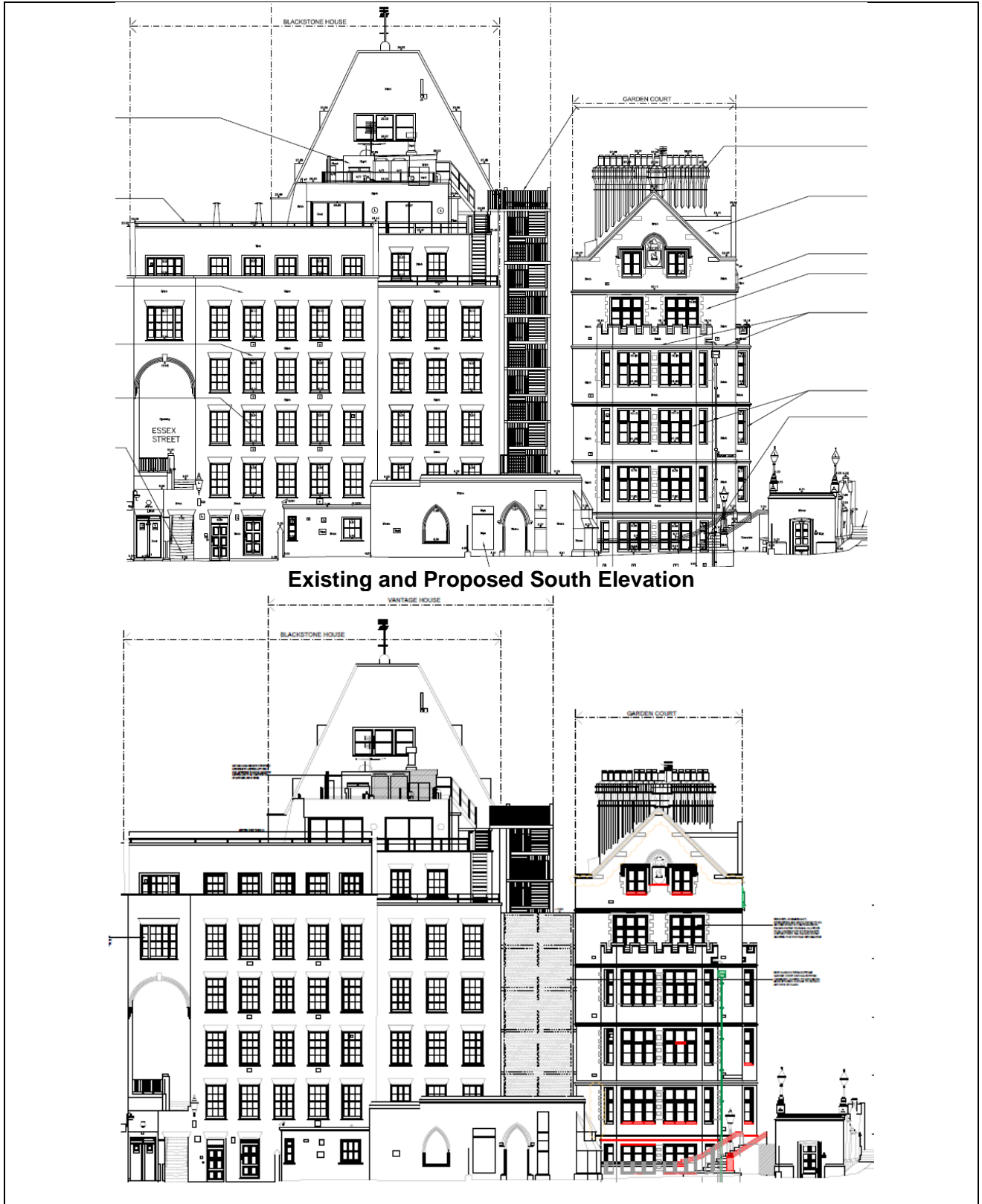
9. BACKGROUND PAPERS

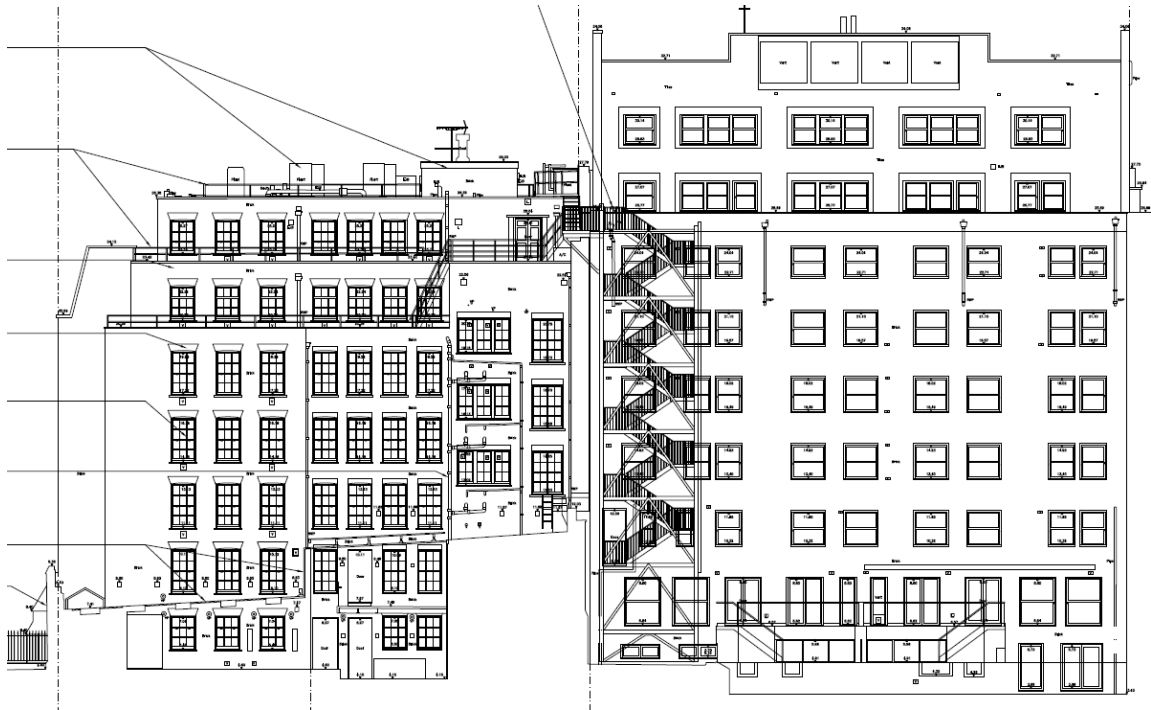
1. Application form.
2. Response from Westminster Society, dated 28 September 2017.
3. Responses (x3) from Environmental Health, dated 3 October 2017, 2 November 2017 and 13 December 2017.
4. Response from Historic England, dated 9 October 2017.
5. Response from Cleansing Manager, dated 16 October 2017.
6. Response from Historic England (Archaeology), 23 October 2017.
7. Response from Highway Planning Manager, dated 11 December 2017.
8. Response from The Gardens Trust, dated 3 December 2017.
9. Response from The City of London, dated 13 December 2017.
10. Objection from occupier of Flat 7, Aldwych Chambers, 29 Essex Street dated 8 October 2017.
11. Objection from occupier of Flat 8, Aldwych Chambers, 29 Essex Street dated 9 October 2017.
12. Objections (x2) from the occupiers of Flat 1, Aldwych Chambers, 29 Essex Street both dated 12 October 2017.
13. Objection from occupier of Flat 17, Aldwych Chambers, 29 Essex Street dated 12 October 2017.
14. Objection from freeholder of Aldwych Chambers, 29 Essex Street dated 12 October 2017.
15. Objection from occupier of Flat 6, Aldwych Chambers, 29 Essex Street dated 14 October 2017.
16. Objection from occupier of Flat 14, Aldwych Chambers, 29 Essex Street dated 14 October 2017.
17. Objection from occupier of Flat 11, Aldwych Chambers, 29 Essex Street dated 15 October 2017.
18. Objection from occupier of Flat 13, Aldwych Chambers, 29 Essex Street dated 15 October 2017.
19. Objection from occupier of Flat 12, Aldwych Chambers, 29 Essex Street dated 15 October 2017.
20. Objection from occupier of Flat 18, Aldwych Chambers, 29 Essex Street dated 15 October 2017.
21. Objections (x2) from occupiers of Flat 2, Aldwych Chambers, 29 Essex Street both dated 15 October 2017.
22. Objection from occupier of Flat 16, Aldwych Chambers, 29 Essex Street dated 16 October 2017.
23. Objection from occupier of Flat 9, Aldwych Chambers, 29 Essex Street dated 16 October 2017.
24. Objection from occupiers of Flat 15, Aldwych Chambers, 29 Essex Street dated 21 October 2017.
25. Letter of support from applicant The Honourable Society of the Middle Temple, Carpmael Building, Middle Temple Lane dated 22 November 2017.
26. Letter of support from tenant Blackstone Chambers, Blackstone House, Temple dated 23 November 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VICENT NALLY BY EMAIL AT vnally@westminster.gov.uk

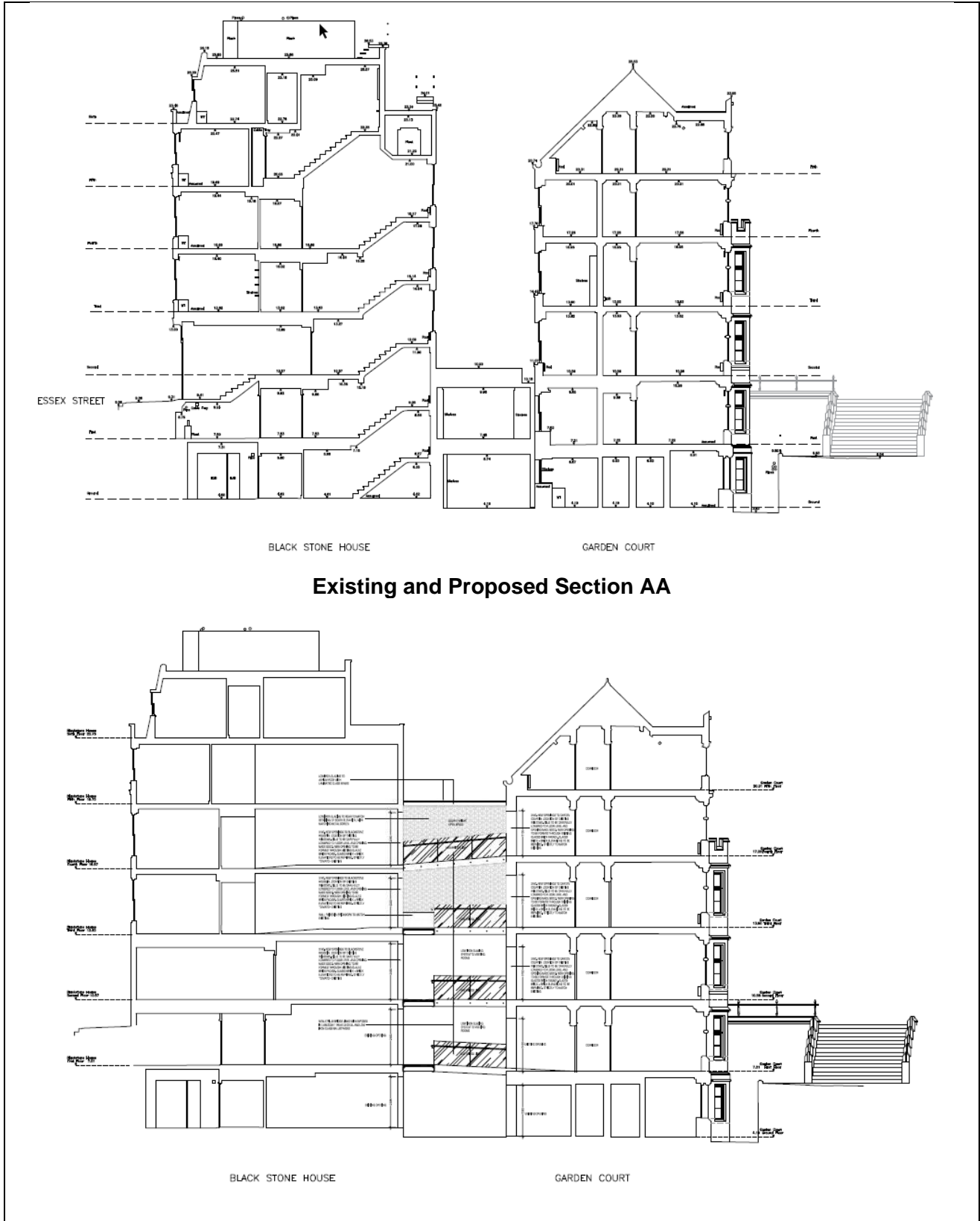
10. KEY DRAWINGS

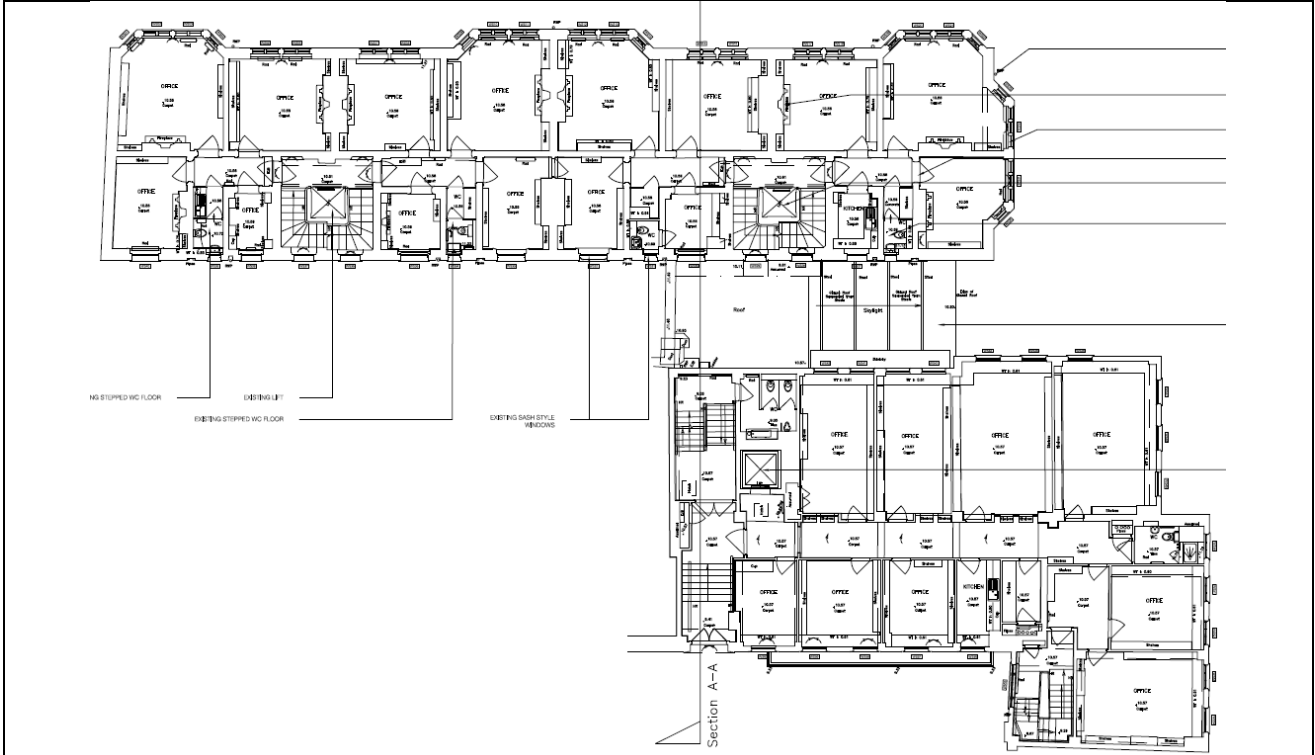




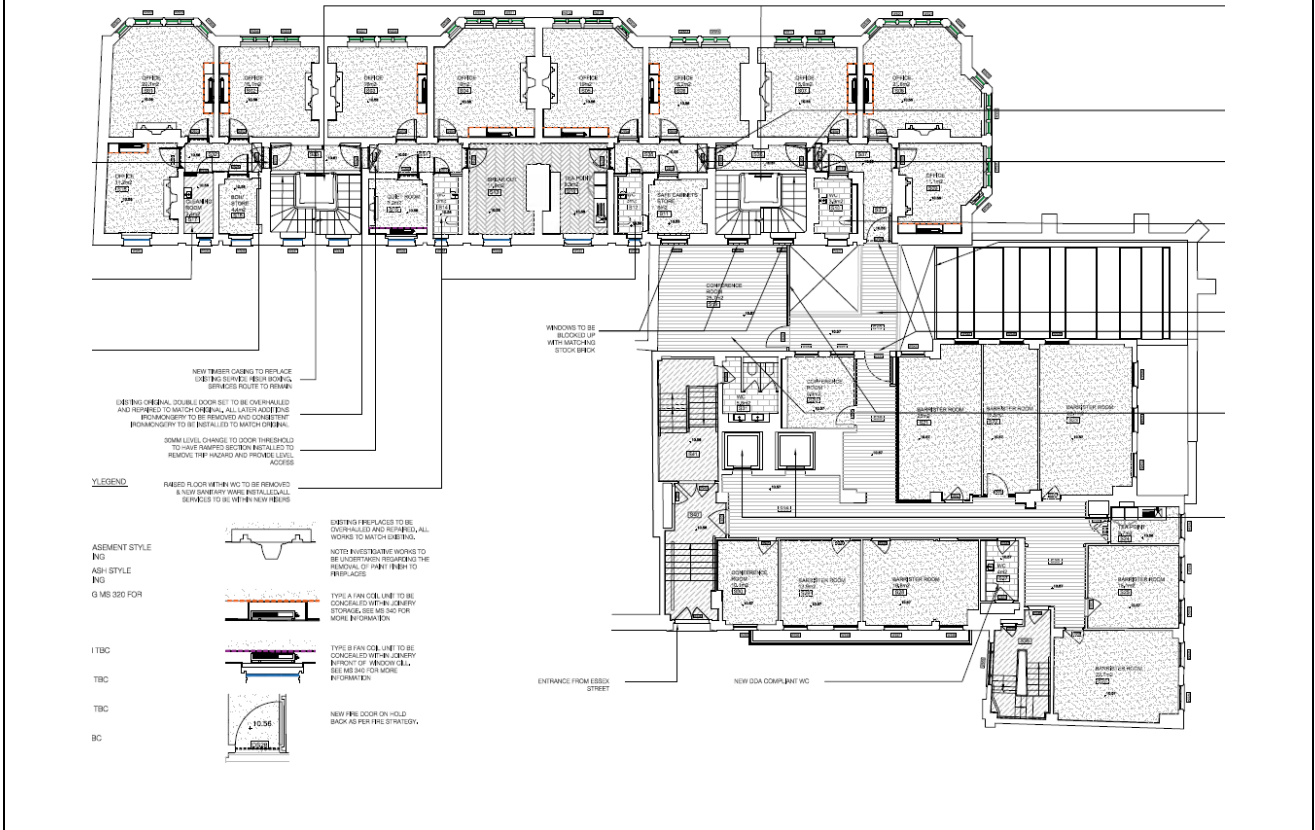
Existing and Proposed Section Facing Aldwych Chambers







Existing and Proposed Second Floor Plans



DRAFT DECISION LETTER

Address: Blackstone House, 3 Garden Court, Middle Temple, London, EC4Y 9BW.

Proposal: Erection of an infill extension between Blackstone House and 1 & 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels, to provide additional chamber floorspace and to improve the circulation between the buildings, and associated external alterations including installation of rooftop plant to Blackstone House.

Reference: 17/08153/FULL

Plan Nos: Site Location and Boundary Plan; MS 100; MS 101; MS 102; MS 103; MS 104; MS 104; MS 105; MS 106; MS 10R; MS 150; MS151; MS152; MS 153; MS 154; MS 160; MS 170; MS 171; MS 172; MS 173; MS 174; MS 175; MS 176; MS17R; MS 180; MS 181; MS 182; MS 183; MS 184; MS 200; MS 201; MS 202; MS 203; MS 204; MS 205; MS 206; MS 20R; MS 220; MS 221; MS 222; MS 223; MS 224; MS 225; MS 600; MS 610; MS 611; MS 700; MS 701; MS 702; MS 703; MS 704; MS 705; Planning Statement; Design and Access Statement; Additional Design Information Note including Historic Maps and Photos; Structural Plans; Acoustic Report and Additional Plant Information Notes; Daylight and Sunlight Report and Addendum Letter; Historic Environment Assessment; Historic Building Report; Energy and Sustainability Statement; Cover Letter.

Case Officer: Joshua Howitt **Direct Tel. No.** 020 7641 2069

Recommended Condition(s) and Reason(s)**Reason:**

Because of its scale, design, materiality, and its relationship with neighbouring buildings and its surroundings, the infill extension would harm the character and appearance of Blackstone House and the Strand Conservation Area; and would harm the setting of the Grade II listed 1 & 2 Garden Court, the Temple Conservation Area and the neighbouring Grade II Registered Gardens at Middle Temple Gardens. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

Reason:

The infill extension would make the people living Aldwych Chambers, Essex Street, feel too shut in. This is because of its bulk and height and how close it is to windows in that property. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14BC)

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, further guidance was offered to the applicant by the case officer during the processing of the application to identify amendments to address the issues identified with the scheme. You did not wish to amend the scheme in the manner suggested. Should you reconsidered your scheme, you are encouraged to consider the submission of a fresh application incorporating the amendments set out in the officer report.

- 2 You have submitted identical applications to the City of London and the City of Westminster as is required of you for cross boundary applications. Whilst the submissions are identical, each planning authority can only authorise or refuse work within their boundaries. This decision only relates to work within the City of Westminster, and does not constitute a decision on the works shown in your submission that are within the boundaries of the City of London.

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.

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2018	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	Royal Society Of Arts , 2-8 John Adam Street and 18 Adam Street, London, WC2N 6EZ		
Proposal	Alterations at ground and basement levels including refitting of catering kitchen at Basement Level -3, to establish improved facilities and access for the RSA. Replacement of roof light in front area lightwell and installation of external extract grille.		
Agent	Ms Stefanie Fischer		
On behalf of	Mr Oliver Reichardt		
Registered Number	17/06484/FULL & 17/06485/LBC	Date amended/ completed	20 July 2017
Date Application Received	20 July 2017		
Historic Building Grade	I (no. 8) and II* (nos. 2-6)		
Conservation Area	Adelphi		

1. RECOMMENDATION

- | |
|--|
| <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter. |
|--|

2. SUMMARY

The RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) occupies nos. 2-8 John Adam Street and no. 18 Adam Street. Nos. 6-8 are the historic home of the Society which has been on this site for 250 years. This application seeks planning permission and listed building consent to improve access, circulation and facilities for visitors.

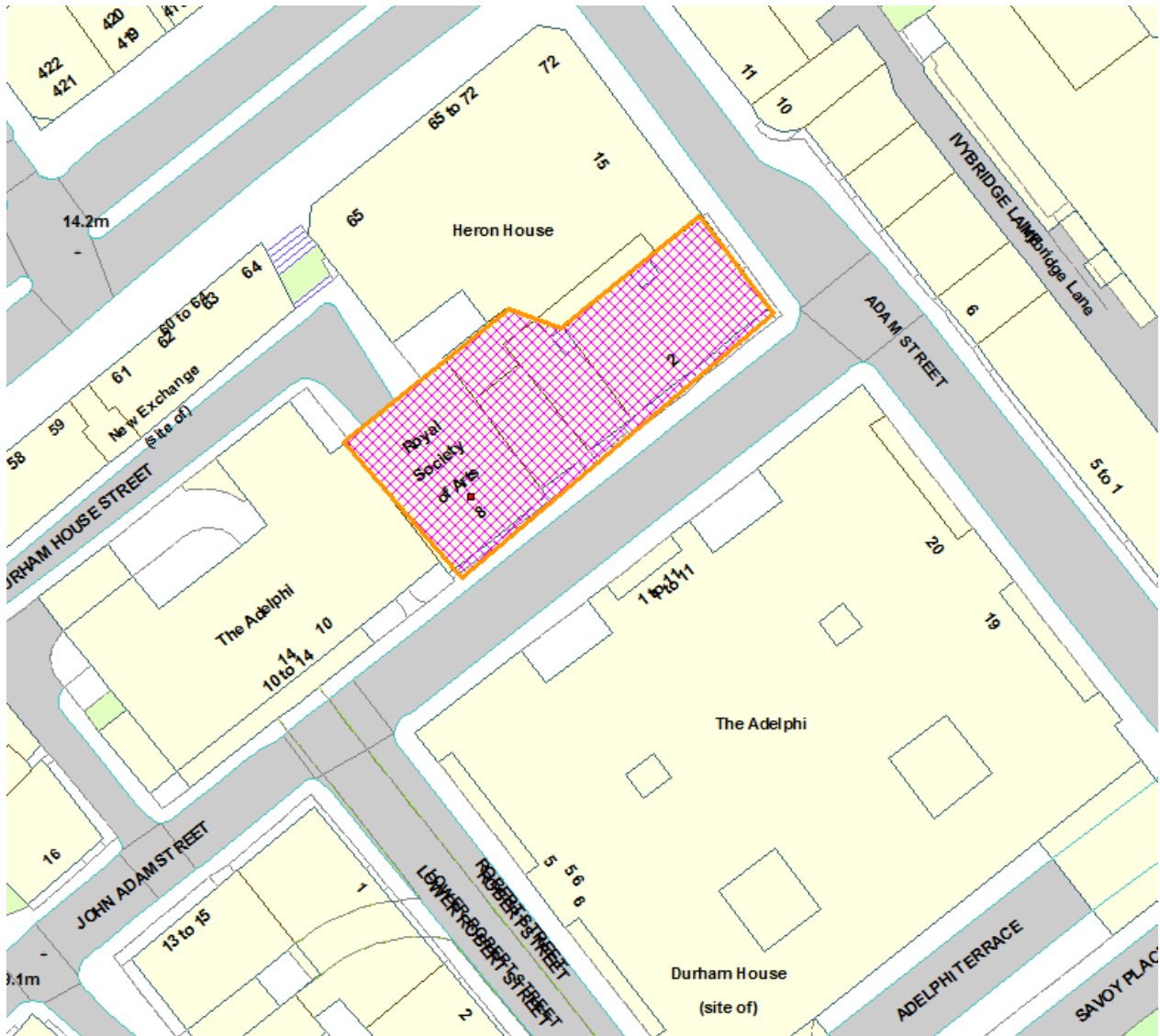
The key issues for consideration are:

- * the impact of the proposed kitchen extract on amenity of adjoining occupiers
- * the impact of the proposed alterations on the buildings' special architectural and historic interest.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). Furthermore, the scheme would not harm the special interest of the listed buildings and is considered to preserve the character and appearance of the Adelphi Conservation Area. For these reasons it is recommended

that conditional planning permission and listed building consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



6-8 John Adam Street



Wider view of the site from the corner with Adam Street

5. CONSULTATIONS

WESTMINSTER SOCIETY

This is a well presented application to improve the facilities at the RSA. The Society fully supports the aims of the project and recommends the scheme be approved.

ENVIRONMENTAL HEALTH

No objections subject to conditions.

Raised initial objection to proposed extract duct for lower level kitchen. Following re-consultation on 11 December 2017 raise no objection. The proposed 'Purified Air' scheme submitted with the application complies with the DEFRA guidance and, on balance, it is unlikely to cause nuisance for the food offering proposed.

HISTORIC ENGLAND:

Authorisation for the City Council to determine the application as it sees fit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 85

Total No. of replies: 6

Objections have been raised from and on behalf of neighbouring occupiers on the following grounds.

AMENITY

- Proposed grille to front lightwell area will direct noise and food smells towards the Little Adelphi residential block.
- Noise emission and planned extraction will affect The Little Adelphi.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Royal Society of Arts occupies nos. 2-8 John Adam Street and no. 18 Adam Street. It has frontages to John Adam Street, Adam Street and Durham House Street. No. 8, is listed Grade I and 2-6 John Adam Street and 18 John Adam Street are listed Grade II*. The buildings are also located within the Adelphi Conservation Area and the Central Activities Zone.

Conceived of in a London coffeehouse in 1754, the Society's mission is to generate ideas to find answers to challenges faced by society, in particular through promoting creativity, innovation, collaboration and research. Today the RSA holds lectures, seminars and other events. Users have access to the Coffee House, to the various lobbies and other quiet corners of the building for work or meetings, as well as the library and archives and there are offices to upper floors. The former wine vaults of the Adelphi development were

converted a number of years ago and currently house the Vaults Restaurant (open for lunches), catering kitchens and a hireable space.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Planning permission and listed building consent are sought for various works to provide improved access and facilities at ground and basement levels of the building, including upgrading the coffee house at lower ground floor mezzanine level (level -1) and the catering kitchens to the vaults (level -3) with renewal of plant serving existing kitchens. A new access ramp and cloakrooms will be provided at ground floor with new openings created at lower levels to improve circulation routes through the building. External alterations are confined to works the front lightwell, including replacement of the existing roof light and the installation of external grille within the lightwell associated with the upgrade of existing plant for the finishing kitchen.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals do not raise any land use issues.

8.2 Townscape and Design

The Royal Society of Arts occupies a collection of buildings which date from 1772-74 by Robert Adam. Nos. 6-8, known as RSA House, were commissioned and built for the Society, who then acquired the neighbouring nos. 6, 4 and 2 John Adam Street and 18 Adam Street. Included within this envelope are the Adelphi wine vaults and the Tavern Room, a former public house frequented by Charles Dickens.

All the buildings are of high significance and contain much original architectural detail, including original decorative plasterwork, chimneypieces and staircases, particularly to principal spaces to ground and first floors. The impressive brick vaulted spaces of the former wine vaults of the Adelphi development remain at basement level -3 and are also of high significance. There have been a number of later alterations and the buildings are completely interconnected with openings in party walls at all levels. The former lightwell to the rear of 6 John Adam Street has been glazed over to provide an access stair and lift, as has the front area lightwell to John Adam Street.

Proposals aim to improve circulation, access and facilities within the building and most works are confined to less significant spaces at basement levels. Works are considered in more detail below:

Ground Floor

At ground floor level minor changes are proposed which include the insertion of a timber panelled door within the existing door frame in no. 6, a new access ramp at no 4 and

glazed inner lobby panel in the hall for security and the reconfiguration of existing cloakroom areas, bringing these closer to the front windows. Conditions are proposed to ensure appropriate detailing and these alterations will not harm the special interest of the building and are acceptable.

Basement levels -1 and -2

Most works are within the less sensitive areas at lower basement levels. These spaces contain less architectural detail of interest and have been altered.

There is currently no access to the first basement level and the café from the main accommodation stair and lift in the former lightwell to the rear of Nos. 4 and 6 John Adam Street. Proposals would therefore include a new stop for the lift at this level, extending the modern staircase in the lightwell and creating a new access into the original rear elevation of no. 6 inserting a door where there is an existing window. This will result in loss of some original fabric but this is a relatively small area, will not affect internal architectural detail of interest and will improve public access to this level. This is therefore acceptable.

Further, a series of new door width openings are proposed at first basement level between nos. 6, 4, 2 and no. 18 to improve circulation between these properties. This will also result in the loss of some original fabric and alterations such as this, which result in the creation of openings in party walls, are generally resisted in listed buildings, as this reduces the sense of separation between historic properties and diminishes understanding of their plan form. However, in this instance, the Institution occupies a group of buildings which is already completely interconnected with numerous openings within party walls. These particular openings are proposed in the less sensitive lower levels of the building and piers are being retained along the inner face of the external walls, to maintain the legibility of the party walls. This is considered acceptable.

Other alterations include the insertion of the new 'Hellerup Stair' which will occupy an existing double height volume in the library. This will create a new area for lectures and talks in part of the building which has already been altered and this modern intervention is acceptable in this location. Other more minor alterations are proposed throughout these spaces but are not considered to harm significance of the buildings.

Basement level -3

Basement Level -3 retains the attractive, exposed brick vaulted spaces, which are of high significance. These are used for catering and events but revisions to the plan are proposed to improve facilities. Vault 6 is being fitted out as a catering kitchen, while the existing part of the catering kitchen in Vault 4 is being stripped out.

While any infilling within these attractive spaces is regrettable, much of the area will remain unaltered and the proposed new kitchen occupies an amended but similar footprint to the existing. It is also to be designed in the same way as the existing and will be a freestanding 'box' with no fixings back to the brickwork and with services on top of this, leaving the brickwork within the vaults exposed and protecting original fabric. This would be reversible and can be stripped out at a later date and the new kitchen area is set back from the corridor with views of the vaults from the publically accessible spaces protected. The horizontal ductwork runs are connected to vertical riser positions in the kitchen below

and existing ductwork routes through the existing raised floor will be used, linking to the existing rear extract duct. The ducts are being kept back from the line of the partitions between the corridor and kitchen areas and the brickwork vaults above will remain visible. These works are therefore acceptable.

Externally works are proposed within the front lightwell. These have already been infilled with glazing which will be renewed and a new grille will be installed for the extract. The proposed new grille is 500mm X 500mm and located to the side of the lightwell where it will be relatively discreet and have limited visibility from the street. Little detail has been provided about its exact appearance although annotations suggest it will be aluminium louvres. A more bespoke design would be preferable and an amending condition has been applied to ensure this is cast painted metal rather than aluminium and the minimum size necessary and detailed drawings are also required to ensure its appearance is satisfactory. Some alterations are proposed to windows at this level and details of these will be conditioned.

Overall proposals will result in some minor loss of historic fabric leading to some less than substantial harm to the significance of the listed buildings. However, this harm is outweighed by the benefit of enhancing the facilities and accessibility of the building for visitors and members of the public, ensuring this historic institution can continue to function effectively within the building which was built for it and has been its home for 250 years. Given their minor nature, works will not harm the character and appearance of the Adelphi Conservation Area. Proposals therefore comply with local and national policy, in particular taking into account S25 (Heritage) and S29 (Design) of the Westminster City Plan and saved policies DES5, DES9 and DES10 of the Unitary Development Plan, as well as national guidance, in particular Paragraph 134 of the National Planning Policy Framework.

8.3 Residential Amenity

Policy S29 of the City Plan and ENV13 of the UDP seeks to protect residential amenity and enhance the residential environment of the surrounding properties.

There are existing kitchen facilities at basement levels -1 and -3. The application proposals seek to maintain these facilities but reconfigure and install new upgraded kitchen equipment in order to make more efficient use of the space.

The existing ventilation arrangement for the level -1 kitchen is through an existing grille above a door fronting the front lightwell facing onto John Adam Street. The level -3 kitchen is ventilated using an existing high level duct.

The level -1 kitchen will replace an existing kitchen and food preparation area. This will be the same size and primarily function as a 'finishing' kitchen, which will provide for the new dining requirements of the coffee house with a lighter menu but still requiring some preparation and cooking close to the dining area.

The hours of operation of the kitchen are normally between 0830hrs and 1930hrs, unless evening functions dictate in which case the finishing kitchen would operate until 2000hrs. The level -3 kitchens within the vaults are being re-planned. The new kitchen facilities will not be significantly larger in size but provide for a more efficient cooking space. These spaces are also used for other ancillary functions such as for wedding breakfasts,

commercial conference catering, as well as providing a facility for some of the new, all day dining requirements forming part of the application.

It is proposed to insert a new extract grille on the side elevation facing into the lightwell area fronting John Adam Street to serve the level -1 kitchen. The nearest residential properties are located at Little Adelphi, nos. 10-14 John Adam Street. The application proposals have raised concerns amongst residents in Little Adelphi with regards to smells and fumes from the proposed grille.

There is a single column of windows on Little Adelphi located adjacent to the boundary with the application site. The lower ground floor window is single aspect and serves a bedroom (lower ground floor flat) and the ground floor window serves the reception/lobby area to the flats. The proposed grille which faces away from the residential is located approximately 15m from the nearest windows in Little Adelphi facing John Adam Street.

The kitchen facility at level -1 is identical in size to the bar servery it replaces in this location. The applicant has considered options for locating the extract for this kitchen elsewhere. Due to the site constraints and the historic significance of the building, there is no practicable route from the level -1 kitchen and any of the rear lightwells. The extract cannot be routed up through the building in no. 8 (listed Grade I) without significant harmful impact on either the entrance hall or Benjamin Franklin Room directly above. These are rooms of exceptionally high architectural and historic significance.

The rear lightwell, serving No. 6, which would be closest to the level -1 kitchen, has previously been infilled and glazed over and now provides the feature staircase of Suthers Court, which also maintains the original rear elevation of no. 6. This would be severely compromised by the introduction of mechanical extract routing, which would have an unacceptable impact on this space and the original rear elevation. The rear lightwell to the rear of no. 4 John Adam Street has been 'blocked' by the introduction of a lift shaft circa 30 years ago. The route to no. 2 John Adam Street is further compromised by low floor to ceiling heights at Level -1 and Level -2 which impedes any route for ductwork extract. Retaining the level -1 kitchen in its current location avoids the need for rerouting and impact on historic fabric where it is little or not affected currently.

On this basis, the applicants are introducing a 'Purified Air' system to deal with odours and fumes and to retain the level -1 'finishing' kitchen in its current location. Given the constraints of the site and that the level -1 kitchen is mainly to be used as a finishing kitchen, Environmental Health consider the approach acceptable in this instance. An operational management statement is to be secured by condition, which will set out the low intensity operation of the level -1 kitchen and hours of use (0830 to 2000 hours daily).

An informative is recommended to advise the applicants that, with any low level discharge system, final determination as to whether odour nuisance will occur can only be ascertained once the system has been installed and is in operation. Environmental Health has stated that if this becomes an issue other legislation is present to control odour and fume nuisance should this arise (Statutory Nuisance provisions of Section 79 of the Environmental Protection Act 1990). Notwithstanding this, given the distance between the extract grille and the residential properties, and subject to conditions, it is unlikely that odour nuisance will occur.

With regard to noise, Environmental Health are satisfied that the standard noise and vibration conditions with the addition of a condition requiring a supplementary acoustic assessment to demonstrate compliance with the standard noise condition is sufficient to mitigate against the potential for noise nuisance to surrounding occupiers.

8.4 Transportation/Parking

The proposals do not give rise to highways or parking issues.

8.5 Economic Considerations

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

8.6 Access

One of the main aims of proposals is to improve accessibility, providing a new accessible entrance with ramp and better access to the lower levels of the building and coffee house, which is open to the public.

8.7 Other UDP/Westminster Policy Considerations

Not applicable.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Environmental Impact issues are not relevant to a development of this scale.

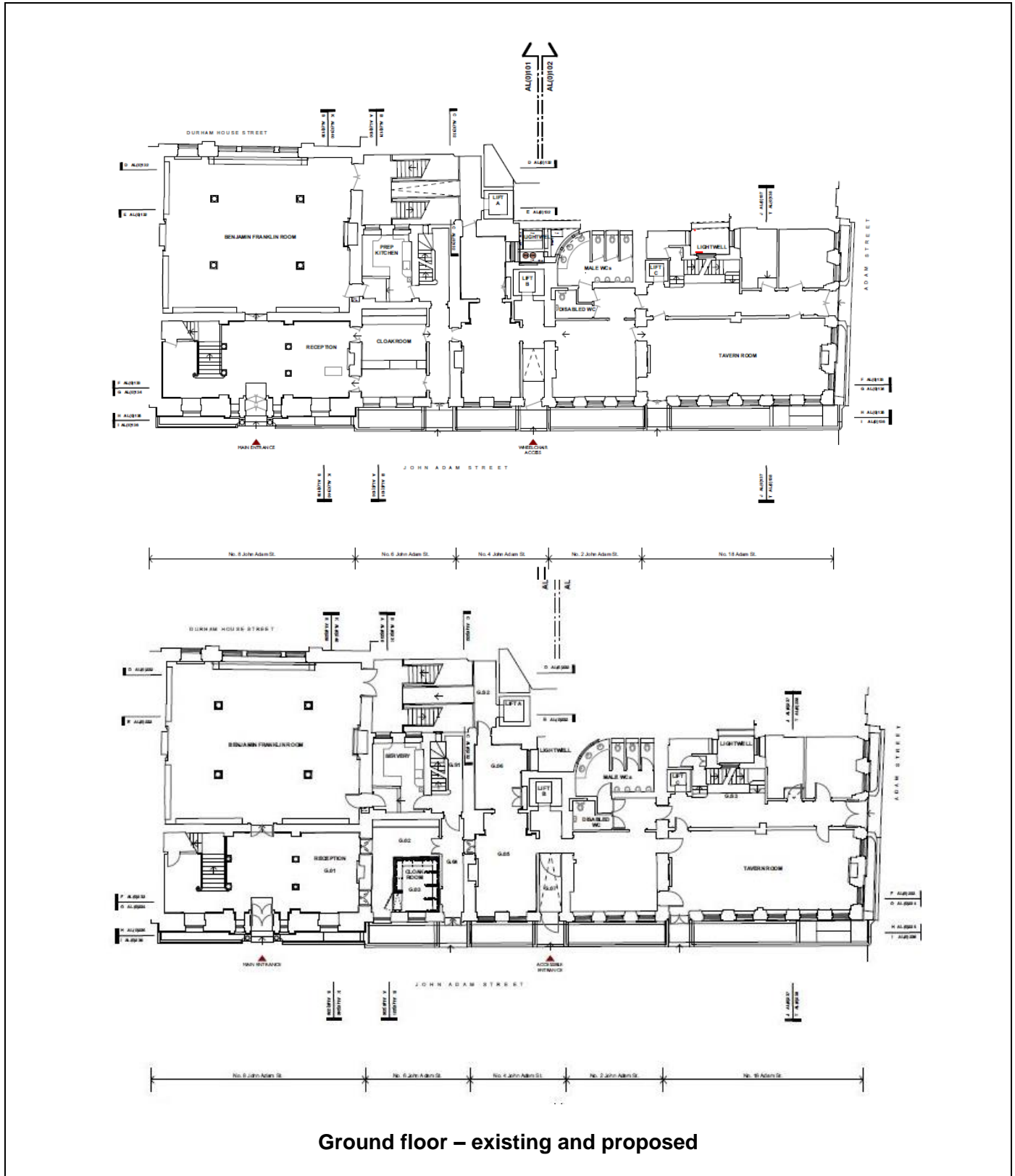
9. BACKGROUND PAPERS

1. Application form.
2. Response from Westminster Society dated 27 July 2017.
3. Response from Environmental Health dated 25 August, 14 November and 13 December 2107.
4. Letter from occupier of Flat 53 The Little Adelphi, 10 - 14 John Adam Street, dated 13 August 2017.
5. Letter from occupier of Suite 79-80, Pure Offices, dated 23 August 2017.
6. Letter from occupier of Flat 8, Little Adelphi dated 15 August 2017.
7. Two letters from occupiers of Flat 33 Little Adelphi, 10-14 John Adam Street dated 14 August 2017.
8. Letter from occupier of Flat 44, Little Adelphi, 10-14 John Adam Street dated 13 August 2017.

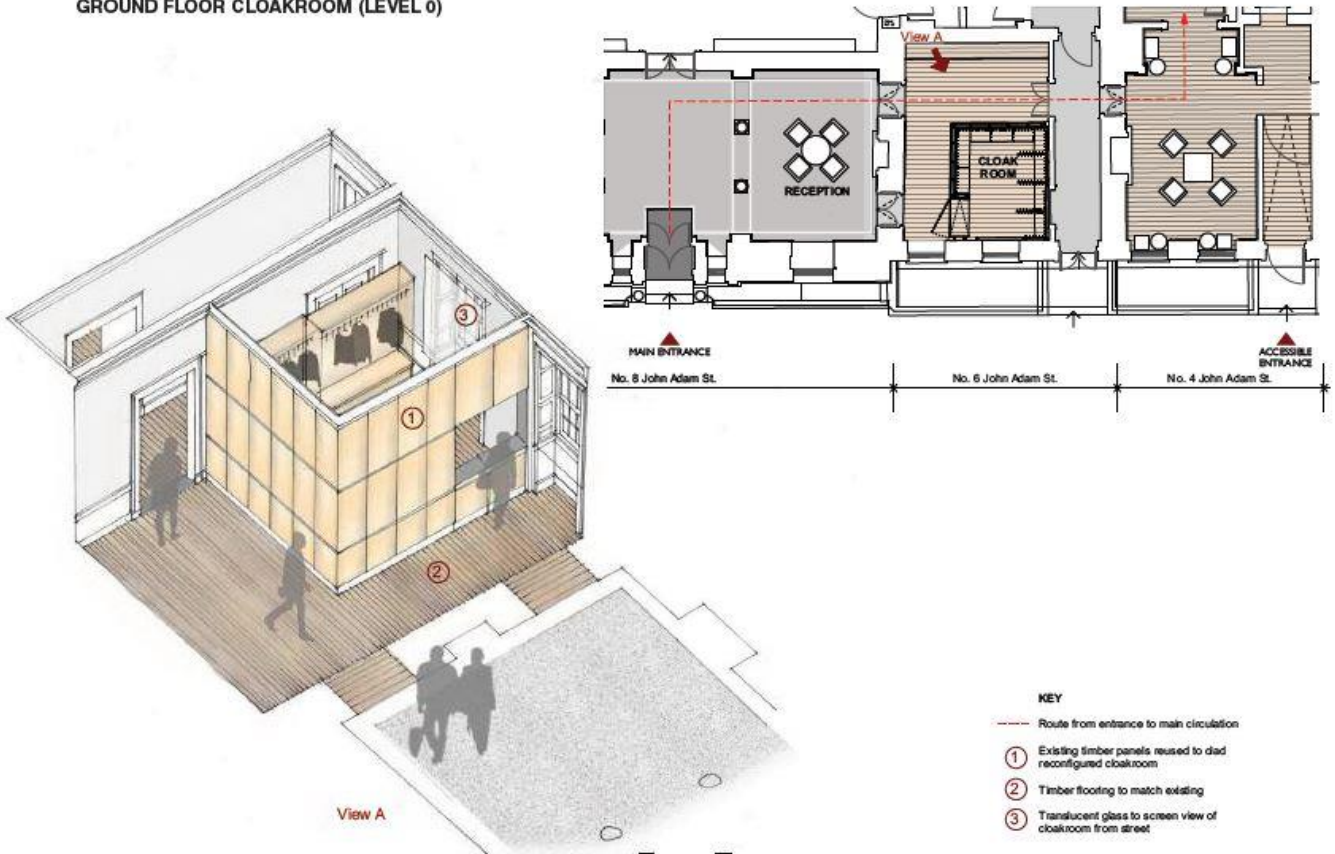
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

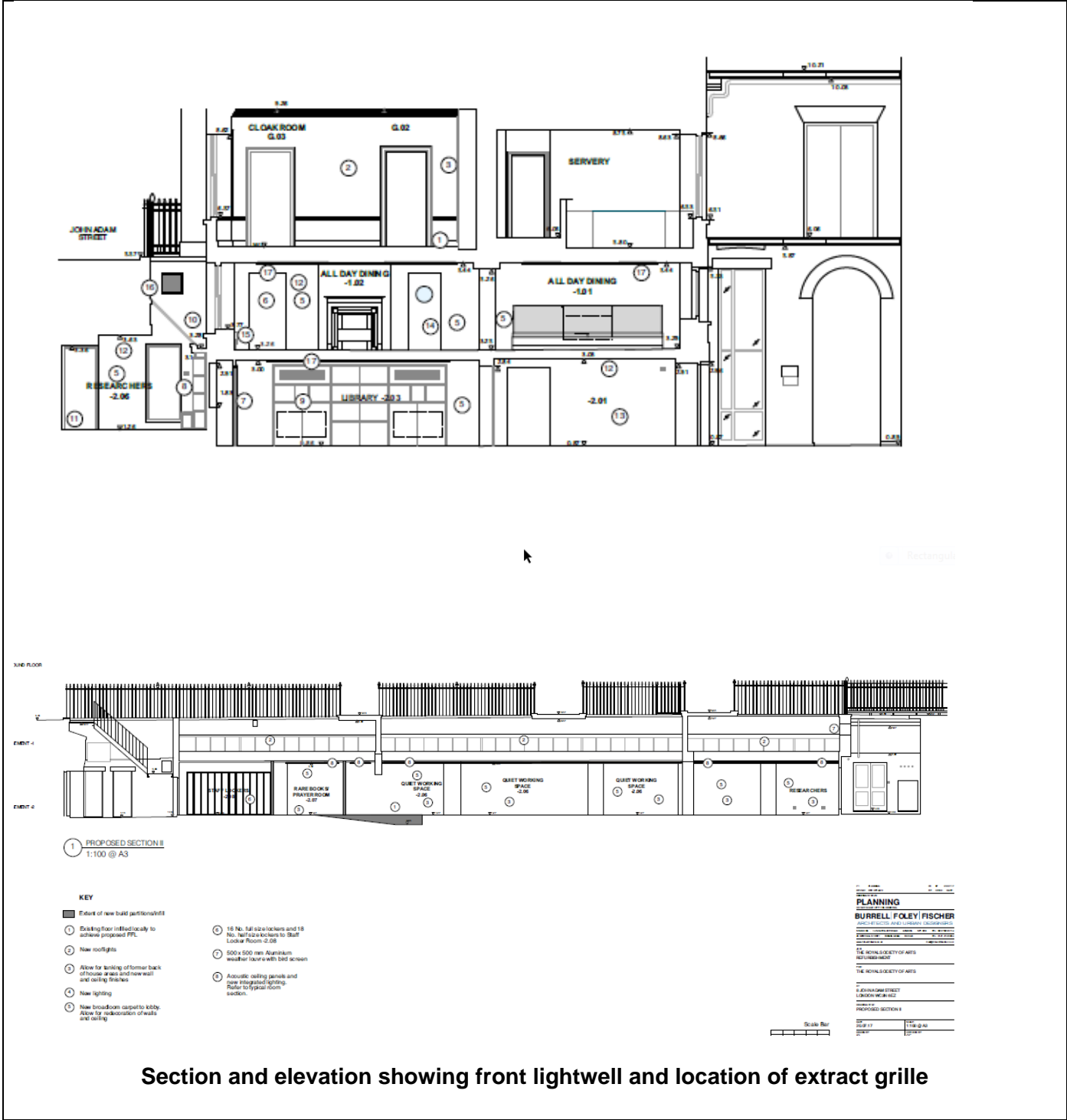
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT VNALLY@WESTMINSTER.GOV.UK

10. KEY DRAWINGS

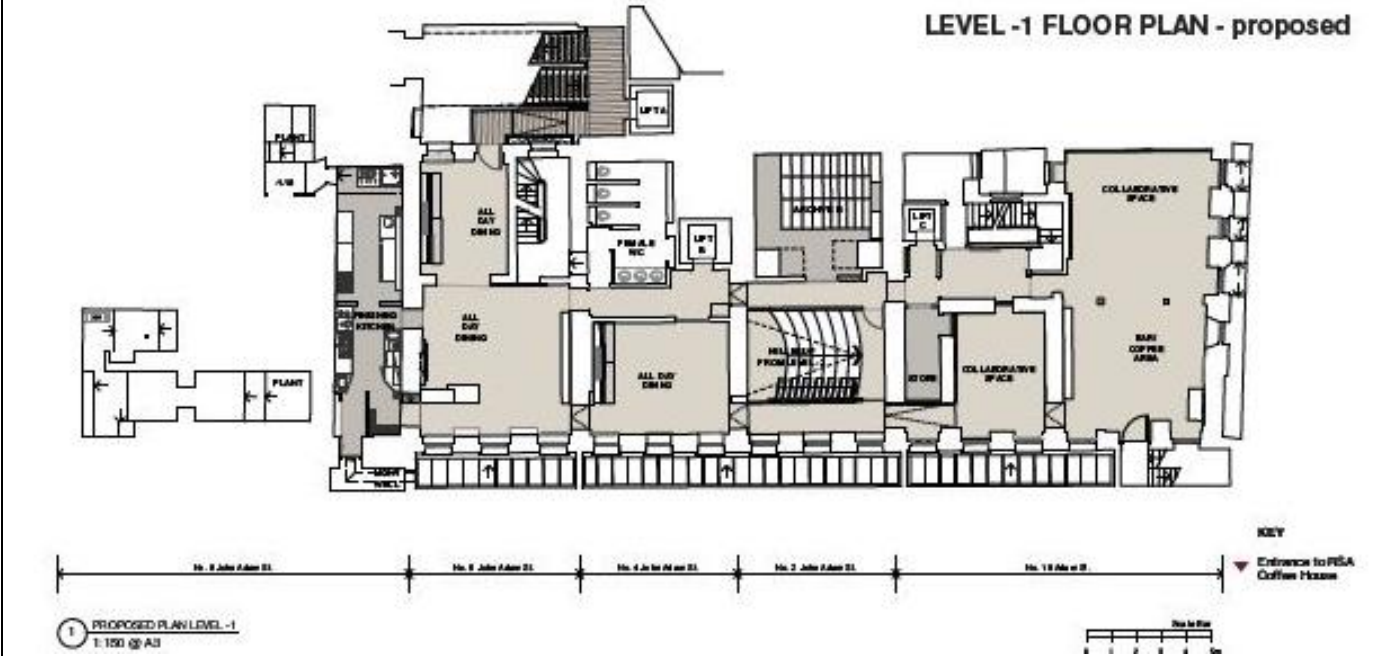
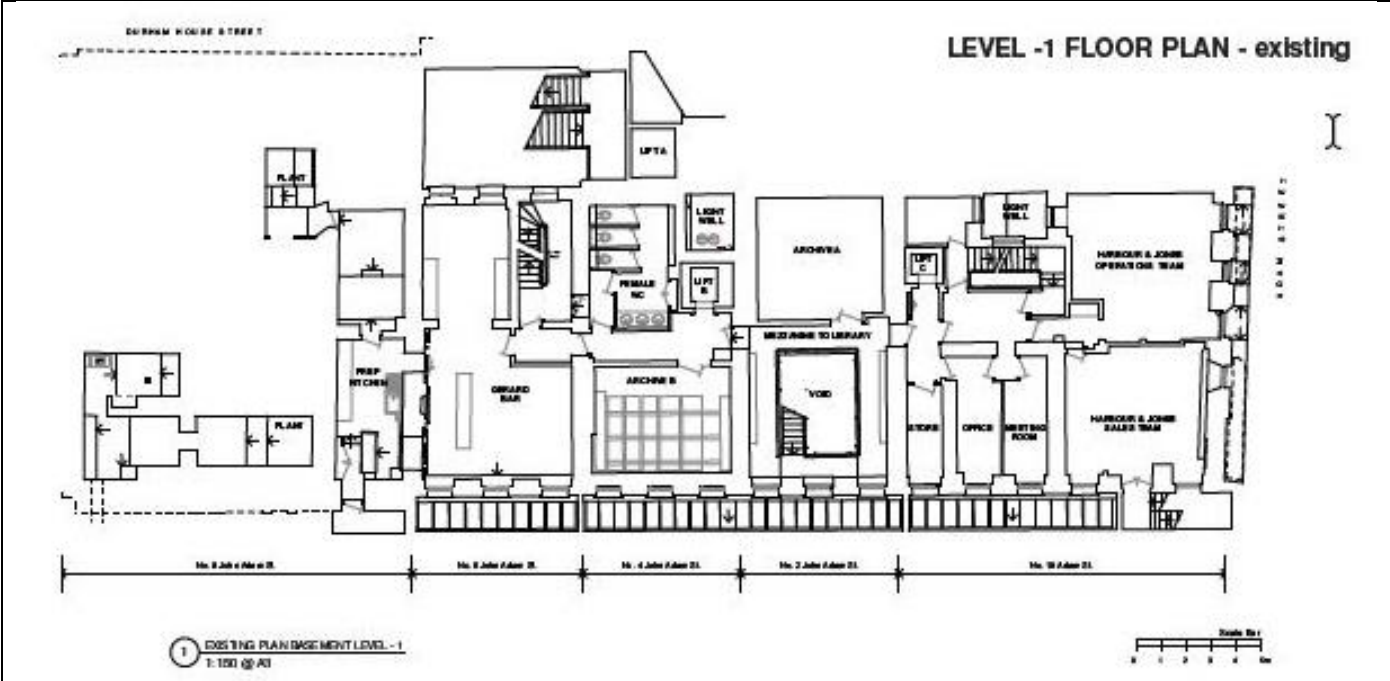


GROUND FLOOR CLOAKROOM (LEVEL 0)

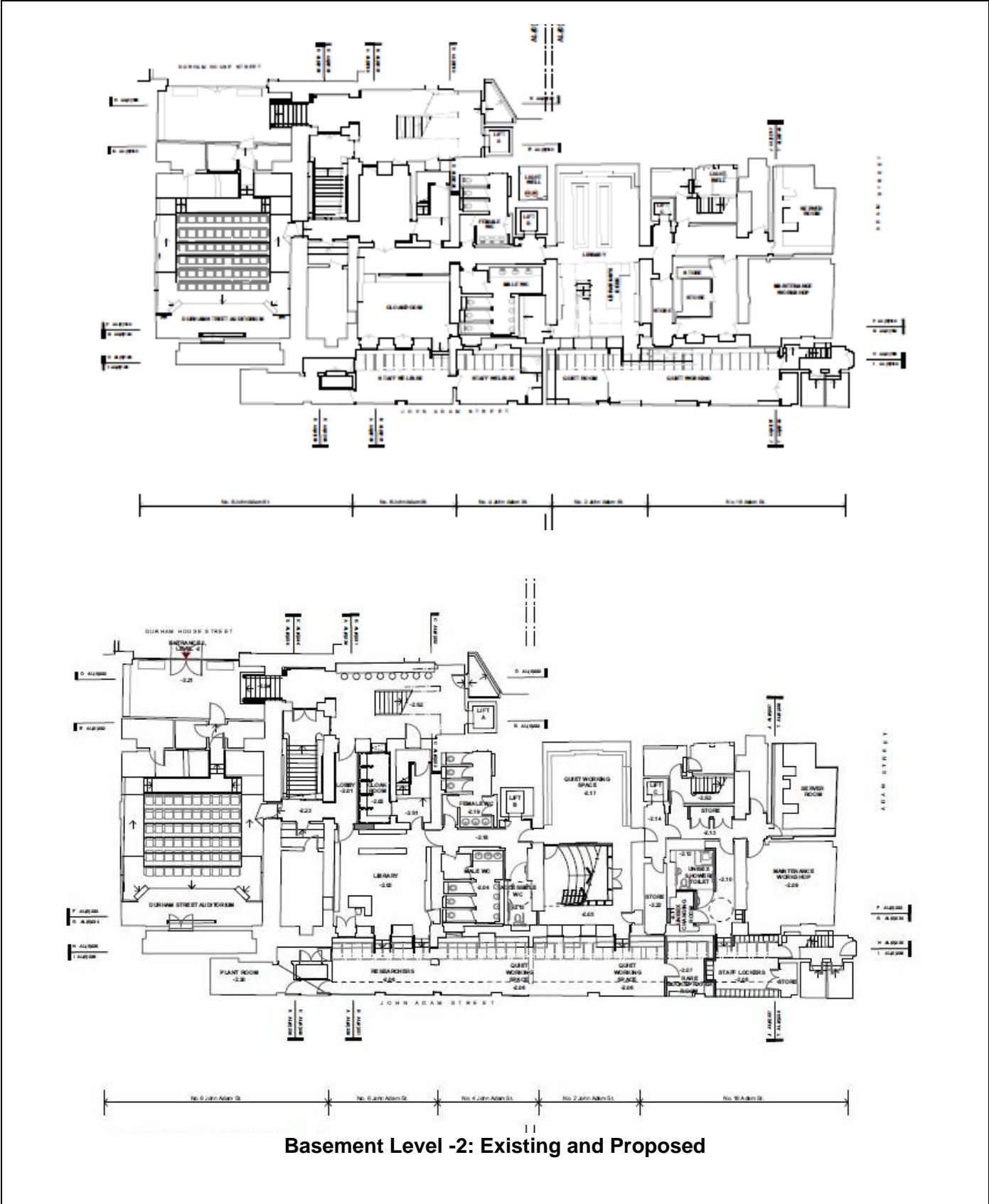




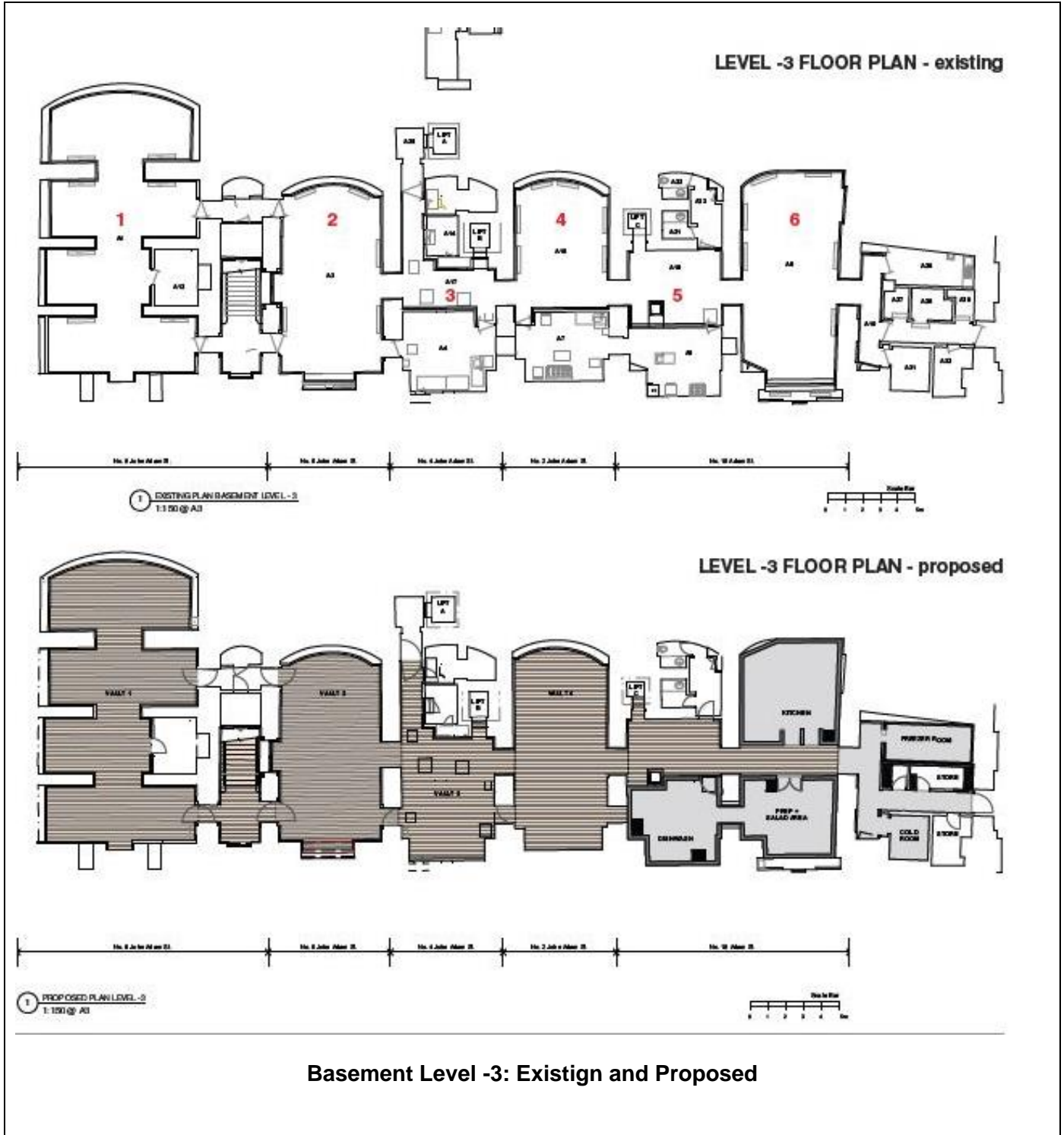
Section and elevation showing front lightwell and location of extract grille



Basement Level -1: Existing and Proposed



Basement Level -2: Existing and Proposed



DRAFT DECISION LETTER

Address: Royal Society Of Arts , 8 John Adam Street, London, WC2N 6EZ

Proposal: Alterations at ground and basement levels including refitting of catering kitchen at Basement Level -3, to establish improved facilities and access for the RSA. Replacement of roof light in front area lightwell and installation of external extract grille.

Reference: 17/06484/FULL

Plan Nos: Proposed Plans
 1269 AL(0)200.P1 PROPOSED LEVEL 0 PLAN; 1269 AL(0)201.P1 PROPOSED LEVEL 0 PLAN (west); 1269 AL(0)202.P1 PROPOSED LEVEL 0 PLAN (east)
 1269 AL(0)210 P2 PROPOSED LEVEL-1 PLAN; 1269 AL(0)211 .P1 PROPOSED LEVEL -1 PLAN west; 1269 AL(0)212 P2 PROPOSED LEVEL -1 PLAN east
 1269 AL(0)220 P2 PROPOSED LEVEL-2 PLAN ; 1269 AL(0)221 P1 PROPOSED LEVEL-2 PLAN west; 1269 AL(0)222 P2 PROPOSED LEVEL-2 PLAN east
 1269 AL(0)225 P1 PROPOSED LEVEL -3 PLAN; 1269 AL(0)226 P2 PROPOSED LEVEL -3 PLAN east; 1269 AL(0)227 P2 PROPOSED LEVEL -3 PLAN west

EXISTING + PROPOSED RAMP TO LOBBY G.07 AL(0)

Proposed Sections
 1269 AL(0)230. P1 PROPOSED SECTION AA P1; 1269 AL(0)231 P1 PROPOSED SECTION BB; 1269; AL(0)232 P1 PROPOSED SECTION CC DD EE; 1269 AL(0)233 P3 PROPOSED SECTION FF; 1269 AL(0)234.P3 PROPOSED SECTION GG; 1269 AL(0)235 P1 PROPOSED SECTION HH; 1269 AL(0)236 P1 PROPOSED SECTION II; 1269 AL(0)237 P2 PROPOSED SECTION JJ; 1269 AL(0)238 P2 PROPOSED SECTION TT; 1269 AL(0)239 P1 PROPOSED SECTION SS; 1269 AL(0)240 P1 PROPOSED SECTION KK; 1269 AL(0)241 P1 PROPOSED SECTION LL; 1269 AL(0)242 P1 PROPOSED SECTION MM; 1269 AL(0)243 P1 PROPOSED SECTION NN; 1269 AL(0)244 P1 PROPOSED SECTION OO; 1269 AL(0)245 P1 PROPOSED SECTION PP; 1269 AL(0)246 P1 PROPOSED SECTION QQ; 1269 AL(0)247 P1 PROPOSED SECTION RR; 1269 AL(0)249 P1 PROPOSED SECTION UU; 1269 AL(0)250 P1 PROPOSED SECTION VV; 1269 AL(0)251 PROPOSED SECTION LW1 - LW4

Demolition drawing
 1269 AL(3)100 DEMOLITION PLAN GROUND LEVEL 0 P1; 1269 AL(3)101 DEMOLITION PLAN GROUND LEVEL 0 P1; 1269 AL(3)102 DEMOLITION PLAN GROUND LEVEL 03 P1; 1269 AL(3)110 DEMOLITION PLAN BASEMENT LEVEL-1 P2; 1269 AL(3)111 DEMOLITION PLAN BASEMENT LEVEL-1 P1; 1269 AL(3)112 DEMOLITION PLAN BASEMENT LEVEL-1 P2; 1269 AL(3)120 DEMOLITION PLAN BASEMENT LEVEL -2 P2; 1269 AL(3)121 DEMOLITION PLAN BASEMENT LEVEL -2 P1; 1269 AL(3)122 DEMOLITION PLAN BASEMENT LEVEL -2 P2; 1269 AL(3)125 DEMOLITION PLAN BASEMENT LEVEL -3 P1; 1269 AL(3)126 DEMOLITION PLAN

Case Officer: Jane Hamilton

Direct Tel. No. 020 7641 8019

Recommended Conditions and Reasons

- 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 4 You must apply to us for approval of detailed drawings, elevations and sections (Scale 1:20 and 1:5) of the following parts of the development:

- (i) lightwell rooflight;
- (ii) vent grille to lightwell;
- (iii) new and altered 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 details.

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

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

- 6 (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.

- 7 The extract fans, serving the Level -1 kitchen hereby permitted to be ducted into the front lightwell shall not be operated except between 0830 hours and 2000 hours daily.

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.

- 8 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.

- 9 (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 use, 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 use, 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.

- 10 You must remove all redundant plant and equipment from the building before you begin the approved use. (C26VA)

Reason:

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

- 11 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 6 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 12 You must submit an Operational Management Plan in connection with level -1 kitchen and extract grille hereby approved. You must not use the -1 kitchen or extract grille until we have approved what you have sent us. Thereafter the level -1 kitchen and extract grille must be operated in accordance with the details approved by us.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 13 You must apply to us for approval of detailed drawings (scale 1:5) showing the following alteration(s) to the scheme: vent to be formed in cast painted metal and reduced to the minimum size necessary. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 14 All new and altered windows shall be formed of painted timber, single glazed and detailed to match the existing.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 3 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 4 Conditions 6, 7 and 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 In relation to the proposed external grille to the lightwell area fronting John Adam Street you are advised of the following:
 - The Purified Air externally discharging low level system has been approved on the basis that, although it complies with the DEFRA guidance for the food offering described in the application, it may need further adaptation should it result in odour or noise nuisance once in operation.

- The scheme is dependent on regular maintenance for optimal operation to be maintained.
- Any future significant changes to the food offering should only be undertaken by first evaluating if the installed kitchen extract ventilation system is still suitable for preventing odour nuisance.

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.

DRAFT DECISION LETTER

Address: Royal Society Of Arts , 8 John Adam Street, London, WC2N 6EZ

Proposal: Alterations at ground and basement levels including refitting of catering kitchen at Basement Level -3, to establish improved facilities and access for the RSA. Replacement of roof light in front area lightwell and installation of external extract grille.

Reference: 17/06485/LBC

Proposed Plans

1269 AL(0)200.P1 PROPOSED LEVEL 0 PLAN; 1269 AL(0)201.P1 PROPOSED LEVEL 0 PLAN (west); 1269 AL(0)202.P1 PROPOSED LEVEL 0 PLAN (east) 1269 AL(0)210 P2 PROPOSED LEVEL-1 PLAN; 1269 AL(0)211 .P1 PROPOSED LEVEL -1 PLAN west; 1269 AL(0)212 P2 PROPOSED LEVEL -1 PLAN east 1269 AL(0)220 P2 PROPOSED LEVEL-2 PLAN ; 1269 AL(0)221 P1 PROPOSED LEVEL-2 PLAN west; 1269 AL(0)222 P2 PROPOSED LEVEL-2 PLAN east 1269 AL(0)225 P1 PROPOSED LEVEL -3 PLAN; 1269 AL(0)226 P2 PROPOSED LEVEL -3 PLAN east; 1269 AL(0)227 P2 PROPOSED LEVEL -3 PLAN west

EXISTING + PROPOSED RAMP TO LOBBY G.07 AL(0)

Proposed Sections

1269 AL(0)230. P1 PROPOSED SECTION AA P1; 1269 AL(0)231 P1 PROPOSED SECTION BB; 1269; AL(0)232 P1 PROPOSED SECTION CC DD EE; 1269 AL(0)233 P3 PROPOSED SECTION FF; 1269 AL(0)234.P3 PROPOSED SECTION GG; 1269 AL(0)235 P1 PROPOSED SECTION HH; 1269 AL(0)236 P1 PROPOSED SECTION II; 1269 AL(0)237 P2 PROPOSED SECTION JJ; 1269 AL(0)238 P2 PROPOSED SECTION TT; 1269 AL(0)239 P1 PROPOSED SECTION SS; 1269 AL(0)240 P1 PROPOSED SECTION KK; 1269 AL(0)241 P1 PROPOSED SECTION LL; 1269 AL(0)242 P1 PROPOSED SECTION MM; 1269 AL(0)243 P1 PROPOSED SECTION NN; 1269 AL(0)244 P1 PROPOSED SECTION OO; 1269 AL(0)245 P1 PROPOSED SECTION PP; 1269 AL(0)246 P1 PROPOSED SECTION QQ; 1269 AL(0)247 P1 PROPOSED SECTION RR; 1269 AL(0)249 P1 PROPOSED SECTION UU; 1269 AL(0)250 P1 PROPOSED SECTION VV; 1269 AL(0)251 PROPOSED SECTION LW1 - LW4

Demolition drawings

1269 AL(3)100 DEMOLITION PLAN GROUND LEVEL 0 P1; 1269 AL(3)101 DEMOLITION PLAN GROUND LEVEL 0 P1; 1269 AL(3)102 DEMOLITION PLAN GROUND LEVEL 03 P1; 1269 AL(3)110 DEMOLITION PLAN BASEMENT LEVEL-1 P2; 1269 AL(3)111 DEMOLITION PLAN BASEMENT LEVEL-1 P1; 1269 AL(3)112 DEMOLITION PLAN BASEMENT LEVEL-1 P2; 1269 AL(3)120 DEMOLITION PLAN BASEMENT LEVEL -2 P2; 1269 AL(3)121 DEMOLITION PLAN BASEMENT LEVEL -2 P1; 1269 AL(3)122 DEMOLITION PLAN BASEMENT LEVEL -2 P2; 1269 AL(3)125 DEMOLITION PLAN BASEMENT LEVEL -3 P1; 1269 AL(3)126 DEMOLITION PLAN

Case Officer: Jane Hamilton

Direct Tel. No. 020 7641 8019

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.1-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must apply to us for approval of detailed drawings, elevations and sections (Scale 1:20 and 1:5) of the following parts of the development:

- (i) lightwell rooflight;
- (ii) vent grille to lightwell;
- (iii) new and altered windows;
- (iii) all new joinery, including doors;
- (iii) ramp and glass screen to no. 4 John Adam Street, including all points of fixing to existing fabric;
- (iv) detail and fixings of glazed screen to window cloakrooms;
- (v) new stair extension, fixings to rear elevation and door to coffee house;

- (vi) elevation and detail of freestanding catering kitchens within the vaults, showing no fixings to brickwork;
- (vii) hellerup stair demonstrating no impact on historic fabric.

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 details.

Reason:

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

- 5 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.1-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

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

- 7 You must not disturb existing original floorboards unless changes are shown on the approved drawings. (C27MA)

Reason:

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

- 8 You must not disturb existing original brickwork within the vaults unless changes are shown on the approved drawings. (C27MA)

Reason:

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

- 9 All new extract ducting within the vaults shall use existing routes and voids and no new penetrations within the brickwork shall be formed.

Reason:

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

- 10 You must remove all redundant plant and equipment from the building before you begin the approved use. (C26VA)

Reason:

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

- 11 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: vent to be formed in cast painted metal and reduced to the minimum size necessary. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 12 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

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

- 13 All new and altered windows shall be formed of painted timber, single glazed and detailed to match the existing.

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.1-2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

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

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

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.

Agenda Item 4

Item No.
4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	30 Upper Grosvenor Street, London, W1K 7EH		
Proposal	Use of part of the ground floor of 30 Upper Grosvenor Street as a restaurant (Class A3). Installation of full height extract duct within rear lightwell, roof top plant, external alterations.		
Agent	Bidwells		
On behalf of	Restaurant Craft Limited		
Registered Number	17/08544/FULL	Date amended/ completed	12 October 2017
Date Application Received	22 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission

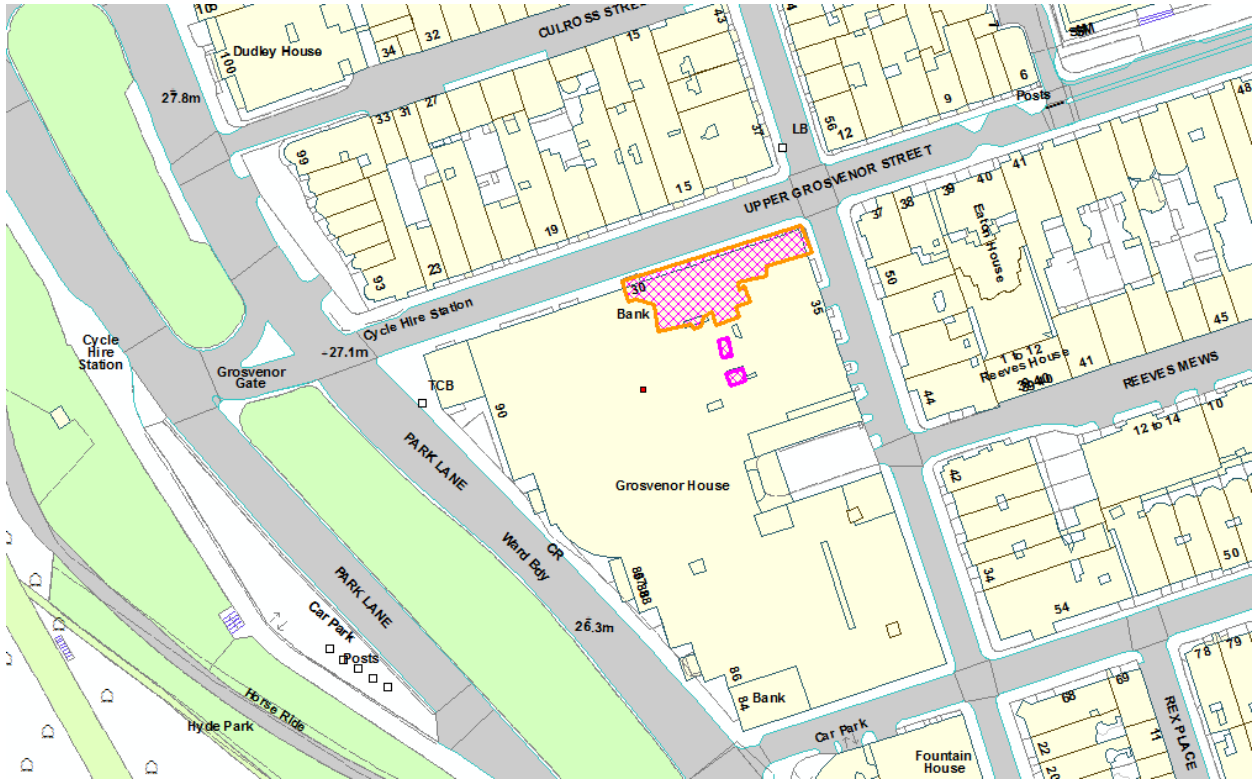
2. SUMMARY

<p>Permission was granted for use of the premises as a restaurant (Class A3) in November 2016. This permission has not been implemented. The current application differs from the previously approved scheme in that the site now includes a small rear lightwell area increasing the size of the proposed restaurant by 61sqm (GEA), changes are also proposed to plant including relocating the proposed full height extract duct.</p> <p>The permitted restaurant has a total floorspace of 499sqm (GEA), it is now proposed that this will be increased to 560sqm (GEA) (506sqm (GIA)). Entertainment uses of over 500sqm are classified as being a large scale entertainment use, and needs to be assessed against stricter policy criteria. However, although this increase in floorspace requires the current application to be assessed against different policy to the scheme permitted in November 2016, the restaurant use as now proposed is not a more intensive use than permitted. The number of covers will be reduced from 240 to 192.</p> <p>The principle of use of the premises as a restaurant has been established this is again considered acceptable. The proposed opening hours, servicing arrangements and other operational details remain as previously proposed. It is again recommended that these details are secured by conditions.</p>

Proposed changes to plant including the full height extract duct raise no new issues and subject to appropriate conditions are again considered acceptable.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:
Any response to be reported verbally

CLEANSING:
No objection subject to standard condition to secure waste storage provision.

ENVIRONMENTAL HEALTH:
No objection on environmental noise or nuisance grounds, subject to conditions.

HIGHWAYS PLANNING MANAGER:
No objection subject to servicing management plan and cycle parking conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 143;
Total No. of replies: 1
1 objection to an overconcentration of restaurants, unacceptable opening hours in a residential area, adverse impact of servicing

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the ground floor of this unlisted building located within the Core Central Activities Zone and within the Mayfair Conservation Area. The site is not located within a 'stress area'. The property forms part of the Grosvenor House Hotel, 86-90 Park Lane with servicing for the hotel directly below the site and hotel accommodation above.

Council tax records and planning history set out that opposite the application site on Upper Grosvenor Street and Park Street is a mixture of residential and office use.

The application site was previously used as a bank until sometime before 2003. Since then it is understood that until recently the was used unlawfully as storage for the Grosvenor House Hotel. The property is now vacant.

6.2 Recent Relevant History

2 October 2017 – advertisement consent granted for the back illuminated individual letter fascia sign and two externally illuminated canopy mounted signs.

22 November 2016 – permission granted for the use of ground floor as a restaurant (Class A3) including the installation of a full height extract duct within internal lightwell.

13 September 2016 – advertisement consent granted for the display of 1 No. internally illuminated menu box measuring 0.48m x 0.36m.

March 2006 – permission granted for the use of part basement, ground and first floors of existing hotel as a casino (Class D2). Installation of plant and associated alterations to hotel entrance [included the current application site]. Not implemented.

7. THE PROPOSAL

Permission is sought for use the ground floor of 30 Upper Grosvenor Street, which forms part of the block which accommodates the Grosvenor House Hotel, 86-90 Park Lane, as a restaurant (Class A3) with a total floor space of 506sqm GIA.

A full height kitchen extract duct would be provided within an internal lightwell along with additional roof top plant area is proposed in order to house the air condenser units. This lightwell already contains plant which services the Grosvenor House Hotel.

The restaurant will be able to accommodate 192 covers at full capacity; this is a reduction from the 240 covers permitted in 2016. The proposed operating hours remain unchanged as 10:00 - 00:00 Sunday to Thursday (including bank holidays and public holidays) and 10:00 - 00:30 Friday and Saturdays.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The property lies within the Core Central Activity Zone, but is not within a designated stress area. UDP policies TACE 8-10 are applicable to entertainment uses, and 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 services to people living in, working in and visiting the City and contribute to its role as an entertainment centre of national and international importance.

UDP entertainment policies are intended to represent a 'sliding scale' of permissibility from TACE 8 ('generally permissible') to TACE 10 ('permissible only in exceptional circumstances'), dependent upon the location, size and type of the entertainment use

UDP policy TACE 10 is applicable to entertainment uses where the gross floorspace exceeds 500 m2. Permission will only be granted where policy TACE 10 has been identified as relevant in exceptional circumstances.

City Plan 24 states that new entertainment uses will need to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and they do not adversely impact on residential amenity, health and safety, local environmental quality and character and function of the area.' New large scale late- night entertainment uses of over 500 m2 floorspace will not generally be appropriate within Westminster.

The restaurant use permitted in November 2016 had a total floorspace of 499sqm (GEA) and was assessed against UDP policy TACE 8. The inclusion of an area in a rear lightwell increases the size of the restaurant now proposed 560sqm (GEA) (506sqm

(GIA)) which means that the current application needs to be assessed against UDP policy TACE 10. In recognition that large entertainment uses can have a disproportionately harmful impact on both residential amenity and the character and function of areas UDP policy TACE 10 and City Plan Policy S24 are restrictive where entertainment uses exceed 500 m².

In this case although the current application needs to be assessed UDP policy TACE 10 rather than against TACE 8 the increase in floorspace is minimal in comparison with the scheme permitted in November 2016. Furthermore, although this scheme would result in the provision of a slightly larger restaurant than previously permitted the number of covers will be reduced. The principle of the use of the premises as a restaurant has been established. The fact that restaurant use remains extant and there will be a slight reduction in number of covers with no material change in operational details are considered to be exceptional circumstances in the context of the adopted policies. The scheme is therefore again considered acceptable in land use terms.

An objection has been received on behalf of residents at 48 Park Street on the following grounds:

- i) the proposal would exacerbate an existing overconcentration of restaurants in the area;
- ii) the opening hours are unacceptable in residential area;
- iii) noise impact concerns;
- iv) the use would add to servicing problems

These objections were raised in response to the application approved in November 2016. The objection is again not considered sustainable. As stated the principle of restaurant use on the site has been established. The proposed opening hours terminate at 00:00 Sunday to Thursday (including bank holidays and public holidays) and 00:30 on Friday and Saturdays are the same as approved and accord with the core hours for entertainment uses in residential areas. Environmental Health team have reviewed the acoustic report and consider the introduction of extract plant to be acceptable subject to standard conditions. The proposal is therefore acceptable on amenity grounds and is in accordance with ENV7 of the UDP and S32 of the adopted City Plan. With regards to servicing a condition requiring a service management plan has been added to this application to ensure that a comprehensive plan is in place and the management of the service area is adhered to.

8.2 Townscape and Design

30 Upper Grosvenor Street forms part of a single architectural composition with Grosvenor House Hotel, of which it was originally part. It is a very large building dating from 1929 by A O Edwards with assistance from E Lutyens. The building is not listed, but makes a positive contribution to the character and appearance of the Mayfair Conservation Area.

The proposal is considered to be acceptable in design terms. The proposed duct rises in a discreet location within an interior lightwell. It is entirely hidden from any public views.

8.3 Residential Amenity (Daylight/Sunlight/ Sense of Enclosure)

The proposed plant/ ductwork would have no material impact on the daylight sunlight or sense of enclosure to the occupants of any neighbouring properties.

8.4 Transportation/Parking

The London Plan indicates that Class A3 use has a threshold set at 100m² and requires a minimum of 2 cycle parking spaces. Given the floor area a minimum of 3 cycle parking space should be provided.

The proposed restaurant is to be serviced via the existing Grosvenor House servicing area, which is accessed on Park Street to the West of the site. There is an existing dedicated servicing area in this location, with a rear serving door. The applicant has advised that with the exception of a few essential daily deliveries of small quantities of fresh produce, all servicing would take place during the hours of 7:30am and 1pm on Monday to Friday and between 8:20am and 1pm on Saturday / Sunday and Bank Holidays. However, given that the existing hotel service bay is not restricted in planning terms, it is not considered necessary to condition the servicing hours for the restaurant, other than to require all servicing to take place within the service bay.

A condition requiring a detailed Servicing Management Plan has been added to this application to require the applicant to apply to us for approval of a Servicing Management Plan prior to occupation. This condition has been added to protect the residential amenity on Upper Grosvenor Street.

8.5 Economic Considerations

The economic benefits of a more intensive use of this site are noted and are welcome.

8.6 Access

It is proposed to use a secondary door on the street frontage to provide level access, which is welcomed, as the main entrance has several steps.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling:

On the advice of the City Council's Cleansing Manager, a condition is recommended to be imposed requiring the submission of details showing how waste and recyclable material will be stored on site and to ensure that no waste is left or stored on the public highway.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

None

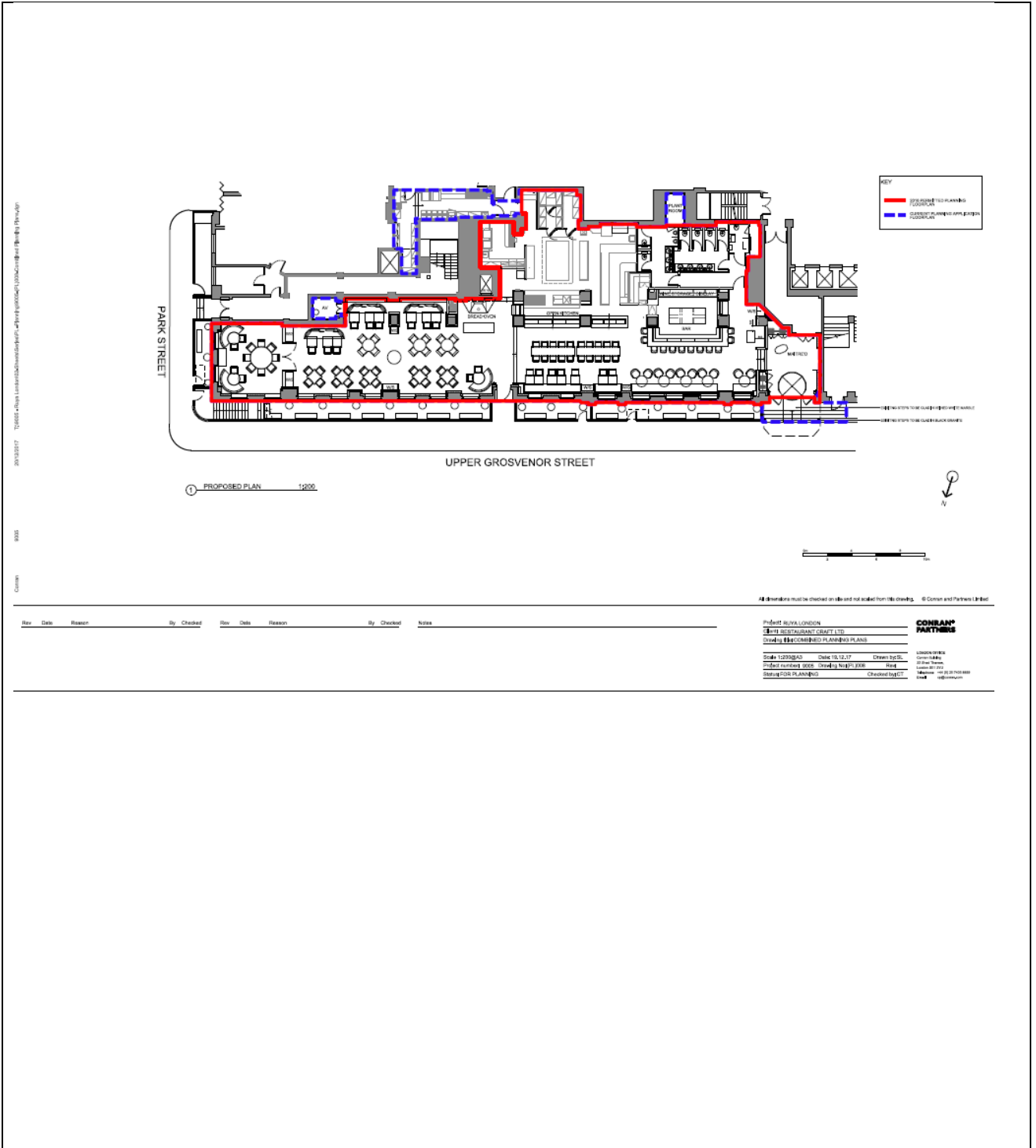
9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning – Development Planning dated 20 October 2017
3. Response from Environmental Health dated 20 December 2017
4. Response from Cleansing dated 26 October 2017
5. Letter from ASK planning on behalf of residents at No. 48 Park Street

(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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk .

10. KEY DRAWINGS



Rev	Date	Reason	By	Checked	Rev	Date	Reason	By	Checked	Notes

All dimensions must be checked on site and not scaled from this drawing. © Conran and Partners Limited

Project: RUYA LONDON
 Site: RESTAURANT, CRAFT LTD.
 Drawing: COMBINED PLANNING PLANS
 Scale: 1:200 (A3) Date: 18.12.17 Drawn by: LK
 Project number: 0000 Drawing Number: 2000
 Status: FOR PLANNING Checked by: JCT

CONRAN PARTNERS
 LONDON OFFICE
 Conran Place
 22 Abchurch Lane
 London EC4A 3DF
 Telephone: +44 (0)20 7600 4000
 Email: info@conran.com

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GENERAL

1. ALL WORKMANSHIP TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONTRACT AND THE DESIGN DOCUMENTS.
2. ALL WORKMANSHIP TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONTRACT AND THE DESIGN DOCUMENTS.
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MECHANICAL

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RUYA	
RUYA LONDON	
MECHANICAL SERVICES	
PROPOSED ELEVATIONS	
DATE: 07/17	SCALE: 1:100 @ A1



LEADING SERVICES DESIGN LTD
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DRAFT DECISION LETTER

Address: 30 Upper Grosvenor Street, London, W1K 7EH

Proposal: Use of part of the ground floor of 30 Upper Grosvenor Street as a restaurant (Use Class A3). Installation of full height extract duct within rear lightwell, roof top plant, external alterations.

Reference: 17/08544/FULL

Plan Nos: (PL)006, (PL)007, (PL)008, M001, M002

Case Officer: Shaun Retzback

Direct Tel. No. 020 7641 6027

Recommended Condition(s) and Reason(s)

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

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

- 2 Except for piling, excavation and foundation 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 Saturdays; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and foundation 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. (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

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

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You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the property. (C14EC)

Reason:

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

- 4 You must apply to us for approval of a Servicing Management Plan prior to occupation. The plan should identify amongst other things the process, delivery and storage locations, scheduling of deliveries, type of vehicle and staffing. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the business is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 5 You must apply to us for approval of details of secure cycle storage for the use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 6 With the exception of collecting rubbish, no goods (including fuel) 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. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

- 7 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)

- 8 You must keep the secondary door midway along the Upper Grosvenor Street frontage and all windows in the property closed. You can use them in an emergency, for maintenance only or use the secondary door to provide disabled access to the premises.

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)

- 9 (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.

- 10 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.

- 11 You must apply to us for approval of an expanded operation management plan. The plan should identify amongst other things the day to day management of the restaurant, transport plans, correct opening hours. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the operation management plan at all times that the business is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 12 Customers shall not be permitted within the ground floor restaurant premises outside the following hours: Sunday to Thursday (including bank holidays and public holidays): 10:00 - 00:00, Friday and Saturdays: 10:00 - 00:30.

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 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 14 You must not allow more than 192 customers into the property at any one time. (C05HA)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 15 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteq.org.uk It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)
- 4 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision

- and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
 - 6 The term 'clearly mark' in condition 3 means marked by a permanent wall notice or floor markings, or both. (I88AA)
 - 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
 - 8 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM_s). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM_s, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
 - 9 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
 - 10 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore

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ensure the following:,* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;,* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;,* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 11 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992.
www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>., , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

- 12 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)

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

- 14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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- 15 With regard to condition 4, you are advised that the Servicing Management Plan should include details of how the servicing of the restaurant will coordinate with other servicing requirements of the site, and what measures will be taken to help minimise the potential impact of servicing the restaurant on the amenity of local residents. With regard to condition 11, the expanded operational management plan should also address issues such as managing customers who wish to smoke outside the premises, how the use of taxis will be managed (e.g. arrangements for booking taxis for customers about to leave the premises), the use of a doorman to manage, as far as reasonably possible, customers leaving the premises to ensure they do not create excessive noise or disturbance, etc.

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.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	5 Albion Close, London, W2 2AT		
Proposal	Use of the garage as habitable accommodation, alterations to front and rear elevation windows and doors, extension of second floor to enclose internal courtyard, installation of a rooflight and installation of an air conditioning unit at roof level.		
Agent	Mr David Appleton		
On behalf of	Mr Richard Staite		
Registered Number	17/08257/FULL	Date amended/ completed	20 October 2017
Date Application Received	14 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

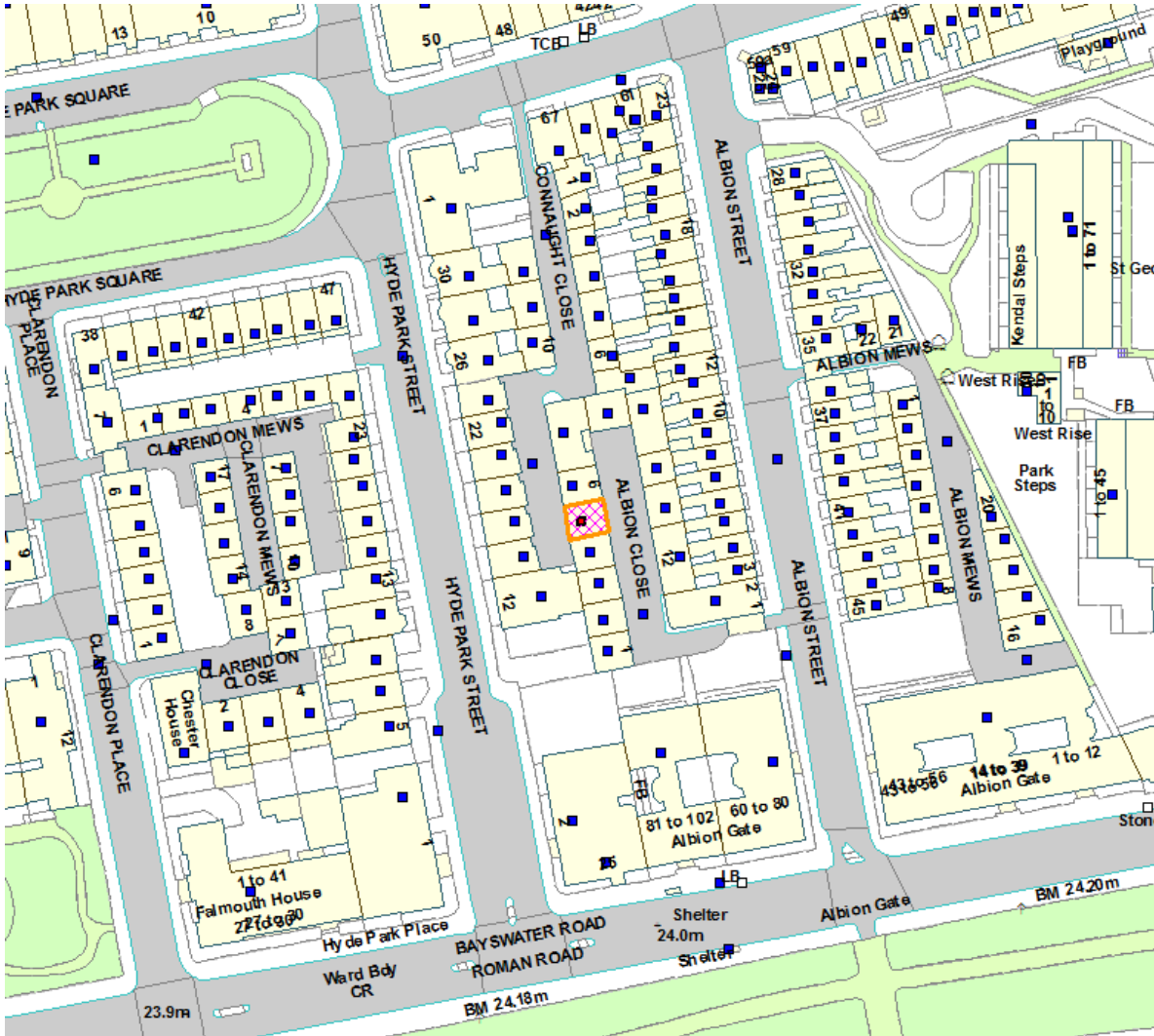
Permission is sought for the use of the garage as habitable accommodation, alterations to fenestration, installation of air conditioning and the enclosure of the courtyard at second floor level. Objections have been received regarding the impacts of construction, the design of the garage door and the installation of air conditioning.

The key issues in this case are:

- * The impact of the proposal in Highway terms
- * The impact of the proposal on the appearance of this house and on the character and appearance of this part of the Bayswater Conservation Area.

The proposed development is considered to comply with the Council's policies in relation to design, amenity and land use and it is recommended that permission is granted subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation of 5 Albion Close



Number 12. Front Elevation



5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION:

No response to date

ENVIRONMENTAL HEALTH:

No Objection on environmental noise or nuisance grounds

HIGHWAYS PLANNING:

Objection. Proposal is contrary to TRANS 23(A)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 15

No. Responses: 7 (3 objections and 4 neutral comments)

Objection - 3

- No explanation of how the works will be managed with regards to access and waste removal. Request a construction management plan is provided
- The removal of the garage door will result in the loss of the character of the mews
- The air conditioning unit should be located internally
- Request a condition to restrict working hours between 12 and 2pm and a condition requiring the mews to be cleaned.

Neutral - 4

- Loss of the garage door would set a precedent which would alter the traditional character of Albion Close
- Formal CMP should be submitted - application does not contain details of how the development will be managed
- Design and Access statement should be stronger
- Noise assessment for the air conditioning units at roof level
- Air conditioning unit should be located so that it is not visible or heard by neighbours

ADVERTISEMENT/SITE NOTICE: Yes

BACKGROUND INFORMATION

5.1 The Application Site

The application site is an unlisted building situated within the Bayswater Conservation Area. The property is situated on the west side of the mews and is in use as a single family dwelling house.

5.2 Recent Relevant History

85/04213/FULL

DEMOLITION OF EXISTING BUILDING AND REBUILDING AS DWELLING HOUSE AND GARAGE
RETROSPECTIVE APPLICATION

Grant PP with Conditions HIST

17 March 1986

6. THE PROPOSAL

Permission is sought for the conversion of the existing garage into a habitable room and associated replacement of the garage door, alterations to the front and rear windows, an extension at second floor level to enclose an existing courtyard and the installation of a rooflight and air conditioning unit at roof level.

Initially the use of the garage for habitable accommodation did not form part of the application and due to the restrictive condition from 1985 the description of development was amended and the application was reconsulted upon. No amended drawings were received as this alteration was shown on the proposed plans originally submitted.

7. DETAILED CONSIDERATIONS

7.1 Land Use

Permission is sought for the conversion of the existing garage into habitable accommodation. In 1986 permission was granted retrospectively for the demolition of existing building and rebuilding as dwelling house and garage (RN:85/04213/FULL). Condition 2 of the permission restricted the use of the garage to only the garaging or storage of a motor vehicle and prevented the use of the garage for living accommodation. The Highways Officer has objected to this proposal as the loss of off-street residential parking is contrary to UDP policy TRANS 23(A). Furthermore, they state that as there is a restrictive condition in place the garage should be retained.

As part of the application the owner has provided details of a legal agreement dated 2003 on behalf of Albion Close Limited, which is a consortium of the different mews property owners on Albion Close. The agreement relates to No. 5 Albion close and secures the applicants entitlement to a numbered parking space outside the property. Parking spaces are shown outside of each respective properties and it is understood they all have respective entitlements through the same legal agreements to allocated parking spaces. Therefore, whilst the off-street car parking space will be lost as a result of the conversion of the garage, occupiers will continue to have access to a parking space on-street. Additionally, none of the comments received raised the loss of the off-street parking space as a reason to object.

Permission has been granted at 3, 7, 10 and 12 Albion Close for the conversion of their garages into habitable accommodation (in 2007, 2002, 2009 and 2004 respectively) either through a planning application or via variation or removal of a condition application. Albion Close is a private road and without the current garage the applicant would have one car parking space outside the house as well as one of the communal visitor's parking spaces within the close. It is not considered therefore that the loss of the garage would have a detrimental impact on the parking pressure in the area.

7.2 Townscape and Design

In association with converting the garage into habitable use, it is proposed to remove the roller door and install 3no hardwood sash windows with a fixed timber panel below. Objections to the detailed design of the replacement fenestration have been received arguing that the loss of the garage door will harm the appearance of the mews and set an unacceptable precedent for future changes. The replacement fenestration does have a more domestic appearance than a typical mews garage door, however the scale of the opening is being retained as is a degree of solidity with the solid timber panel beneath the windows. Furthermore, it is recognised that the detailed design has been taken from the scheme approved at no3 Albion Close (RN: 16/00356/FULL) where sash windows with clear glazing beneath was granted. In this context the detailed design of the replacement garage door is considered to be acceptable, preserving the character and appearance of the conservation area.

The other alterations proposed include the roofing over the existing courtyard at second floor level with a rooflight, the removal of a water tank on the roof and the introduction of an air condenser unit in the same location and the installation of an additional dormer on the front elevation and replacement of the fenestration, with some enlargement to existing openings.

The insertion of an additional dormer and the alterations to the fenestration area considered to be acceptable in design terms. Three dormers are not uncharacteristic on the buildings within the mews and the detailed design matches the existing. The rear elevation of the mews has a very modern character and therefore the insertion of metal windows is considered to be acceptable in this instance. To the rear of the site is an access road for a block of flats and therefore the alteration to the scale and introduction of clear glazing is not considered to raise amenity concerns. The insertion of a rooflight on the roof is also not contentious in design and amenity concerns.

UDP policy DES 5 does state that plant should be located within the external envelope of the building where possible. Objections to the application have been received on the grounds that the condenser unit should be supported by an acoustic report and be located so as to be visually discreet and not cause disturbance to neighbours. The air condenser unit is proposed against an existing chimney breast, behind an existing parapet and therefore it will be screened from public viewpoints. The roof may be visible in private views from the block of flats to the rear but the appearance of the condenser unit is only considered to be in oblique views and therefore not highly prominent. The application has been supported by an acoustic report and our Environmental Health Officer has raised no objection to the application on noise and nuisance grounds. The proposal is therefore considered to be acceptable.

7.3 Residential Amenity

The proposals are not considered to raise amenity concerns and is in accordance with UDP policy ENV13.

Environmental Health have raised no objection on noise and nuisance grounds to the introduction of an air condenser unit in the proposed location.

7.4 Transportation/Parking

As discussed in the Land Use section, The City Council’s Highways Manager has objected to the loss of the off-street parking which is contrary to policy TRANS 23 of the UDP. However, in the context of Albion Close being a private road, and the on street parking space that is secured through the established legal agreement, there is sufficient mitigation to ensure the loss of the garage will not unduly affect the locality with regards to parking pressure.

7.5 Economic Considerations

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

7.6 Access

7.7 Other UDP/Westminster Policy Considerations

7.8 London Plan

This application raises no strategic issues.

7.9 National Policy/Guidance Considerations

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

7.10 Planning Obligations

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

7.11 Environmental Impact Assessment

7.12 Other Issues

A number of objections to the application have been received regarding the extent of the works and the impacts of construction both in terms of traffic and noise. The application does include a number of internal works including works to infill the existing small swimming pool and ground floor level. However by virtue of these works being internal, they do not require planning permission and therefore the construction operations cannot be controlled. In relation to requests for a construction management plan to be submitted, construction impacts are now controlled through the City Council’s adopted Code of Construction Practice and the scope of the works would not trigger this requirement. The hours of works can be controlled by condition and this should be sufficient to limit the disruption caused by the construction.

8. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning, dated 2 November 2017
3. Response from Plant and Equipment, dated 22 October 2017
4. Letter from occupier of 12 Albion Close, London, dated 4 October 2017
5. Letter from occupier of 8 Albion Close, London, dated 4 October 2017
6. Letter from occupier of 6 Albion Close, London, dated 7 October 2017
7. Letter from occupier of 9 Albion Close, London, dated 9 October 2017
8. Letter from occupier of 2 Albion Close, London, dated 11 October 2017
9. Letter from occupier of 11 Albion Close, London, dated 13 October 2017
10. Letter from occupier of 7 Albion Close, London, dated 16 October 2017
11. Legal Agreement regarding parking submitted by the Agent by email on 17 October 2017

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SAM GERSTEIN
BY EMAIL AT sgerstein@westminster.gov.uk

9. KEY DRAWINGS

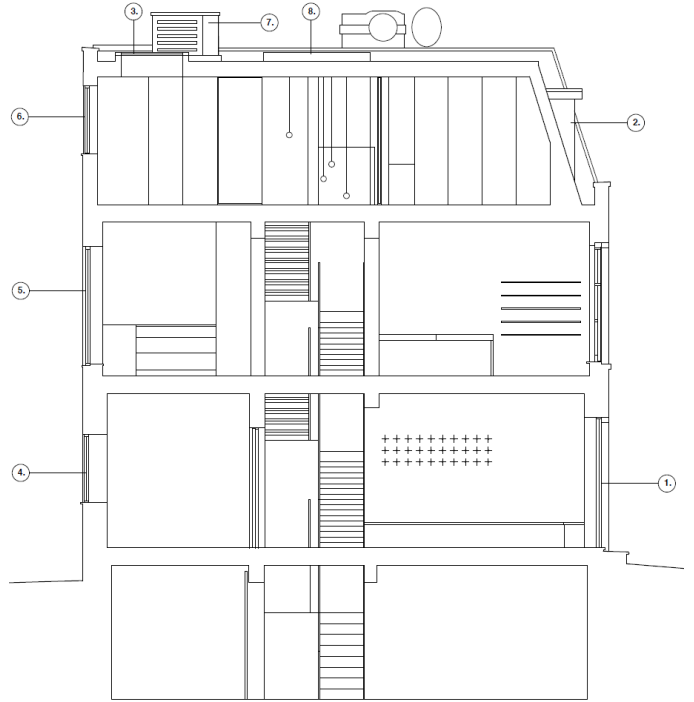
Existing Front Elevation



Proposed Front Elevation



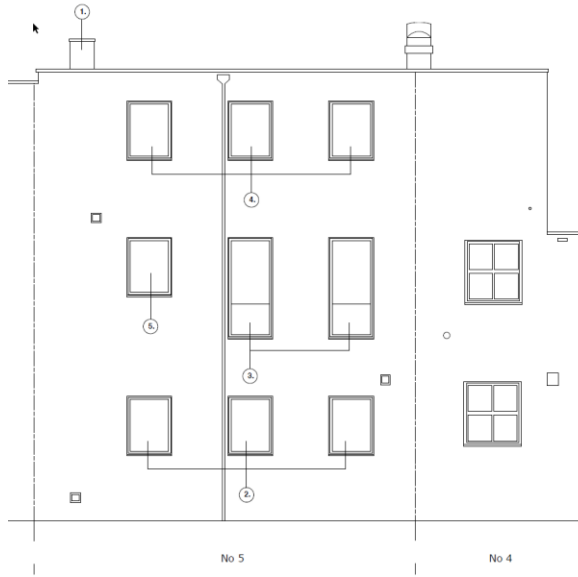
Proposed Section BB



Existing Section BB



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 5 Albion Close, London, W2 2AT

Proposal: Use of the garage as habitable accommodation, alterations to front and rear elevation windows and doors, extension of second floor to enclose internal courtyard, installation of a rooflight and installation of an air conditioning unit at roof level.

Reference: 17/08257/FULL

Plan Nos: ALB 100; ALB 101; ALB 102; ALB 103; ALB 104; ALB 105; ALB 106; ALB 107; ALB 108; ALB 109; ALB 110; ALB 111; ALB 112; ALB 113; ALB 114; ALB 200; ALB 201; ALB 202; ALB 203; ALB 204; ALB 205; ALB 206; ALB 207; ALB 208; ALB 209; Noise Impact Assessment by Sound Planning dated 15 November 2017.

Case Officer: Rebecca Mason **Direct Tel. No.** 020 7641 7540

Recommended Conditions and Reason(s)

1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on the 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 in the interests of proper planning.

2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturdays; 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 (S117(1)).

Reason:
To protect the environment of neighbouring occupiers. This is as set out in S21 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

Reason:

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

- 5 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

3

Item No.
5

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 or visit www.ccscheme.org.uk.

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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Agenda Item 6

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	85 Piccadilly, London, W1J 7NB		
Proposal	Variation of Condition 1 of planning permission dated 13 January 2015 (RN 14/09157/FULL) for, 'Installation of ductwork from ground to roof level on south west elevation, installation of plant within first floor car park, and installation of replacement plant and acoustic screens at rear sixth floor level and at roof level'; NAMELY, to amend the approved development to re-position and modify the duct running from first floor to main roof level and associated opening at first floor; alterations to acoustic screens at rear sixth floor level and at roof level and alterations to the rear walkway at first floor level to include steps over rear plant at first floor level.		
Agent	Ms Fiona Flaherty		
On behalf of	Hedonism Drinks Ltd		
Registered Number	17/07384/FULL	Date amended/ completed	16 August 2017
Date Application Received	16 August 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an unlisted building located within the Mayfair Conservation Area. The building is in use as a residential car park and first floor level, with residential flats over second and seventh floors. The basement, ground and mezzanine floors are currently being converted into a restaurant (Class A3) following permission granted in December 2014.
--

Permission was granted in January 2015 for the installation of roof top plant and extract ducts on the western elevation in order to serve the new restaurant. As the detailed design of the plant has progressed there is a need to make some relatively minor alterations to the location of the ducts and some items of plant. The applicant is applying to make these 'minor material amendments' to the approved development in order to accommodate the required alterations.

Objections have been received from occupiers of residential properties in the building, primarily on noise and vibration grounds.

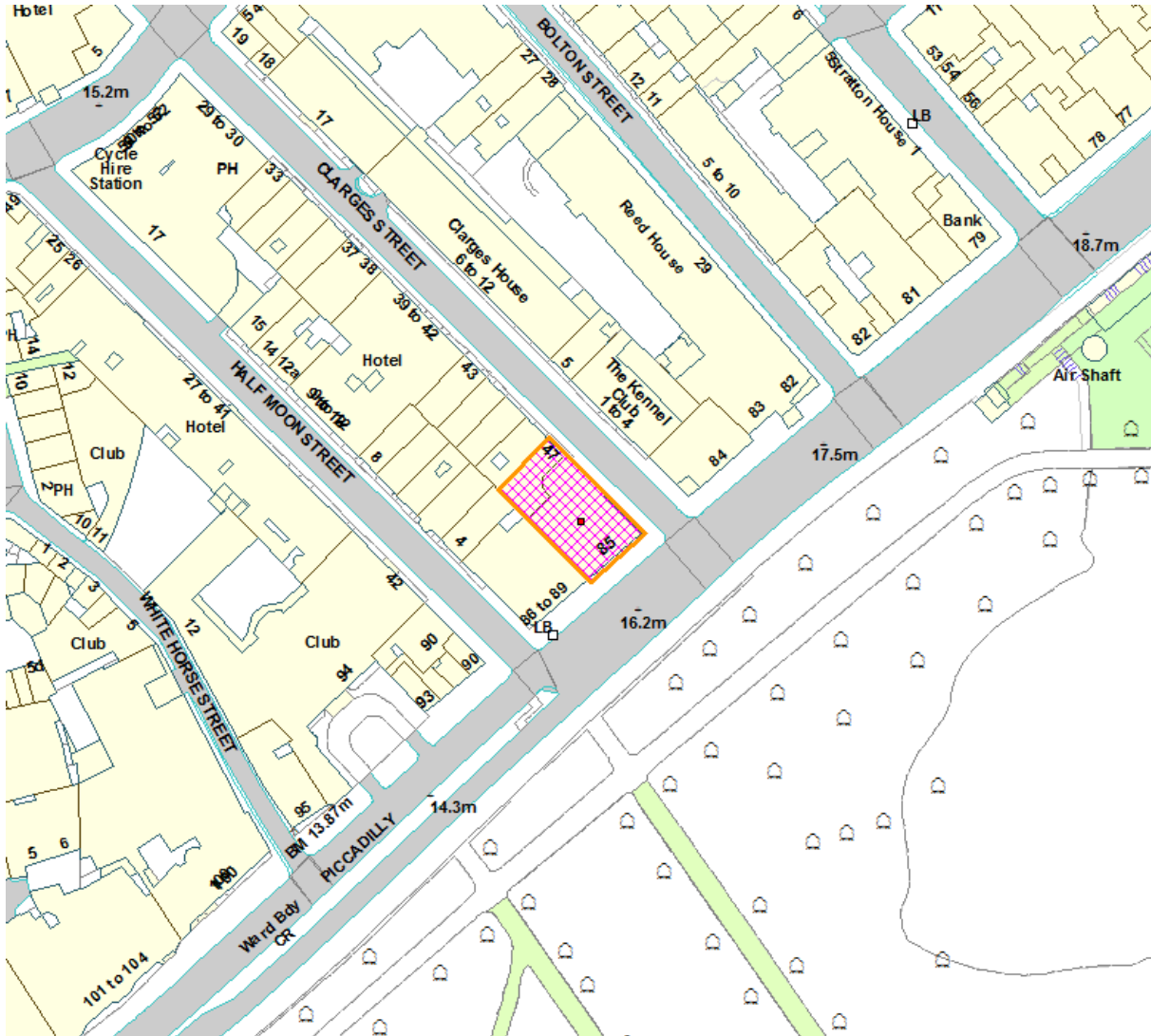
The main issues for consideration are:

- Whether the amendments to the approved plant will result in the plant being noisier and resulting in more vibration, to the detriment of the amenity of the residents living both within the building and in nearby buildings.
- Whether the proposed amendments to the plant will still result in a development that preserves or enhances the character and appearance of the Mayfair Conservation Area.

Environmental Health has reviewed the submitted acoustic information and are satisfied that the proposed plant will not result in noise and vibration concerns for local residents. Furthermore, the design alterations will have a negligible impact upon the visual impact of the proposed plant and therefore the proposal will still preserve the character and appearance of the Mayfair Conservation Area.

For these reasons the proposal is considered to comply with the policies contained within Westminster's City Plan (2016) and the Unitary Development Plan (UDP) (2007). It is accordingly recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

- No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

NO. CONSULTED: 39

TOTAL NO. OF REPLIES: 2

NO. OF OBJECTIONS: 2

NO. IN SUPPORT: 0

Objecting on the following grounds:

Amenity:

- Noise and vibration.
- Loss of light.

Other:

- Impact upon fire escape routes.
- Additional door within the acoustic enclosure will hinder the ability to access a neighbouring resident's property.
- There is an unidentified element on the submitted drawings at seventh floor level.
- Proposed new access bridge at rear second floor level will have an unacceptable impact upon view, security and privacy.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the northern side of Piccadilly at its junction with Clarges Street and lies within the Mayfair Conservation Area. It is also located within the Core Central Activities Zone but is outside the West End Stress Area.

The building is not listed and comprises basement, ground, mezzanine and seven upper floors. The basement, ground and mezzanine floors are in the process of being converted into a restaurant (Class A3) pursuant to permission granted on 18 December 2014. The replacement shopfront approved in this permission has already been installed. The first floor provides residential car parking, accessed via a car lift on Clarges Street. The second to seventh floors are residential flats.

6.2 Recent Relevant History

14/09157/FULL

Installation of ductwork from ground to roof level on south west elevation, installation of plant within first floor car park, and installation of replacement plant and acoustic screens at rear sixth floor level and at roof level.

Application Permitted 13 January 2015

The following conditions of this permission are of particular relevance:

- Condition 4 secures that, with the exception of 24-hour refrigeration plant, the plant / machinery can only operate between 07.30 hours and 00.30 hours daily.
- Condition 5 requires the submission of a post-commissioning noise and vibration survey demonstrating compliance with UDP Policies ENV 6 and ENV 7.
- Condition 6 requires the installation of a number of anti-vibration mitigation measure.

14/08017/FULL

Installation of replacement double height shopfront on Piccadilly and Clarges Street frontages (including enclosing lobby area at corner of Clarges Street and Piccadilly), alterations to residential access to upper floors and waste and recycling store, and installation of replacement pavement lights on Clarges Street and Piccadilly; all in association with the use of the basement, ground floor and mezzanine level as a restaurant (Class A3) and the upper floor floors as flats (Class C3).

Application Permitted 18 December 2014

The following conditions of this permission are of particular relevance:

- Opening hours are restricted to 07.30 - 01.00 daily.
- With the exception of the kitchen extract ducts and any 24 hour plant, the restaurant plant is only permitted to operate between 07.30 – 01.00 daily.

7. THE PROPOSAL

As set out above, permission was granted on 13 January 2015 for the installation of replacement ductwork on the western flank elevation of the building, replacement plant within the first floor car park and replacement plant with acoustic screens at rear sixth floor level. Work has commenced on the approved development within the three-year time limit.

Condition 1 of this permission requires the development to be carried out in accordance with drawings and other documents listed on the decision letter. The development of the design following this permission being granted has meant that the detailed design of the approved plant needs revising for, amongst other reasons, so as not to compromise the fire escape route for the residents within the building. The applicant therefore seeks to vary Condition 1 to allow modified drawings to be substituted for the originally approved drawings in order to make the following 'minor material amendments' to the approved development:

- Re-position and modify the ductwork proposed at rear second floor level, resulting in a bridge access walkway in this location
- Relocation of two ducts on the western elevation so that they are slightly further south than approved.
- Reconfiguration of the plant with the acoustic enclosure at rear seventh floor level.

- Addition of an extra access door within the approved acoustic enclosure.
- Correct a slight discrepancy between the approved drawings whereby the approved front elevation showed one of the extract flues to be slightly lower than set out in the other approved drawings.
- The approved acoustic screen has been slightly redesigned so that the panels now run vertically and also now cover the support posts.

Notwithstanding these proposed amendments, the plant enclosure is proposed to remain the same size and be in the same location. The maximum plant height is also proposed to remain unchanged. The hours of plant operation are also proposed to remain unchanged.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed plant is to serve the restaurant approved by the City Council on 18 December 2014. As set out above the replacement shopfront approved in this permission has already been installed and therefore this permission has been implemented and this use can commence at any time despite the three year life of this permission having now lapsed.

8.2 Townscape and Design

The proposed changes to the approved plant will have a negligible visual impact on the approved development. The assessment therefore remains unchanged; namely that, although it is unfortunate that existing bulky plant at roof level is being replaced by larger equipment, the new equipment will be primarily sited behind an acoustic screen and overall this will improve and tidy up the appearance of the roof which at present is an eyesore. Furthermore, the screens will only be visible from limited public views and therefore the works are considered to have a neutral impact on the character and appearance of the Mayfair Conservation Area.

8.3 Residential Amenity

As set out above, objections have been received from the occupiers of two flats within the host building – the occupants of the flat at second floor level and the penthouse flat that occupies the top three floors of the building. These objections raise a variety of issues but are mainly focussed on the noise and vibration impacts of the proposed plant.

Noise and Vibration

The application was initially accompanied by a letter from the applicant's acoustic consultant setting out how an assessment of the proposed changes to the plant had been undertaken and, based on this assessment, it was not anticipated that the amendments would result in a significant change in noise level from the plant. No details of this assessment, however, was provided.

Environmental Health did not consider that this was sufficient and requested that a revised acoustic report be submitted to demonstrate that the plant will still be able to

achieve the required noise and vibration criteria when the proposed changes are taken into account (ref background paper No. 2).

An addendum to the original Acoustic Report was then submitted by the applicant and all owners / occupiers of neighbouring properties were notified of this additional application document.

Following discussions between Environmental Health and the applicant, further acoustic information was submitted by the applicant. Having reviewed this additional information, Environmental Health confirmed that all plant items have been satisfactorily addressed and the stated noise levels from each item correlate with manufacturer's data. Environmental Health advised that all plant is to operate during the daytime with the exception of the wine cellar condenser which will operate overnight. Environmental Health found that the predicted levels at both day and night are comfortably below the design level criterion and therefore raised no objection (ref background paper No. 3).

An objection was then received from an occupier of one of the flats within the building that was accompanied by an acoustic report raising a number of concerns in respect to the applicant's acoustic information. Environmental Health reviewed this acoustic report and advised (please see background paper No. 4) that the submitted report does not change its earlier conclusion that the plant installation will comply with the relevant criterion within UDP Policy ENV 7 for the following reasons:

- The data referred to in the report had been superseded by additional information provided by the applicant at the request of Environmental Health.
- The difference in background noise at the applicant's and objector's monitoring position amounts to only 1dB
- Additional data provided by the applicant demonstrates that the plant will be able to achieve compliance with noise conditions, even if the plant is found to have tonal or other acoustic characteristics, and even including the differing monitoring positions.
- A condition on the original permission (and still recommended) requires the preparation and submission of a post-commissioning noise and vibration survey. This will need to be discharged before the plant can be operated which give additional comfort that the plant will be compliant with the required noise criteria.

It is clear that the acoustic implications of the proposed plant have been closely scrutinised by Environmental Health and there is no reason why the revised plant will not comply with the relevant criterion within UDP Policy ENV 7.

Objections have also been received on vibration grounds. In addition to a condition securing the proposed vibration mitigations measures, it is recommended that the same post-commissioning noise and vibration survey condition be imposed to ensure compliance with UDP Policy ENV 6. This condition will ensure that there is no harm to residential amenity, through vibration from the plant.

Daylight

An objection has been received on the ground that the approved acoustic enclosure at seventh floor level is being relocated closer to the rear elevation of the penthouse flat

over fifth, sixth and seventh floor level and that this will have an unacceptable impact on the daylight received within this property. This objection is unfounded. The approved acoustic enclosure is not proposed to be relocated and therefore there will be no impact upon daylight levels received in neighbouring properties.

Sense of Enclosure / Privacy / Security

An objection has been received on the ground that the proposed new access bridge at second floor level will have an unacceptable impact upon view, security and privacy given the close proximity of residential windows at this level. This access bridge is for maintenance use only and is not for day-to-day use by residents or restaurant customers. This remains unchanged from the existing situation where this part of the building is accessed for servicing. The proposed amendment will therefore not have an unacceptable amenity impact in terms of security or privacy.

Furthermore, the highly enclosed nature of this rear lightwell and the reasonable distance between the proposed access bridge and the affected residential windows will mean that the structure will not result in a material increase the sense of enclosure for the occupants of the rooms facing this lightwell within the second floor flat.

8.4 Transportation/Parking

The application raises no transportation or parking issues.

8.5 Economic Considerations

The plant is required for the operation of the approved restaurant which will generate economic benefits.

8.6 Access

Access arrangements are unaffected by the proposed minor material amendments to the proposed plant.

8.7 Other UDP/Westminster Policy Considerations

None.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

No planning obligations are required.

The proposed development is not CIL-liable.

8.11 Environmental Impact Assessment

The development is of insufficient scale to require an Environmental Impact Assessment.

8.12 Other Issues

Impact upon fire escape routes

An objection has been made on the ground that the applicant has failed to demonstrate that the proposed development would not impede fire escape routes and requests that permission should not be granted unless the Council's fire safety officers are satisfied. Fire safety is a separate regulatory regime and permission cannot be refused on the ground that the proposal may not satisfy this separate regime.

Impact upon access to neighbouring property

An objection has been made on the ground that the proposed additional door within the acoustic enclosure will hinder the ability to access a neighbouring resident's property. The proposed door would not block any existing access routes and therefore this does not present a sustainable reason for refusing permission.

Unidentified elements on submitted drawings

The supposed additional feature on the flank elevation of the penthouse flat is an existing cat ladder at seventh floor and this is not proposed to be replaced or relocated.

9. BACKGROUND PAPERS

1. Application form
2. Response from Environmental Health, dated 18 September 2017.
3. Response from Environmental Health, dated 26 October 2017.
4. Response from Environmental Health, dated 1 December 2017.
5. Letter on behalf of the owner of the penthouse flat, 47 Clarges Street, dated 29 September 2017.
6. Letter from occupier of Flats 1 and 4, 47 Clarges Street, dated 1 October 2017.
7. Letter from occupier of Flats 1 and 4, 47 Clarges Street, dated 8 November 2017.
8. Letter on behalf of the owner of the penthouse flat, 47 Clarges Street, dated 9 November 2017.
9. Letter from occupier of Flats 1 and 4, 47 Clarges Street, dated 16 November 2017 (including report by MACH Residential dated 15 November 2017).
10. Letter from agent dated 23 November 2017.
11. Letter from agent dated 14 December 2017.

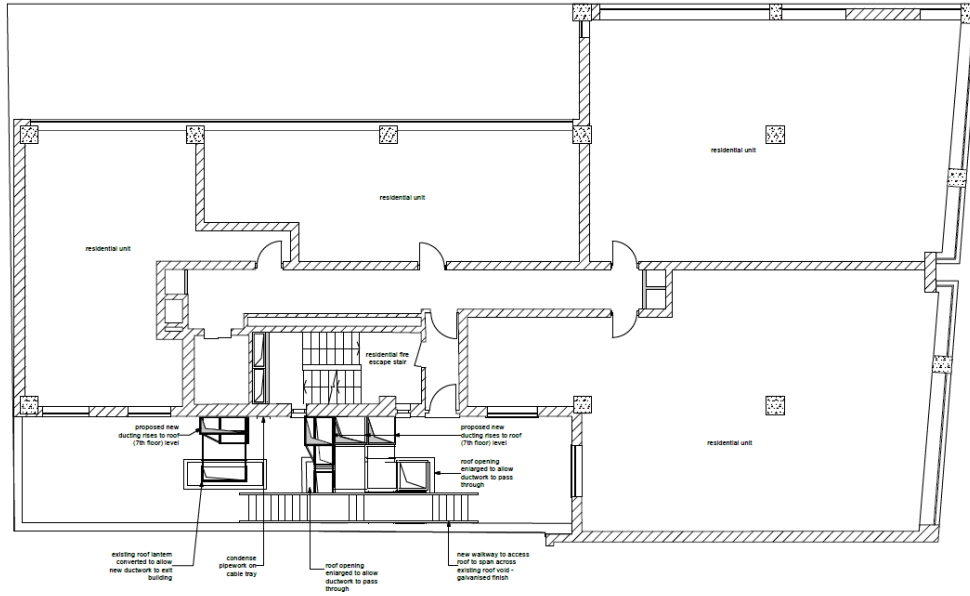
Item No.
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

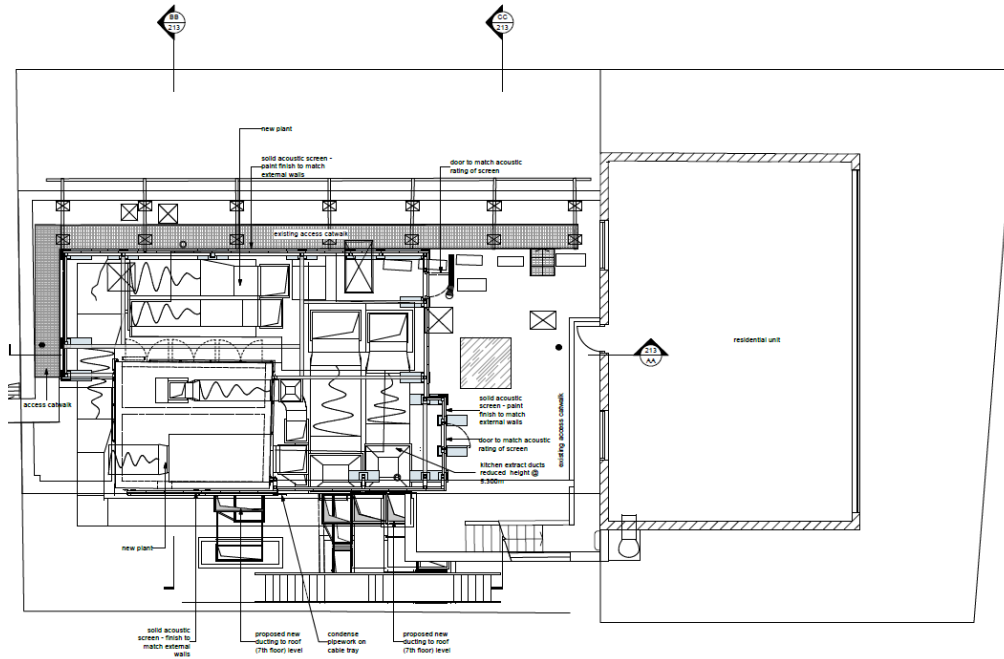
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

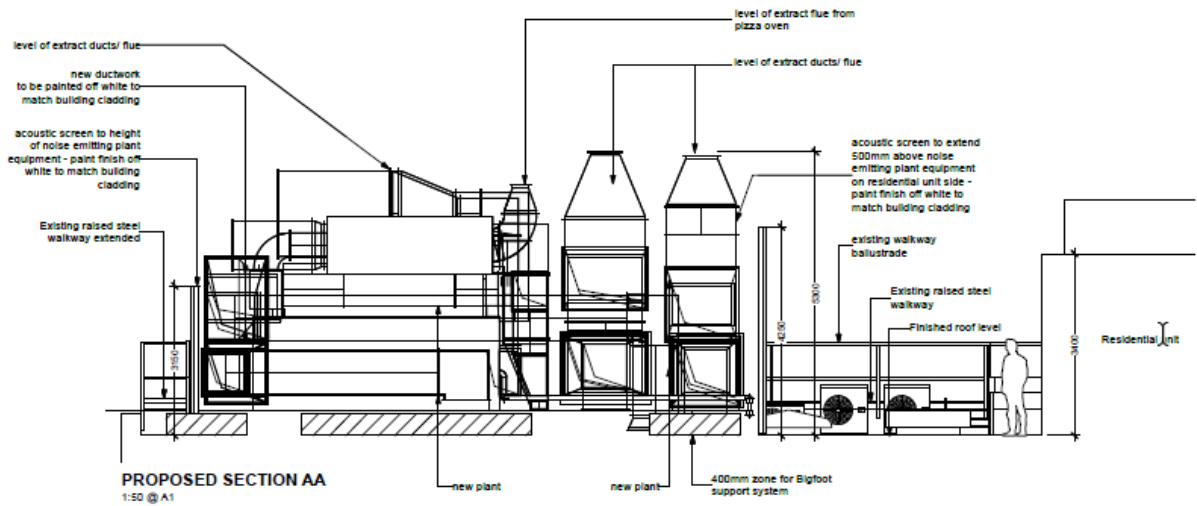
Proposed second floor plan:



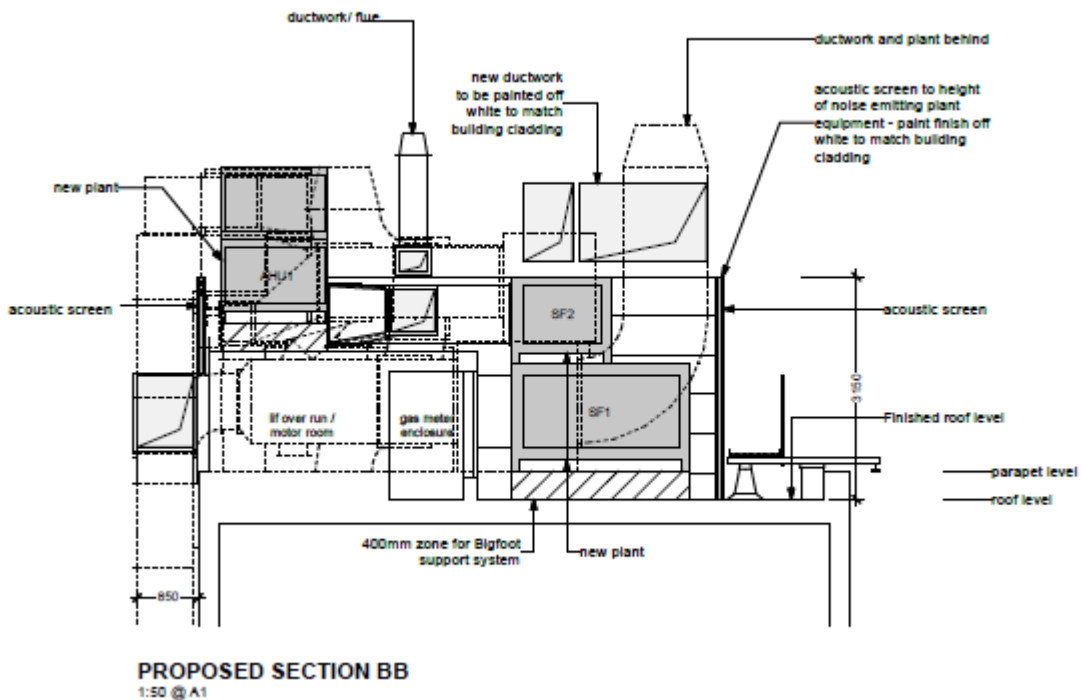
Proposed seventh floor plan:



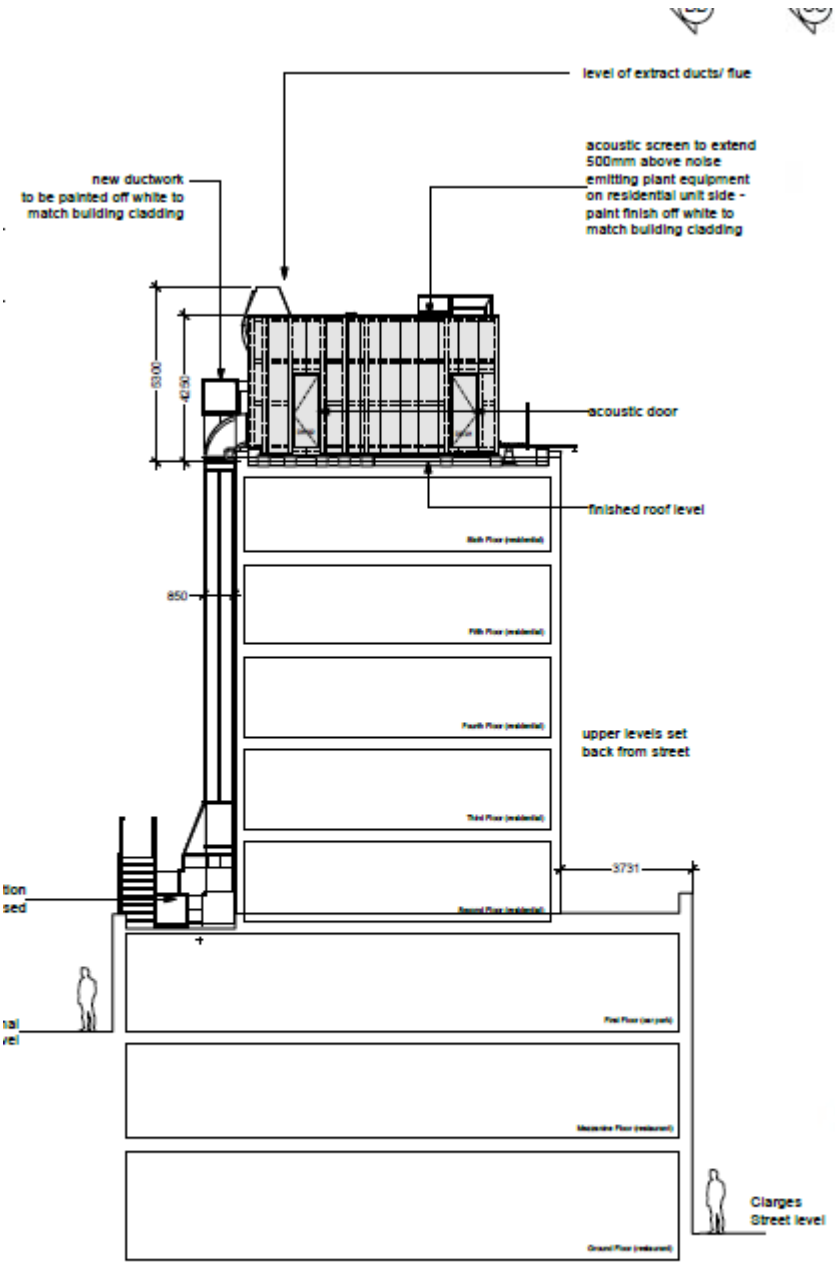
Proposed Section A-A:



Proposed Section B-B:

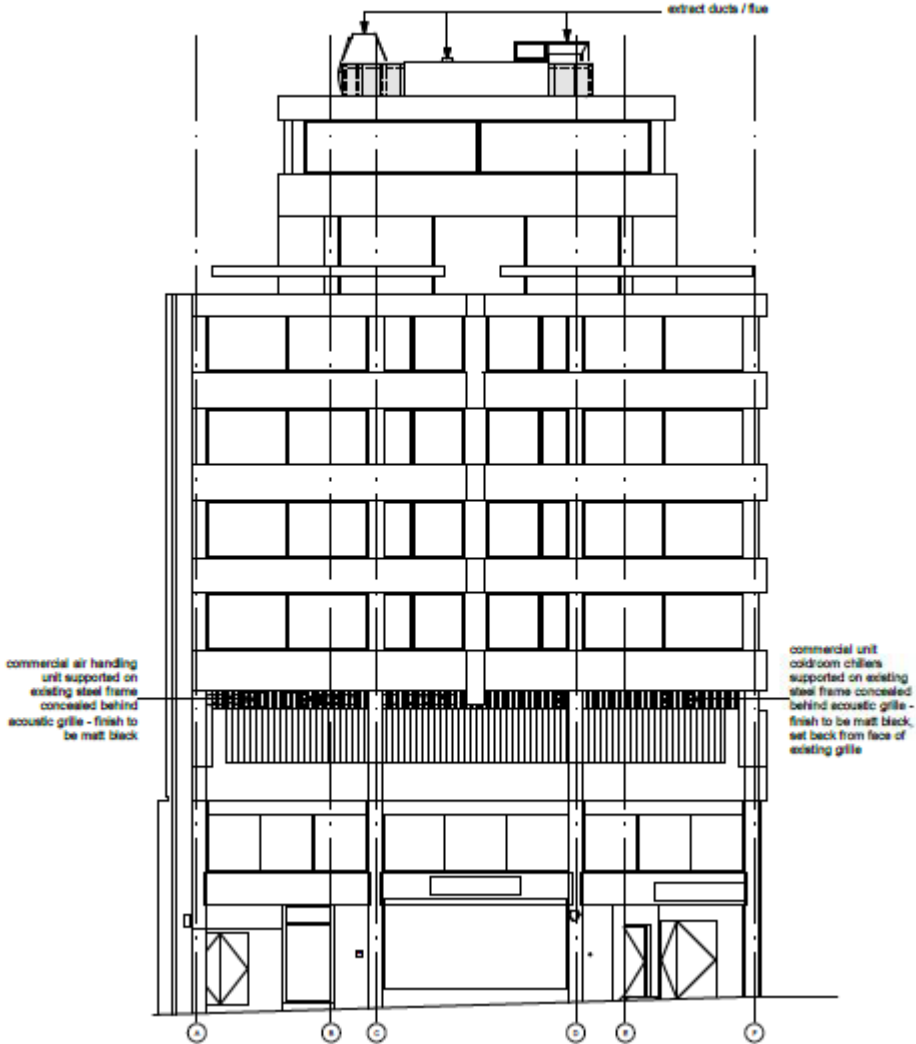


Proposed Section C-C:

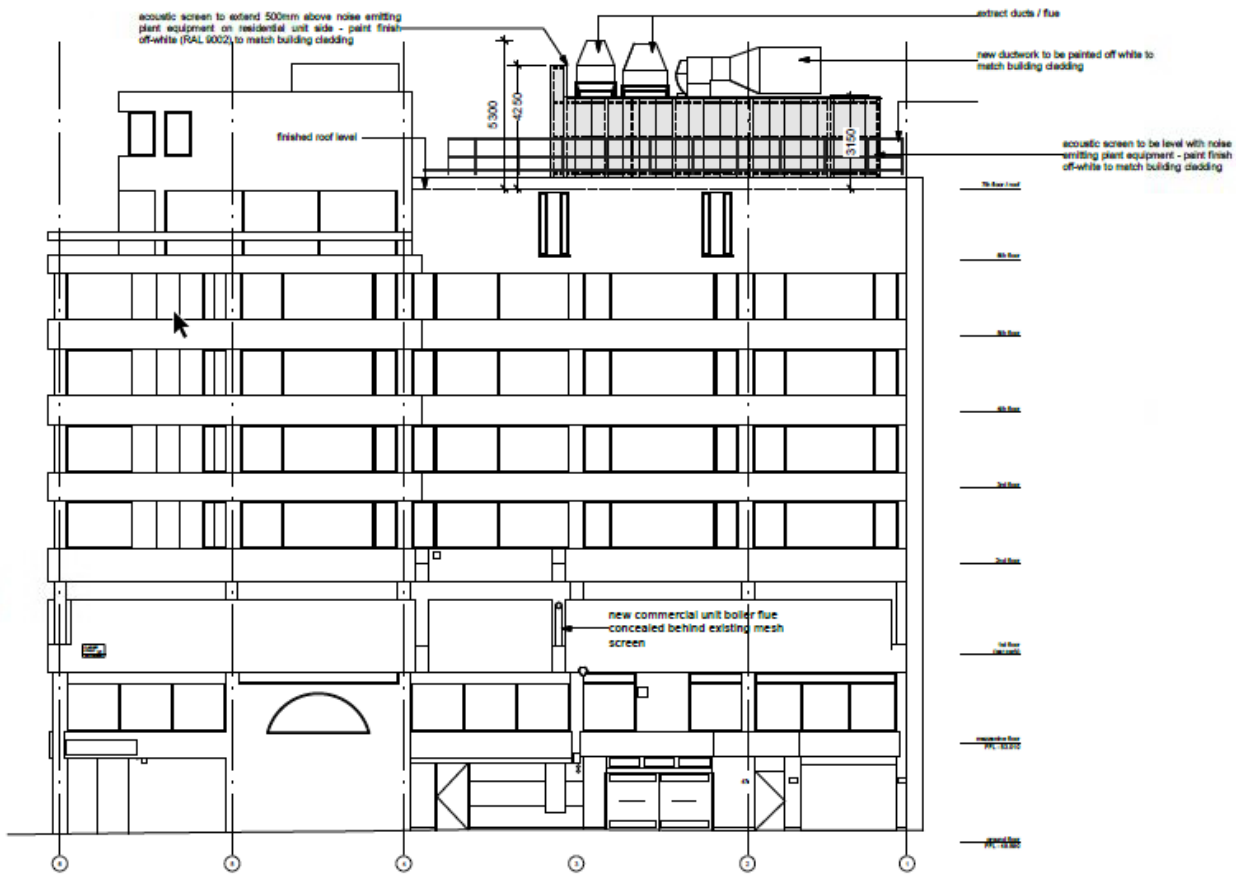


PROPOSED BUILDING SECTION CC
1:100 @ A1

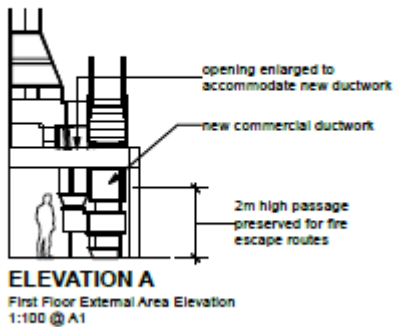
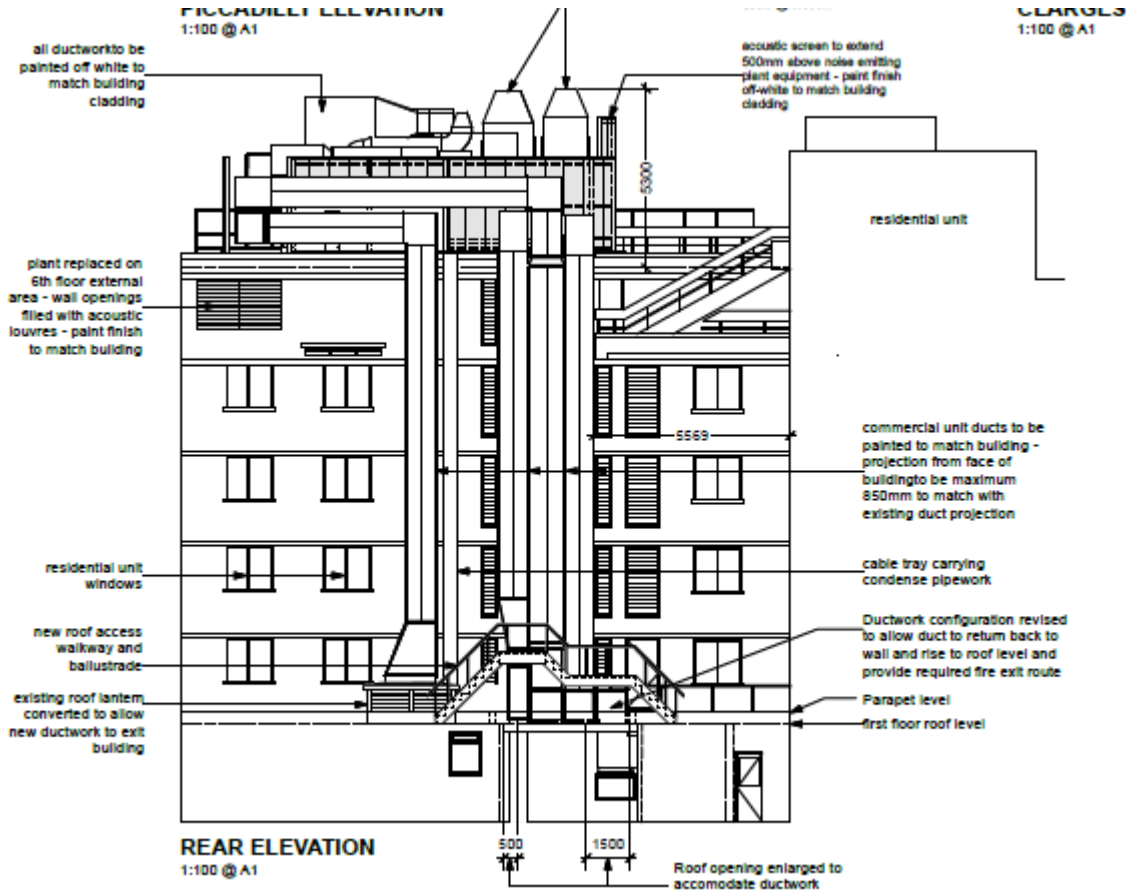
Proposed front elevation:



Proposed Clarges Street elevation:



Proposed west elevation:



DRAFT DECISION LETTER

Address: 85 Piccadilly, London, W1J 7NB,

Proposal: Variation of Condition 1 of planning permission dated 13 January 2015 (RN 14/09157/FULL) for, 'Installation of ductwork from ground to roof level on south west elevation, installation of plant within first floor car park, and installation of replacement plant and acoustic screens at rear sixth floor level and at roof level'; NAMELY, to amend the approved development to re-position and modify the duct running from first floor to main roof level and associated opening at first floor; alterations to acoustic screens at rear sixth floor level and at roof level and alterations to the rear walkway at first floor level to include steps over rear plant at first floor level.

Reference: 17/07384/FULL

Plan Nos: 14/09157/FULL
LG51/01-121b, 122a, 123b, 124c, 213d, 215c, 216a, 3005a and SK004.

17/07384/FULL
LG51/02 121 Rev. C, LG51/02 122 Rev. B, LG51/02 123 Rev. C, LG51/02 124 Rev. D, LG51/01 213 Rev. E, LG51/01 215 Rev. D, LG51/01 216 Rev. C3, LG51/01 SK004 and LG51/02 510.2 Rev. E

Case Officer: [Redacted] Wellington

Direct Tel. No. 020 7641 2523

Recommendation(s) and Reason(s)

- 1 The development 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 carry out any building work which is to be carried out at the boundary of the site only:

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

Noisy work must not take place outside these hours. (C11A)

Reason:

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

- 3 (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.

- 4 With the exception of 24 hours refrigeration plant, the plant / machinery hereby approved shall not be operated except between 07.30 hours and 00.30 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise and vibration survey and we have approved the details of the survey in writing. The post-commissioning survey must demonstrate that the plant/ machinery complies with the noise and vibration criteria set out in Conditions 3 and 6 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (2), (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 that the development is designed to prevent structural transmission of noise or vibration; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 6 You must not operate the plant/ machinery that we have allowed until the following mitigation measures are installed:

- Installation of anti vibration mounts and the use of inertia bases where required.
- Flexible connections between plant/equipment and ductwork/pipework.
- Anti vibration mounts/hangers for all ductwork/pipework within 10 m of the equipment.

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.

These mitigation measures shall be retained in full for as long as the relevant pieces of plant/ machinery are in situ.

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.

- 7 The acoustic screens hereby approved shall be installed in full prior to the installation of the plant / machinery hereby approved and these acoustic screens shall be retained in full for as long as the relevant plant / machinery is in situ.

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Reason:

To make sure that the noise environment of people in noise sensitive properties is protected and 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, S28 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 6, ENV 6, ENV 7 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 8 The acoustic screens and ductwork hereby approved shall be painted and maintained in a matching colour to the host building.

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)

- 9 This permission must be commenced no later than 12 January 2018

Reason:

This permission authorises amendments to the original planning permission granted on 13 January 2015 (RN 14/09157/FULL) which must be commenced no later than the above date.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 3, 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3

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You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.

Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 January 2018	Classification For General Release	
Addendum Report of Director of Planning		Ward(s) involved West End	
Subject of Report	48 albemarle street, london, W1S 4DH		
Proposal	Use of part ground floor level and first to second floor levels for either continued office (Class B1) use or retail (Class A1) use or a sui generis use comprising retail, restaurant and bar elements; the installation of a full height extract duct on the rear elevation and installation of plant with associated acoustic screening on the flat roof area at rear first floor.		
Agent	Monmouth Planning Ltd.		
On behalf of	Tizzola Properties		
Registered Number	17/03502/FULL	Date amended/ completed	24 April 2017
Date Application Received	24 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.
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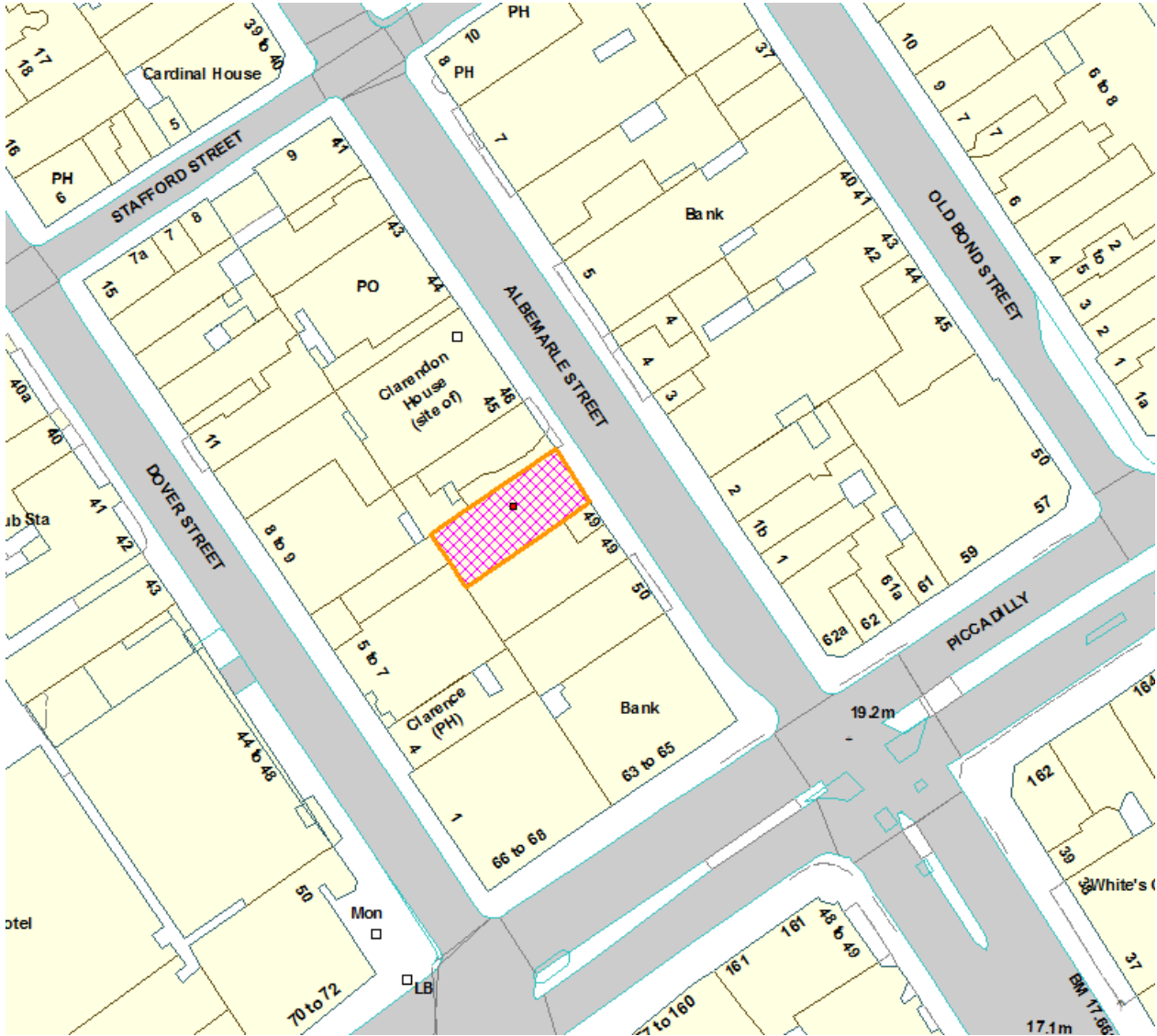
2. SUMMARY

<p>This application was previously reported to the Planning Applications Sub-Committee on the 7th November 2017. Committee resolved to defer the application to allow the applicant to conduct sound insulation tests between the application premises and 47 Albemarle Street an adjoining residential property to the north. Committee also requested that the applicant consider reducing the terminal hour of the proposed mixed retail/restaurant/ café /bar (Sui Generis use) to 00:00 Monday to Saturday and 22:30 on Sundays.</p> <p>Noise readings were carried out on 1st December at the application premises and a living room of a second floor flat at 47 Albemarle Street. An updated acoustic report concludes that there is a possibility that the in situ party wall would provide sufficient sound insulation to achieve the recommended internal noise levels, but recommends an additional wall lining to the existing party wall within 48 Albemarle Street. Environmental Health have assessed the acoustic report and advise that on the basis that the party wall is upgraded as proposed the noise levels achieved would accord with the required criteria. They also advise that any amplification system is controlled by a noise</p>

limiter, and speakers should not be attached to the party wall. An additional condition is recommended to secure this. The residential occupier of the second floor flat who previously objected to the application has been sent the updated acoustic report. They have passed the information along to the freeholder of the property who confirm that they are satisfied with the proposed acoustic solutions.

The applicant previously sought opening hours of the of 08:00 till 00:30 Monday to Saturday and 08:00 till 23:00 on Sundays and Bank Holidays. In the light of the requested from Committee, the applicant has confirmed that the terminal hours would be reduced to 00:00 Monday to Saturday and 22:30 on Sundays.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ENVIRONMENTAL HEALTH

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 1

Total No. of replies: 1

No. of objections: 0

No. in support: 1

The freeholder of 47 Albemarle Street has confirmed they are satisfied with the proposed acoustic treatments.

6. BACKGROUND PAPERS

1. Planning Applications Sub-Committee Report, representations and minutes dated 7 November 2017.
2. Letter from the applicant dated 6th November 2017.
3. Response from Environmental Health dated 15 December 2017.
4. Email from Dover Street Investments Limited dated 14 December 2017.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

DRAFT DECISION LETTER

Address: 48 Albemarle Street, London, W1S 4DH

Proposal: Use of part ground floor level and first to second floor levels for either continued office (Class B1) use or retail (Class A1) use or a sui generis use comprising retail, restaurant and bar elements; the installation of a full height extract duct on the rear elevation and installation of plant with associated acoustic screening on the flat roof area at rear first floor.

Reference: 17/03502/FULL

Plan Nos: Operational Management Plan for Gazelle, Acoustic Report (REP(00)U001), Acoustic Report (REP(00)U002), Acoustic Report (P2007821/MEM(00)U002/RevB), Drawings: 100 P4, 101 RevP2, 102 RevP1, A1 Use (001_01 and 001_02), B1 Use (001_01 and 001_02), Mixed Use (003_05 and 003_06).

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturdays; and, not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 64 order or consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. As set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of the City of Westminster Development Plan that was adopted in January 2007. (R11AC)

3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance unless differences are shown on the drawings we have approved or are specifically stated as a condition to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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)

- 6 You must apply to us for approval of a sample of the following parts of the development - proposed treatment for the extract duct (eg through the use of GRP) so that it matches the adjacent brickwork. You must not start any work on these parts of the development (nor install the duct) until we have approved what you have sent us. You must then carry out the work according to these approved details.

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)

- 7 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)

- 8 Prior to the implementation of the sui generis use hereby approved you must provide each cycle parking space shown on the approved drawings. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 9 Prior to the operation of the sui generis use hereby approved you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy (including hours of servicing) for the premises. All servicing shall be undertaken in accordance with the approved strategy.

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)

- 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.

- 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.

- 12 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.

- 13 You must remove all redundant plant and associated fixtures and fittings before the plant hereby approved is installed.

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)

- 14 Prior to any implementation of the sui generis use within the lawful period hereby approved you must install all the acoustic mitigation measures to the specification detailed within the approved acoustic reports and maintain them in this form for as long as the sui generis use is in operation.

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.

- 15 Prior to the implementation of the sui generis use hereby approved you must install the high level extract duct as shown on the approved drawings and maintain it in this form for as long as the sui generis use is in operation.

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)

- 16 You must install the acoustic enclosures around the plant at rear first floor level at the same time as the plant is installed to the specification detailed in the acoustic report and as shown on the approved drawings. Thereafter the enclosures must be maintained in situ for as long as the plant remains in place.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance and 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 ENV6, ENV7, 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.

- 17 Prior to the implementation of sui generis use hereby approved, all windows at first and second floor level shall be fixed shut and maintained in this form for as long as the sui generis use is in operation.

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)

- 18 The sui generis use hereby approved must be operated in accordance with the stipulations of the Operational Management Plan for Gazelle.

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)

- 19 If you choose to implement the sui generis use you must not allow more than 120 customers into the property at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 20 If you choose to implement the sui generis use hereby approved you must not play live or recorded music within premises that will be audible externally or in the adjacent properties.

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)

- 21 If you choose to implement the sui generis use hereby approved you must not open the premises to customers, and you must not allow customers on the premises, outside the hours: 08:00 till 00:00 Monday to Saturday; and, 08:00 till 22:30 on Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 22 Prior to the implementation of the retail or sui generis use hereby approved you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for each of the uses hereby approved. You must not commence either of these uses until we have approved what you have sent us. You must then provide the relevant stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the premises.

Reason:

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

- 23 Prior to the implementation of the sui generis use hereby approved you must apply to us for approval of details of a supplementary acoustic report demonstrating that the fans associated with the high level extract duct will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not commence the sui generis use hereby approved until we have approved what you have sent us.

Reason:

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

- 24 A noise limiter must be fitted to all amplifications system set at a level determined by and to the

satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No sound generating equipment shall be used on the premises without being routed through the sound limiter device. No speakers are to be affixed to the party wall between 48 and 47 Albemarle Street.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)

- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 5 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 or visit www.ccscheme.org.uk.
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Kitchen Extract Informative: - The kitchen extract ducts should be designed to discharge vertically at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen. , - A scheme of odour reduction will need to be incorporated together with full height discharge if there are surrounding premises that are between 20 m - 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen., - All odour producing processes/cooking must be placed under the extract canopy hood in the kitchen to avoid low level odour escape from kitchen windows and doors., - All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance at approximately 3 metre intervals and also complying with the H & S safe access standards (Informative 180CB).
- 8 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>: BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances, BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 9 Conditions 10 and 11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 Under Part 3, Class E of Schedule 2 to the Town and Country Planning Act (General Permitted Development Order) 1995, the basement, ground and first floors of the property can change between the private members' club (sui generis), offices (first floor only) and restaurant (basement and ground only) for 10 years without the need for further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

Item No.
7

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.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (3)** Committee held on **Tuesday 7th November, 2017**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Andrew Smith (Chairman), Ruth Bush, Louise Hyams and Robert Rigby

4 48 ALBEMARLE STREET, LONDON, W1S 4DH

Use of part ground floor level and first to second floor levels for either continued office (Class B1) use or retail (Class A1) use or a sui generis use comprising retail, restaurant and bar elements; the installation of a full height extract duct on the rear elevation and installation of plant with associated acoustic screening on the flat roof area at rear first floor.

A late representation was received from Monmouth Planning Ltd (06/11/17).

RESOLVED:

That the application be deferred to allow the applicant to conduct sound insulation tests between the applicant premises and the adjoining residential property and report any findings back to a future Planning Sub-Committee meeting. The applicant was also asked to consider reducing the terminal hour of the premises to 00:00 Monday to Saturday and 22:30 on Sundays.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	48 Albemarle Street, London, W1S 4DH		
Proposal	Use of part ground floor level and first to second floor levels for either continued office (Class B1) use or retail (Class A1) use or a sui generis use comprising retail, restaurant and bar elements; the installation of a full height extract duct on the rear elevation and installation of plant with associated acoustic screening on the flat roof area at rear first floor.		
Agent	Monmouth Planning Ltd.		
On behalf of	Tizzola Properties		
Registered Number	17/03502/FULL	Date amended/ completed	24 April 2017
Date Application Received	24 April 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional planning permission.

2. SUMMARY

48 Albemarle Street is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ) but outside of the designated stress areas. The building currently comprises of basement and ground to fourth floor levels and is utilised as a retail unit at basement and ground floor levels, and office accommodation on the upper floors. Planning permission was recently granted on the 24th May 2016 for the use of the first to fourth floor levels as retail accommodation (Class A1).

Planning permission is now sought for the change of use of the first and second floors to allow for either continued office use; retail accommodation or a sui generis use comprising retail, restaurant and bar functions. Externally it is proposed to install plant on a flat roof at rear first floor level with associated acoustic screening and to install a high level extract duct on the rear elevation of the property to terminate at main roof level.

The key issue is:

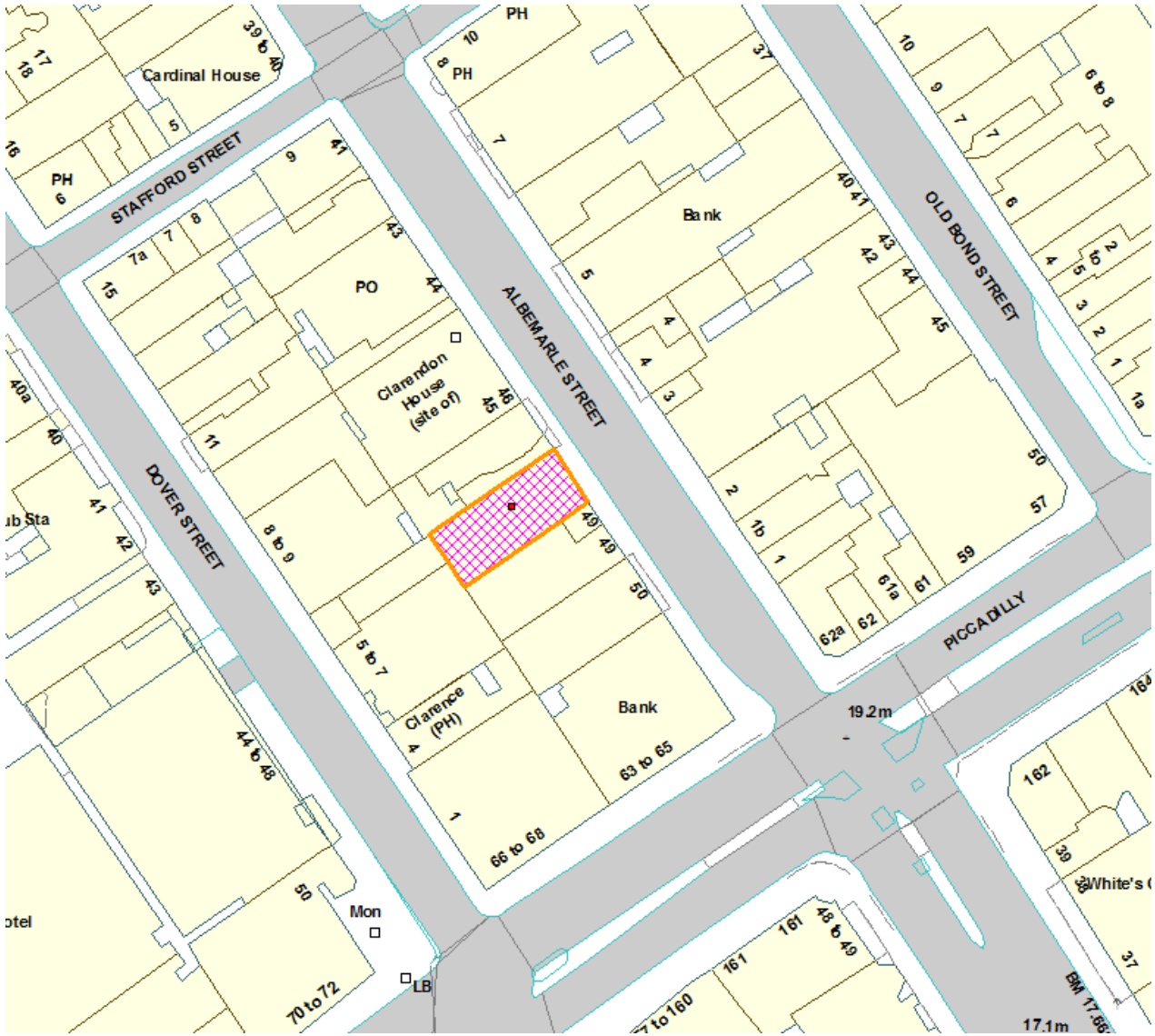
- The impact of the proposed use on the amenity of nearby sensitive occupiers and on the

character and function of the area.

- Potential noise transference from the proposed use through the building structure to adjoining sensitive properties.
- The impact of the proposed external alterations on the character and appearance of the Mayfair Conservation Area.

Subject to appropriate conditions it is considered the proposed office, retail or sui generis use would be acceptable in terms of the impact upon residential amenity in the vicinity and would not harm the character and function of this part of the Core CAZ. Furthermore, the proposed external alterations are considered to preserve the character and appearance of the Mayfair Conservation Area. The proposal is therefore acceptable in amenity, land use, transport, and design terms and the application is recommended for conditional approval being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S
No objection.

HIGHWAYS
Acceptable subject to conditions.

CLEANSING
Objection – insufficient detail has been provided with regard the waste and recycling storage.

ENVIRONMENTAL HEALTH
Acceptable subject to conditions.

METROPOLITIAN POLICE
No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 123
Total No. of replies: 1
No. of objections: 1
No. in support: 0

Objection on the following grounds:

- Noise disruption and air pollution from the operation of the proposed plant.
- Odour nuisance to neighbouring residential properties from the kitchen operation.
- Potential for noise transference through the building structure to the neighbouring residential unit.
- Noise disruption from staff and customers outside the property.
- Clarification sought on emergency access.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

48 Albemarle Street is an unlisted building in the Mayfair Conservation Area and the Core CAZ but outside of any designated stress area. The building comprises basement, ground and four upper floors and is utilised as retail accommodation at basement and ground with office accommodation at first to fourth. Planning permission was granted on the 24th May 2016 for the use of the first to fourth floor levels as retail accommodation (Class A1) with works progressing on-site to part implement this consent to enable the creation of a retail unit at third and fourth floor levels (hairdressers).

The area of the first and second floor levels (with ground floor entrance) to which this application relates currently has lawful use as office accommodation (Class B1) as, whilst

strip out works have taken place on these floors, the approved retail use on these floors has not been implemented.

6.2 Recent Relevant History

Planning permission was granted on the 24th May 2016 for the; 'Use of the first, second, third and fourth floors as retail accommodation (Class A1)'.

7. THE PROPOSAL

Permission is sought for the change of use of the first and second floors of the property and ground floor entrance to either retail accommodation, continued office use or a sui generis use comprising retail, restaurant and bar functions. It is also proposed to install air conditioning equipment on a flat roof area at rear first floor level with associated acoustic enclosures and to install a high level extract duct on the rear elevation of the property to terminate at main roof level to provide extraction for the proposed kitchen with the sui generis use.

The table below details the proposed arrangements of the potential sui generis use:

	Sui generis use comprising ground floor entrance and first and second floor levels
Floor space (m2)	259m ²
No of covers	120
Hours of Operation	08:00 till 00:30 Monday to Saturday and 08:00 till 23:00 on Sundays and Bank Holidays.
Ventilation arrangements	New kitchen extract to be routed externally on the rear elevation to terminate at main roof level.
Refuse Storage arrangements	Relevant conditions proposed.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

Office use

The proposal could result in the loss of general office accommodation (Class B1). The City Council has no policies seeking the protection or retention of general office accommodation in this location where the proposed change is to another commercial use. The potential loss of the office floor space is therefore considered acceptable in principle.

Retail use

As detailed above there is an extant consent for the retail use of the premises which was granted in May 2016. The potential increase in retail accommodation is welcomed at this location and accords with Policies S6 and S21 of the City Plan and SS4 of the UDP.

Sui Generis use

The proposed occupier of the sui generis use already operates 'Bar Termini' from 7 Old Compton Street which has been in operation since 2012. The proposed sui generis use has been detailed within the submitted Operational Management Plan. Within the ground floor entrance there would be a small reception area where customers would be met, the capacity of the first and second floors would be 60 covers per floor. The premises would be open for breakfast, lunch and dinner, the retail function of the operation would result from any cold food and drinks sold for consumption off the premises. Whilst this is likely to be small element of any operation the applicant would offer juices, cakes and Italian influenced goods which could be purchased and taken away.

The proposed use would measure 259m², an entertainment unit of this type and size located within the Core CAZ but outside of a designated stress area would be considered against Policies TACE8 of the UDP and S24 of the City Plan.

Policy S24 of the City Plan requires 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 on residential amenity, health and safety, local environmental quality and the character and function of the area.*' Policy TACE8 of the UDP has similar stipulations and relates to new entertainment uses which 'will generally be permissible'. Where the City Council considers the proposal will not have an adverse impact (including cumulative effects) resulting from noise, vibration, odour, late night activity or traffic implications permission may be granted but conditions would be required to restrict opening hours, capacity, servicing, arrangements for waste and recycling, any take-away from the premises, deliveries, music, bar areas and suitable arrangements should be made to prevent noise nuisance and to disperse cooking odours.

It is recognised that there can be considerable variation between the uses within a Use Class in terms of their effects on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. Factors that the Council will take into account when assessing new entertainment uses include the gross floor space to be occupied by the proposed use, its capacity, the type of use, servicing arrangements and any supporting statement provided in respect of the management of a use.

The immediate vicinity of the site is characterised primarily by commercial uses with retail and restaurants on the lower floors and office accommodation on the upper floors. The site is located approximately 40m north of the junction with Piccadilly. The nearest residential properties are two flats within the adjoining property to the north (47 Albemarle Street) and a single residential flat within 50 Piccadilly to the south of the application site. Council records do not indicate any other residential units on this section of Albemarle Street between Piccadilly and Stafford Street.

One objection has been received to the application from the residential occupier of the residential unit at second and third floor level within 47 Albemarle Street. They are concerned with regard the installation of plant and the potential for noise disturbance, pollution and odour resulting from its operation. They are also concerned about the

potential for noise and disturbance from customers and staff entering and exiting the premises and noise transference through the building structure itself resulting from the sui generis operation.

It is proposed for the new entertainment premises to have 120 covers and opening hours of 08:00 till 00:30 Monday to Saturday and 08:00 till 23:00 on Sundays and Bank Holidays. Paragraph 8.88 of the UDP states; *'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas, it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'*. As detailed above this is not considered a 'predominantly residential area' and being so close to Piccadilly it is likely there is a high footfall of pedestrians in this area late into the evening.

The nearest licensed premises include:

- A restaurant at 42 Albemarle Street with opening hours of 10:00 to 02:30 Monday to Saturday and 10:00 till 01:30 on Sundays;
- The King's Head public house at 10 Stafford Street with opening hours of 07:00 to 00:30 Monday to Thursday, 07:00 to 01:30 Friday to Saturday and 07:00 to 00:30 on Sundays; and
- A premises in the lower ground floor of 36 Albemarle Street licensed to open from 09:00 till 06:00 Monday to Saturday and 09:00 till 23:00 on Sundays.

The proposed opening hours are therefore considered acceptable and it is not considered the proposal would result in additional late night noise within the area especially in such close proximity to Piccadilly which will facilitate rapid dispersal of patrons leaving the premises.

The Operational Management Plan submitted in support of the application states that in order to ensure the operation of the premises causes no nuisance to neighbouring occupiers the applicant will:

- Not allow customers to drink outside the premises;
- Contain all waiting customers in the ground floor area;
- Have a member of staff within the ground floor entrance at all times (including SIA trained door staff at appropriate times);
- Any customers congregating outside the premises will be asked to move on;
- Appropriate acoustic mitigation will be installed as required;
- Any music will not be audible outside the premises;
- Staff are also able to call taxis when people pay their bills with the customer remaining in the premises until the taxi is available; and
- Comply with the requirements of this Operational Management Plan should the sui generis use be implemented (to be secured by condition).

A condition is also proposed stating that no music can be played in the premises which is audible externally or within adjoining properties. This is to ensure there is no noise nuisance to the adjoining residential occupiers.

The proposed restaurant would have a new high level extract duct terminating at main roof level which would provide suitable odour dispersal above the height of all neighbouring residential windows. A condition is proposed to ensure that, if the sui generis use be implemented, the duct is provided and retained in association with this premises. Whilst an objection has been received in relation to the potential for odour nuisance from the operation to affect the neighbouring sensitive property, with this duct in place the objection is not considered sustainable.

A number of acoustic reports have been submitted by the applicant with regard noise transference through the building structure from the proposed sui generis use to the residential flat within 47 Albemarle Street at second and third floor levels. The objector within this neighbouring property (second and third floor level) has had these critiqued by his own acoustic consultant and has maintain his objection to the proposal, arguing that the proposed acoustic mitigation measures would be insufficient to ensure the operation of the use does not result in unacceptable noise transmission through the building structure.

Subsequent to the submission of the application, the acoustic consultant for the applicant has conducted noise testing within the first floor flat at 47 Albemarle Street and this has informed its analysis. In order to comply with the City Council's policy requirements with regard to internal noise levels in residential properties, it is proposed to install secondary glazing to the windows (which should also be fixed shut), acoustically treated fire doors on the rear elevation, and acoustic wall lining at first and second floor levels on the party walls between the application site and No. 47 Albemarle Street.

The Environmental Health Officer has reviewed all the submitted information and has determined that, with the identified acoustic mitigation measures installed, the proposal will be compliant with the relevant adopted policies. Conditions will be imposed to ensure that any noise transmission resulting from the proposal to the neighbouring sensitive uses accords with UDP Policies ENV 6, thereby preserving the residential amenity of this neighbouring resident (in accordance with City Plan Policy S29). Conditions are proposed to ensure that all the acoustic mitigation measures are installed as described before the unit operates and maintained in situ for as long as the premises is in operation. Whilst the objection is noted, the acoustic information from both parties has been fully assessed by the Environmental Health Officer and the proposal deemed acceptable subject to the conditions detailed above.

With the relevant safeguarding conditions detailed above and the modest opening hours of the entertainment use, it is not considered that the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality. The principle of the proposed entertainment premises is therefore considered to be in accordance with UDP Policy TACE8 and City Plan Policy S24.

8.2 Townscape and Design

No. 48 Albemarle Street is on the west side of the street and dates from the eighteenth century. It was refaced in the early twentieth century and has a painted stucco façade with metal-framed windows. To the rear the brick facades are painted black and are dominated by a metal fire escape. The rear of the property is visible from some of the neighbouring

properties, many of which have a variety of mechanical plant installations and full height flues/ducts.

In this context, the proposed location of the new plant at No. 48 is acceptable and in terms of its detailed design it has been sited to minimize its visual impact. Subject to the installation of GRP cladding around the high level extract duct finished to match the adjoining brickwork, the character and appearance of the building and surrounding conservation area will be maintained. This accords with UDP policies DES 1, DES 5 and DES 9.

8.3 Transportation/Parking

The site is located within a Controlled Parking Zone so anyone driving to the site will be subject to these restrictions. It is expected that most people visiting the site will use public transport.

Whilst the potential retail use would likely have the same servicing requirements of the office use, the potential entertainment use would likely result in additional servicing requirements. Whilst some information has been provided with regard deliveries in the Operational Management Plan, this only provides general information on the storage areas and management of staff requirements and delivery times. The Highways Planning Manager has requested the addition of a condition to any approval requiring the submission of a Servicing Management Plan to more fully detail the management of the servicing of the entertainment premises and how this will be managed to reduce any impact upon highways movements or the amenity of neighbouring sensitive occupiers. Such a condition is proposed.

Cycle parking has been shown on the half landing areas and a relevant condition is proposed to ensure this is provided and retained.

With these conditions in place the proposal is considered acceptable in transportation terms.

8.4 Economic Considerations

Any economic implication of the proposal is likely to be neutral.

8.5 Access

There is existing level access from the street to the ground floor of the property with an existing lift servicing the upper floors of the property. This arrangement would be retained and an accessible toilet would be provided at first floor level within the proposed entertainment use.

8.6 Other UDP/Westminster Policy Considerations

Plant

Four air conditioning units are proposed within associated enclosures on the rear first floor flat roof area and a high level extract duct is proposed on the rear elevation of the property

to terminate at main roof level. One existing item of plant on the rear flat roof area is to be removed. The proposed plant installation has been considered in the context of Policies ENV6 and ENV7 of the UDP and S29 and S32 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance.

The initial acoustic assessment submitted in support of the application included background noise measurements from February 2017 in order to establish the design criteria for the new plant. It was noted that these measurements differed from the background noise measurements included in an earlier report when measurements were taken at the rear of the property in June 2016. Additional information was submitted to substantiate the February 2017 measurements and these measurements have now been accepted as accurate by Environmental Health with the June 2016 results described by the Environmental Health Officer as being 'an outlier as it presents noise data significantly at variance with the remaining three noise reports'.

The lowest background noise levels were recorded as 53dB, 54db and 52dB for the daytime, evening and night-time respectively. Taking into account the acoustic mitigation provided by the proposed enclosures the noise level from the plant is expected to be a maximum of 42dB at the nearest sensitive window which serves 47 Albemarle Street to the north.

Environmental Health has confirmed that the proposed plant will be compliant with the relevant criterion within UDP Policy ENV 7, raising no objection to the proposal. Conditions are proposed in relation to noise, vibration and the installation and retention of the acoustic mitigation features. An objection has been received to the application with regard the potential for noise disturbance from the plant installation but, as detailed above, all the proposed plant has been carefully considered by Environmental Health and noise levels will be compliant with the relevant policies.

The objector raised an issue about plant within the vicinity already causing a noise nuisance. However, this plant has been investigated by Environmental Health and found to be compliant with the relevant conditions attached to its planning consent. The objector has also questioned whether the duct is large enough for the restaurant. This is the duct which has been sought by the planning application and, if a materially different duct was required, its installation would need to be subject to a subsequent application. The objector has commented that the fan units for the duct are not been shown on the drawings. The applicant has confirmed that the fan associated with the duct will be located internally within the property. Considering the fan is within the premises, a condition is proposed requiring the submission of a supplementary acoustic report to demonstrate the fan operation is compliant with the standard noise criteria.

Refuse /Recycling

A suitable waste storage area has been identified on the proposed drawings for the entertainment use but the Cleansing Manager has requested the submission of a revised drawing to show the relevant bin capacities and labelled bins for general waste, food waste and recycling as well as the waste cooking oil storage. A condition is proposed requiring the submission of an amended drawing to show this.

Other

The objector has also asked for further information relating to emergency access for the proposed uses but this is a Building Control rather than a planning matter and would be assessed through the application of the building regulations.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

The application does not generate any requirement to secure any planning obligations.

9. BACKGROUND PAPERS

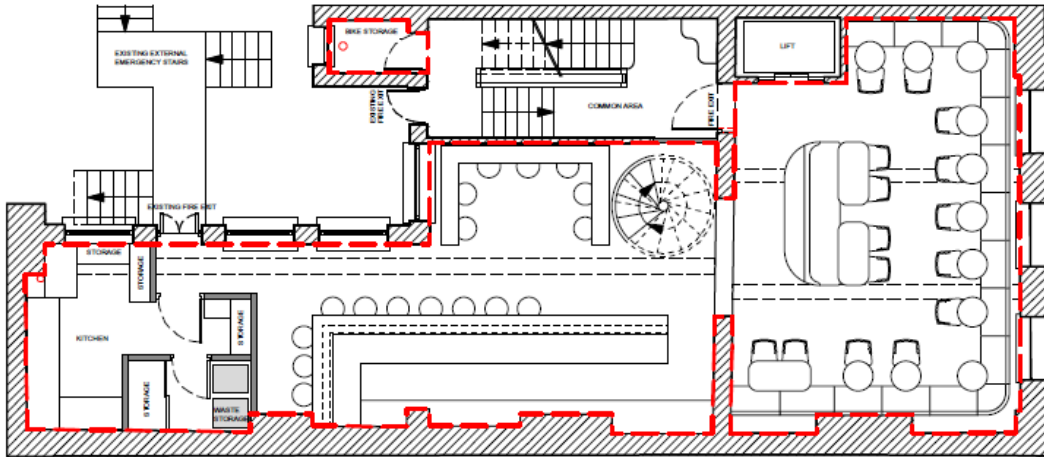
1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 24 May 2017
3. Response from the Metropolitan Police (Designing Out Crime) dated 28 April 2017
4. Response from the Cleansing Manager dated 10 May 2017
5. Response from the Highways Planning Manager dated 17 May 2017
6. Responses from Environmental Health, dated 2 June 2017, 4 September 2017 and 14 September 2017
7. Letters from One Planning Consultants, 83-87 Pottergate, Norwich, dated 17th May 2017, 22 May 2017, Francis Taylor Building, Inner Temple dated 19 May 2017 and 8 September 2017, Cole Jarman, 24B High Street, Addlestone, Surrey dated 30 May 2017 and 8 September 2017 (all representing the occupier of the second and third floor flat, 47 Albemarle Street, London).

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

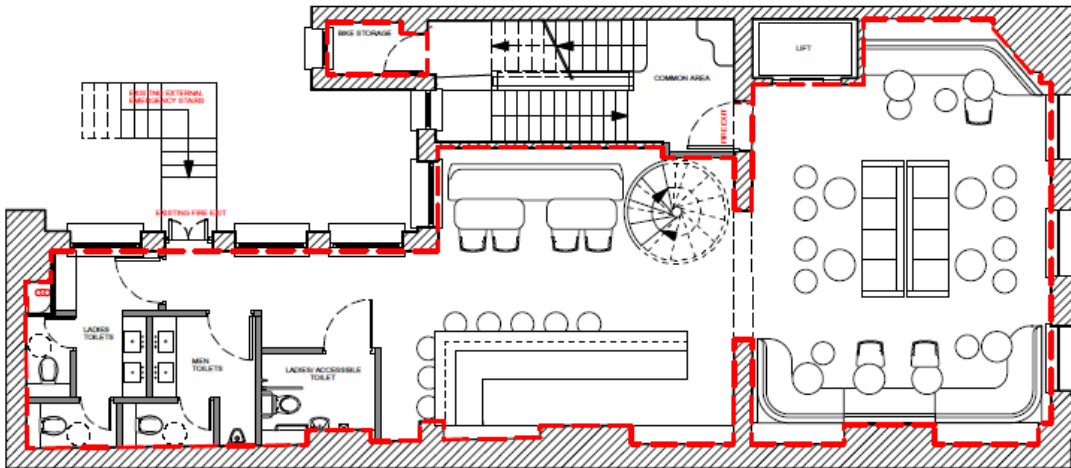
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

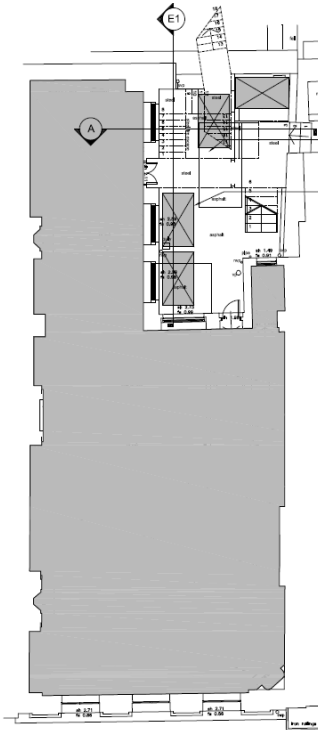
Proposed First Floor (sui generis use)



Proposed Second Floor (sui generis use)



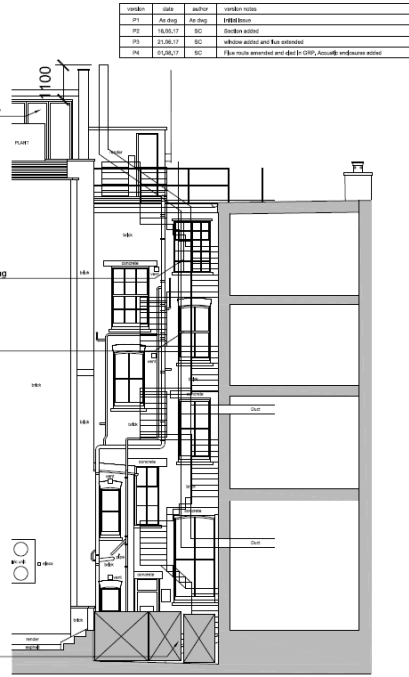
Proposed Rear Elevation



01 Proposed First Floor Plant Plan
Scale 1:100



02 Proposed Elevation E1
Scale 1:100



03 Proposed Section A
Scale 1:100

Drawn	Date	Author	Revision
P1	04.09.17	AR	1:01/Initial
P2	04.09.17	SC	2:01/Revisions
P3	21.06.17	SC	3:01/Revisions and fix window
P4	01.06.17	SC	Fix main amenity and add in GRP, acoustic enclosures added

0 1m 2.5m 5m
SCALE: 1:100

PLANNING

Orbit Architects

DRAFT DECISION LETTER

Address: 48 Albemarle Street, London, W1S 4DH

Proposal: Use of part ground floor level and first to second floor levels for either continued office (Class B1) use or retail (Class A1) use or a sui generis use comprising retail, restaurant and bar elements; the installation of a full height extract duct on the rear elevation and installation of plant with associated acoustic screening on the flat roof area at rear first floor.

Reference: 17/03502/FULL

Plan Nos: Operational Management Plan for Gazelle, Acoustic Report (REP(00)U001), Acoustic Report (REP(00)U002) Drawings: 100 P4, 101 RevP2, 102 RevP1, A1 Use (001_01 and 001_02), B1 Use (001_01 and 001_02), Mixed Use (003_05 and 003_06).

Case Officer: Matthew Giles

Direct Tel. No. 020 7641 5942

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

You must carry out piling, excavation and demolition work only:

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the 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 paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)
- 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)
- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)
- 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)
- 6 You must apply to us for approval of a sample of the following parts of the development - proposed treatment for the extract duct (eg through the use of GRP) so that it matches the adjacent brickwork. You must not start any work on these parts of the development (nor install the duct) until we have approved what you have sent us. You must then carry out the work according to these approved details.
- 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)
- 7 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)
- 8 Prior to the implementation of the sui generis use hereby approved you must provide each cycle parking space shown on the approved drawings. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 9 Prior to the operation of the sui generis use hereby approved you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy (including hours of servicing) for the premises. All servicing shall be undertaken in accordance with the approved strategy.

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)

- 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 LA90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal

and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 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.

- 12 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.

- 13 You must remove all redundant plant and associated fixtures and fittings before the plant hereby approved is installed.

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)

- 14 Prior to the implementation of the sui generis use hereby approved you must install all the acoustic mitigation measures to the specification detailed within the approved acoustic reports and maintain them in this form for as long as the sui generis use is in operation.

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.

- 15 Prior to the implementation of the sui generis use hereby approved you must install the high level extract duct as shown on the approved drawings and maintain it in this form for as long as the sui generis use is in operation.

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)

- 16 You must install the acoustic enclosures around the plant at rear first floor level at the same time as the plant is installed to the specification detailed in the acoustic report and as shown on the approved drawings. Thereafter the enclosures must be maintained in situ for as long as the plant remains in place.

Reason:

To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance and 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 ENV6, ENV7, 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.

- 17 Prior to the implementation of sui generis use hereby approved, all windows at first and second floor level shall be fixed shut and maintained in this form for as long as the sui generis use is in operation.

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)

- 18 The sui generis use hereby approved must be operated in accordance with the stipulations of the Operational Management Plan for Gazelle.

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)

- 19 If you choose to implement the sui generis use you must not allow more than 120 customers into the property at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 20 If you choose to implement the sui generis use hereby approved you must not play live or recorded music within premises that will be audible externally or in the adjacent properties.

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)

- 21 If you choose to implement the sui generis use hereby approved you must not open the premises to customers, and you must not allow customers on the premises, outside the hours:

- 08:00 till 00:30 Monday to Saturday; and
- 08:00 till 23:00 on Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 22 Prior to the implementation of the retail or sui generis use hereby approved you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for each of the uses hereby approved. You must not commence either of these uses until we have approved what you have sent us. You must then provide the relevant stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the premises.

Reason:

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

- 23 Prior to the implementation of the sui generis use hereby approved you must apply to us for approval of details of a supplementary acoustic report demonstrating that the fans associated with the high level extract duct will comply with the Council's noise criteria as set out in Condition 10 of this permission. You must not commence the sui generis use hereby approved until we have approved what you have sent us.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which

relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 4 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 5 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 or visit www.ccscheme.org.uk.
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Kitchen Extract Informative:
 - The kitchen extract ducts should be designed to discharge vertically at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen.
 - A scheme of odour reduction will need to be incorporated together with full height discharge if there are surrounding premises that are between 20 m - 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen.
 - All odour producing processes/cooking must be placed under the extract canopy hood in the kitchen to avoid low level odour escape from kitchen windows and doors.
 - All kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance at approximately 3 metre intervals and also complying with the H & S safe access standards (Informative 180CB).
- 8 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public. Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm, The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>., BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances, BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 9 Conditions 10 and 11 control noise from the approved machinery. It is very important that you

meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 10 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the relevant parts of the property can change between the A1, B1 and sui generis uses we have approved for 10 years without the need for further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

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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