



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 19th December, 2023**

Time: **6.30 pm**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Jason Williams (Chair)
Paul Fisher
Md Shamsed Chowdhury
Elizabeth Hitchcock



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, 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.



If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Senior Committee Councillor Co-ordinator.

**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 Director of Law 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 pecuniary interests or any other significant interest 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

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

(Pages 5 - 10)

- | | |
|--|--------------------------|
| 1. BASEMENT AND GROUND FLOOR, 38 CURZON STREET, LONDON, W1J 7TU | (Pages 13 - 62) |
| 2. 11 STANHOPE GATE, LONDON, W1K 1AN | (Pages 63 - 108) |
| 3. 71-73 BELGRAVE ROAD, LONDON, SW1V 2BG | (Pages 109 - 142) |

**Stuart Love
Chief Executive
11 December 2023**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 31st October, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Sara Hassan, Ryan Jude and Elizabeth Hitchcock

1 MEMBERSHIP

- 1.1 It was noted that Councillors Bush and Jude had replaced Councillors Williams and Chowdhury on the Sub-Committee.
- 1.2 A Councillor was required to Chair the evening's meeting and the Sub-Committee

RESOLVED:

That Councillor Ruth Bush be elected Chair of Planning Applications Sub-Committee (1) for that evening's meeting.

2 DECLARATIONS OF INTEREST

- 2.1 The Chair explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

- 2.2 Councillor Hitchcock declared that in respect of Item 2 the application site was situated within her ward, but she had held no discussions with any parties regarding the application.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 22 August 2023 be signed by the Chair as a correct record of proceedings.

4 TREE PRESERVATION ORDER TPO 697 - 92 CLIFTON HILL, LONDON, NW8 0JT

To confirm or not to confirm Tree Preservation Order No. 697.

Additional representations were received from Councillor Caroline Sargent (23.10.23) and Westminster City Council's Arboricultural Officer (24.10.23).

Late representations were received from Westminster City Council's Town Planning and Building Control Team (15.06.23) and Arboricultural Officer (23.05.23).

Simon Gamlin addressed the Sub-Committee in objection to the order.

RESOLVED UNANIMOUSLY:

That Tree Preservation Order No. 697 (2023) be confirmed without modification with permanent effect.

5 PLANNING APPLICATIONS

The Sub-Committee heard the planning applications in the following order: 2, 3 and 1.

1 11 STANHOPE GATE, LONDON, W1K 1AN

Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.

The Presenting Officer also tabled a revised recommendation in addition to the following amended conditions:

1. Grant conditional permission subject to completion of a S106 legal agreement to secure the following:
 - i. A late-stage viability review mechanism
 - ii. Car club membership for the occupiers of all residential units for a period of 25 years.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Amended Condition 3:

You must carry out the works hereby approved in compliance with the signed agreement dated 24 January 2023 confirming that the implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice.

Deletion of Condition 14 and replacement with:

Amended Condition 14:

The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

Additional Condition 21:

You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Air source heat pumps;

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 Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

RESOLVED UNANIMOUSLY:

That the application be deferred and be reported back to committee on completion of an addendum report to fully address the lack of affordable housing within the scheme and to provide further detail on the reasons why no payment in lieu was viable.

2 90 BROMPTON ROAD, LONDON, SW3 1ER

Dual/alternative use as either an 'interactive museum' (sui generis) or as commercial, business or service premises (Class E) for a temporary 10 year period.

A late representation was received from Jason Leech (30.10.23).

The Presenting Officer circulated the submitted Operational and Servicing Management Plan (17.10.23) and tabled the following amendment and addition to the conditions:

Amendment to condition 4:

- You must provide each cycle parking space shown on the approved drawings prior to opening occupation of the 'interactive museum' to visitors. Thereafter the cycle parking spaces must be retained and the spaces used for no other purpose for as long as the 'interactive museum' is in use.

Add condition 9:

- 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 1.00 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
- o Not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside of 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 Policies 7 and 33 of the City Plan 2019 – 2040 (April 2021). (R11AD)

Jason Leech addressed the Sub-Committee in support of the application.

The Committee Clerk read out the deputation from Simon Birkett, representing the Knightsbridge Neighbourhood Forum, in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional planning permission, as amended, be granted subject to:

- 1) The amendment of condition 6 to ensure an updated Operational and Servicing Management Plan was submitted to the Council for approval prior to the interactive museum use being commenced in order to address the servicing of the site and its operations, including ensuring contact details for complaints were provided for local residents. The Operational and Servicing Management Plan would then reviewed after one year.
- 2) An additional condition to ensure there was no noise disturbance to local residents resulting from internal activity in the site; and
- 3) An additional informative to remind the applicant of the need to discuss an advertising strategy with officers at an early stage.

3 54 WARWICK SQUARE, LONDON, SW1V 2AJ

Extensions at rear first floor level; creation of roof terrace at rear second floor, alterations to existing rear first floor conservatory and internal alterations, all in connection with use of first and second floors as two 1-bedroom residential flats (Class C3).

Prior to the meeting the Presenting Officer had circulated an amended daylight and sunlight report (26.10.23).

Guy Chambers addressed the Sub-Committee in support of the application.

Jane Stancliffe addressed the Sub-Committee in objection to the application.

Nicholas Farrell addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission be granted subject to an additional condition to secure a blind window in the rear facade of the rear extension.

- 2) That conditional listed building consent be granted.
- 3) That the reasons for granting conditional listed building consent as set out in informative 1 on the draft listed building consent decision letter be agreed.

The Meeting ended at 9.38 pm

CHAIR: _____ **DATE** _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 19th December 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 23/06072/FULL 23/06073/LBC West End	Basement And Ground Floor 38 Curzon Street London W1J 7TU	Amalgamation of the existing cinema and restaurant, retaining the 2 existing cinema screens, to create a cinema-led, mixed-use premises; replacement plant equipment; and other associated external works.	38 Curzon Lease Ltd
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative one on the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 23/01537/FULL West End	11 Stanhope Gate London W1K 1AN	Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.	Stanhope Property Ltd
Recommendation 1. Grant conditional permission subject to completion of a S106 legal agreement to secure the following: i). A late-stage viability review mechanism, ii). Car club membership for the occupiers of all residential units for a period of 25 years, and iii). Payment of S106 monitoring costs. 2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then: a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 19th December 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
3.	RN(s) : 23/03299/FULL 23/03300/LBC Pimlico North	71 - 73 Belgrave Road London SW1V 2BG	Erection of a single storey mansard extension to No. 73; extensions to the closet wings at rear second floor level of both Nos. 71 and 73; rebuilding of the existing rear lower ground floor extension to No. 73; alterations to the lower ground floor fenestration; landscaping of the rear courtyard and associated internal alterations	Ashford Leisure Limited
<p>Recommendation</p> <ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in informative one of the draft listed building consent decision letter. 				

Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Basement And Ground Floor, 38 Curzon Street, London, W1J 7TU		
Proposal	Amalgamation of the existing cinema and restaurant, retaining the 2 existing cinema screens, to create a cinema-led, mixed-use premises; replacement plant equipment; and other associated external works.		
Agent	hgh Consulting		
On behalf of	38 Curzon Lease Ltd		
Registered Number	23/06072/FULL 23/06073/LBC	Date amended/ completed	1 September 2023
Date Application Received	1 September 2023		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional permission. 2. Grant Conditional Listed Building Consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.
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2. SUMMARY & KEY CONSIDERATIONS

<p>The application proposes the amalgamation of the existing cinema and restaurant uses at the site to create a mixed-use cinema/restaurant (sui generis). This would be achieved by creating internal links between the two separate units. Refurbishment of the cinema is also proposed along with the provision of accessibility benefits. The refurbishment will result in an overall reduction in seating for the cinema. External alterations are limited to the installation of new mechanical plant within an enclosure at main roof level and the installation of a new shopfront on Curzon Street that includes some openable elements.</p>

The key considerations in this case are:

- The acceptability of the proposed use.
- The acceptability of the proposed alterations to the building in design terms.
- The impact of the proposed works on the listed building and on the character and appearance of the Mayfair Conservation Area.
- The impact on the amenity of neighbouring residential properties.

The proposals represent a technical change of use and neither of the existing uses at the site are technically being lost. Both cinema and restaurant uses will still be at the site. While many objections have been received in relation to the loss of the cinema, these mostly focus on the loss of the existing operator which cannot be protected under planning legislation. The proposed use will largely be similar to the existing operation of both units, albeit with a reduced seating capacity in the cinema screen to allow for better and modern seating, so is unlikely to have a significantly different impact in terms of amenity and highways impacts. Objectors have raised concern that the proposed operation will not be viable however no evidence to support this has been submitted and the proposed operator appears to have suitable experience and to have taken suitable business advice. Subject to conditions securing the operation of the cinema in line with the operational management plan submitted with the application, the proposed use is considered acceptable.

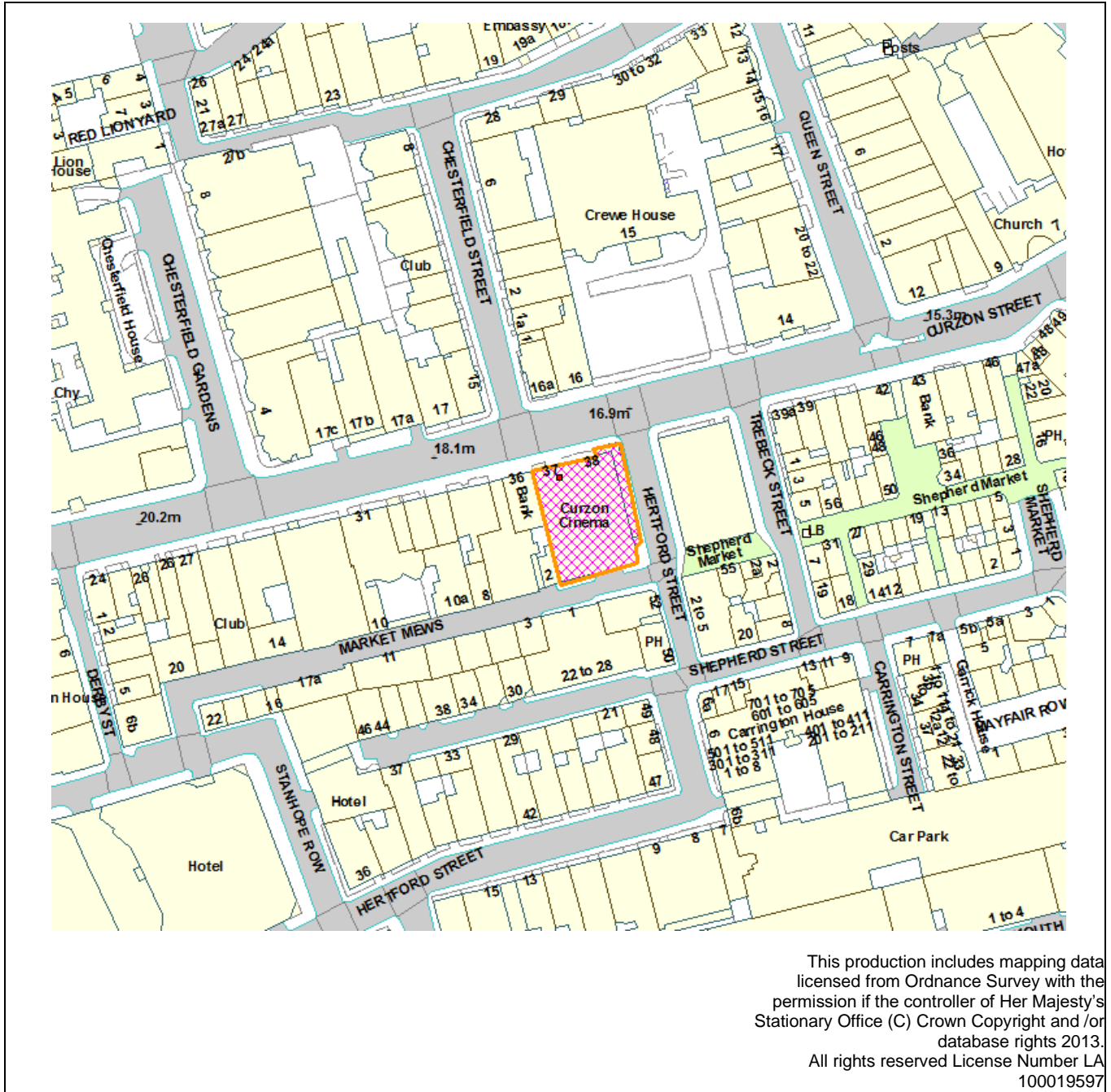
While the cinema is identified as an Asset of Community Value and many objections have been received in relation to its loss, the cinema use is being retained at the site and based on the information provided about the future operation, there is no reason to consider the use of the cinema is at risk. Conditions shall be applied to ensure the restaurant use does not encroach into the cinema aspect.

The physical works proposed are limited both externally and internally. The installation of new plant equipment within an acoustic enclosure at roof level is considered acceptable in design and amenity terms subject to conditions requiring supplementary acoustic reports and the submission of details of the screening. The new openable shopfront is acceptable in design terms and also in amenity terms subject to conditions restricting the hours this can be opened and ensuring music cannot be heard outside the premises when they are open.

Internally, the proposals provide an accessible elevator for the premises, new doorways linking the restaurant and cinema foyer, and refurbishment of the cinema screen. The heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. The harm is slight, localised in its impact on the building's form and fabric, and has little impact on the ability to appreciate the special interest of the cinema. The proposals cause less than substantial harm to the special historic and architectural interest of the listed building. The level of harm caused would be at the lower end of less than substantial.

Accordingly, the applications are recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MAYFAIR RESIDENT'S GROUP

Any response to be reported verbally.

RESIDENT'S SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM

Any response to be reported verbally.

THEATRES TRUST (consulted on 23/06073/LBC)

Wish to make no comment on these plans.

HISTOIRC ENGLAND (consulted on 23/06073/LBC)

Authorisation to determine the application as seen fit.

NATIONAL AMENITY SOCIETY (consulted on 23/06073/LBC)

Any response to be reported verbally.

HIGHWAYS PLANNING

Location of cycle storage is undesirable.

ENVIRONMENTAL SCIENCES

No objection subject to conditions.

HEALTH AND SAFETY EXECUTIVE (FIRE)

Content with the fire safety design, in relation to the relevant building part of the scheme, to the extent that it affects land use planning.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

For both 23/06072/FULL and 23/06073/LBC:

No. Consulted: 63; Total No. of replies: 164

No. of objections: 162

No. of support: 2* (*Although technically registered online as 'Support', these were in fact objections and have been considered as objections).

164 objections have been received raising some or all of the following concerns:

Land Use:

- Objection to loss of a cinema at the site,
- The building is not designed for mixed-use,
- Area does not need another mixed-use development,
- Proposals do not give justification for reduction in seats, and do not comply with policy.

Amenity:

- Noise disturbance from openable shopfront

- Existing restaurant at ground floor creates disturbance until 2am,
- Alternative options for location of plant not explored,
- Noise impact from plant,
- Odour impact,
- Impact on air quality.

Design and Conservation:

- Impact of the works on the listed building,
- Visual impact of works,
- The building needs to be listed Grade I or II,
- Applicant states proposals lead to 'Less than Substantial Harm' but objectors state that the harm is on the higher spectrum of 'Less than Substantial Harm',
- Proposals justifications are neither clear nor persuasive,
- Public benefits of the scheme don't outweigh harm,
- Any change of use would interfere with the heritage status,
- The Listed Building was specially designed to Curzon's specification as a cinema, not a mixed-use premises.
- The proposals undermine the future of the Listed building being used as cinema, the purpose for which it was designed.
- The use for which the Listed building was designed is the best use to secure its long-term future.
- The proposals are not required to safeguard the future of the Listed building,
- Future of the Listed Building at risk as proposed business not viable,
- Curzon Cinema (occupier) is attributable to the architectural and historic interest of the building,
- The building should be left as it is/retained in its original form,
- To interfere with the buildings original design would be "cultural vandalism",
- Association of Curzon Cinemas on Curzon Street should not be allowed to be broken,
- Objection to demolition of the building,
- Objection to destruction of the cinema,
- Impact on 'CURZON' sign
- Replacement building would be bland and at odds with the surrounding area,

Highways:

- Proposals do not comply with cycle parking standards,

Other:

(relating to the current occupier of the cinema)

- Current operator of the cinema should not be lost,
- Cinema already has good accessibility,
- Changes should not be allowed to an ACV,
- Loss of current operator will undermine ACV status,
- The applicant has failed to engage with Curzon Cinemas in respect of these proposals.
- No alternative established cinema operator is associated with these proposals,
- Proposed operation is not viable,
- Reduction in seating capacity will limit access to the venue by the community and will undermine the use for which the Listed building was original designed.

(proposed operation)

- New cinema will be out of financial reach of current clients, request that it be proven that there will be no increase in cost to attend for the public,
- Proposals not viable as applicant has no cinema experience so will not be able to operate the cinema themselves, and due to reduction in seating,
- No evidence provided there is adequate demand for dining while watching films,
- Food smells from dining will negatively impact those seeking to watch the film,
- Viability report does not adequately discuss implications of serving food and if this will be viable,
- Proposed nature of cinema will attract clients away from main west end cinemas and negatively impact viability of those venues,
- Provision of dining in the cinema is strange given that there is no shortage of dining venues nearby, but there is only one cinema.
- Any proposed cinema in new building will fall into disuse,
- Loss of a screen will reduce revenue, impacting viability of the cinema,
- Objection to a multiplex cinema,

(Further topics)

- Statement of Community Involvement document was produced for a previous application (now withdrawn),
- Adequate consultation about the previous applications being withdrawn and new ones being submitted has not taken place and no decision should be made until such time as it has,
- Information being withheld due to errors in documents,
- Development will sterilise traditional space,
- Everything in London is overdeveloped,
- Insufficient information submitted to allow determination,
- Structural/Safety concerns,
- Intrusion to flats due to internal works and necessary maintenance,
- Fire risk,

PRESS NOTICE/ SITE NOTICE:

Yes

It should be noted that there has been a long running online petition, pre-dating the submission of this and a previous (withdrawn) planning application, seeking to "Save Curzon Mayfair" however, this is not related to this application as it is expressly 'to the landlord' to secure a renewal of the lease for Curzon Mayfair, who are the current occupiers of the cinema unit.

Of further note is that a campaign has been run by the current occupier of the cinema (Curzon Mayfair) on their website encouraging objection to this planning application. This has provided a direct link to the planning application and a suggestion of comments to be submitted by objectors.

A letter of support for these proposals has also been submitted by the Applicant from the Chair of Elstree Film Studios.

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. It should be noted that this application does not meet the criteria that requires engagement to be carried out, but it has been undertaken by the applicant regardless.

The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Site Meeting	17 January 2022 And 27 February 2023	Cinema Theatre Association.	Concerns raised relating to cinema operator (not a planning consideration) and internal alterations to the foyer. Desire that primary use of the building remains as a cinema due to the history of the site.
Site Meeting	17 January 2022	Twentieth Century Society.	Positive about the proposals, supporting expansion of uses within the building and the front of house provision. Acknowledged that these changes are important to secure the long-term viable use for the cinema. Internal alterations supported in heritage terms.
Site Meeting	17 January 2022	Theatre Trust.	Positive about the proposals, supporting expansion of uses within the building and the front of house provision. Acknowledged that these changes are important to secure the long-term viable use for the cinema.
Meeting	28 April 2022, 10 May 2022 and 20 March 2023	Mayfair Neighbourhood Forum.	<i>[No information provided in statement]</i>

Presentation	28 April 2022 And 09 May 2023	Mayfair Neighbourhood Forum Steering Group Committee.	<i>[No information provided in statement]</i>
Cabinet Member Briefing	09 March 2023	Councillor Geoff Barracough, Cabinet Member for Planning and Economic Development.	<i>[No information provided in statement]</i> Officer minutes of meeting provided in background papers.
Presentation	22 June 2023	South East Bayswater Residents Association	<i>[No information provided in statement]</i>
Public Consultation Events	21 st April 2023 and 22 nd April 2023	30 people attended in total. (Letter delivered to local area advising of events in advance with information regarding the proposals).	7 questionnaires were filled in at the consultation events, with response shown to be largely supportive of the restoration and changes proposed to the operation of the cinema.
Delivery of further engagement proposals booklet	15 and 16 June 2023	Further information booklets, with a response form, delivered to local area.	<i>[No information provided in statement]</i>
Deputy Cabinet Member Briefing	14 July 2023	Councillor James Small-Edwards, Deputy Cabinet Member for Planning and Economic Development.	<i>[No information provided in statement]</i>
Online website outlining proposals	13 April 2023 - present	Unknown.	<i>[No information provided in statement]</i>

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

Initial amendments in May 2023:

- Foyer bar is proposed to be maintained as the main entrance and box office to the cinema, with a rear bar,
- Link is still proposed between the foyer and restaurant, but this has been redesigned to be a discreet, ancillary link that would simply enable customers visiting both spaces to travel through the interior of the building.
- The building is proposed to be retained in its original use as a cinema, with ancillary performance uses on the stage for events such as film premiers, lectures or seminars. It is not proposed to accommodate full-scale productions. Lighting and sound equipment has been carefully considered as part of the works.
- Step-free access remains a fundamental part of the proposals and a new DDA compliant access will service all floors of the building.

- The changes are proposed with the aim of improving the offer of the cinema, so it can compete in the current market, and ultimately secure and improve the building's long-term viability in its original use.

Following further technical work, consideration of feedback from stakeholders and conversations with cinema industry experts, the applicant made further amendments to the proposals. These are outlined below.

Further amendments in July 2023:

- Retention of the second cinema screen.

These current applications reflects the July 2023 changes.

Objectors have stated that the landlord has failed to engage with the current tenant of the cinema (Curzon Cinemas). While this is noted, it is no reason to withhold planning permission. The scale of this application does not require the applicant to undertake any community engagement, nor is there a requirement under planning law to do so. As they have undertaken community engagement at their discretion, it has been for them to decide who to engage with. It would therefore be unreasonable to withhold planning permission on these grounds and this aspect of the objections cannot be upheld.

Concern is also raised that the statement of community involvement submitted is for a now withdrawn application and there's demand that a new public consultation is undertaken. While this is noted, the submitted statement does detail the changes that have taken place since the previous application was withdrawn and, given that the changes between the previously withdrawn scheme and the current one are relatively small (now retaining two screens), it is not considered that a new consultation would differ from that already undertaken. This objection is therefore not upheld.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential

amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

38 Curzon Street contains the cinema (Sui Generis) accessed from Hertford Street (which occupies the ground (foyer, main screen etc.), first floor (smaller second screen) and second floor (boxes and projection room)), a restaurant at part ground and basement fronting onto Curzon Street, and residential flats on the upper floors. The area subject to this application is the cinema and restaurant, and part of the associated basement level communal facilities space. An area of the main roof of the frontmost part of the building is also included due to the proposed installation of new/changed mechanical equipment.

The site is located within the Central Activities Zone (CAZ), the Shepherd Market Local Centre, the Mayfair Conservation Area, and within the 'Mayfair Shepherd Market' area of the MNP (Hertford Street frontage only).

The cinema is designated as an Asset of Community Value (ACV) and was listed as an ACV on 04 August 2022. ACV listings expire after 5 years after which time the asset is no longer listed as such. This ACV designation expires on 04 August 2027.

7.2 Recent Relevant History

While there have been numerous small scale internal works and refurbishment undertaken within the cinema along with other small interventions externally on the building, along with a change of use of one of the floors in part of the building that is not included within the application site, there are no significant planning permissions or listed building consents in the site history of direct relation to the current applications.

8. THE PROPOSAL

Planning permission and listed building consent are sought to allow the amalgamation of

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the existing cinema and restaurant. This will be done by creating two doorways between the existing units at ground floor level (between the back of the restaurant and the cinema lobby) and creating a link from the existing restaurant area to the cinema level above which will allow the installation of an accessible lift (providing access to both screens 1 and 2 and allowing travel between the different internal floor levels across the site). This scheme will retain both of the existing screens within the cinema.

This represents only a technical change of use given that both the cinema and restaurant exist on site and planning law sets out that when two different uses of different use classes are joined, they are a new use (even though the existing cinema is a sui-generis use).

This amalgamation will create a cinema-led, mixed-use cinema/restaurant (sui generis) which seeks to maintain the existing primary use of the building as a cinema while enhancing and improving the offer. The improvements to the cinema offer that the applicant sets out will include introducing a food and beverage offering, improving the technology of the cinema, creating a more inclusive and accessible venue, updating the design of the cinema considering any heritage requirements, and introducing better programming throughout the day.

The food and beverage offer in the screens will allow the patrons of cinema 2 to have a "unique experience of being able to dine while watching a movie.". The applicant notes that food will be available within both screens however, this won't be full meals, rather small dishes (such as tapas or charcuterie) to accompany their drinks. They also note that no food would be served during any film as it would have to be ordered before the start.

In seeking to improve the comfort and seating in the cinema, there will be a reduction in the number of seats in the venue from the current number.

The applicant envisages that the site will still offer the existing premiers for smaller independent films along with Q&As, lectures, or seminars. There is no intention to accommodate full scale productions.

Within the site, internal alterations are sought to allow changes to the seating arrangement, the provision of step free access (set out above), restoration of a number of original features within the cinema, reinstating the original interior in the cinema lobby, installation of best-in-class audio/visual technology and, replacement of existing building services. The key design features of the interior, such as the decorative ceilings and walls, will be retained.

The proposals also include the replacement of the existing shopfront on the Curzon Street elevation (which currently serves the restaurant) with one which includes openable elements.

Replacement plant equipment at main roof level is also proposed.

It should be made clear that the proposals are not, and have not been, to demolish and redevelop the building as is suggested by some objections that have been received. The applicant has confirmed this in their planning statement setting out clearly that the

proposals do not seek to demolish the building (with the exception of limited internal demolition, such as to create the link doors between the cinema and restaurant) and that the proposals do not seek to introduce residential uses, hotel rooms or office space. Objections on these grounds and in relation to a supposed replacement building are not relevant to the proposals and not upheld.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Cinema (Sui Generis)	950.4	0	-950.4
Restaurant (Class E)	383.7	0	-383.7
Cinema/Restaurant (Sui Generis)	0	1399	+1399
Total	1334.1	1399	+64.9

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Overview

London Plan Policy HC6 part B requires that planning decisions should protect and support evening and night-time cultural venues such as cinemas.

The site is located within the CAZ and the Shepherd Market Local Centre. City Plan City Plan policy 1 supports town centres and high streets to evolve as multifunctional commercial areas to shop, work and socialise. Policy 14 (Town centres, high streets and the CAZ) supports developments in existing centres that enhance and diversify their offer as places to shop, work and spend leisure time, as well as providing active frontages and uses that serve visiting members of the public at ground floor. Part C of the policy requires that development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed, with local centre development being identified as needing to provide a mix of commercial and community uses to meet residents' day to day shopping needs, provide local employment opportunities, and support opportunities for community interaction.

City Plan Policy 15 part A seeks to maintain and enhance the attractiveness of Westminster as a visitor destination. Part B sets out that:

“All existing arts and cultural uses and uses of cultural significance will be protected and proposals for enhancement will be supported in principle.”

Part D of policy 15 sets out

“In the exceptional circumstances where it is necessary to redevelop a theatre or cinema, a replacement of equivalent size and standard will be required. Proposals to improve theatres and cinemas will be encouraged and should have particular regard to their heritage designation.”

Policy 16 of the City Plan requires that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location.

MNP Policy MRU3.1 sets out that new entertainment uses will be encouraged where they complement both nearby residential communities and also the character which those nearby communities foster.

The MNP identifies the Curzon Cinema as a Community Use (map on page 55). Policy MSC1 relates to community uses and states that:

“Development resulting in a change of use or loss of Social and Community Facilities floorspace will be approved where suitable re-provision on similar terms is at the same time secured within Mayfair.”

MNP Policy MSM relates to the Shepherd Market area (which the Hertford Street frontage is on) and parts a and b set out that new entertainment uses will only be permitted in Shepherd Market where they are small-scale, low-impact and will not result in an increased concentration of late-night activity within the area, or an increase in harm to residential amenity as well as demonstrating that they are appropriate in terms of the relationship to the existing concentration of entertainment uses in Shepherd Market, and that they do not adversely impact on local environmental quality and the character and function of the area.

Land Use Considerations

Loss of existing uses.

As is noted above, the proposals represent a technical change of use due to the changes in planning land use classes that occur as a result of the works. While there is technically a loss of both the existing cinema and restaurant in land use terms, they are, in reality, retained at the site however due to their amalgamation, but under a new planning land use class (sui generis).

There are no planning policies to protect the loss of the existing individual restaurant unit at the site. This loss alone would therefore not be resisted by the Council.

Objections have been received against the loss of the existing cinema use at the site. As set out above, there are a range of policies in the London Plan, City Plan and MNP which would seek to protect the loss of the cinema however, given that the cinema use is to be retained at the site, still with the same number of screens, it is not considered that the technical change in use classes of the cinema (from one form of sui generis use to another form of sui generis) would be contrary to any of these. The objections on these grounds therefore cannot be upheld.

Objection has also been raised stating that the existing restaurant at ground floor creates disturbance until 2am. While this is noted, this operator will not be at the site should the proposals be granted permission. These issues will fall away with the premises under new management and subject to a new management plan (detailed below). This objection is not upheld.

Proposed use.

The amalgamation of the existing cinema and restaurant that are at the site will create a new planning use, which is a new sui generis use. The works proposed include a range of internal works to facilitate this amalgamation along with the intended refurbishment and modernisation of the cinema.

The retention and refurbishment of the existing cinema and restaurant is supported in principle by the policies set out above in particular London Plan Policy HC6 part B and City Plan Policy 15 part A which seeks to support and enhance existing arts and cultural facilities. The changes proposed will serve to further support the Shepherd Market Local Centre as required in policy.

The existing uses have been identified as being popular with the community through the comments received on these proposals and would be seen to compliment both the nearby residential communities and also the character which those nearby communities foster. The amalgamation of these two uses are considered in line with policy MRU3.1 of the MNP as it is considered that it will likely still compliment the character of the area and the nearby communities.

The applicant sets out that the current restaurant licence permits opening hours of 10:00 to 01:30 from Monday to Saturday, and 12:00 to 00:00 on Sundays. The existing license for the restaurant also allows a capacity of up to 135 in the basement and up to 60 on the ground floor, with an overall maximum capacity set at 180 across both floors. The current cinema licence allows opening hours of 09:00 to 02:30 from Monday to Saturday, and 10:00 to 02:30 on Sundays. They note that it is not proposed to alter the existing hours of operation. The property's combined total capacity is forecast to be no more than 600, which is also in line with the current licences.

Given there is no significant overall changes in the type and size of the entertainment uses at the site, the proposals are compliant with City Plan policy 16.

Given that the new use will be of the same scale and impact as the current uses, nor will it result in an increase in late-night activity, the proposals are not considered to be contrary to MNP Policy MSM.

With regards to Policy 15 part D, the cinema is not being redeveloped in the sense that the existing cinema at the site is being lost, given that the cinema will be retained. The works are being undertaken to improve the cinema, in a manner which has regard for the heritage designation, and are therefore considered to be in compliance with Policy 14 part D.

Concerns have been raised regarding the change in the seating capacity of the venue. The existing and proposed seating capacity is set out in the table below.

Screen	Existing Seats	Proposed Seats	+/-
Screen 1	300	242	-58
Screen 2 (incl. Balcony)	100	38	-62
Royal Boxes	8	10	+2
Total	408	290	-118

Objectors state that they consider the proposals fail to comply with the City Plan (but do not explicitly identify which part) due to the absence of providing sufficient evidence that a reduction of seats is necessary for other improvements relating to its operation. They also state that they consider the current proposals demonstrate that, through the retention of the existing two-screens, the reduction in seating is not required to improve accessibility or visibility.

The policies relating to cinemas and these proposals do not require the submission of evidence to justify changes in seating capacity as the cinema is not being lost and re-provided elsewhere. However, it appears that this point of objection relates to the supporting text for policy 5 of the City Plan. Supporting text para 15.6 sets out:

“Given their valuable economic and reputational contribution to Westminster as a cultural centre, replacement theatres and cinemas may be required to be provided within a stated period to ensure the continuity of the use. Any replacement theatre or cinema should seat at least the same number of people as the original and be fully equipped to cater for live theatrical productions. A reduction in seating capacity may be allowed as part of cinema or theatre refurbishments, if this is necessary to improve accessibility or visibility, or other improvements relating to the operation of the theatre.”

The context of the above supporting text is in relation to when a cinema (or theatre) is being replaced elsewhere as a result of redevelopment. The reduction in seating capacity comments raised by the objectors therefore do not relate to planning policy which is relevant to this application. The objectors’ point regarding the proposals not meeting the requirements of the City Plan are therefore not upheld.

Objectors have also raised related concerns about the reduced seating capacity in terms of this increasing seat pricing, the loss of a venue for film premiers to be held which are stated to require large seating capacities and impact the Curzon Mayfair as it is claimed that it is a major commercial anchor in the CAZ based on the existing model of operation. While these concerns are noted, it should be noted that changes to the seating capacity of the cinema could be applied for without the other works proposed here (i.e. without the technical change of use), or as part of other works such a refurbishment of the cinema by the existing or any future operator. The pricing structure of a cinema or other uses or ability of a venue to host movie premiers are not subject to planning regulations. The existing operator being considered as a commercial anchor in the CAZ is not a designation assigned by the Council, nor is it a planning reason for withholding permission as planning cannot protect a user. The objections on these grounds therefore cannot be upheld.

The applicant has submitted an Operational Management Plan (OMP) in support of the proposals which sets out proposed operational measures (such as opening hours and capacity, already discussed above) measures that will be employed to ensure that the Cinema is fully inclusive and sits at the heart of the local community, through pricing, programming, and wider community benefits such as training and apprenticeships.

The OMP identifies that the cinema plans to provide affordable ticket prices and dining options, screenings that champion independent and local filmmakers, and a program of events that enrich and educate the local community. The OMP also states that a

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Community Liaison Group will be set up to work with the community to discuss and review operational matters. These measures are welcomed and will be strongly encouraged however, as noted above, they are not a planning consideration.

The measures set out within the submitted OMP along with the conditions set out above are considered sufficient to ensure the impact of the proposed combined uses has no greater impact on the area than the two existing separate uses. The operation of the use within the lines of this OMP shall be secured by condition.

The Highways Planning Manager accepts that the majority of trips (excluding servicing activity) associated with the proposed use of the site as a combined cinema and restaurant will be similar to the existing arrangement. They recognise that the majority of these trips will be via public transport or other more sustainable modes (e.g. walking, cycling). Given the nature and quantum of the proposal it is not considered that the proposal will generate a significant increase in trips and the highway in the surrounding area is unlikely to be adversely affected when compared to the existing uses at the site. The proposal does not require the submission of a Travel Plan.

Objectors have stated that the building is not designed for a mixed use, and that another mixed use is not needed in the area. The building was designed, built and is currently a mixed-use building (containing three different uses). The location, by virtue of being within the CAZ, is considered acceptable for mixed use development in principle, subject to detailed considerations. These points of objections are therefore not upheld.

Objection has been received on the grounds of the loss of one of the screens at the cinema however, it is not proposed to reduce the number of screens in these proposals. Objectors also object to a multiplex cinema. While it may be the case that the cinema is already a multiplex (a cinema with more than one screen), the proposals are changing the number of screens. Those objections are therefore not upheld.

Objectors have stated that they believe that the proposed use is unviable and will fall into disuse for a range of reasons including that they consider the applicant does not have experience or the necessary industry knowledge to run the use, that serving of food will deter customers and that no evidence has been submitted to demonstrate this will attract customers, and that increased ticket price will reduce access for people. Objectors also have concern that food smells from the food served will deter customers and ruin the experience for other viewers. While these concerns are noted, they are not considerations for the planning process in that the consideration is restricted to the use, not how the user will operate. The objections are therefore not upheld.

Other objectors question the need for another restaurant here when there are so many in the vicinity and worry the new cinema will attract existing clients away from cinemas located in Leicester Square and other locations. As has already been noted, neither of the proposed aspects of the use (restaurant and cinema) are new at this site. While these concerns are noted, it would not be reasonable to withhold permission on these grounds. These objections are not upheld.

Asset of Community Value (ACV)

The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by the Council as an asset of community value (ACV). An asset can be listed if its principal use furthers (or has recently furthered) the community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future.

The cinema at this site was listed as an ACV on 04 August 2022. The ACV will be kept on the Council's list of ACVs for 5 years. If, during that time, a listed asset is put up for sale the owner must notify the Council. A moratorium on the sale (of up to six months) can be invoked by the local community to give them the chance to raise finance, develop a business case and to make a bid to buy the asset on the open market. Inclusion on the list of ACVs does not require a landowner to sell their property to a community group. The purpose of listing is to allow the community to develop a bid for the property.

Being an ACV also does not stop the landowner from changing how the property is used. For example, if an asset of community value is leased to a business, such as a restaurant (or cinema operator as is the case here), the landowner is not obliged to continue that lease. However, listing as an ACV can be a material planning consideration.

The degree to which the ACV is relevant as an issue in the consideration of this planning application depends on the extent to which the cinema is retained in the proposed scheme, including whether what would be retained could viably continue to operate as a cinema.

Objections have been received noting that the current cinema has been designated as an ACV, and setting out that they consider the proposal's change of use proposals will undermine the continued community access to a fully publicly accessible conventional cinema as well as undermining the basis on which the ACV was put forward, which objectors consider was to safeguard the community's use of the public cinema. They also set out their concerns about increased ticket pricing and reduced seating capacity leading to an unviable cinema and that if the cinema is no longer economically viable, this would create a substantial risk of it ceasing operation in the future, also to the detriment of the local community.

As is set out above, the cinema is to be retained at the site, albeit in a different arrangement of seating that offers flexibility for various types of screenings. It is therefore not the case that a cinema will be lost. While some concerns may be related to the ability of the community to access the cinema due to changes in pricing, or a change in the nature of films shown, these aspects are not planning considerations, nor could they be controlled under the designation of the cinema as an ACV. Any new, or existing, operator could change their charging points for tickets or the nature of films they show at the site without the need for consulting the Council or considering the ACV status. Seating capacity and arrangements could be altered with only the need for listed building consent in this instance, and without changing the use or being a consideration on the impact on the ACV. Equally, the operator/tenant of the cinema could change without the need for planning permission under a range of scenarios and as noted above, such

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circumstances would not impact the ACV status. As a result, the objections on the grounds of loss of access to the cinema cannot be upheld.

The applicant and their advisors appear to be experienced in operating in the cinema market. The planning agent advises that the applicant has put the proposals together on the basis of their industry knowledge as well as with additional input of other experts from the industry. Indeed, the agent has set out that the landlord (applicant) will be operating the cinema and will have an experienced team of staff and consultants with cinema expertise to support them. They have advised that this includes Damian Drabble who has been appointed by the Landlord as the Chief Operating Officer and has over 30 years of experience within the cinema exhibition industry, advising companies from small independents to some of the largest operators around the world. They advise that he launched and managed AMC Theatres in the UK, before setting up and opening the first ten locations for Light Cinemas as their Operations Director. The applicant and their team have also been involved in the recent revitalisations of The Ned London and Koko Camden. A letter of support for these proposals has also been submitted by the Applicant from the Chair of Elstree Film Studios. Officers therefore have no reason to believe at this time that the operation of the cinema in this location would be at risk (and thus the status of the ACV) given the experience of the applicant and associated industry professionals involved that has been listed.

While objections have been received on the basis that the proposed cinema operation would be unviable for a range of reasons (reduced seating capacity, people won't want to eat while viewing, etc.), no evidence has been put forward by these objectors to support their position. While the existing operator of the Cinema in the site has objected on this basis and would be considered to have industry knowledge of the part of the market they operate within, they equally do not provide evidence to support the claim and make the statements in the context of their own business model. While it may be the case that both the existing and proposed style of cinema operations are viable, or possibly one 'more' viable than the other, such a consideration is not part of the planning process and not for the Council to consider. These objections are therefore not upheld.

Objectors state that the proposals are likely to be detrimental to the building's future as a cinema for the community and its designation as an AVC. However there has been no evidence provided to support this claim.

Objectors also note that they consider that no alterations should be permitted to an ACV. It would be both impractical and unreasonable to prohibit any alterations to a building once it becomes an ACV, so this objection cannot be upheld.

On the basis of the above, Officers have given due consideration to the cinema being designated as an ACV. In the context of these proposals and the information provided, it is not considered that the ACV is at significant risk however, to prevent the possible loss of the community asset over time as a result of the mixed use proposed, it is recommended a condition be applied to secure that the restaurant area of the use is not greater than the area shown on the proposed drawings. This will serve to protect the cinema part of the mixed use to the extent that is possible in this instance under planning legislation. The objections regarding the impact of the proposals on the ACV are therefore not upheld.

Loss of Current Operator

A large number of objections have been received objecting to the loss of the current cinema operator (Curzon Cinema) from the site. While these passionate objections covering a range of reasons are noted, planning legislation does not allow the protection of a particular operator and a decision made on this basis would be unlikely to be successfully defended against any challenge brought against it.

The operator of the site could change at any time without the need for planning permission from the Council, provided the use as a cinema was maintained.

As is set out above, in land use planning terms there are no policy issues with the existing and proposed uses at the site as they both contain a cinema.

It would therefore be unreasonable to withhold permission on the basis of the possible loss of the current operator at the site and these objections cannot be upheld.

9.2 Environment & Sustainability

Policy 38D of Westminster's City Plan (Design principles) covers sustainable design, while policy 36 covers Energy Performance.

The proposals include the installation of Air Source heat Pumps (ASHPs) at roof level which are welcomed. The scheme accords with Policies 36 and 38 of the City Plan and the Environmental SPD.

9.3 Biodiversity & Greening

There is no provision of additional biodiversity or greening as a result of the proposals however, given the limited external interventions and works proposed, it is not seen there is scope to secure such provision.

9.4 Townscape, Design & Heritage Impact

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the LBCA Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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

The Curzon Cinema is a Grade II listed building in the Mayfair Conservation Area. It stands on the south side of the street at its junction with Hertford Street (where the cinema entrance is found) and it has a rear façade to Market Mews. The commercial uses at basement to second floor levels include the cinema and a separate restaurant.

The building is a mixed-use development dating from the 1960s, which replaced the previous cinema at this location, and contains many features contributing to its special architectural and historic interest such as the cinema auditorium’s dramatic, coffered, ‘waffle plate’ ceiling, and artistic works by William Mitchell (a sliding screen in the foyer and wall murals in the main auditorium). The statutory list entry notes that, “...*The universal adoption of safety film from the mid-1950s made it possible for the first time for large cinemas to be built within blocks of offices, etc., but nowhere else was the quality of cinema design and commercial architecture combined to such a high standard, with such an elegant and confidently expressed plan as here. The finest surviving cinema building of the post-war period, it is also the least altered.*”

The cinema in its current form retains most of its original form and fabric, but some alterations such as creation of a second screen have changed the form of main auditorium. Other spaces in the cinema such as in the entrance foyer have been altered, and the restaurant accessed from Curzon Street has been thoroughly modernised and substantially altered in the past. The basement contains functional, back-of-house, spaces and has limited significance in heritage asset terms compared to the rest of the building. The upper floors were formerly offices but have been converted to residential use and they are not of special interest. Objectors state that the building should be left unaltered from its original design and that to change it would be ‘cultural vandalism’ however, the building has already been altered from its original form and it would be unreasonable and impractical to prohibit any alterations at all. These objections cannot be upheld.

As Curzon notes in their objection to the application, “*Curzon was founded in 1934, establishing the Curzon Cinema, Mayfair on Curzon Street, from which it takes its name... It is of significant historical and cultural importance both for Westminster and the UK as an institution which is internationally synonymous with quality, independent cinema and film.*” Consequently, and unusually, in this case, the user, use, and building are intertwined and their combination forms its significance as a designated heritage asset. Objectors have stated that this link should not be broken. However, the user is not subject to control under the terms of the Planning (Listed Buildings and Conservation Areas) Act. The objections on these grounds are therefore not sustainable.

The proposed alterations at ground floor level in the foyer space of the cinema will reinstate some original openings, surface finishes, and lighting. All existing features of significance in heritage asset terms will be retained. The bar area will be altered and refitted, and a sensitively located new doorway in the western wall of the foyer will provide access to a wheelchair-accessible WC and a lift serving the restaurant and all cinema auditorium levels. New stairs will also be formed in the same area. The existing restaurant will be entirely refitted, have a new openable frontage to Curzon Street and improved connections to the main cinema auditorium and to the second, small, auditorium. The second floor works will see the two royal boxes of the main auditorium retained and refurbished, along with the creation of a small private dining area. The second screen auditorium is also to be refurbished.

In heritage asset terms, many of the objections received relate to how the proposed, combined, cinema and dining use will change the way in which the cinema operates and is experienced. This is not a particularly novel combination of uses and can be found at, for example, Olympic Studios (SW13), and at The Electric Cinema (W11). Nevertheless, the combination of the uses, as proposed, will alter the way in which the cinema can be appreciated and the current segregation of the two uses is part of the building's significance as a designated heritage asset. The consequence of the alterations may be that the cinema-dining experience will appeal to a different audience, but it is the works which are the subject of control in heritage asset terms; not the operator, the films, or the audience.

The list entry notes, amongst other things about the main auditorium, which is at first floor level, that, "*The carpets, seating and other fittings have been carefully maintained true to their original finishes and colours.*" This part of the cinema is to be refurbished including 91 seats of a 'luxury' type, roughly twice the width of the remaining standard seats and set on a slightly altered rake. These larger seats are at the rear and in the centre of the auditorium. As such, they will have some visual impact but the standard seating will predominate. The works to combine the uses cause some harm, at the low-end of less than substantial, to the significance of the building because of the slightly incongruous furnishings necessary to provide dining facilities in the main auditorium, and due to the construction of a lift. The detailed design of the seats and carpeting may be dealt with by condition to ensure they remain true to the original design intent of the space.

A further significant, but subtle, alteration will be made in the main auditorium. The projection screen is to be moved back, the front edge of the platform altered to form a larger stage area in front of the screen, and a lighting rig is to be fitted at high-level immediately behind the proscenium arch. These alterations to the screen and stage are to facilitate 'supplementary' events and have a neutral impact in heritage asset terms because, although the screen is a key feature, its function and appearance will not be harmed, the changes to the stage are very slight, and the lighting rig is largely concealed from view.

There is particular concern expressed by many objectors about the impact of the alterations on the cinema's viability. However, it does not automatically follow that there is harm caused by combining the restaurant and cinema uses, nor that this would detrimentally affect the cinema's viability. As far as the building's historic fabric is

concerned there is no harm caused by the concept of a physical link. Furthermore, as proposed, accessibility for less mobile patrons of the cinema will be greatly improved as part of the works to interlink the uses. Therefore, while the alterations to form the lift create some less-than-substantial harm in heritage asset terms, due to the impact of the lift and associated doorways on the historic plan form and fabric of the building, this harm is at the low end of the scale and the public benefit of improved accessibility (a social objective of sustainable development (NPPF Para. 8)) greatly outweighs this harm.

In heritage asset terms, the viability concerns raised about the proposed cinema-restaurant use made by many objectors are noted. However, there is a lack of thorough, verifiable, evidence to support the claims. Nevertheless, the objection made by Curzon Group, which has around 90 years' experience of cinema operation, noting amongst other things that, "...*there is a very real risk that the future of the cinema will be jeopardised if its stewardship is placed into the hands of an inexperienced operator...*", carries some weight.

Although the future of Curzon's current operation is a matter of dispute it appears that the cinema in its current form, with its current operator, is viable as evidenced by the fact that it remains open for business and that Curzon is strongly resisting the loss of its lease. This carries some weight in assessing the heritage impact of the proposals because it does not seem to be the case that the cinema would be unviable if Curzon remains as operator and if the building remains unaltered. Furthermore, Curzon also states that should they be successful in extending their lease that will allow them to, "...*invest in the upgrade and renovation of the existing Cinema, safeguarding the cultural, environmental and operational sustainability of the building for the future.*"

Also amongst the many objections is reference to the 'CURZON' sign on the Curzon Street façade, which is noted in the list entry. The application does not propose any changes to this sign. However, should this be necessary, a replacement sign with the new name of the same detailed design is likely to be acceptable. While the Curzon lettering is clearly of significance in heritage asset terms, names do change. For example, Simpsons department store on Piccadilly was once adorned with its name but that has now changed and the old sign is displayed inside the building. It may be possible to adopt the same approach in this case, should the scenario arise.

At street level a new glazed frontage, largely openable, will replace the existing glazing and doors facing Curzon Street, and some new louvred doors in Hertford Street are to be provided for a plant room. At roof level, new mechanical plant is to be provided within a screened enclosure. Objectors raise concerns about the structural capacity of the building to support the proposed plant and its visual impact. However, the location is acceptable in principle in design and heritage asset terms and any necessary structural works can be dealt with by condition. If alterations are necessary inside the building, below the plant, these are unlikely to affect the building's special interest noting the list entry states, "...*The interiors of the restaurant flats and offices not of special interest.*" The external alterations to the building will have no adverse impact in street level views, and the rooftop plant is sited to minimize its visual impact and contained within a screened enclosure which is in keeping with the architecture of the building. Therefore, the external alterations will maintain the significance of the building as a designated

heritage asset and will preserve the character and appearance of the surrounding conservation area.

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the special historic and architectural interest of the listed building. The level of harm caused would be at the lower end of less than substantial.

The harm would be caused primarily by the alterations to the seating and installation of a lift.

Some of the objections received regard the harm to be on the “higher spectrum” of less than substantial. However, the extent of the harm does not reach that degree. The features of the building, and of the cinema in particular, which contribute to its significance as a designated heritage asset are to a very great extent preserved. The harm is slight, localised in its impact on the building’s form and fabric, and has little impact on the ability to appreciate the special interest of the cinema. Putting the harm at the higher end of less than substantial would mean it was edging towards entirely vitiating the building’s significance, i.e. causing substantial harm, and that, plainly, is not the case. Therefore, the degree of harm claimed by objectors is not justified. Nevertheless, the less than substantial harm caused by the proposals is to be given great weight in determining the application.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the ‘public benefits’ of the proposal, including optimising its optimum viable use. ‘Public benefits’ could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

As identified above, the public benefits are the installation of the lift, and of restoration works in the foyer area. Consequently, it is considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

Objectors state that the building needs to be listed, however it already is.

9.5 Residential Amenity

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, and preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking, as well as protecting local environmental quality.

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

MNP Policy MRU1 requires that new commercial or entertainment uses must demonstrate how they protect the amenity of nearby residential units and create no additional adverse effects.

Council records indicate that the closest residential premises to the site are located on the upper floors of the building itself, from third floor upwards. There are also a number of other residential properties around the site such as opposite, at 16 Curzon Street, next door at no.36, and to the rear at 51 Hertford Street and Shepherd Street (Mayfayre House, which backs onto Market Mews at the rear of the site)

Noise & Vibration

The proposals include the replacement of the existing roof level extract system for the restaurant, and the installation of new Air Source Heat Pumps within an acoustic enclosure at main roof level. An acoustic report has been submitted in support of this part of the development assessing the noise impact on surrounding noise sensitive receptors. The initial report did not have sufficient details, but a revised document was submitted. This revised report has been assessed by Environmental Sciences Officers who have advised that the proposed plant has not been chosen and no background noise survey has taken place at this time. However, they recognise that selected plant is likely to be able to comply with the standard noise conditions subject to the necessary screening being installed (the acoustic screen that shall be secured by condition) and request a supplementary acoustic report to be submitted once the machinery is chosen, so as to demonstrate compliance. This supplementary report shall be secured by condition. Environmental Sciences Officers have also requested a post commissioning noise survey to be submitted to ensure the installation meets the criteria once it is installed, which shall be secured by condition. The standard noise and vibration criteria conditions shall also be applied to this permission so ensure noise and vibration levels are not above the minimum levels set by the Council. Subject to these conditions, the proposed installation of new plant is deemed acceptable in amenity terms.

Objection has been received raising concern over the impact of the proposed impact of noise and vibration from the proposed machinery at roof level. While this is noted, the conditions set out that have been requested by Environmental Sciences Officers are considered suitable to address these issues and ensure that the machinery chosen will be in compliance with Council levels. Conditions shall also be applied to ensure that the installation of the machinery is to a suitable design so as to prevent structure borne vibration through the roof structure.

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Objectors note that the building has an existing large plant enclosure at the rear flat roof at fifth floor level and ask why the applicant has not explored placing the required new plant within this. A site visit has revealed this plant enclosure to be full however objectors state that some of this would become redundant following the installation of the new equipment, so could be removed and thus new equipment housed within. The applicant notes that the new equipment proposed include air source heat pumps which require open access to air and given the existing enclosure is fully enclosed (including with a roof), the machinery proposed would not function correctly hence these will be located at roof level within an enclosure that is not covered on top. Regarding the existing plant room, they advise that the items within there (chillers and back-up generator) will be replaced and therefore the space for that equipment will still be in use, contrary to the claims of the objectors. It would therefore not be possible to locate additional plant within that existing enclosure. It would not be considered reasonable to withhold permission on the basis of the objections raised, particularly given that the new location is considered acceptable in amenity and design terms.

Kitchen Extract

Environmental Science Officers have advised that they have no objections on the grounds of odour nuisance from the details submitted in relation to the new flue termination at roof level.

Objection has been raised on the grounds that the new duct will create odour issues both externally from the discharge and internally in the flats in the building as the duct will travel up through the building. There is already an existing kitchen duct travelling through the building which serves the existing restaurant, which the applicant advises is not being altered and will continue to be used by the new restaurant operation. As noted above, the proposed new discharge meets Environmental Sciences requirements. It would therefore be unreasonable to withhold permission on these grounds.

Objectors have also stated their refusal to allow either an enlargement of the internal extract duct (which would then encroach into their flats), and to not allow access to the flats to facilitate servicing to the internal ducts. However, as is already noted there will be no change to the existing internal kitchen duct with the only changes being at roof level. It would therefore be the case that any existing servicing arrangements for maintenance of the duct would stay the same however ultimately, access for servicing is a private matter that falls outside of the planning system. This objection is therefore not upheld.

Openable Shopfront

The proposals include the replacement of the existing shopfront on the Curzon Street façade. The replacement shopfront will include a pair of openable glazed bi-folding doors either side of the central door leaves.

The applicant has advised that they are happy to accept restrictions on the hours when these doors could be opened, and have suggested that the openable elements of the shopfront be fixed closed between the hours of 23:00 – 07:00 daily. They also note that, as set out in their OMP, that the restaurant part of the site will be carefully managed and controlled to ensure that noise emissions from live or amplified music cannot be heard

outside the site when the doors are opened. These hours are considered suitable and shall be secured by condition as well as the addition of a condition ensuring that no live or amplified music is heard outside the premises when the doors are open.

Objection has been received raising concern that noise from the openable front will cause disruption to nearby residents. While the objectors note the suggested conditions, they consider them to be inadequate on their own and request that noise should be prohibited from passing outside the building boundary. While this is noted, it is not considered that such a condition would be reasonable given that it may require significant works to the structure to create a soundproof boundary. The conditions as proposed are considered sufficient to protect the amenity of the area and the objection is not upheld.

9.6 Transportation, Accessibility & Servicing

The Highways Planning Manager has assessed the application on commented on the following topics.

Servicing and Waste & Recycling Storage

Policy 29 requires off-street servicing and freight consolidation. Deliveries and goods left on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

No off-street servicing is provided for the proposal, however the car parking access at the rear of the site works as a holding area for goods being delivered and waste awaiting collection. Also, alterations are occurring internally to enable both the cinema and associated restaurant to utilise the rear holding area on the Market Mews frontage for servicing purposes. The ground floor holding area would enable deliveries to be moved off-street immediately and waste would not need to be left on-street awaiting collection, which would benefit pedestrians and other users as well as the public realm appearance.

The Highways Planning Manager notes that while the service arrangements are not ideal, given the existing nature of the site and the quantum of what is proposed, combined with the proposed internal alterations associated with servicing, it is considered that the proposal will not significantly increase the servicing requirement associated with the application site (over its current level) or result in a significant adverse impact on the highway surrounding the site.

Without a dedicated store it is likely waste will be left on the public highway creating an obstruction. Waste storage is included on the submitted plans. The provision and retention of this shall be secured by condition.

Cycling & Cycle Storage

The proposed alterations include the provision of 5 wall mounted cycle parking spaces at the rear of the site. Cycle parking provision would be for staff use and encourage them away from other less sustainable travel modes. The Highways Planning Manager considers the number of spaces proposed is considered acceptable and London Plan

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compliant, however, the location is not desirable. They note it would be better to provide these spaces at basement level in a secure location and that the provision within the rear service area would be unlikely to encourage staff to use these spaces. While this is noted, given that use proposed is an amalgamation of the existing uses and that the building is listed and that there are relatively few other works taking place internally, the location proposed is considered acceptable in this instance. The provision of these cycle parking spaces shall be secured by condition.

The Highways Planning Manager sets out that under the London Plan, the short-stay requirement for cinemas would be 10 (1 space per 30 seats) and restaurant would be 10 (1 space per 40m²). They consider that, given the existing onsite car parking, it would be better to provide additional cycle parking within the basement and think a valet service could be implemented to enable use of the lower level if a more accessible location on-site is not achievable. An objection has also been received raising the absence of short-stay cycle parking.

The applicant states that given the constraints of the site, and given the relatively limited interventions that are taking place internally, there is no scope to provide the required short-stay cycle parking. Given that these proposals represent a technical change of use and that the cinema is already on the site, along with the constrained nature of the listed building and shared nature of the basement area that is suggested by the Highways Planning Manager, it is not considered reasonable to request the short-stay cycle parking spaces in this instance. The objection and request are therefore are not upheld.

Parking

Policy 27 of the City Plan supports development without car parking provision. According to the Transport Statement 8 car parking spaces exist on site and are accessed via a car lift. These spaces are to be retained and are not associated with the cinema or restaurant use. No alteration to the access arrangements of the spaces is occurring.

Given the quantum and nature of the site it is considered that in terms of people arriving and departing the site, the levels would be similar to the existing use (excluding servicing). The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Resident bays are restricted to permit holders only 24hrs a day 7 days a week, with single yellow and other bays restricted from 0830 till 1830 Monday to Saturday. Given the parking controls and access to public transport in the area the impact of the change of use on parking levels is expected to be minimal.

Accessibility

Objectors state that screen 1 is already wheelchair accessible, and that no other art house cinemas are accessible to this extent. While this is noted, the proposed works will provide accessible access to both screen 1 and 2, the foyer, and the restaurant, which is a considerable improvement beyond the existing arrangements (only providing access to the foyer and screen 1) and is welcomed by the Council and in accordance with policy 38 in the City Plan. This objection therefore cannot be upheld and the works to provide better accessibility are supported.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction/refit phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Other Points of Objection.

Many objections have been received against these applications which raise issues which fall outside of the above topics or outside of the planning process. These are addressed below.

Structural Concerns

Objectors have raised concern that the existing roof structure is not structurally capable of supporting the necessary load to accommodate the proposed mechanical plant and acoustic enclosure. While this concern is understood, it is a consideration building control and building regulations, not the planning process. As is noted above in section 9.4 (Townscape, Design & Heritage Impact), if alterations are necessary inside the building, below the plant, these are unlikely to affect the building's special interest noting the list entry states, "...*The interiors of the restaurant flats and offices not of special interest.*" Should it be the case that additional works are required internally to improve the structure, they would be subject to a new listed building consent application. This objection therefore cannot be upheld.

Fire Risk

Objectors raise concern about fire risk, in particular from the extract duct and, given an intended refusal of occupier to allow access to the duct for servicing, that this would represent a fire risk. As noted above the issue of access are not a planning matter. In terms of fire safety, this largely falls outside of the planning system except in instances where works are proposed to a relevant building (which this is) and then the Health and Safety Executive (HSE) must be consulted on the applicant. The HSE have provided comments on the application and note that they are satisfied with the scheme and raised no concerns. It would therefore be unreasonable to withhold permission on the grounds of this objection.

Insufficient Information Submitted

Objectors state that insufficient information has been submitted to allow the assessment of the application considering the submitted information inadequate, and/or citing the absence of documents such as an Air Quality Assessment (AQA), and objecting on the impact on air quality. They also note that they consider information is being withheld due to errors in the submitted documents (such as referring to paragraphs in reports that do not exist).

An AQA is not required for a development such as this (with the validation criteria being

clear on this, despite one being unnecessarily provided on a previous withdrawn application by the applicant) and it would therefore be unreasonable to request one. As is set out above, the assessment of the planning application has been possible with the information provided and the relevant consulted specialists have been satisfied with that provided or required any additional information to be submitted by condition where this is suitable (e.g., a supplementary acoustic report). The use of planning conditions in this way is appropriate. Officers have no reasons to believe that necessary information is being withheld at this time and note that their requests for further information or clarification have all be proactively responded too. This objection therefore cannot be upheld.

Inadequate Consultation Process

Objectors state that they consider the consultations undertaken on this application, and regarding the now withdrawn applications, are inadequate and state that no decision should be made until suitable consultation has taken place. Officers do not agree with this view given that all of the necessary statutory consultations have been completed for the minimum periods by the Council and significant additional time has passed since. Also, these applications have received significant media coverage and have been the subject to campaigns from various parties as set out above. Overall, these applications have received more than the minimum consultation period required and it would be unreasonable to delay or withhold permission or listed building consent on the grounds of these objections.

Overdevelopment

Objectors state that they consider the proposals to be overdevelopment and that the proposals will sterilise a traditional space. As has been set out above, very little will change in planning terms. For the layman, the changes at the site will be limited to the operator of the site and the associated differences in how they undertake their business and refurbishment of the venue. The development itself in this instance is restricted to a technical change of use and relatively modest physical alterations externally and internally. It is therefore not considered the scheme represents over development and the objection is not upheld.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the listed building. The harm would be caused by the alterations to the seating and installation of a lift. The level of harm caused would be at the lower end of less than substantial.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- Provision of accessible lift, and
- Restoration works to foyer area.

The public benefits identified in Section 9.4 and summarised above are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission and listed building consent are granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

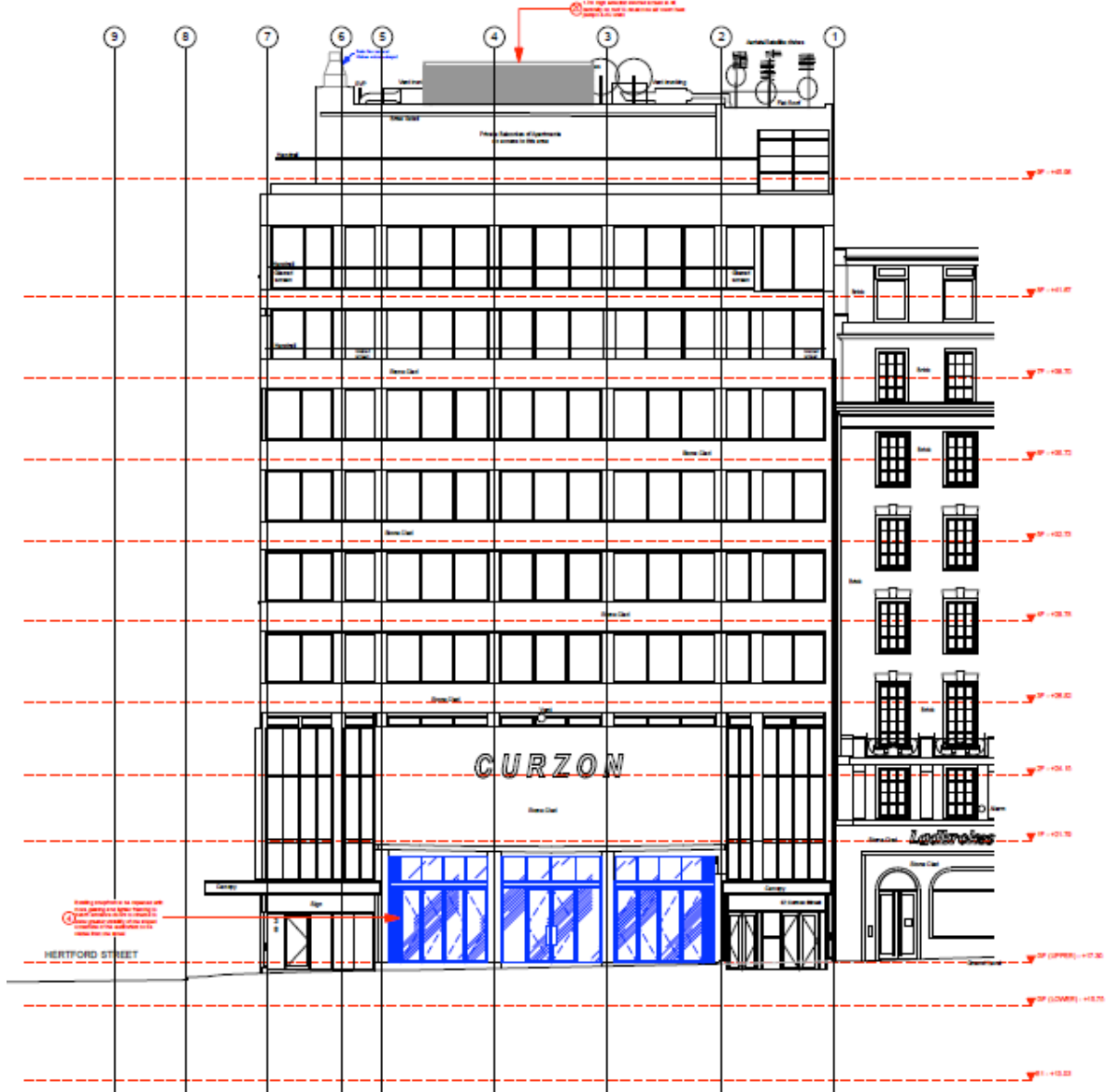
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

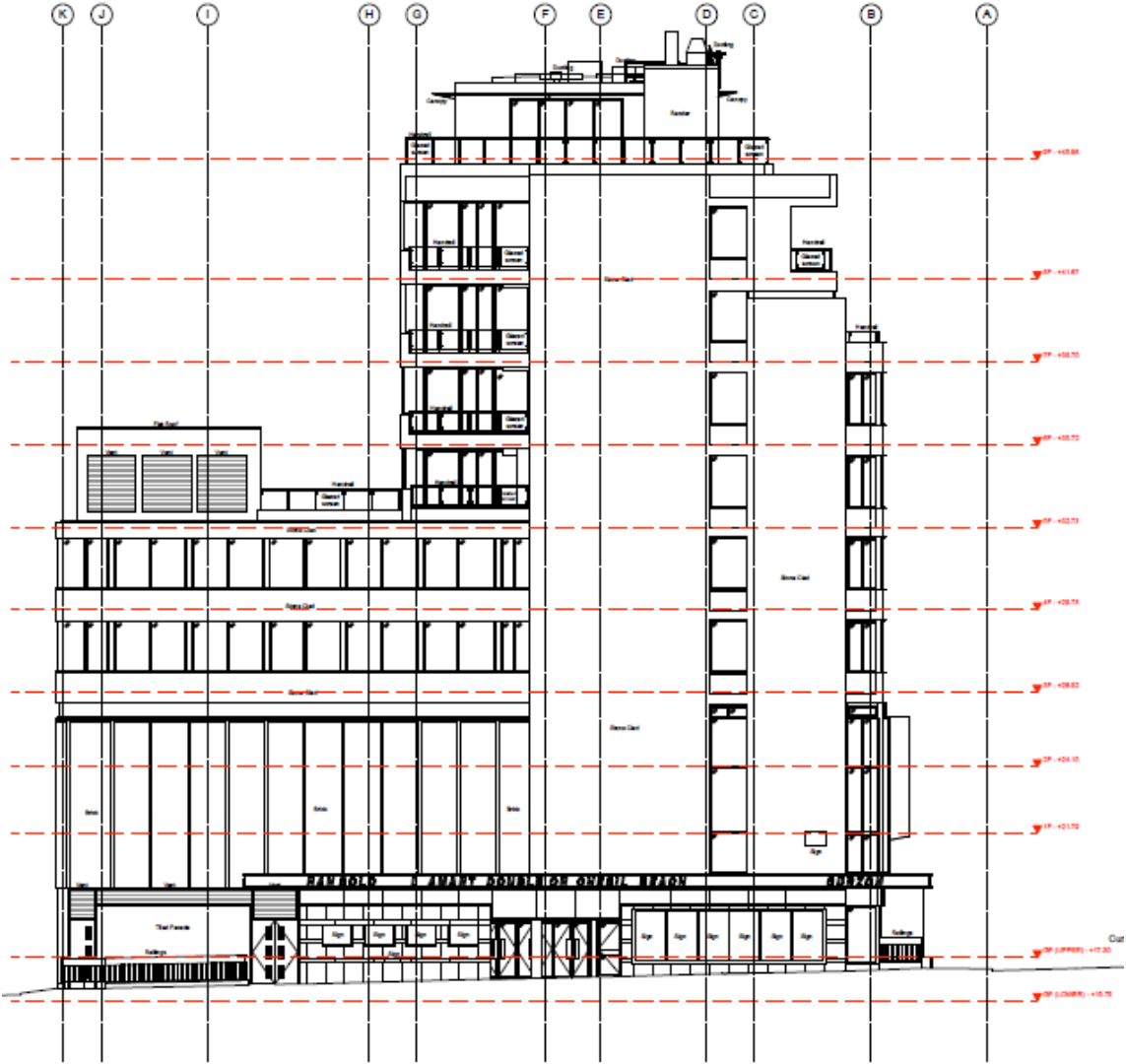
11. KEY DRAWINGS



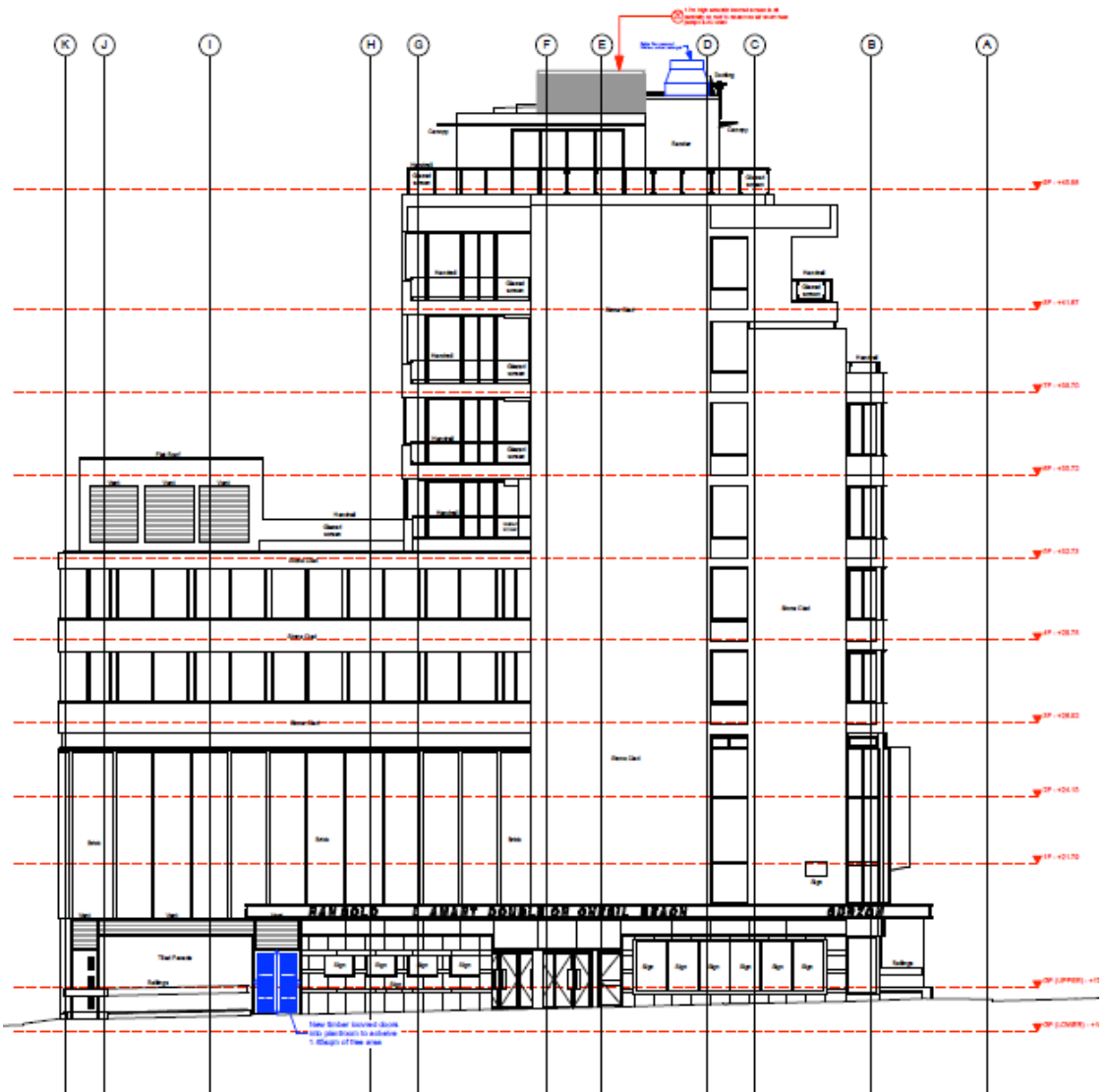
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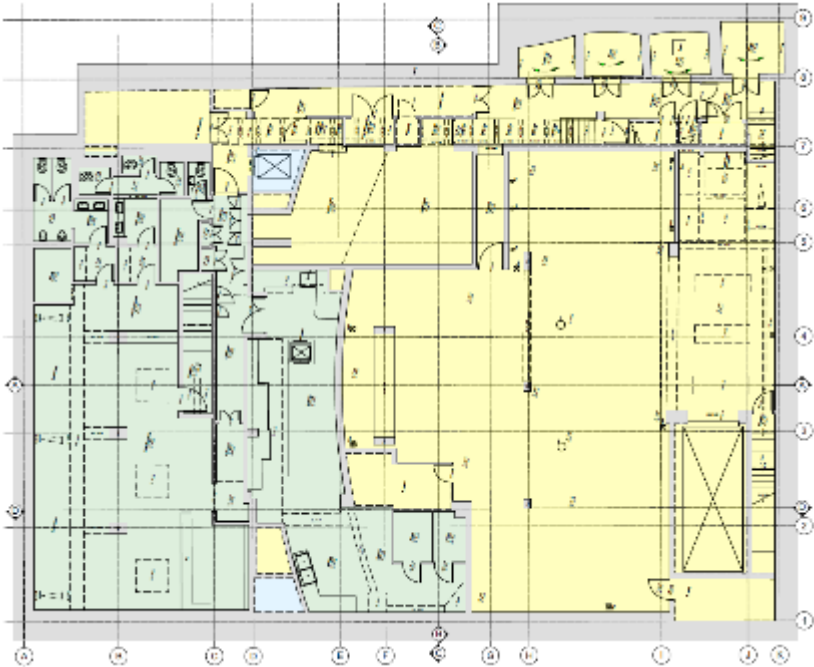
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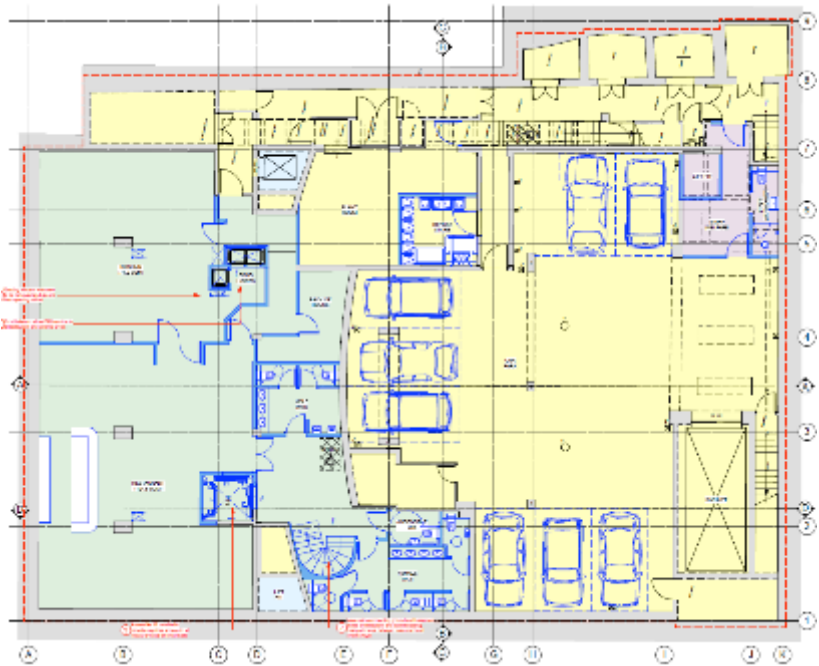
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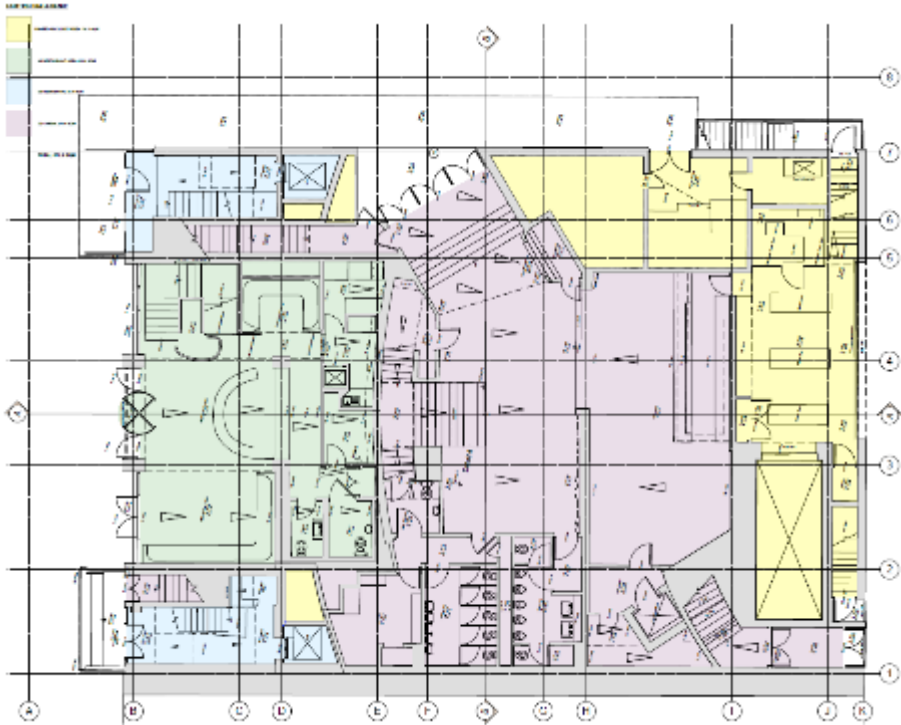
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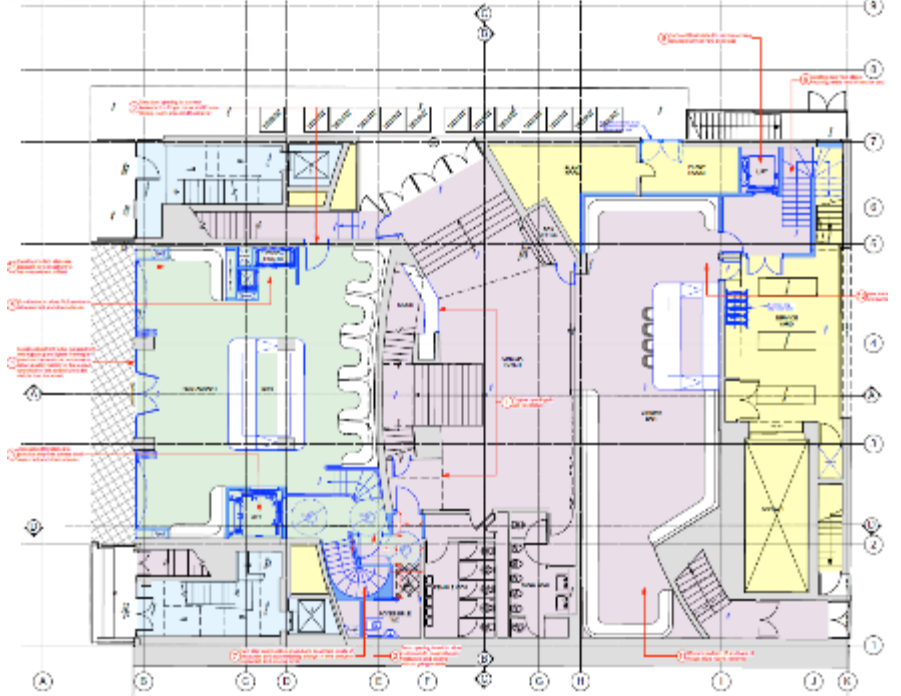
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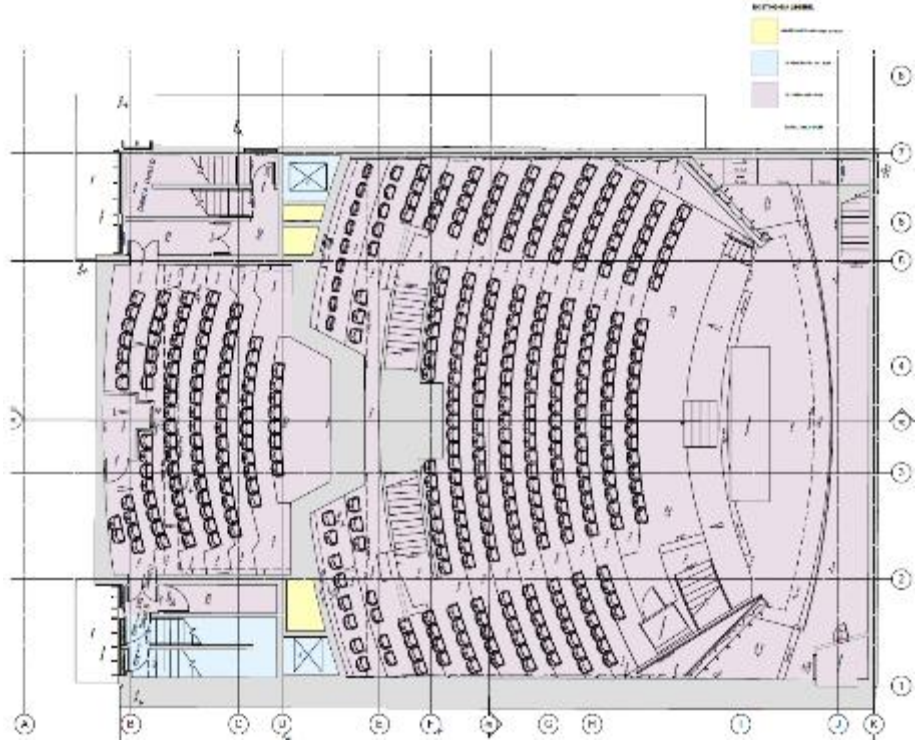
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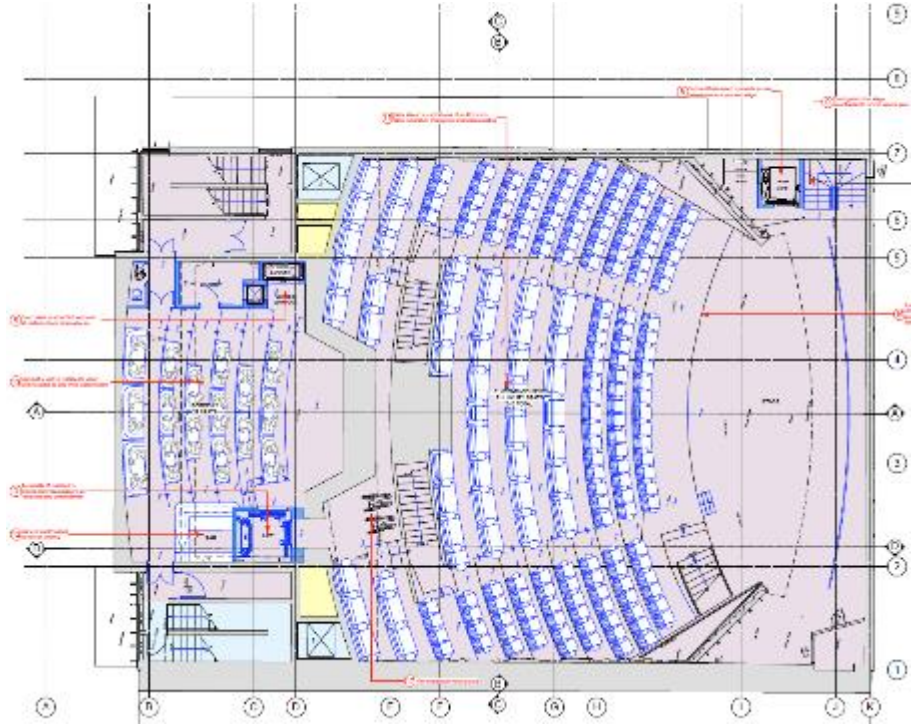
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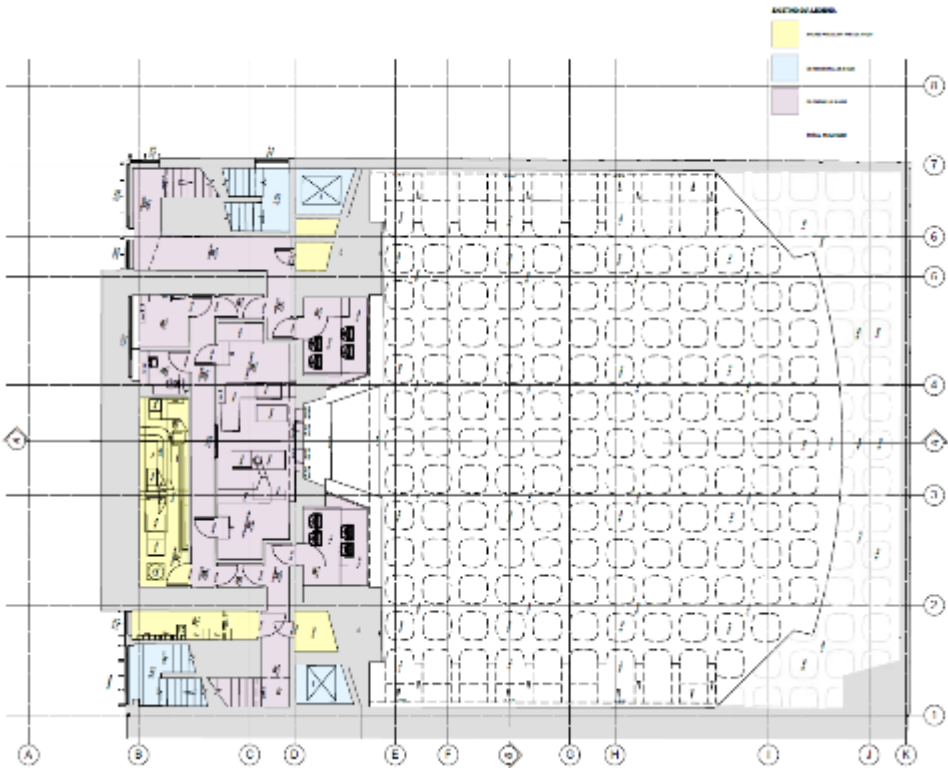
Existing First Floor



Proposed First Floor



Existing Second Floor



Proposed Second Floor



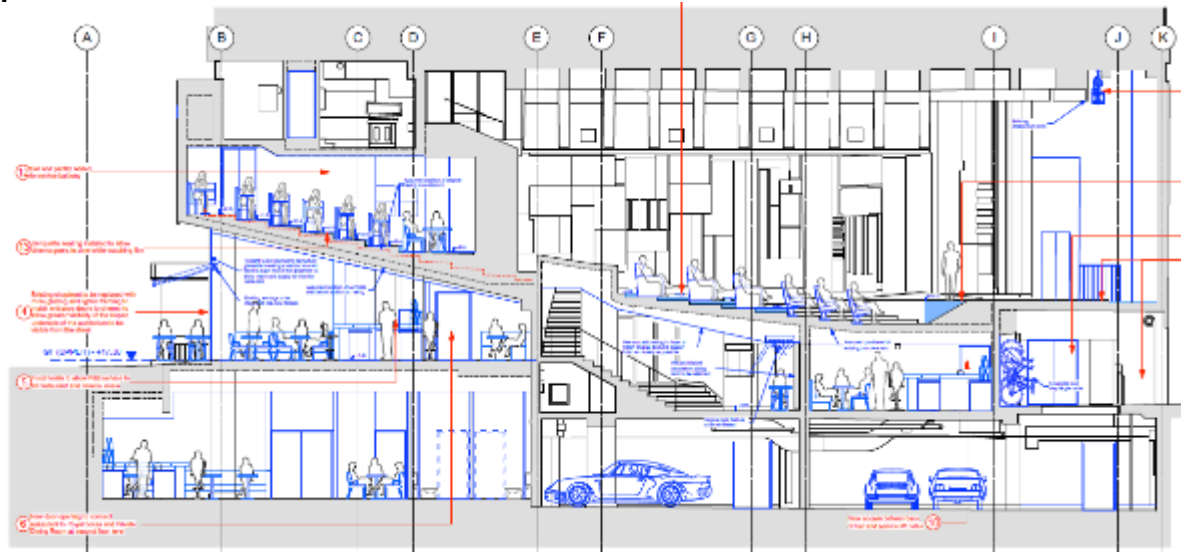
Existing Section A



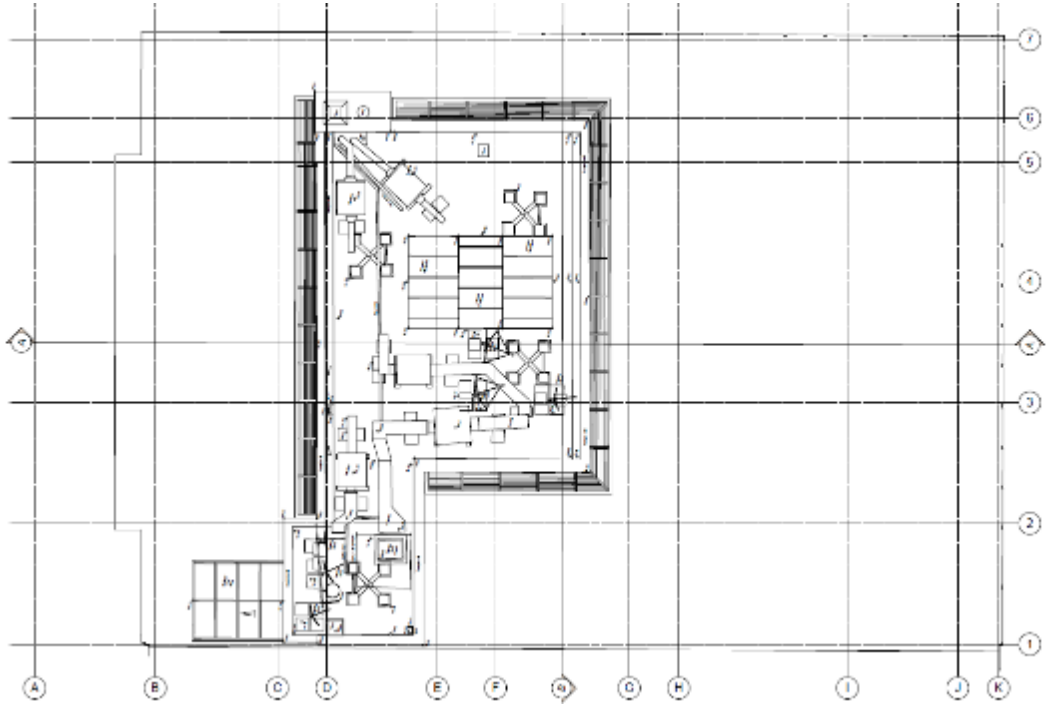
Datum 10.00m

Section A

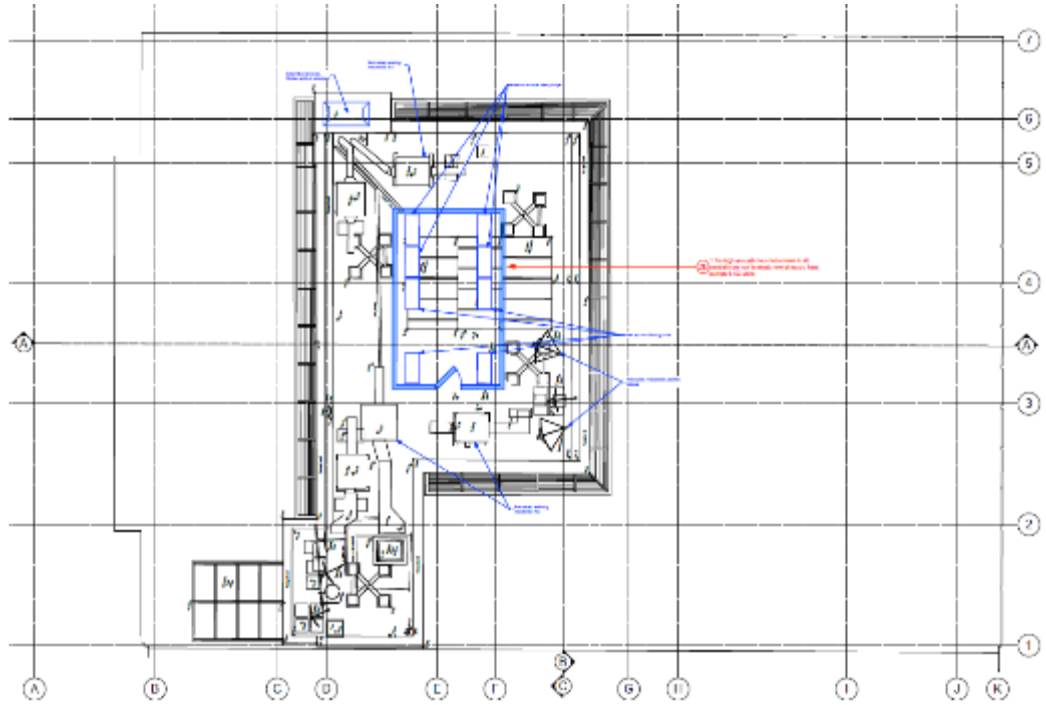
Proposed Section A



Existing Roof Plan



Proposed Roof Plan



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23/06072/FULL - DRAFT DECISION LETTER

Address: Basement And Ground Floor, 38 Curzon Street, London, W1J 7TU

Proposal: Amalgamation of the existing cinema and restaurant, retaining the 2 existing cinema screens, to create a cinema-led, mixed-use premises; replacement plant equipment; and other associated external works. (Linked with 23/06073/LBC)

Plan Nos: Proposed Drawings:
AHA-CCM-GA-099_REV I ; AHA-CCM-GA-100_REV I ; AHA-CCM-GA-101_REV G
; AHA-CCM-GA-102_REV E ; AHA-CCM-GA-110 ; AHA-CCM-GA-200_REV
A ; AHA-CCM-GA-201_REV A ; AHA-CCM-GA-202 ; AHA-CCM-GA-203 ;
AHA-CCM-GA-300_REV F ; AHA-CCM-GA-302_REV C ; AHA-CCM-GA-
303_REV A.

Other Documents:
Document titled "DRAFT OPERATIONAL MANAGEMENT PLAN" for The Mayfair
Cinema 38 Curzon Street and 37A Curzon Street, dated August 2023.

Case Officer: Adam Jones

Direct Tel. No. 07779431391

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of detailed drawings at 1:10 with full size sections of key details, of the following parts of the development:
- (1) The new windows and doors to the Curzon Street façade of the restaurant,
 - (2) The new doors to Herford Street.

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.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings at 1:10 with full size sections of key details, of the following parts of the development:
- (1) The rooftop plant supporting structure and screening.

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 and install the acoustic attenuation measures shown on the approved drawings and details before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place.

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 and to protect neighbouring residents from noise and vibration nuisance as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 7 No vibration shall be transmitted to adjoining or other premises and structures through the

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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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 6 and 7 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 9 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 survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 6 and 7 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 10 The restaurant aspect of the hereby approved use shall only operate within the area labelled as 'restaurant'/coloured green on the approved drawings AHA/CCM/GA/099 Rev I and AHA/CCM/GA/100 Rev I.

Reason:

To protect the designated Asset of Community Value, to prevent harm to the character and function of the Shepherd Market Local Centre and harm the amenity of neighbouring occupiers. This would not meet Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021).

- 11 You must carry out the measures included in the approved operational management plan at all times that the mixed use cinema/restaurant (sui generis) is in use.

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Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 12 The hereby approved openable shopfront windows on Curzon Street must be fixed shut between 23:00 and 07:00 the following morning.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 13 No music or amplified sound played in the premises shall be audible outside the premises at any time that the shopfront windows are open or closed.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number AHA/CC/GA/099 Rev. I prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the mixed use cinema/restaurant (sui-generis). (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 15 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the

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London Plan (March 2021), 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 5, 6, 7, 8 and 9 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 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 5 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

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.

23/06073/LBC - DRAFT DECISION LETTER

- Address:** Basement And Ground Floor, 38 Curzon Street, London, W1J 7TU
- Proposal:** Amalgamation of the existing cinema and restaurant, retaining the 2 existing cinema screens, to create a cinema-led, mixed-use premises; replacement plant equipment; and other associated external works. (Linked to 23/06072/FULL)
- Plan Nos:** Demolition Drawings:
 AHA-CCM-DM-099-1 ; AHA-CCM-DM-099_REV F ; AHA-CCM-DM-100-1_REV A ;
 AHA-CCM-DM-100_REV E ; AHA-CCM-DM-101-1_REV A ; AHA-CCM-DM-101_REV C ; AHA-CCM-DM-102-1 ; AHA-CCM-DM-102_REV D.
- Proposed Drawings:
 AHA-CCM-GA-099_REV I ; AHA-CCM-GA-100_REV I ; AHA-CCM-GA-101_REV G
 ; AHA-CCM-GA-102_REV E ; AHA-CCM-GA-110 ; AHA-CCM-GA-200_REV A ; AHA-CCM-GA-201_REV A ; AHA-CCM-GA-202 ; AHA-CCM-GA-203 ;
 AHA-CCM-GA-300_REV F ; AHA-CCM-GA-302_REV C ; AHA-CCM-GA-303_REV A.

Case Officer: Adam Jones

Direct Tel. No. 07779431391

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

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

Reason:

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 Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 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 Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of detailed drawings at 1:10 with full size sections of key details, of the following parts of the development:
 - (1) The new windows and doors to the Curzon Street façade of the restaurant,
 - (2) The new doors to Herford Street.

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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.

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 Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of detailed drawings at 1:10 with full size sections of key details, of the following parts of the development:
- (1) All new internal doors at ground, first and second floor levels,
 - (2) The reinstated feature lighting in the foyer,
 - (3) The new cinema bar,
 - (4) The new staircase between the cinema foyer and restaurant.

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.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 5 You must apply to us for approval of detailed drawings at 1:10 with full size sections of key details, of the following parts of the development:
- (1) The rooftop plant supporting structure and screening.

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.

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 Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 You must apply to us for approval of the following parts of the development:
- (1) One of the new luxury seats in the main and second auditoria drawn at a scale of 1:5,
 - (2) A sample of the fabric covering for the new seating in the main auditorium,
 - (3) A sample of the carpet for the main auditorium.

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.

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Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

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, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 December 2023	Classification For General Release	
Addendum Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	11 Stanhope Gate, London, W1K 1AN		
Proposal	Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.		
Agent	Savills		
On behalf of	Stanhope Property Ltd		
Registered Number	23/01537/FULL	Date amended/ completed	17 March 2023
Date Application Received	8 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to completion of a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i). A late-stage viability review mechanism, ii). Car club membership for the occupiers of all residential units for a period of 25 years, and iii). Payment of S106 monitoring costs. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Town Planning and Building Control shall consider whether permission should be

refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

This application was considered by the Planning Applications Sub-Committee (1) on 31st October 2023 (see attached copy of report and minutes). It was deferred, to be reported back to committee on completion of an addendum report to fully address the lack of affordable housing within the scheme and to provide further detail on the reasons why no payment in lieu was viable.

Copies of the applicant's Financial Viability Assessment Report (FVA, Savills) and the Council's independent consultant's Financial Viability Assessment (Aspinall Verdi) have been provided to members of the Sub-Committee. In summary, the applicant's viability assessment demonstrates that the scheme is not viable because of the high development costs associated with the development in this location, and the property's existing high use/investment value as an income producing asset. This sets a high threshold that precludes any affordable housing contribution. This has been rigorously tested through an independent viability review by the City Council's independent assessors Aspinall Verdi, who also conclude that the scheme is unviable.

As a brief background on the significance of viability in determining planning application, it should be noted that the National Planning Policy Framework (NPPF) includes advice on viability, as a factor to be taken into account to help ensure that development plans and policies are deliverable and that they facilitate development throughout the economic cycle (NPPF paragraph 174). Similar advice is provided in the Planning Practice Guidance on Viability (PPG) from the Department for Levelling Up, Housing & Communities.

Paragraph 173 of the NPPF states that: "sites and scale of development identified in the [local development] plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable".

Within planning viability assessments there are two assessments of land value that are undertaken to determine whether a proposal is viable: the assessment of residual land value (RLV) and benchmark land value (BLV – referred to as the Site Value Benchmark, SVB, in the Savills Financial Viability Assessment Report). The RLV is determined through deducting development costs from development value to ascertain the underlying land value. This is then compared with the BLV, which can be considered as the value below which a reasonable land owner is unlikely to release a site for redevelopment. The PPG defines the benchmark land value (BLV) for any viability assessment as the existing use value (EUV) of the land, plus a premium for the landowner.

The process for establishing an appropriate benchmark land value for a viability assessment is key because this indicates the threshold for determining whether a scheme is viable or not. A development is typically deemed to be viable if the residual land value is equal to or higher than the

benchmark land value, as this is the level at which it is considered that the landowner has received a 'competitive return' and will release the land for development.

The NPPF's benchmark for viability appraisal is that it should "take account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable"

Key values to be assessed are local office and residential values, and the development costs (including build costs, contingency, professional fees and CIL payments) for implementing the proposed scheme. Taking all these factors into consideration, the applicant's FVA concludes that the RLV generates a deficit against the SVB. Therefore the scheme is not considered commercially viable in planning terms and technically unable to provide an affordable housing contribution other than on an ex gratia basis (which the applicant has not offered in this case). The key issues facing the proposed development are the high development costs associated with development in this location, and the property's standing investment value as an income producing asset. In planning viability terms, this inherently supports a relatively high EUV - and by extension SVB, setting a threshold at which the scheme is technically able to deliver an affordable housing contribution.

The viability assessment has been done on the basis of a 20% profit level, which is generally considered the standard amount, albeit at the upper end. The applicant has argued that this is an appropriate amount in the current market: reference is made to the February 2022 invasion of Ukraine by Russia de-stabilising the global economy, global inflationary pressures and increased interest rates, leading to economic uncertainty that in effect justifies the higher premium to incentivise the development. It is acknowledged that the development will result in additional residential accommodation, which is one of the City Plan priorities.

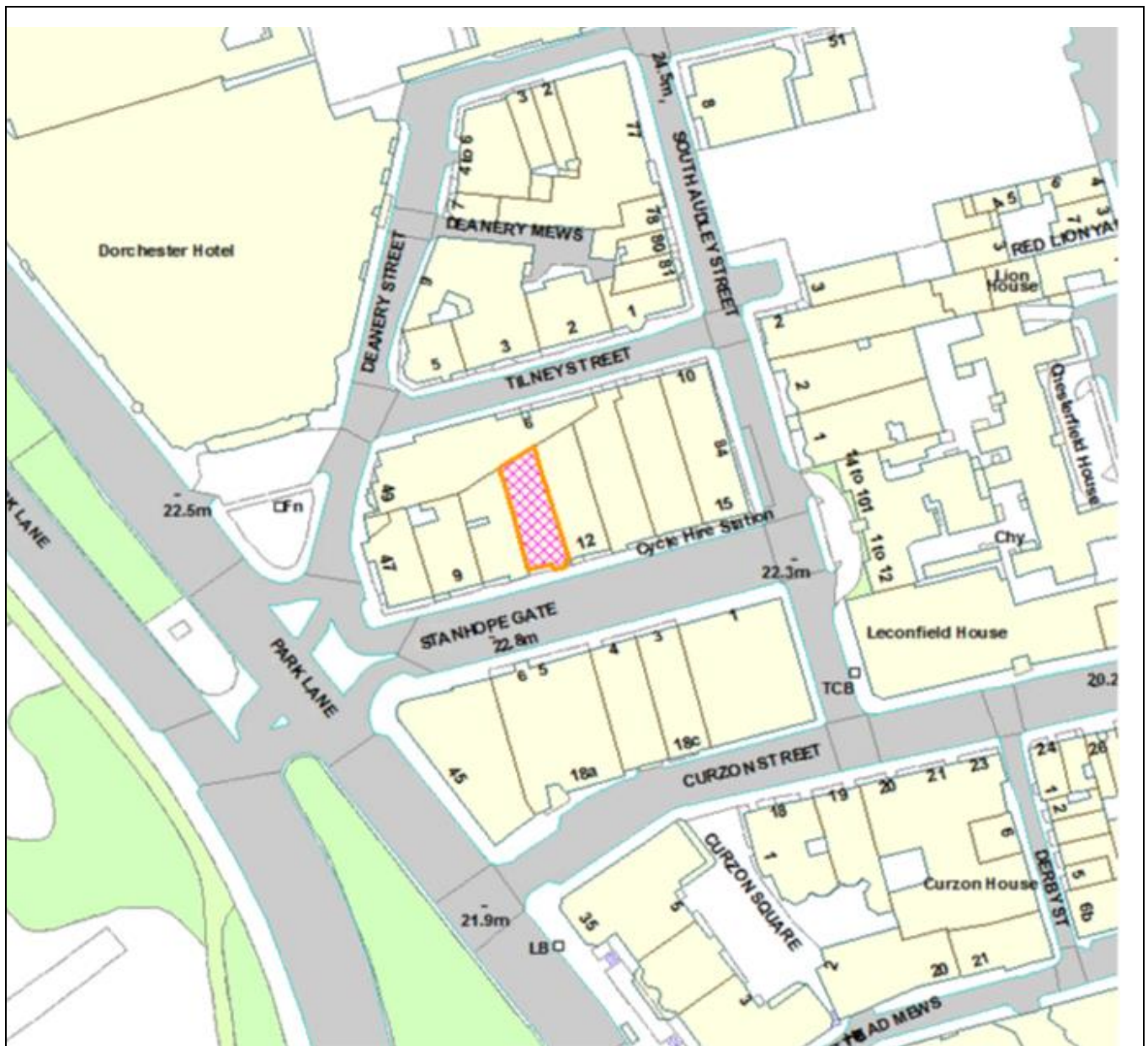
In respect of why the applicant is pursuing the wholly residential scheme (rather than the mixed use residential and office scheme previously approved and now being implemented), even though the viability report demonstrates a deficit, the planning agent has advised that "in this case, the proposed scheme achieves a much better efficiency in what is a relatively small floorplate building. The single use is more logical, more appropriate to manage and in the long term provides an improved residential environment and two more flats than currently consented. There is the on-going difficulty in trying to attract commercial tenants and so a fully residential scheme removes that long term uncertainty even if it means that the return is less at the moment."

"Importantly, the building has been in ownership by the current owner for well over a decade and has not been purchased as a speculative residential development for profit making purposes. The applicant has a vested interest in its longer term stewardship. Upon completion, there is every likelihood that the applicant will hold the asset for the long term and retain the dwellings. Viability is therefore not a prohibitive factor to the applicant's ambition to deliver a high-quality residential scheme which will deliver new housing in the area." (Email from Savills dated 30th October 2023.)

Aspinall Verdi, acting for the Council, has undertaken appraisals for the proposed development without any affordable housing contribution, and conclude that there is a significant deficit, not wholly dissimilar to the deficit calculated by the applicant. Aspinall Verdi has also undertaken a sensitivity test in order to determine the increase in revenues necessary for the proposed development to provide both the minimum BLV to the landowner and return the minimum risk-adjusted return of 20% profit on GDV to the developer. This demonstrates that even if the proposed development were to generate increased residential sales revenue by 10%, and there was a reduced rate for construction costs by 10%, there would still be a significant deficit.

Aspinall Verdi do recommend that a review mechanism is secured through the S106 legal agreement to ascertain whether any uplift can be secure a contribution towards affordable housing. The review mechanism will determine if market changes show that the viability of the scheme has improved and could deliver an increased contribution towards the City Council's affordable housing fund. Any viability assessment will be independently assessed again by appointed consultants. The scheme is therefore recommended for approval subject to this review mechanism, as well as securing car club membership for the flats and payment of S106 monitoring costs.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

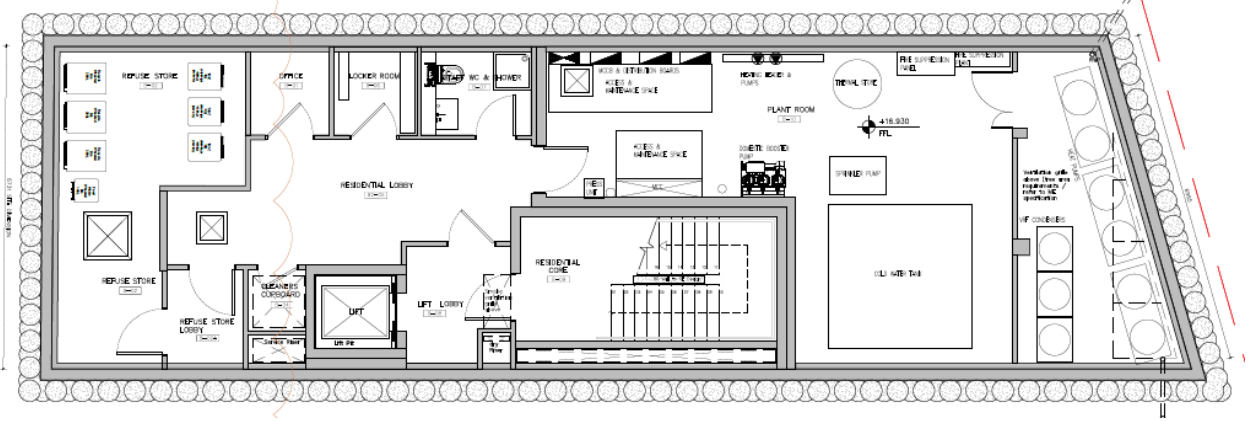
No further consultations nor responses since the application was considered by the Sub-Committee on

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

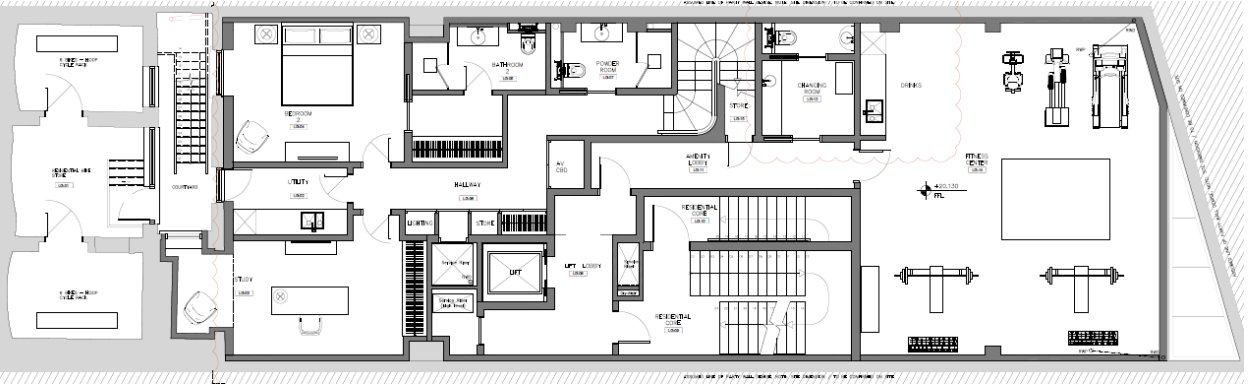
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

6. KEY DRAWINGS

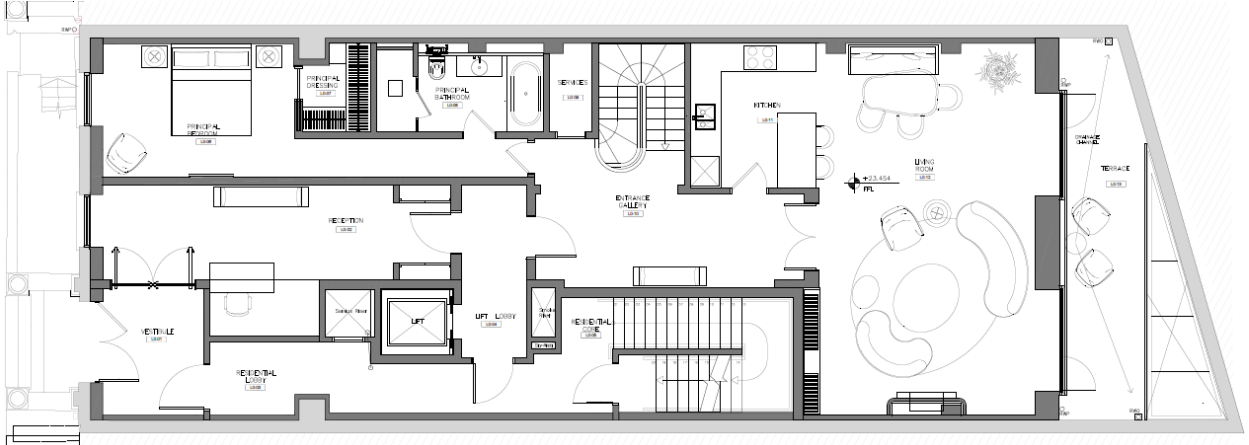
PROPOSED BASEMENT



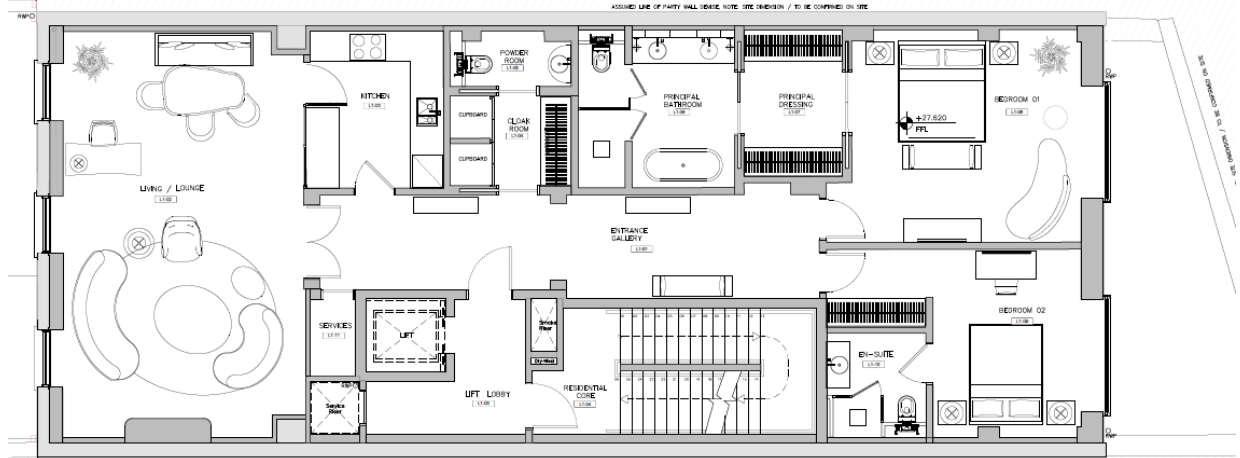
PROPOSED OVER GROUND FLOOR



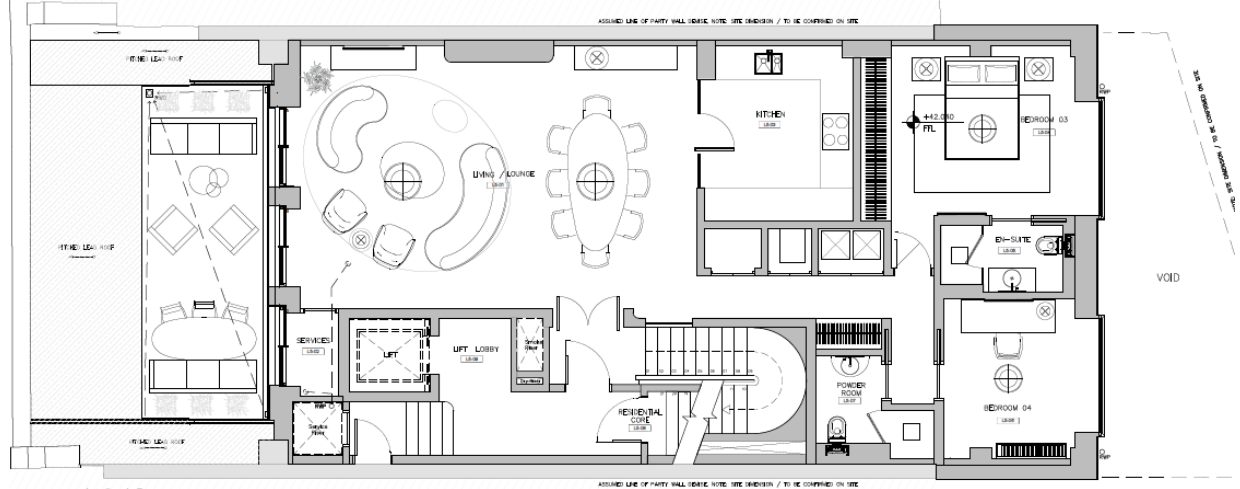
PROPOSED GROUND FLOOR



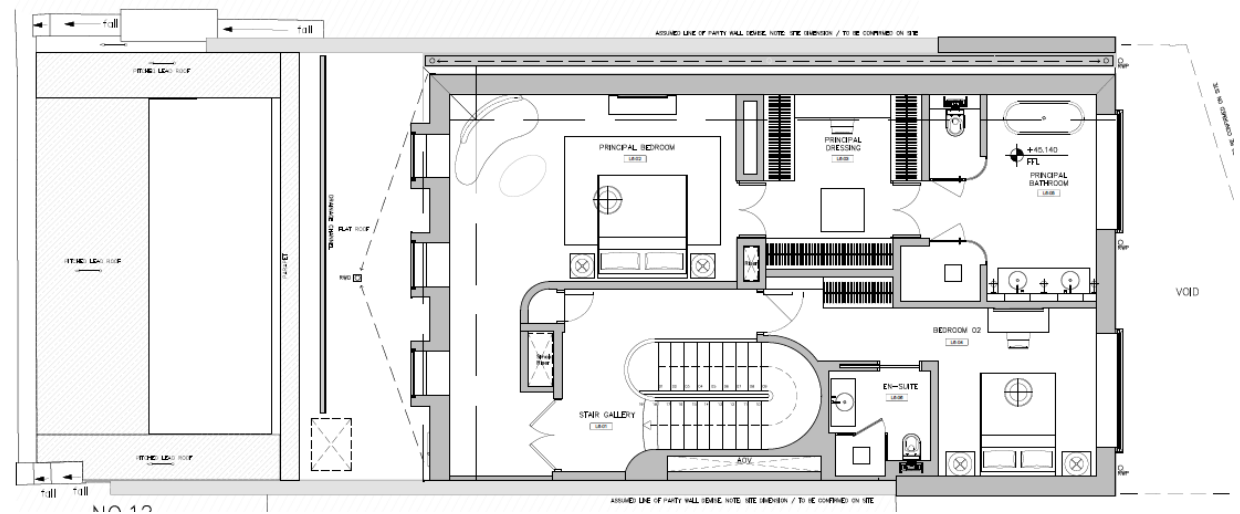
PROPOSED TYPICAL UPPER FLOOR (1ST – 4TH)



NO 12 PROPOSED 5TH FLOOR

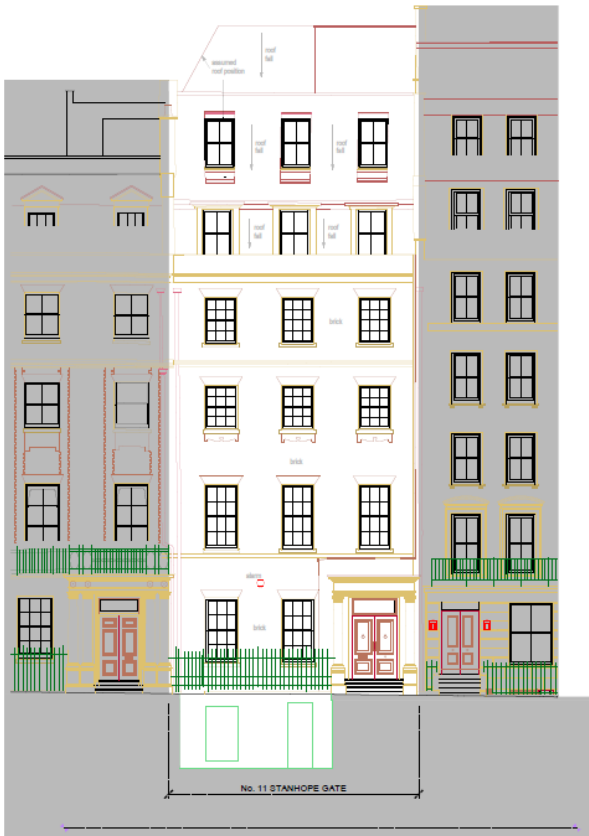


PROPOSED 6TH FLOOR



EXISTING

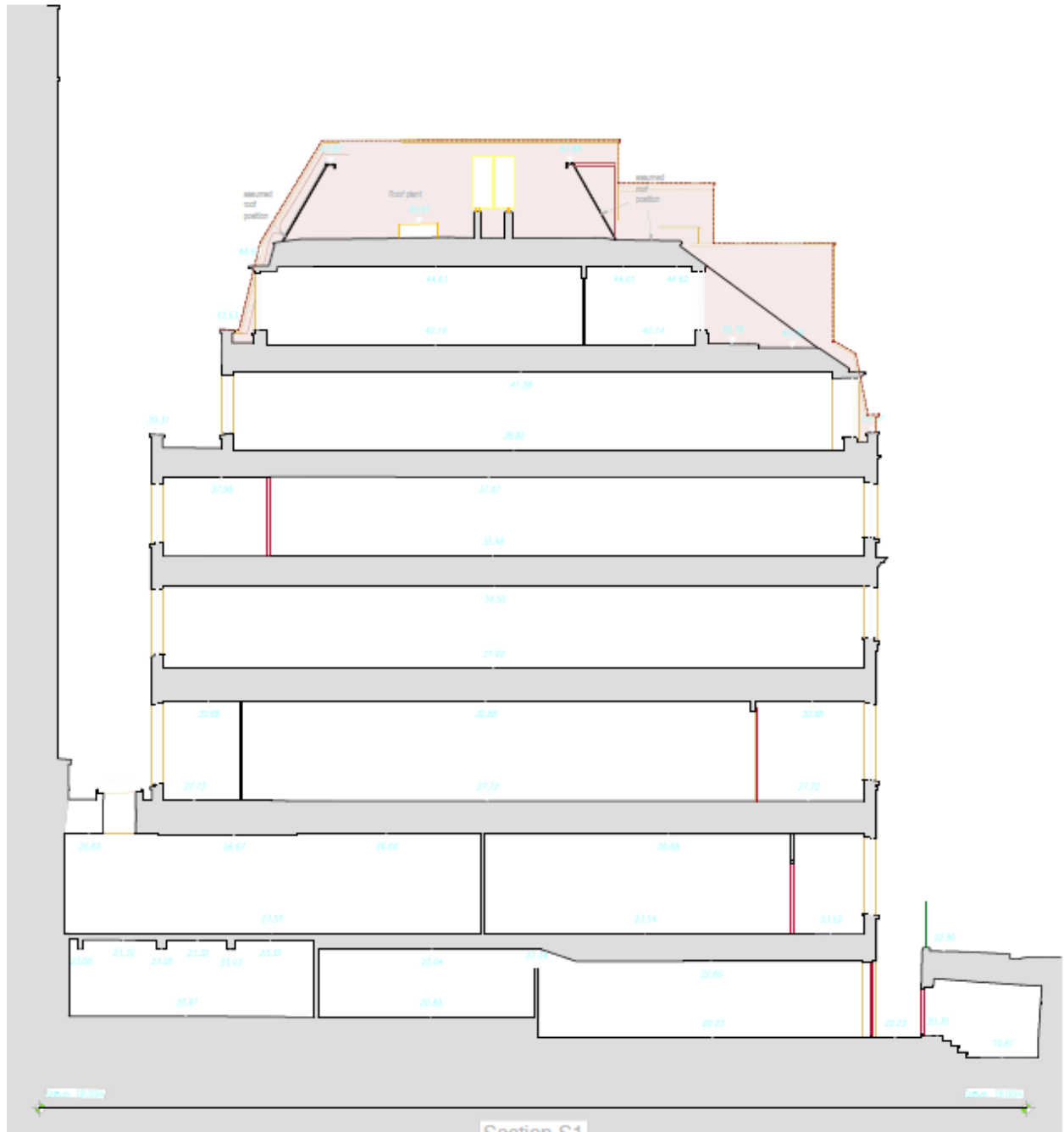
AND PROPOSED FRONT ELEVATION



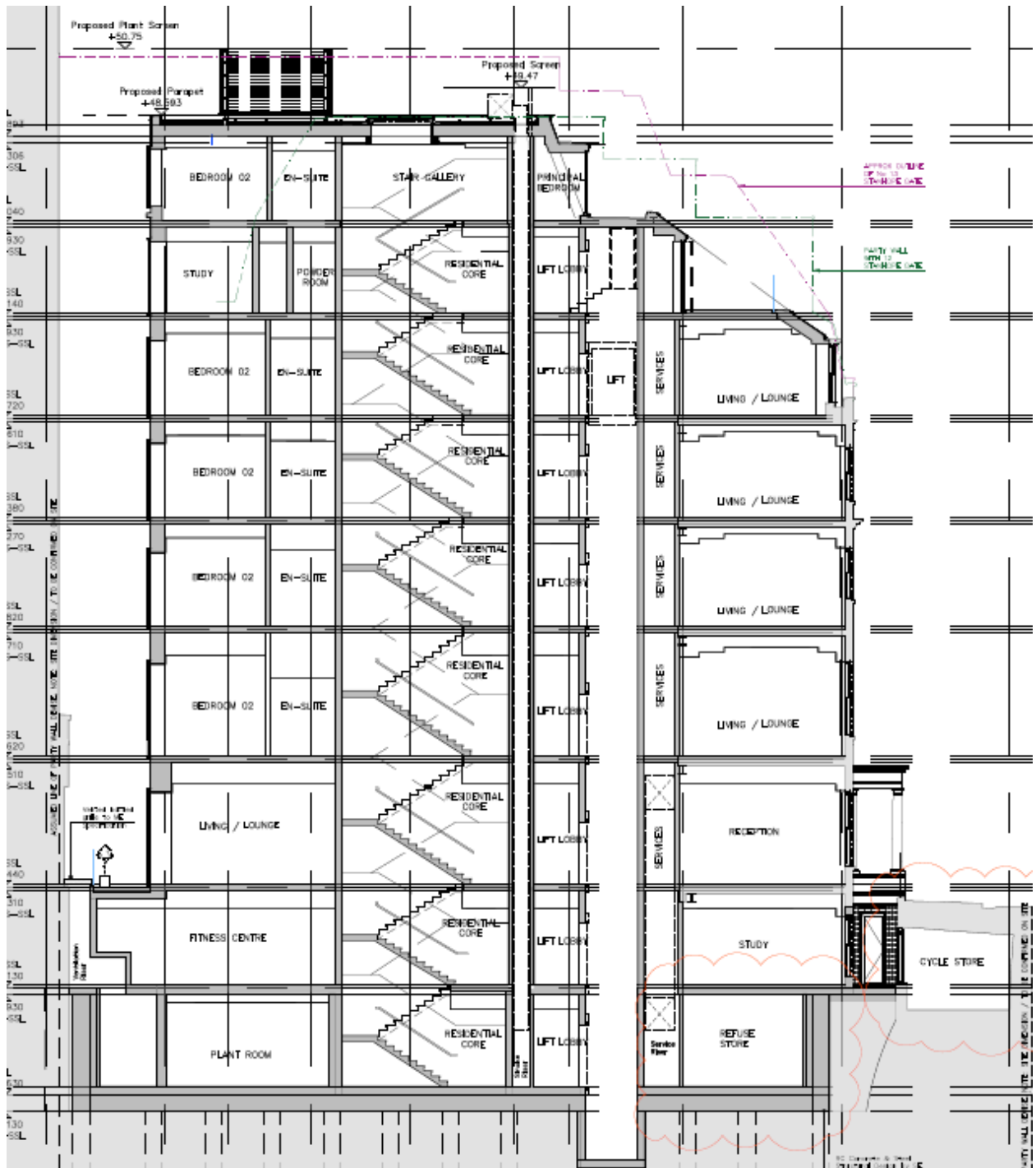
EXISTING AND PROPOSED REAR ELEVATION



EXISTING SECTION -



PROPOSED SECTION



DRAFT DECISION LETTER

Address: 11 Stanhope Gate, London, W1K 1AN

Proposal: Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.

Reference: 23/01537/FULL

Plan Nos: A-GA-099 REV P03 (PROPOSED BASEMENT FLOOR LEVEL),
A-GA-099 REV P03 (PROPOSED LOWER GROUND FLOOR LEVEL),
A-GA-100 REV P01, A-GA-101 REV P01, A-GA-102 REV P01,
A-GA-103 REV P01, A-GA-104 REV P01, A-GA-105 REV P01,
A-GA-106 REV P01, A-GA-107 REV P01, A-GA-108 REV P01,
A-GA-109 REV P01, 942-GA-110 REV P02 and 942-GA-110 REV P03;
Desk Study & Ground Investigation Report from GEA reference J21347 revision 6 dated 22nd February 2023.

Case Officer: Paul Quayle

Direct Tel. No. 07866 039895

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special

circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must carry out the works hereby approved in compliance with the signed agreement dated 24 January 2023 confirming that the implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 The ancillary fitness centre at lower ground floor level shall only be used by residents of the building and their guests.

Reason:

To protect the living conditions of people who may use the property in future as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13DD)

- 5 The three bedroom residential unit shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

- 6 You must provide the waste store shown on drawing A-GA-099 REV P03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 7 You must apply to us for approval of details of secure cycle storage within the front vaults at lower ground floor level shown on drawing A-GA-099 REV P03 for the residential use. You must not start any work on this part of the development until

we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the residential flats. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 8 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 9 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 10 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 8 of this permission. You must not operate the plant (apart from testing it in order to meet the requirements of this condition) nor occupy the building until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 11 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of

external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 12 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) 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 in an emergency situation., (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. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 13 You must carry out the development in accordance with the details in the Desk Study & Ground Investigation Report from GEA reference J21347 revision 6 dated 22nd February 2023. You must apply to us and receive our written approval for phase 3 before any further demolition or excavation work is carried out, and for phase 4 when the development has been completed but before it is occupied.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution. With reference to the discovered asbestos, any future submissions to address phase 3 (remediation) should provide:

- o A risk assessment specific to the project - what is the nature of the asbestos, what are the exposure pathways, and who is potentially at risk?,
- o Is the work classed as licensed work or non-licensed work?,
- o Does the Health & Safety Executive need to be notified of the work?,
- o If not, confirmation of this.,
- o What is the personal protective equipment (PPE) and respiratory protective equipment (RPE) requirements?,
- o What type of training do operatives require?,
- o What control measures need to be considered during earthworks? This may include damping down, material handling, stockpiling, soil sentencing, etc.,
- o Decontamination of operatives and site plant., o What are the waste disposal options?,

o Does the site require reassurance air monitoring? This may take place close to the work activities, or at the site boundary to ensure that neighbours aren't impacted.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. In particular it must include:

- o Confirmation that the installed basement water proofing is compliant with BRE guidance with regard to Radon;
- o The asbestos contamination on site has been removed and there are no areas of soft landscaping;
- o Details of the watching brief and if contamination was discovered, details of the contamination, testing details and confirmation of the remediation, where required.

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 14 The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 15 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 16 No development should occur between the highway (footway) surface and a depth of 900mm.

Reason:

To ensure sufficient space remains for highway infrastructure and utilities and in accordance with Policy 45 of the City Plan 2019 - 2040 (April 2021).

- 17 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 18 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 19 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 21 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , air source heat pumps, , 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 Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, i). A late-stage viability review mechanism and, ii). Car club membership for the occupiers of all residential units for a period of 25 years.
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 5 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , , * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must

comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference 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.

[Relevant extract]



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 31st October, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Sara Hassan, Ryan Jude and Elizabeth Hitchcock

1 MEMBERSHIP

- 1.1 It was noted that Councillors Bush and Jude had replaced Councillors Williams and Chowdhury on the Sub-Committee.
- 1.2 A Councillor was required to Chair the evening's meeting and the SubCommittee

RESOLVED:

That Councillor Ruth Bush be elected Chair of Planning Applications SubCommittee (1) for that evening's meeting.

2 DECLARATIONS OF INTEREST

- 2.1 The Chair explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not

mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

- 2.2 Councillor Hitchcock declared that in respect of Item 2 the application site was situated within her ward, but she had held no discussions with any parties regarding the application.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 22 August 2023 be signed by the Chair as a correct record of proceedings.

4 TREE PRESERVATION ORDER TPO 697 - 92 CLIFTON HILL, LONDON, NW8 0JT

To confirm or not to confirm Tree Preservation Order No. 697.

Additional representations were received from Councillor Caroline Sargent (23.10.23) and Westminster City Council's Arboricultural Officer (24.10.23).

Late representations were received from Westminster City Council's Town Planning and Building Control Team (15.06.23) and Arboricultural Officer (23.05.23).

Simon Gamlin addressed the Sub-Committee in objection to the order.

RESOLVED UNANIMOUSLY:

That Tree Preservation Order No. 697 (2023) be confirmed without modification with permanent effect.

5 PLANNING APPLICATIONS

The Sub-Committee heard the planning applications in the following order: 2, 3 and 1.

1 11 STANHOPE GATE, LONDON, W1K 1AN

Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor

and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.

The Presenting Officer also tabled a revised recommendation in addition to the following amended conditions:

1. Grant conditional permission subject to completion of a S106 legal agreement to secure the following:
 - i. A late-stage viability review mechanism
 - ii. Car club membership for the occupiers of all residential units for a period of 25 years.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Amended Condition 3:

You must carry out the works hereby approved in compliance with the signed agreement dated 24 January 2023 confirming that the implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice.

Deletion of Condition 14 and replacement with:

Amended Condition 14:

The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

Additional Condition 21:

You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Air source heat pumps;

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 Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

RESOLVED UNANIMOUSLY:

That the application be deferred and be reported back to committee on completion of an addendum report to fully address the lack of affordable housing within the scheme and to provide further detail on the reasons why no payment in lieu was viable.

The Meeting ended at 9.38 pm

CHAIR: _____

DATE _____

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 31 October 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	11 Stanhope Gate, London, W1K 1AN		
Proposal	Excavation of new basement level; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 6 residential units (use class C3), set back roof plant room and shroud to contain life safety kit, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new terrace at ground floor rear with basement ventilation.		
Agent	Savills		
On behalf of	Stanhope Property Ltd		
Registered Number	23/01537/FULL	Date amended/ completed	17 March 2023
Date Application Received	8 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

7. RECOMMENDATION

Grant conditional permission

8. SUMMARY & KEY CONSIDERATIONS

This application is the latest of several for this building for its gradual conversion from offices to residential use, with a new basement and roof extensions and other alterations. The application is an amalgamation of the previous applications, with the main difference now being the use of the lower ground, ground and first floors from what had been retained office/alternative Class E uses to two additional residential flats (in addition to the four flats already approved for the second to new sixth floors. As before, this application includes the new basement, roof extensions and other alterations previously approved.

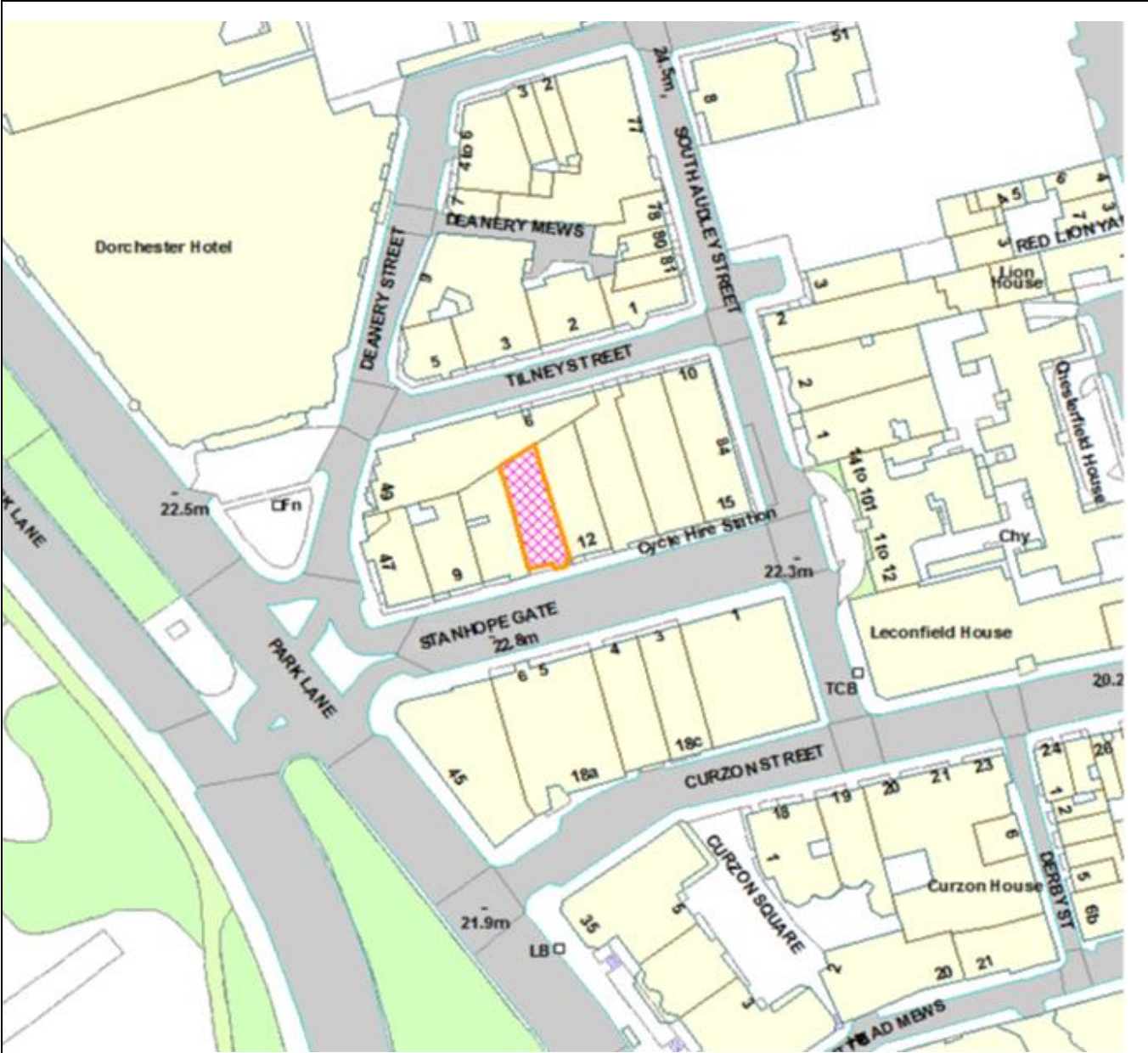
The key considerations in this case are:

- The loss of the office accommodation; and
- The lack of any affordable housing and payment in lieu.

There have been protracted discussions between the applicant and the Health and Safety Executive (HSE) about fire safety arrangements, and following some internal alterations to the layout of the lower floors, the HSE no longer objects to the proposal. There are no other objections.

For the reasons set out in the main report, the loss of office in this location is considered to be acceptable, with Stanhope Gate considered to be primarily in residential use. The application has been subject to a viability assessment by independent consultants on behalf of the Council, who have advised that it is unviable for the proposals to provide any actual affordable housing nor a payment in lieu.

9. LOCATION PLAN



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10. PHOTOGRAPHS



11. CONSULTATIONS

11.1 Application Consultations

HISTORIC ENGLAND (ARCHAEOLOGY)

No further assessment or conditions are necessary.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally

MAYFAIR NEIGHBOURHOOD FORUM

Any response to be reported verbally

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

HEALTH AND SAFETY EXECUTIVE

Raised a number of detailed concerns and other comments about the proposed layout; following discussions with the applicant and subsequent revisions, are now content with the proposals.

ENVIRONMENTAL SCIENCES

Initial objection on the grounds of air quality, as the application submission was missing an air quality assessment. This has subsequently been provided and Environmental Sciences no longer object, subject to conditions.

HIGHWAYS PLANNING

No objection subject to conditions.

PROJECTS OFFICER (WASTE)

No objection subject to condition securing the storage for waste and recyclables.

BUILDING CONTROL

No objections.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48; Total No. of replies: 0

PRESS NOTICE/ SITE NOTICE: Yes

11.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application.

However, the Early Community Engagement guidance only expects such engagement to

take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

12. WESTMINSTER'S DEVELOPMENT PLAN

12.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

12.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

12.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

13. BACKGROUND INFORMATION

13.1 The Application Site

The application building comprises lower ground, ground and five upper floors with roof level plant above. Until relatively recently it was used solely for office purposes (Class E), though it was only partially occupied, despite attempts for several years to market the vacant accommodation. Originally it would have been a residential townhouse. It is

located on the north side of Stanhope Gate, between Park Lane and South Audley Street. The building is not listed but it is within the Mayfair Conservation Area, the Great Estates Area of Archaeological Priority and the Central Activities Zone. It is also within West Mayfair as designated in the Mayfair neighbourhood Plan ("as a location which is predominately residential").

13.2 Recent Relevant History

1st August 2023 (23/00926/FULL) – planning permission granted for “Variation of condition 1 of planning permission dated 20th October 2021 (RN:21/06916/FULL) which in itself varies Condition 4 of planning permission dated 20 April 2021 (RN: 20/07835/FULL) for, 'Excavation of new basement level to provide shared ancillary storage for the residential and the Class E (commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear'; to vary the wording of Condition 4 to afford greater flexibility in the uses that the lower ground, ground floor, first floor and non-residential parts of the basement can be used for under Class E of the Use Classes Order (to allow use for financial/professional services and for health/medical services, as well as offices). (S73 Application). NAMELY, to allow minor internal and external alterations to the consented scheme resultant of continued design evolution and alterations which have become necessary in order to comply with updated Building Regulations and Fire Regulation requirements. (S73 Application)”

12th January 2022 (21/07567/FULL) – permission granted for “Variation of Condition 1 of planning permission dated 21 April 2021 (RN: 20/07835/FULL) for, 'Excavation of new basement level to provide shared ancillary storage for the residential and the Class E (commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear'; NAMELY, to allow amendments to the access to the Class E space via lower ground floor level, with disabled access provided via ground floor level; internal reconfiguration allowing for lifts to open directly into residential units; additional roof level sky lights, with a reduction in size of approved sky lights; installation of an external drain pipe to the rear elevation. (Application under Section 73 of the Act).

14th December 2021 (21/06916/FULL) – permission granted for “Variation of Condition 4 of planning permission dated 20 April 2021 (RN: 20/07835/FULL) for, 'Excavation of new basement level to provide shared ancillary storage for the residential and the Class E

(commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear'; NAMELY, to vary the wording of Condition 4 to afford greater flexibility in the uses that the lower ground, ground floor, first floor and non-residential parts of the basement can be used for under Class E of the Use Classes Order (to allow use for financial/professional services and for health/medical services, as well as offices). (S73 Application).” [This allowed potential use of the lower floors for financial/professional services and the provision of medical/health services, subject to conditions.]

21st April 2021 (20/07835/FULL) – permission granted for “Excavation of new basement level to provide shared ancillary storage for the residential and the Class E (commercial, business and service) space including bin storage, cycle parking, plant and surplus storage lockers etc; extension of the existing fourth floor rearwards and to create a mansard roof form; replacement of existing fifth floor with small extension to the rear (to match the fourth floor below); creation of new sixth floor and new roof level, to facilitate the provision of 4 residential units across second to sixth floor level (with the retained use of lower ground to first floor level as Class E (commercial, business and service) space and shared communal spaces); set back roof plant room and lift overrun, alterations and changes to rear fenestration at all levels, residential balcony at front fifth floor level and new lightwell at rear.”

This permission has been implemented and works are well underway on site.

24th October 1996 (965426) – permission granted for “External alterations including erection of rear extensions at ground to fifth floor levels for additional Class B1 offices and rebuilding/extension of roof level plant enclosure.”

3rd September 1991 (912999) – permission granted for “Installation of new chiller unit and 200 gallon water tank on the roof.”

14. THE PROPOSAL

This application is effectively an amalgamation of several recent permissions (see above), with the main difference being that the applicant now wishes to convert the commercial use on the lower ground, ground and first floors to additional residential accommodation. The main works include the following:

Permission is sought for:

- a new basement to provide ancillary storage, originally for both the commercial and residential accommodation on the upper floors but now solely for the residential accommodation. Following minor revisions at the request of the HSE, the area originally cycle storage is now proposed for refuse storage, along with mechanical

- plant.
- the lower ground floor contains the lower part of a maisonette linked to the ground floor, a small fitness centre for the residents and cycle storage in the front vaults (where the refuse storage was originally proposed). One of the changes requested by the HSE was the removal of a sauna room as part of the fitness centre, which has been done.
 - the ground floor provides the main entrance to the building, with a residential lobby leading to the staircase, a separate reception area (for a concierge) and the upper part of the 2-bedroom maisonette which extends to the lower ground floor.
 - the first, second, third and fourth floors each contain a 2-bedroom flat;
 - the fifth and new sixth floors contain a 4-bedroom maisonette;
 - from second to fifth floor, the proposals are for the change of use of the existing.
 - A minor extension at fourth floor rearwards is also proposed with a replacement fifth floor level with minor rear extension, and a small balcony at front fifth floor level;
 - other minor alterations to the rear fenestration;

The above proposals (apart from the residential use on the lower ground, ground and first floors) were largely part of the permission granted in April 2021. The current scheme also incorporates the following changes that were approved in August 2023

- Provision of an additional rainwater pipe to the rear façade of the building. New rainwater pipework will be provided running within the building which shall connect to the combined drainage system at basement level;
- Alterations to the consented basement excavation to raise the formation level by 350mm (resulting in less excavation);
- Provision of a generator as a secondary source of power as required by building regulations Approved Document 2010 Part B and guidance, to be mounted at roof level and screened from view with an acoustic enclosure behind a screen.
- Provision of a smoke extract fan mounted at roof level, connected to a smoke extract shaft, to be screened from view behind a smoke fan shroud.
- Internal alterations to incorporate a firefighting lift, corridor smoke extract system and sprinklers.

The changes in the office and residential uses in the building are summarised in the table below.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Approved (GIA) (sqm)	Proposed GIA (sqm)
Offices	1,274	644	0
Residential	0	915	1,563
Total	1,274	1,559	1,563

15. DETAILED CONSIDERATIONS

15.1 Land Use

Loss of offices

When permission was first granted in April 2021 to convert the second to fifth floors from office to residential, the applicant advised at the time that the floors have been let on an individual basis, with only the first, third, fourth and fifth in active use over the last 30 months, totalling 646.2 sqm of "active" office accommodation. The remaining floors, lower ground, ground and second floor levels had been vacant but extensively marketed for a period of 30 months by a local agent since May 2018. The proposals involved the re-provision of the "active" office floorspace at lower ground, ground and first floors whilst changing the use of the "vacant" floorspace to residential at second to fifth floors (and new sixth floor) to provide a mixed-use building.

At the time of that decision, the new City Plan was due to be adopted imminently and carried significant weight as a material consideration but the proposals also needed to be considered against the Saved Unitary Development Plan policies and the City Plan November 2016. The policy presumption at the time was to protect what had been Class B1 offices, although this position had been compromised by the introduction of Class E (putting offices in the same use category as a number of other commercial uses)

The London Plan Policy E1 supports the redevelopment, intensification and change of use of surplus office space to other uses including housing, provided that the scope for the re-use of otherwise surplus large office spaces for smaller office units and/or lower cost and affordable workspace has been explored. Surplus office space includes sites and/or premises where there is no reasonable prospect of these being used for business purposes.

Policy 13. D. 1 of the City Plan 2019-2040 Adopted April 2021 states that the loss of office floorspace to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use. The Policy is clear that to comply, both objectives must be met. The City Plan does not have a definition of "predominantly residential" but the Glossary defines a predominantly commercial neighbourhood as: "*Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity.*"

Within the Mayfair Neighbourhood Plan, the site is located within the West Mayfair designation, considered to be predominately residential. Policy MC2 states that "the loss of office floorspace to residential in Central and East Mayfair will be resisted..." - i.e., no protection is offered to offices in West Mayfair. Policy MRU2.1 (Residential Use in Mayfair) states that Proposals for development in Mayfair should respond positively to the character and quality of the particular characteristics of the immediate vicinity of the development site, including having regard to whether the site is in West, Central or East Mayfair, and the particular residential communities which exist in all those areas." Policy MRU2.2 states that "Development will be supported which provides for a mix of residential unit size which are in keeping with the scale, character and context of Mayfair." It is therefore considered that there is a lack of explicit policy protection within

the Mayfair Neighbourhood Plan to office floorspace within this part of Mayfair.

The provision of mixed use floorspace is supported in Mayfair, with policy MSG2 stating that mixed-use (which policy MSG states will generally include residential and commercial floorspace) and residential growth will be supported in West Mayfair (where the site is located). The Mayfair Neighbourhood Plan shows that the West and Central areas of Mayfair are now predominantly residential at upper floor levels.

The original use of the building was residential and therefore the proposal complies with this part of the policy. With regard to the residential character of the area, as stated above, the site is located in West Mayfair, which is considered in the Mayfair Neighbourhood Plan to be predominantly residential. Stanhope Gate itself does contain a number of properties with residential accommodation in them, along with other residential properties in Tilney Street to the north and a large block of flats at the eastern end of the street in Chesterfield House. Information based on planning and Council Tax records indicates the following residential accommodation in the vicinity:

- 3 Stanhope Gate - 5 flats on the upper floors, with commercial use on the basement, ground and first floors;
- 4-6 Stanhope Gate - 22 flats, including the ground floor;
- 10 Stanhope Gate - a single dwelling house;
- 12 Stanhope Gate – mixed use, including 2 flats;
- 13 Stanhope Gate – mixed use, including 2 flats and a large, shared office/residential lobby on the ground floor;
- 14-15 Stanhope Gate – mixed use including 4 flats ;
- 1 Tilney Street – a single house
- 2 Tilney Street - 5 flats, including ground floor;
- 5 Tilney Street – mixed use, including one flat;
- 6/7 Tilney Street – 3 flats, including ground floor;
- 8 Tilney Street – mixed office and residential (3 flats)
- 2 South Audley Street - a single dwelling house;
- Chesterfield House, South Audley Street [opposite the east end of Stanhope Gate) - 30 flats, including the ground floor.

This means that in Stanhope Gate, nearly all the properties contain some residential, including parts of the ground floor frontage, especially on the south side of the street, and the single dwelling house next door to the application site.

These considerations were taken into account in originally permitting the change of use for the mixed use proposal in April 2021 and are considered to be equally valid for the current proposals. It should also be noted that the December 2021 permission did allow the approved office accommodation to be used for financial/professional services and for health/medical services, as well as offices. This was partly on the basis that the existing office accommodation, which by then fell within Class E, could be used for any other use within Class E.

Residential Accommodation

The proposed accommodation will comprise six flats, of which five will be 2-bedroom

and one will be 3-bedroom. The basement and lower ground floor 2-bedroom maisonette is 191 sqm; the four flats at 1st – 4th floors (one flat per floor) are all 2-bedroom measuring 152/159 sqm; the 3-bedroom maisonette at 5th – 6th floor levels is 220 sqm.

The proposed increase in residential floorspace is considered to be compliant with Policy 8 of the City Plan 2019-2040 (April 2021) in principle as this seeks to increase residential floorspace in Westminster, including by optimising site densities and delivering a higher number of homes on small sites. Policy 8.B. states that No new homes in Westminster will exceed 200 sq m Gross Internal Area (GIA), except where it is necessary to protect a heritage asset. The maisonette on the top two floors does exceed this size restriction by 20 sqm, however this was approved prior to the adoption of the current City Plan and it is the only unit that is family-sized, which in itself is welcome.

Policy 10A requires residential development to provide a mix of units in terms of size, type and tenure to secure mixed and inclusive communities and to contribute to towards meeting Westminster's housing needs for different groups. Policy 10B normally requires 25% of all new homes to be family sized. Where two bedroom units are provided, the majority should be large enough to accommodate two double bedrooms. However, the supporting text (paragraph 10.6) states that while individual proposals should seek to achieve the strategic target for the provision of 25% family housing, there may be circumstances where it is not appropriate or practical to provide larger units due to a site's small size or other practical issues. In these circumstances, proposals will be assessed on an individual basis.

As stated above, there is only one family-sized unit (16.7%). However, the configuration of the building means that the floor plates are long and narrow, with no internal lightwells, so that natural light is restricted to the front and rear. It is considered that what is proposed is the maximum achievable, given the physical constraints of the building.

Policy 12 Part A of the City Plan seeks to ensure that all new homes provide a well-designed and high-quality living environment, both internally and externally. The units proposed are all dual aspect. Policy 12 Part C of the City Plan states that "All new homes will meet or exceed the Nationally Described Space Standards..." The proposed units will all exceed the minimum space standards set out in The London Plan/The Nationally Described Space Standards for the unit types (maximum 79 sqm for a 2-bedroom unit).

Policy 12 Part D seeks the provision of external amenity space for all new-build homes, at least five sqm of private external amenity space for each dwelling. Where dwellings accommodate 3 or more people, an additional 1sqm of amenity space is required for each additional person. The lower and upper floor maisonettes both have small external amenity spaces in compliance with this policy. The remaining units do not have any external amenity space. However, Part E of the policy states "Where it is sufficiently demonstrated that it is not practicable or appropriate to provide any type of external amenity space, additional internal living space equivalent to the external requirement set out in clause D will be required." This is achieved by the larger size of the units.

Affordable housing

London Plan Policies H4 and H5 of seek to maximise the delivery of affordable housing,

with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H5 identifies a minimum threshold of 35% of the gross residential development affordable housing (by habitable room). City Plan Policy 1(A)(2) states that at least 35% of the new homes delivered during the plan period will be affordable. To this end, City Plan Policy 9(B) states that larger residential developments should provide a minimum of 35% of the total residential units as affordable housing, with Para. 9.3 making it clear that this is to be calculated by total gross residential development, measured by gross internal area. The thresholds for affordable housing provision are site areas of 0.5 hectares or more, ten or more residential units, or 1,000 sq m or more residential floorspace (for sale or rent).

The policy goes on to state that In exceptional cases, affordable housing provision can be made off-site (in whole or in part) in the vicinity of the host development. This will only be accepted where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate in terms of the quantity or quality of affordable housing to be provided. A payment in lieu to the council's Affordable Housing Fund may be accepted only as a last resort if it is demonstrated to the council's satisfaction that no sites are available for off-site provision.

The mixed use scheme approved in April 2021 did not trigger a requirement for affordable housing, as the amount of residential (915 sqm) fell below the threshold. However, the current proposal for complete use of the building as residential floorspace would increase that figure to 1,563.7 sqm, 35% of which would be 547.3 sqm.

The applicant has argued that given the limited number of dwellings that are proposed and the constraints imposed by repurposing an historic building for residential use again, the provision of affordable housing on site, if viable, is not considered to be a plausible situation or appropriate in this particular case. The applicant does not own any other properties within the vicinity of the site or elsewhere within the City. If affordable housing contribution can be sustained by the scheme, the applicant then considers that a payment-in-lieu would be the most appropriate mechanism of delivery in this particular case. Based on the Council's 'Draft Planning Obligations and Affordable Housing SPD July 2023', a payment in lieu would amount to £8,758,400.

However, the application is supported by a full Financial Viability Assessment which assesses the proposed development against the benchmark. This assessment indicates that the proposals would be at a deficit due to high development costs associated with such development and the property's standing investment value. As a result, the applicant contends that the provision of affordable housing cannot be sustained.

The Financial Viability Assessment has been assessed by an independent consultant acting on behalf of the Council, who agrees that the development could not support any on-site affordable housing. Given this advice, whilst regrettable, it is considered that there are no planning grounds to resist the proposal on this matter.

15.2 Environment & Sustainability

The application is supported by a Sustainable Design Statement which outlines how the proposals comply with these sustainable design principles. Due to the nature of development the vast majority of the building structure is retained and wastage is

significantly reduced. Sustainable energy efficiency measures have been incorporated within the design as appropriate, including through double glazed windows and water efficiency measures.

Air Quality

The site is within an Air Quality Focus Area. Although an Air Quality Assessment was originally missing from the application submission, this was subsequently provided and has been assessed by Environmental Sciences. The officer advises that he has no objections to the proposal from an Air Quality perspective based on the fact that:

- the development is car free,
- the existing heating system is proposed to be used, rather than '*new heating combustion sources introduced on to the site*'
- Air Quality matters such as Non-Road Mobile Machinery and best practice during development/construction would be required as the development qualifies for the Councils Code of Construction Practice condition to be imposed.

Land Contamination

As part of the supporting information the applicant has provided Desk Study & Ground Investigation Report. This indicates no significant levels of contamination and outlines measures for basic radon protection. For details of land contamination were required by a condition in the April 2021 permission. That condition was subsequently partially discharged and the current submission takes account of what has already been approved. Environmental Sciences therefore advise that based on the submitted report the contaminated land should be included in the current draft permission, however they would accept that the report is sufficient to address phase 1 (desk study) and phase 2 (site investigation).

15.3 Biodiversity & Greening

The physical constraints of the building, including the limited size of the roof (occupied by mechanical plant, an access hatch and skylights) mean that the provision of biodiversity or greening is considered to be impractical in this case (and has not been secured on the previous approvals for the external works).

15.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 66 of the LBCA Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

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

Considerations

11 Stanhope Gate is an unlisted building in the Mayfair Conservation Area to which it makes a positive contribution. It is part of a row of buildings of mixed origins, some of which are listed. The appearance created is generally one of eighteenth century derivation (the gothic revival bank being an exception). While the street facades are mostly attractive, the roofscape has been subject to many alterations. Consequently, it lacks cohesion and is architecturally rather poor on the eastern half of the street. In this context the proposed roof alterations are neutral in design and heritage asset terms. At the rear, the façade is similarly neutral as proposed, and the proposed basement has no impact on any public views. Subject, to conditions, the proposed alterations area acceptable in design and heritage asset terms.

The application incorporate changes to the roof that were approved in August 2023, namely minor amendments to the approved design such as the addition of rainwater pipes, a smoke extract fan, and an emergency generator at roof level within a screened enclosure. These changes are again considered to be neutral in design and heritage asset terms.

Basement Excavation

The excavation of a sub-basement was at the time of the original approval in line with the council's basements supplementary planning guidance and was there considered to be acceptable. As that permission has been implemented this is not considered to be an issue for reconsideration.

Building Control has advised that the structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on water table has been found to be negligible. The basement is to be constructed using Secant piles retaining walls with 200mm thick RC liner wall and 500mm thick RC basement slab which are considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

Fire Safety

The Health and Safety Executive (HSE) became a statutory consultee with regard to fire safety matters at the planning stage for schemes involving a relevant high-rise residential building in August 2021. They were not therefore involved in the permission for residential use on the upper floors of the building that was granted in April 2021. However, they are a statutory consultee for the current application and raised a number of detailed concerns about fire safety that are set out in the background papers.

The applicant has been in detailed discussion with the HSE and their concerns have now been overcome.

Archaeology

The site is in an area of archaeological priority (the Great Estates), but Historic England has confirmed that an archaeological desk top assessment of the site is not required.

15.5 Residential Amenity

Policy 7 of the City Plan requires that development is neighbourly and '*protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.*' Para 7.3 elaborates and states that '*negative effects on amenity should be minimised as they can impact on quality of life. Provision of good indoor daylight and sunlight levels is important for health and well-being and to decrease energy consumption through reduced need for artificial heating and lighting.*' Policy 33 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

Daylight and Sunlight

A Daylight and Sunlight Assessment has been submitted in support of the application which assesses the impact of the development on a number of nearby residential properties.

This concludes that there is very little or no adverse impacts on the neighbouring properties. The rear of the site backs on to the rear flank elevation of 49 Park Lane/6 Tilney Street, an exceptionally elongated single property that extends along the rear of 9-13 Stanhope Gate and dominates the rear of these north facing facades. The proposed building will largely retain the footprint of the existing building at lower levels, therefore the impact on 10 Stanhope Gate is limited. There is a slight extension to the mansard proposed at fourth floor level, and then the completed replacement of the fifth floor mansard and new set back sixth floor level. The modest extension at fourth floor level, and the upper floors proposed, will mostly sit alongside the existing lift shaft to the rear of No. 10 and therefore there are no windows that would be impacted. There is one window at fifth floor level of 12 Stanhope Gate that does have a reduction in VSC of 58%. However, this is one of four windows serving a bedroom and the high percentage loss is due to the very low existing VSC figure (1.9%, reduced to 0.8%); the other two

main windows to the bedroom have much smaller losses and retain VSCs of 18.1% and 19.4% (the fourth window being another secondary window, on the far side away from the application site). The daylight and sunlight report confirms that all windows with a requirement for daylight pass the Vertical Sky Component test, whilst all rooms with a requirement for daylight pass the daylight distribution test post development. In addition, the proposed development satisfies the BRE direct sunlight to windows requirement.

Privacy

At fifth floor level there is a small terrace at the front of the property, approximately 19.5m across Stanhope Gate from the properties opposite the site at 4-6 Stanhope Gate (a wholly residential scheme, which also has roof terraces). The proposed terrace at fifth floor level at No. 11 has been set back from the principal elevation and it is not considered that it will result in any meaningful overlooking into the habitable room windows at 4-6 Stanhope Gate. The proposed terrace is also set further back from the existing residential windows located at 12 Stanhope Gate (effectively shielded by the flank wall of No. 12), and slightly above the top storey windows of 10 Stanhope Gate. It is not considered that the proposed terrace will result in any unacceptable overlooking of the adjoining properties. Given the small scale and domestic nature of the 5th floor terrace, it is not considered that it is likely to result in unacceptable disturbance to the neighbouring occupiers nor necessary to condition the hours of use.

There is a small terrace at rear ground floor level for the use of the lower ground and ground floor maisonette, but this is at the bottom of the rear lightwell and will not give rise to any loss of amenity.

Plant

Mechanical plant is proposed at rear basement level (with a vent) and at roof level. Environmental Health have assessed the proposals and accompanying noise report and raise no objection subject to standard conditions. They also recommended conditions to ensure adequate measures to protect internal sound levels.

15.6 Transportation, Accessibility & Servicing

Highway Impact

The site is located approximately 0.3 miles north-east of Hyde Park Corner London Underground station, whilst Green Park London Underground station, located 0.4 miles to the south-east. Marble Arch and Bond Street stations are also within walking distance. A number of bus routes operate within the vicinity of the site, accessed most locally from stops on Park Lane. The site is therefore highly accessible by public transport, which is confirmed by the sites Public Transport Access Level (PTAL) classification of 6b, which is the highest level available. The Highways Planning Manager and Waste Project Manager have assessed the application and provided comment on the following aspects.

Servicing and Waste & Recycling Storage

The largest regular service vehicle expected for this development is the refuse collection

vehicle. Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to Policy 25. It also has an adverse impact on the public realm. The Waste Project Manager notes that a waste storage area is shown on the proposed plans, which is acceptable, and has requested that this is secured by condition.

The impact on the highways network for any other servicing requirements associated with a wholly residential scheme are likely to be limited.

Cycling & Cycle Storage

Long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weatherproof. London Plan Policy T5 requires 2 spaces per 2+ bedroom unit. 12 long stay cycle parking spaces would be required and an area within the front vaults at lower ground floor level are proposed (having been relocated from the basement at the request of HSE as part of a swop with the refuse store). The provision is welcome in principle but details of the actual design/layout are absent and a condition requires more details to be submitted.

Parking

Policy 27 supports residential development without car parking provision. However, the Highways Planning Manager notes that increased residential units in the area will increase demand for on-street spaces.

The Highways Planning Manager requests that, if permission is granted, that Lifetime Car Club Membership for all residential units should be secured to minimise the impact of the proposed development and reduce car ownership of future occupiers. This was secured as part of the original proposal and a similar condition is attached to the current application.

15.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

15.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

15.9 Planning Obligations & Pre-Commencement Conditions

On the basis that the scheme has been assessed as being unviable in terms of affordable housing provision (discussed above), planning obligations are not relevant in the determination of this application.

The planning agent estimates the CIL payment total to be £233,866.08, based on current day indexation figures and that the existing floorspace can be discounted given that it has been occupied for its lawful use for 6 continuous months out of the past 36 months. This is broken down by a Westminster CIL liability of £208,218.63 and an MCIL liability of £24,647.45.

Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by the Council's CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

16. Conclusion

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

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

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

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Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 December 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward involved Pimlico North	
Subject of Report	71 - 73 Belgrave Road, London, SW1V 2BG		
Proposal	Erection of a single storey mansard extension to No. 73; extensions to the closet wings at rear second floor level of both Nos. 71 and 73; rebuilding of the existing rear lower ground floor extension to No. 73; alterations to the lower ground floor fenestration; landscaping of the rear courtyard and associated internal alterations		
Agent	David Symonds		
On behalf of	Ashford Leisure Limited		
Registered Number	23/03299/FULL & 23/03300/LBC	Date amended/ completed	1 June 2023
Date Application Received	17 May 2023		
Historic Building Grade	Grade II		
Conservation Area	Pimlico		
Neighbourhood Plan	Pimlico Neighbourhood Plan (adopted 7 December 2022)		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

<p>71-73 Belgrave Road comprise lower ground, ground and four upper floors, with No.71 terminating with a mansard extension. Originally built as two houses, the buildings are linked internally at lower ground and ground floor levels and are currently occupied as the Astor Victoria Hostel (Class C1).</p> <p>The Astor Victoria is one of four London hostels run by Astor Hostels (an independent youth hostel</p>
--

operator). The Astor Victoria currently provides budget overnight tourist accommodation in the form of dorms with shared shower and toilet facilities and communal self-catering kitchen and dining rooms. It is proposed to extend, reconfigure and upgrade the hostel to provide ensuite facilities to guest bedrooms, improved communal (dining/kitchen) spaces and use of the rear courtyard.

The key considerations in this case are:

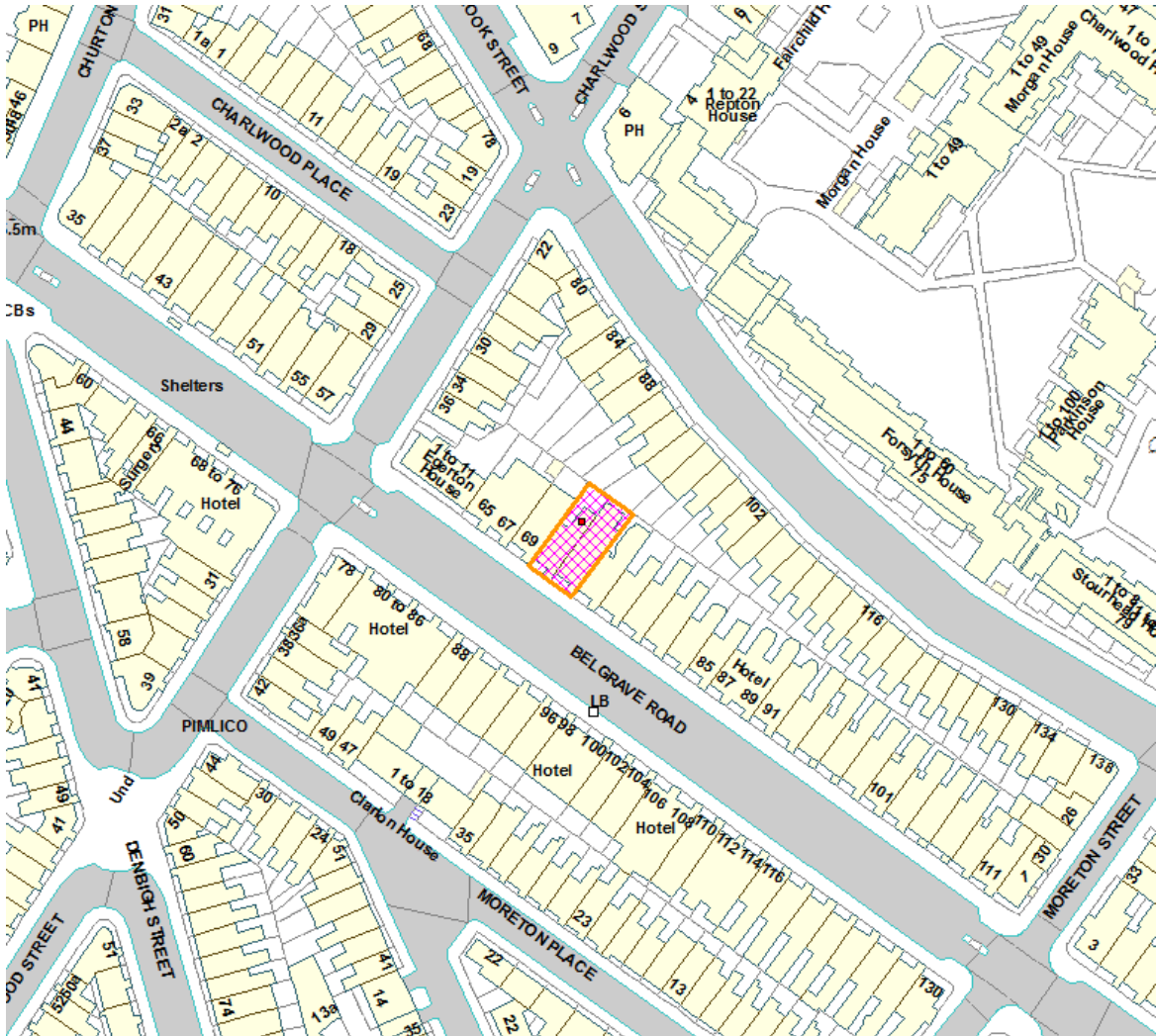
- The impact on residential amenity
- The impact of the proposed extensions on the character and appearance of the listed buildings and on the character and appearance of the Pimlico Conservation Area

Objections have been received from and on behalf of local residents due to the existing noise and nuisance caused by hostel guests and concerns that the proposals will only exacerbate these problems. The existing hostel use is unfettered by any planning conditions. This application involves a reduction in the number of guest bedrooms and bedspaces and also provides the opportunity to impose planning controls on the existing hostel operation and mitigate any additional harmful impact caused by the proposed extensions and alterations.

With regard to the proposed mansard on No. 73, whilst an appeal for a mansard on this building was dismissed in 2005, the current City Plan (2021) and Pimlico Neighbourhood Plan (2022) support the introduction of a traditional mansard roof form where, as in this case, it would improve upon the existing condition and appearance of the terrace.

As set out in this report the proposed development would accord with relevant policies in the City Plan (2021) and the Pimlico Neighbourhood Plan (2022). The application is therefore recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS

71-73 Belgrave Road



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5. CONSULTATIONS

5.1 Application Consultations

NICKIE AIKEN MP:

History of complaints from residents reporting disturbances and incidents of anti-social behaviour associated with the hostel. Concerned that moving the dining room to the rear and use of the garden would cause further noise and disturbance to neighbours. Use of the garden should be restricted to between 8am and 7pm and the maximum number of patrons using it at any one time controlled (if permission is granted). Second floor extension will cause loss of light.

JIM GLEN PIMLICO NORTH WARD COUNCILLOR:

The hotel has not been a good neighbour. The dormitory style accommodation encourages guests to congregate outside to socialise and smoke causing nuisance to neighbours. The applicant should be encouraged to use the middle entrance door (to No.71) as the main entrance; further away from neighbour. Use of the garden should ideally not be available to guests at all; but at the very least, use should be restricted to 8am to 8pm.

ENVIRONMENT AGENCY (THAMES REGION):
No objection.

PIMLICO FREDA:
Any comments received to be reported verbally.

PIMLICO NEIGHBORHOOD FORUM:
Any comments received to be reported verbally.

WESTMINSTER SOCIETY:
Any comments received to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 69
Total No. of replies: 2
No. of objections: 2.
No. in support: 0

Amenity

- History of noise nuisance, disturbance and antisocial behaviour caused by hostel guests.
- Ineffective hostel management
- Use of courtyard/garden by guests will cause further noise and disturbance to neighbours
- Loss of light
- Loss of privacy

SITE NOTICE and PRESS NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance (February 2022) encourages developers to communicate with local stakeholders and communities through online or leaflet methods. The applicant has not provided any evidence of engagement with the local community and key stakeholders in the area prior to the submission of the planning application which is disappointing given the advice and principles set out in our Early Community Engagement guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (September 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Pimlico Neighbourhood Plan includes policies on a range of matters including commercial and mixed-use development, design and heritage, housing and hotels, public realm and environment.

The plan has been through independent examination and was supported by local residents in a referendum held on 22 September 2022. It was adopted on 7 December 2022. It therefore forms part of the development plan for Westminster for development within the Pimlico neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (September 2023) unless stated otherwise.

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7. BACKGROUND INFORMATION

7.1 The Application Site

71-73 Belgrave Road comprise lower ground, ground and four upper floors, with No.71 terminating with a mansard extension. Originally built as two houses, the buildings which are Grade II listed are linked internally at lower ground and ground floor levels and are currently occupied as the Astor Victoria Hostel (Class C1). The site is located within the Pimlico Conservation Area, the Central Activities Zone and Flood Zone 3.

7.2 Recent Relevant History

1962 planning permission granted for use of 73 Belgrave Road as a private hotel.

30 September 1991 established use certificate issued for use of 71 Belgrave Road as a hotel (91/03625/EUC)

10 October 1996 planning permission and listed building consent granted for erection of mansard extension, six storey rear extensions and internal alterations to 71 Belgrave Road in connection with refurbishment of hotel (96/02253/FULL and 96/02254/LBC)

18 March 2004 planning permission and listed building consent were refused for the erection of a mansard to provide hotel staff accommodation on 73 Belgrave Road on the grounds that it would be harmful to the character and appearance of the listed building and the character and appearance of the Pimlico Conservation Area (03/05199/FULL and 03/05200/LBC). This decision was upheld at appeal in April 2005; both appeals were dismissed (APP/X5990/E/04/1162107 and APP/X5990/A/04/1162036).

6 May 2005 planning permission and listed building consent granted for extensions at second to fourth floor levels of the rear closet wing to 73 Belgrave Road plus the creation of lightwells at basement level and a single storey extension at rear ground floor level (02/09315/FULL and 02/09316/LBC).

15 November 2022 planning permission and listed building consent granted for extensions at second floor level of the rear closet wings on both 71 and 73 Belgrave Road (22/02948/FULL and 22/02949/LBC). This permission/consent has not yet been implemented but allows for the outward extension of the existing second floor closet wing to match the depth of the first floor below and the depth of the adjacent closet wing on 75 Belgrave Road.

8. THE PROPOSAL

Planning permission and listed building consent are sought for the erection of a single storey mansard extension to No. 73; extensions to the closet wings at rear second floor level of both Nos. 71 and 73; the rebuilding of the existing rear lower ground floor extension to No. 73; alterations to the lower ground floor fenestration; landscaping of the rear courtyard and associated internal alterations.

Internally it is proposed to upgrade the hostel facilities and provide ensuite facilities to all guest bedrooms. The front rooms at first and second floor level in each building are to be

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combined to create larger dorms with ensuite bathrooms. There would be a similar layout at third and fourth floors and an ensuite dorm in the new mansard on No. 73 to match the layout of that on No. 71. The second floor closet wing extensions create an enlarged private ensuite guest bedroom in each building. This internal reconfiguration would result in a reduction in the number of guest bedrooms from 37 to 32 and a reduction in the number of bedspaces from 205 to 194.

The ground floor would be reconfigured to create a more open reception area and at lower ground the communal kitchen and dining rooms would be relocated to the rear and guest bedrooms moved to the front. Doors from the communal dining rooms at lower ground floor level are proposed to open out onto the rear courtyard which is to be landscaped with raised beds and planting. Although the courtyard tables and chairs originally proposed (for use by staff and hostel guests) have been omitted the proposal is that hostel staff and guests will use this outdoor space.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Extension and upgrading of existing hostel

The Astor Victoria Hostel is located within the Central Activities Zone (CAZ). The City Plan (2021) supports growth and intensification of development within the CAZ, but it also recognises the need to balance the competing functions of the CAZ which includes residential neighbourhoods (Policy 1A(4)). Applications for extensions and upgrades to existing hotels must have regard to impacts on the wider area and where appropriate reveal the historic significance of hotels located within heritage assets. (Policy 15 H).

Whilst Policy PIM 15 A of the Pimlico Neighbourhood Plan (2022) encourages the refurbishment of existing hotels, the plan notes that many existing hotels are located in residential streets or close to residential properties and are often not 'good neighbours'. Paragraph 19 of the Neighbourhood Plan states that 'Conversion of such properties back to residential use or comprehensive refurbishment would be beneficial to the area'.

Astor Hostels were founded in 1974 by the applicant (Ashford Leisure Ltd) and are one of the oldest independent youth hostel providers in Europe. There are four Astor Hostels in London including the Astor Victoria and one in York.

The Astor Victoria Hostel provides budget overnight tourist accommodation in the form of dorms with shared shower and toilet facilities and a communal self-catering kitchen and dining space. The hostel currently provides 205 guest bedspaces in 37 guest bedrooms on lower ground to fifth floors. The dining/breakfast room is located at the front of the lower ground floor and the communal lounge at ground floor level. A continental breakfast is available if required and there are vending machines for snacks/drinks; all other meals are self-catering or brought in by hostel guests.

The current applications seek to upgrade and refurbish the hostel by reconfiguring the internal layout so that all but two of the guest bedrooms would have ensuite facilities and by improving the communal areas – reception, kitchen and dining areas which would result in a reduction in the number of bedrooms 37 to 32 and in the number of

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bedspaces from 205 to 194.

Objections have been received from local residents which are supported by the Ward Councillor and the local MP. Residents experience significant noise, disturbance and antisocial behaviour caused by hostel guests and they feel that the hostel management has been ineffective in dealing with these issues. With regard to the currently proposed extensions and alterations, particularly the use of the rear courtyard by hostel guests, residents object on the grounds that this will only exacerbate the noise and disturbance caused by the hostel.

The hostel is a lawful use and is currently unfettered by any planning conditions. This includes the use of the rear courtyard; there is currently no restriction on the use of the existing rear courtyard by staff and hostel guests. The upgrading and improvement of the existing hostel (this type of hostel (without a significant element of care) is a Class C1 use, the same use class as a hotel) is supported by both City Plan and Pimlico Neighbourhood Plan policies provided regard is had to the impact on the wider area and residential amenity. In this case, the upgrading of the hostel through the provision of ensuite facilities would result in an overall reduction in the number of guest bedrooms and bedspaces which would reduce the overall number of hostel guests on the premises at any one time if all the rooms were fully occupied. In addition the applicant has agreed to conditions restricting the use of the rear courtyard to between 8am and 8pm daily; no tables and chairs to be installed and no more than six people (standing) at any one time – all to be incorporated into an Operational Management Plan to be submitted and approved by the City Council before the extensions and re-landscaped courtyard can be occupied/used. The imposition of these conditions, should committee resolve to grant permission, thus provides the opportunity to impose planning controls on the existing hostel operation as well as mitigate any additional harmful impact caused by the proposed extensions and alterations.

9.2 Biodiversity & Greening

The introduction of a green roof atop the rebuilt lower ground floor extension and soft landscaping to the rear courtyard is welcomed. It is recommended that full details of both are secured by conditions.

9.3 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the*

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Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

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

The proposals are also assessed against Policies 38, 39 and 40 of Westminster’s City Plan 2019-40 (April 2021) and the guidance contained within Westminster’s Repairs and Alterations to Listed Buildings supplementary planning guidance.

Policy 38 (Design Principles) states that development should positively contribute to Westminster’s townscape and streetscape, having regard to the character and appearance of the existing area, including materials, building lines, scale, height and massing.

Policy 39 (Heritage) goes on to explain the positive role development should make in the ensuring heritage assets and their settings are preserved and enhanced. In relation to listed buildings, part (G) is of most relevance and states that works to listed building will preserve their special interest, relating sensitively to the period and architectural detail of the building. Part (K) states that development will preserve and enhance the character and appearance of Westminster’s conservation area.

Part D of Policy 40 (Townscape and Architecture) explains that extensions will respect the character of the existing and adjoining buildings, avoiding adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of building and spaces that contribute positively to Westminster’s distinctive townscape.

Consideration

71-73 Belgrave Road are adjoining Grade II listed buildings within the Pimlico Conservation Area. Located on the east side of Belgrave Road, the properties form part

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of a wider terrace of stucco fronted former houses, which traditionally comprised of basement, ground floor and four upper storeys. Some of the properties, including No. 71, also include attic or mansard additions.

Internal alterations

Throughout both buildings, their traditional plan forms have been compromised, particularly the principal front rooms which have been truncated through harmful partitioning. That said, some traditional interior details still survive in these compromised spaces, including decorative ceilings, cornices, windows, and window joinery, all of which contribute to the buildings significance. Of less value are the rear wings, as they appear to be later additions. Also, the original roof of No. 73 appears to have been lost and replaced with a flat roof some time ago.

The internal works intend to improve the hostel accommodation and facilities, by providing ensuites to all bedrooms. Subdivision of those spaces which are currently unimpaired, specifically the rear rooms, the creation of lobbies and ensuites would be detrimental. However, there is a clear heritage benefit to removing and reducing the extent of partitions within the front rooms to allow their proportions and surviving interior details to be revealed. To limit the impact of the new lobbies and ensuites on existing details, they should ideally be kept at a reasonable height, allowing a meaningful gap between the partitions and the cornice line. However, to meet fire safety measures, the partitions must be full height, which is unfortunate, but a requirement for public safety. Subject to partitions scribing around existing details (which are to be retained), the full height partition, which will cause a low level of less than substantial harm, are justified by the necessity of fire safety measures. Overall, the internal works will improve the presentation of the principal front rooms, which offers some heritage benefit.

Second floor closet wing extensions

The proposed extensions are identical to those approved (but not yet implemented) in November 2022 (22/02948/FULL and 22/02949/LBC). As previously, extending the rear wings at second floor level in line with the first floor would have some low-level impact by increasing the bulk to the rear. However, the extensions maintain a tiered form, which is characteristic of the terrace, and maintain a subservient relationship with the host building. Subject to details, such as windows and brick work, the extensions are supported on listed building and townscape grounds.

Mansard extension to No. 73

Permission/consent was granted in 1996 for the current mansard at No. 71. Proposals for new roof extensions are supported in principle by Policy 40 part E where they do not impact adversely on heritage assets and where if part of a terrace already characterised by roof extensions, they are of an appropriate design which would help unify the architectural character of the existing terrace.

In this case, the wider terrace is peppered with roof extensions (Nos. 69, 71, 93, 109 and 111), and the addition of a traditionally designed mansard to No. 73, to match the profile of No. 71, would improve upon the existing altered roofscape, and go some way to mending the roofline. From a listed building perspective, the existing roof of No. 73 has

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been altered and includes undesirable manifestations, which diminish the appearance of the building. The introduction of a traditional roof form would improve upon its existing condition and appearance. In policy terms the mansard would be supported in line with City Plan Policy 38, 39 and 40.

Additionally, Appendix 1 of the Pimlico Neighbourhood Plan (2022) which sets out the approach to mansards in the Pimlico Conservation Area states that 'The squares (St George's Square, Warwick Square and Eccleston Square) and north/ south avenues [which would include Belgrave Road] a – One single mansard storey above the original main parapet, would be supported.

Rebuilding of lower ground floor extension

The rebuilding of the lower ground floor extension to No. 73 to the same height and depth as the existing is acceptable in design terms.

9.4 Residential Amenity

City Plan Policy 7 requires development to be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Objections have been received to the proposed second floor closet wing extensions on the grounds of loss of light, loss of privacy and increased sense of enclosure. The proposed closet wing extensions which are identical to those approved in November 2022 (22/02948/FULL and 22/02949/LBC) will extend the existing second floor closet wings on the rear of both Nos, 71 and 73 out to the same depth as the first floor below and to the same depth as the adjacent closet wing on the rear of No. 75. The modest increase in bulk at this level is characteristic of the terrace as a whole and will not cause an increased sense of closure to neighbours. Each closet wing extension will have a single window in the rear (end) elevation not the flank (sides) and will not therefore cause overlooking or loss of privacy to adjacent residents. The proposed mansard roof extension to No.73 will not have a material impact on light, privacy or sense of enclosure of residential neighbours.

A condition is recommended to prohibit the use of the roof of the second floor closet wing extensions and the rebuilt lower ground floor extension for siting out purposes.

9.5 Economy including Employment and Skills

The development is of insufficient scale to require an employment and skills plan, however, the improvements to the existing hostel will contribute positively to the local economy through the generation of increased opportunities for local employment, procurement and spending.

9.6 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

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9.7 Planning Obligations & Pre-Commencement Conditions

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

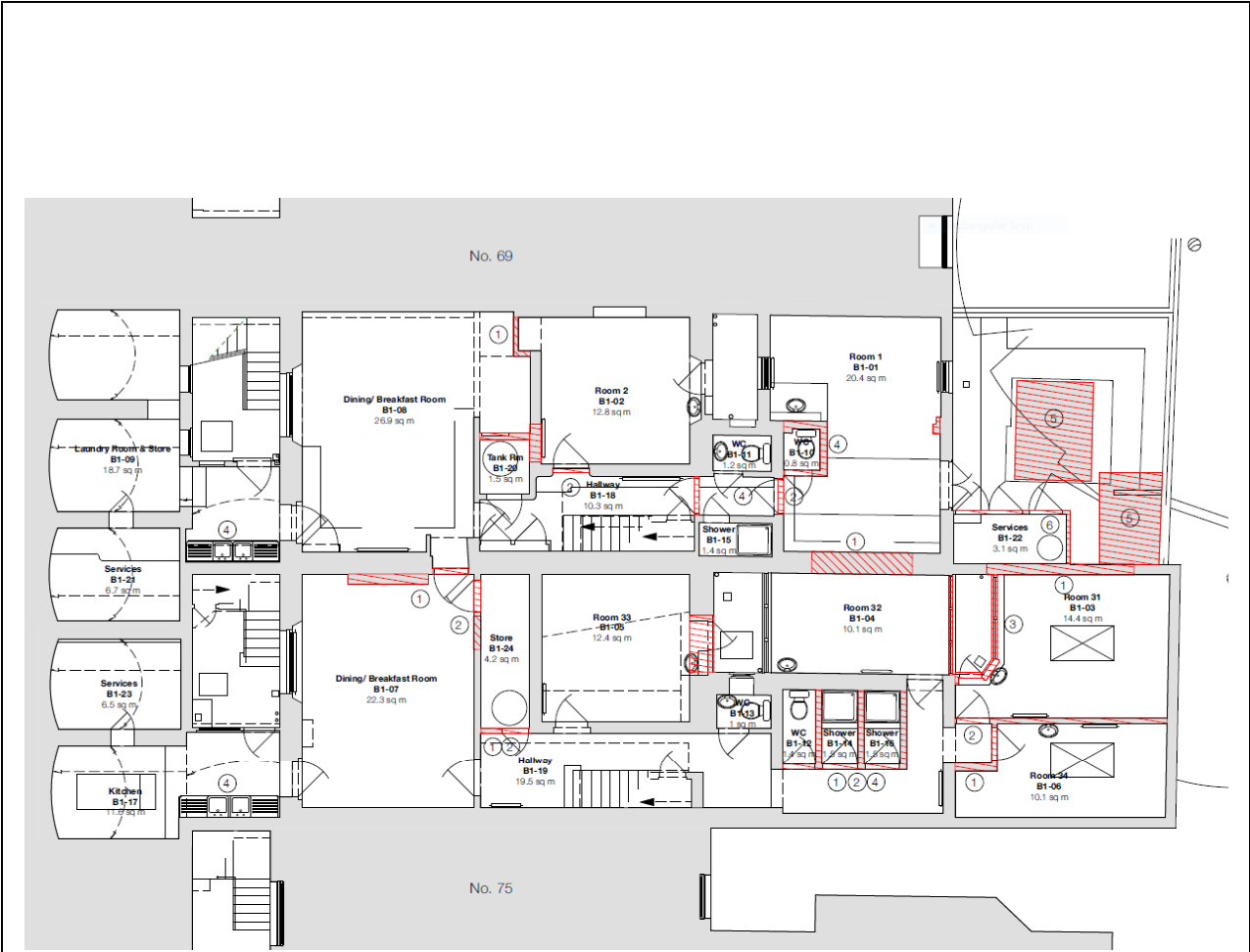
10. Conclusion

Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission and listed building consent are granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable.

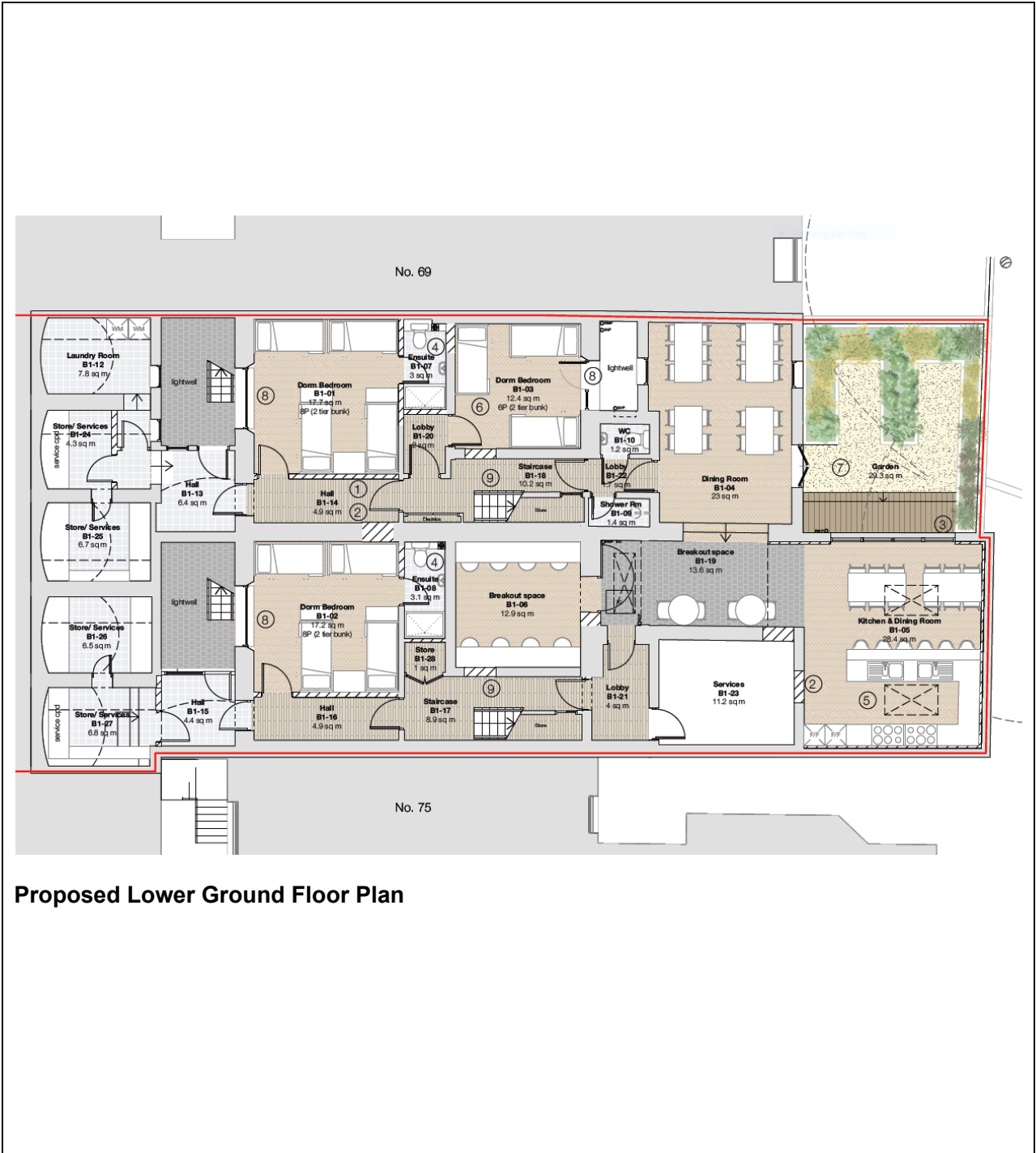
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council’s website)

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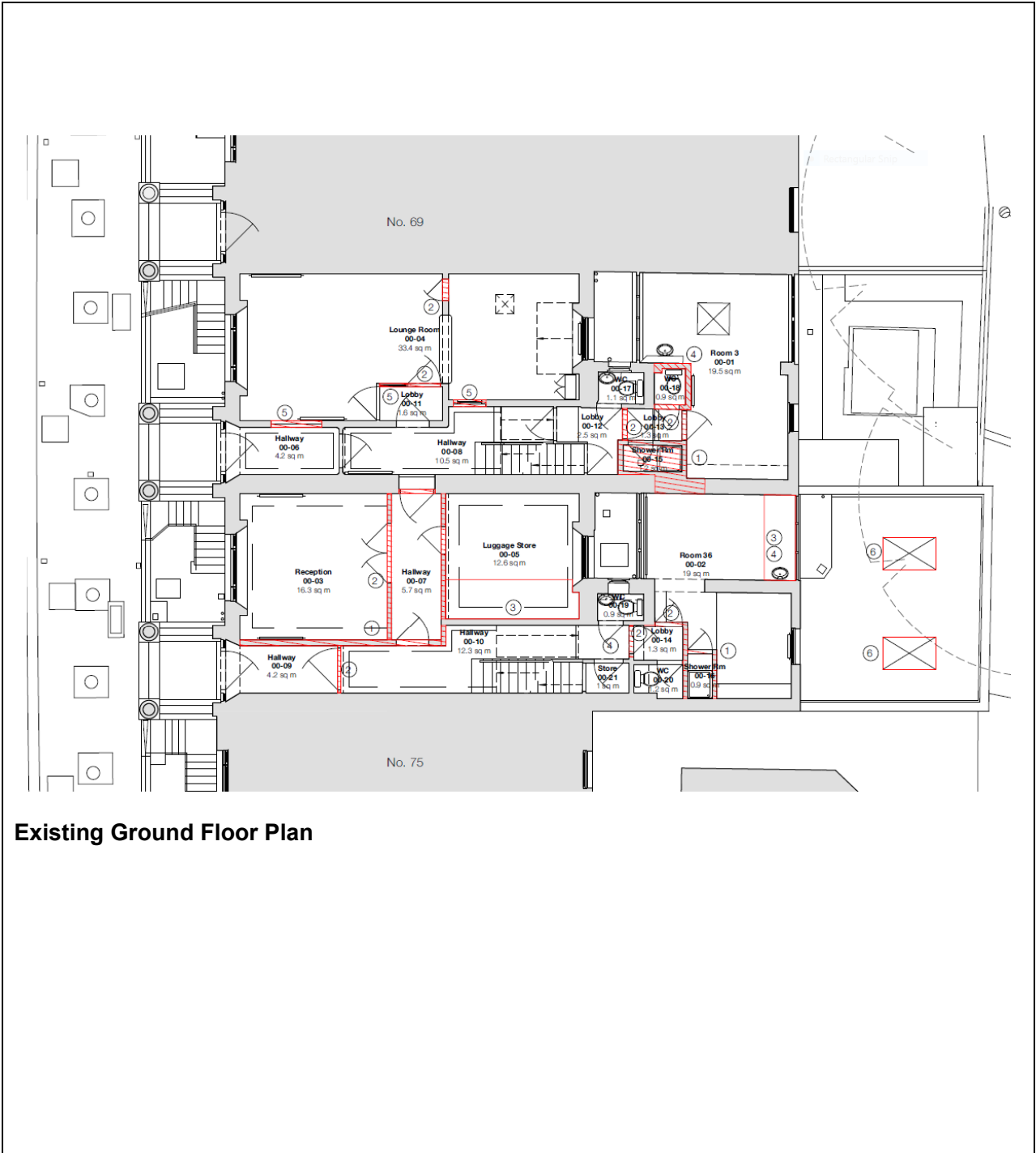
11. KEY DRAWINGS



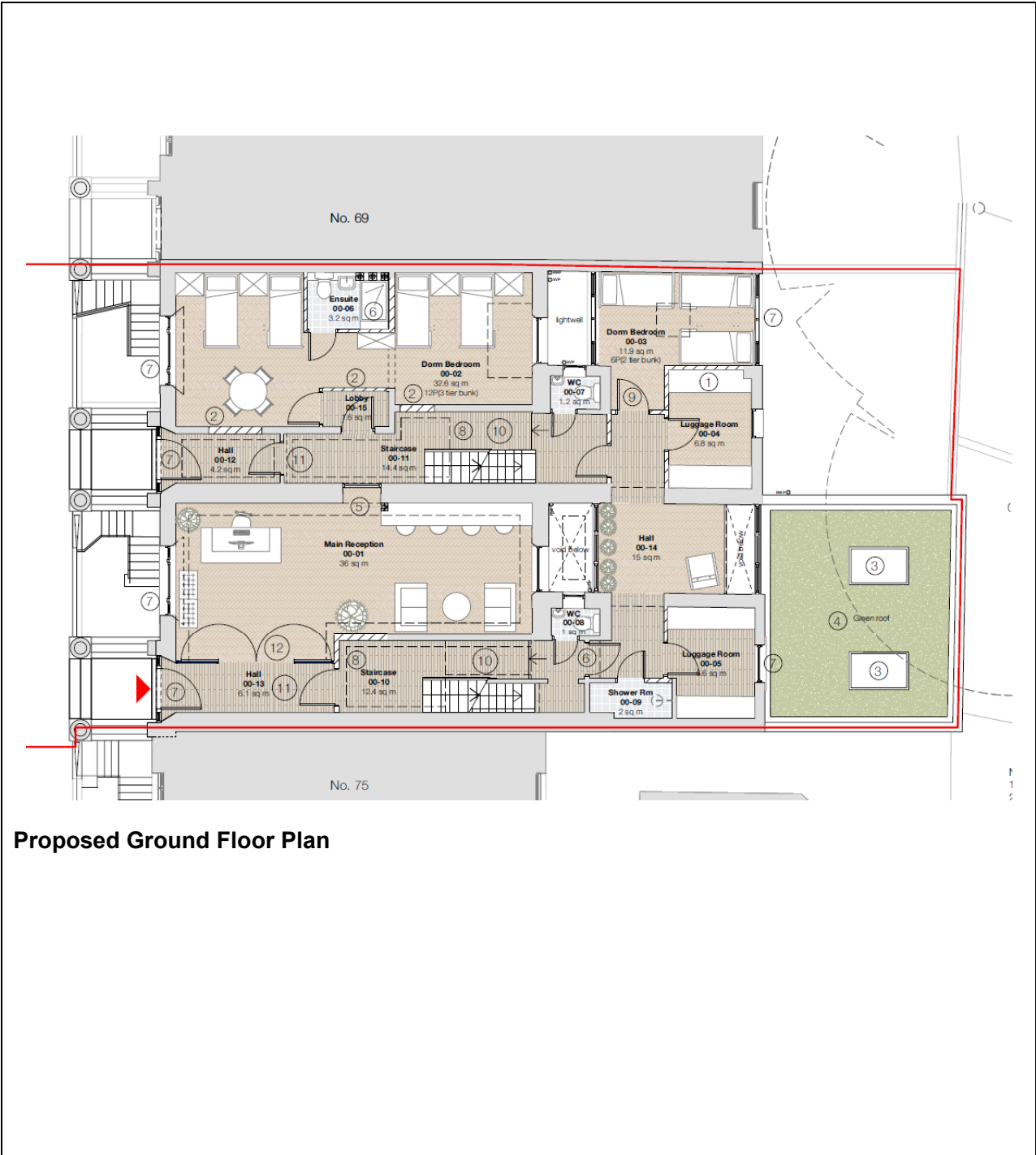
Existing Lower Ground Floor Plan



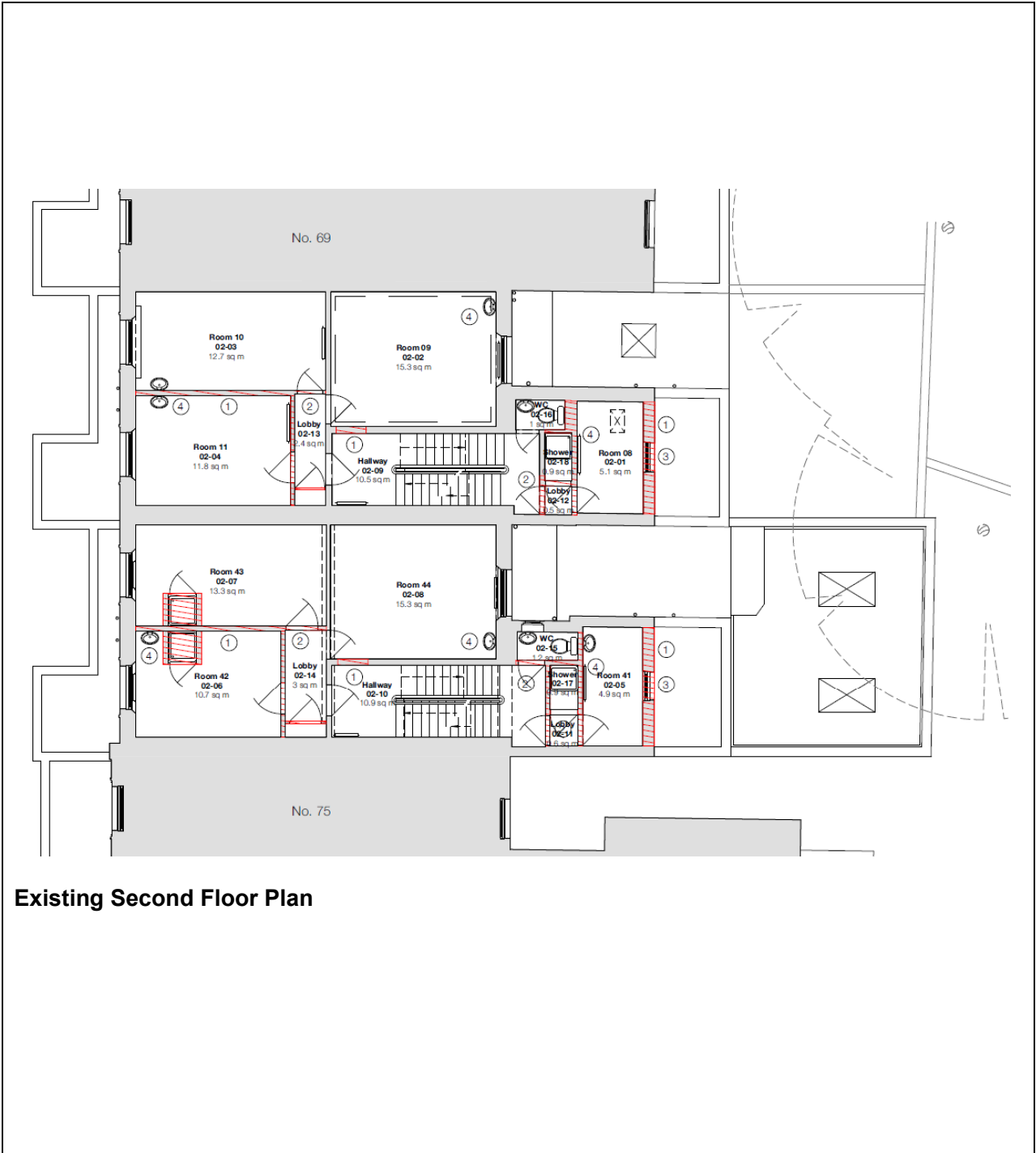
Proposed Lower Ground Floor Plan



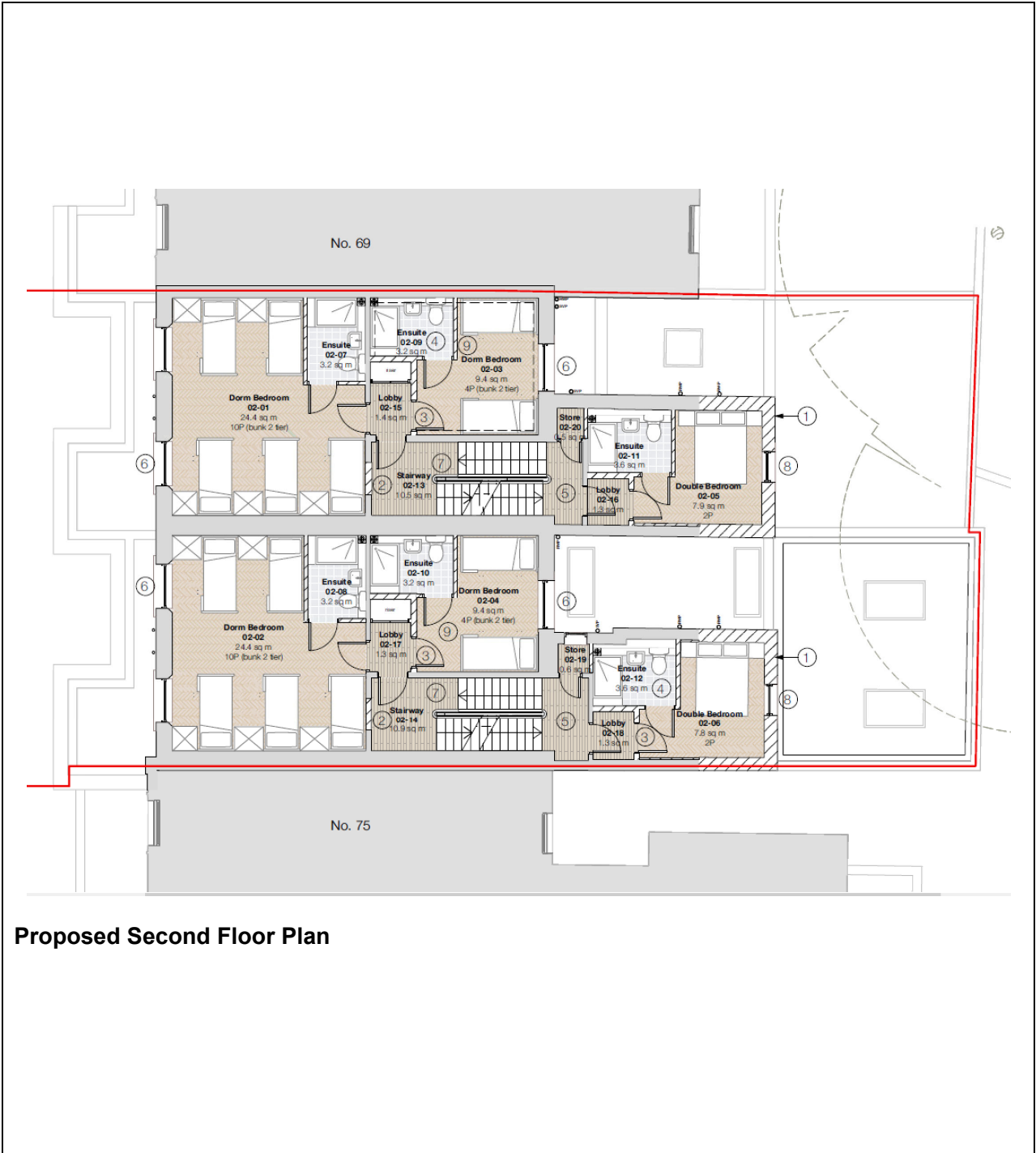
Existing Ground Floor Plan



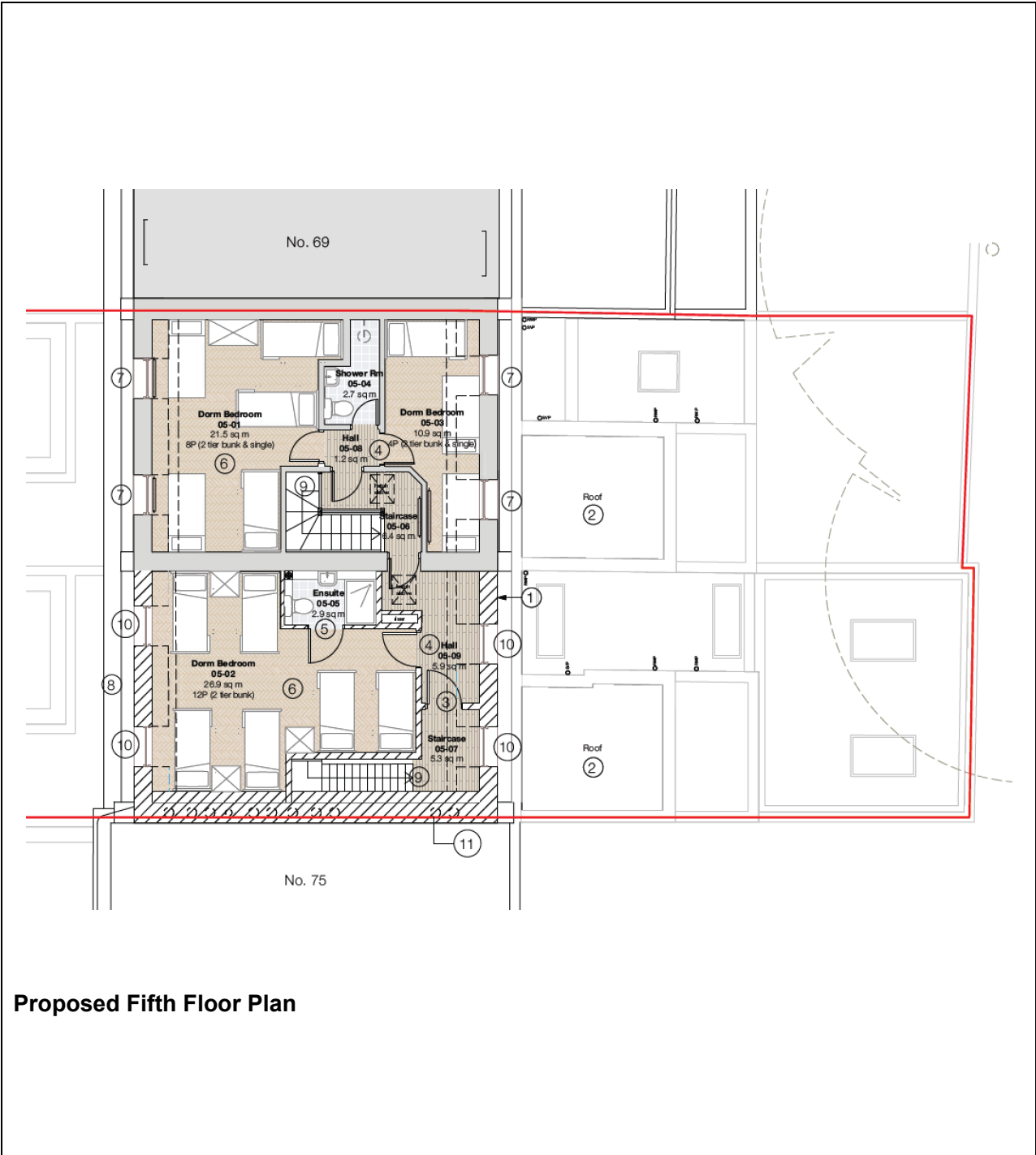
Proposed Ground Floor Plan



Existing Second Floor Plan



Proposed Second Floor Plan



Proposed Fifth Floor Plan





Proposed Front Elevation



- Notes:
1. Partly remove existing wall
 2. Remove existing structure for services
 3. Remove existing window
 4. Remove existing external render
 5. Remove existing parapet
 6. Remove existing guarding
 7. Retain existing chimneys
 8. Remove existing non-original window
 9. Partly remove existing roof

Existing Rear Elevation



Item No.

DRAFT DECISION LETTER

Address: 71 - 73 Belgrave Road, London, SW1V 2BG

Proposal: Erection of single storey mansard extension to No. 73; rear closet wing extensions at second floor level to Nos. 71 and 73; rebuilding of existing lower ground floor extension; alterations to lower ground floor fenestration; and landscaping of rear courtyard.

Reference: 23/03299/FULL

Plan Nos: 2219-P001-S2 Rev. P0, 2219-P109-S2 Rev. P0, 2219-P110-S2 Rev. P0, 2219-P111-S2 Rev. P0, 2219-P112-S2 Rev. P0, 2219-P113-S2 Rev. P0, 2219-P114-S2 Rev. P0, 2219-P115-S2 Rev. P0, 2219-P116-S2 Rev. P1, 2219-P210-S2 Rev. P0, 2219-P211-S2 Rev. P1, 2219-P310-S2 Rev. P1, 2219-P311-S2 Rev. P0, 2219-P312-S2 Rev. P0, 2219-P099-S2 Rev. P2, 2219-P100-S2 Rev. P1, 2219-P101-S2 Rev. P0, 2219-P102-S2 Rev. P0, 2219-P103-S2 Rev. P0, 2219-P104-S2 Rev. P0, 2219-P105-S2 Rev. P0, 2219-P106-S2 Rev. P1, 2219-P200-S2 Rev. P0, 2219-P201-S2 Rev. P1, 2219-P300-S2 Rev. P1, 2219-P301-S2 Rev. P1 and 2219-P302-S2 Rev. P1.

For information only: Design review report and Fire Statement dated April 2023, Design and Access Statement (2219-P600-S2-P1) dated April 2023, Planning and Heritage Statement dated 12/05/2023, Operational Management Plan dated April 2023, Sustainable Design Statement dated 12/05/2023, Flood Risk Assessment dated 01/06/2023 and Daylight and Sunlight Report (Project Ref: 71-73 BR(Rev-) dated April 2023.

Case Officer: Zulekha Hosenally

Direct Tel. No. 07866 037615

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The new roof must be covered in natural Welsh slates and so maintained.

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of detail drawings (elevations and sections at a scale of 1:10 and 1:20) of the following parts of the development:

- i) All new windows, which shall be traditionally detailed to match existing windows and feature integral glazing bars.

You must not start any work on these parts of the development until we have approved

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what you have sent us. You must then carry out the work according to these details (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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of an operational management plan to show how you will prevent guests who are staying at the premises from causing nuisance for people in the area, including people who live in nearby buildings. You must submit the operational management statement prior to the occupation of the extended and upgraded hostel premises and before the use of the rear courtyard commences. You must then carry out the measures included in the management plan at all times that the premises is occupied and in use.

Reason:
To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 8 Hostel staff and guests shall not be permitted to use the rear courtyard before 8am or after 8pm each day.

Reason:
To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 9 No tables and chairs are to be placed in the rear courtyard.

Reason:
To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 10 The rear courtyard shall not be used by more than six standing people (staff/guests) at any one time.

Reason:
To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 11 You must not use the roofs of the second-floor closet wing extensions nor the roof of the lower ground floor extension for sitting out or for any other purpose. You can however use the roofs to escape in an emergency. (C21BA)

Reason:
To protect the privacy and environment of people in neighbouring properties. This is as

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set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 12 You must apply to us for approval of detailed drawings and a management plan in relation to the green roof to the rear lower ground floor extension, this is to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:
To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within one year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:
To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Pimlico Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

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- 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

- 4 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

- 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

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:** 71 - 73 Belgrave Road, London, SW1V 2BG
- Proposal:** Erection of single storey mansard extension to No. 73; rear closet wing extensions at second floor level to Nos. 71 and 73; rebuilding of existing lower ground floor extension; alterations to lower ground floor fenestration; internal alterations and landscaping of rear courtyard.
- Reference:** 23/03300/LBC
- Plan Nos:** 2219-P001-S2 Rev. P0, 2219-P109-S2 Rev. P0, 2219-P110-S2 Rev. P0, 2219-P111-S2 Rev. P0, 2219-P112-S2 Rev. P0, 2219-P113-S2 Rev. P0, 2219-P114-S2 Rev. P0, 2219-P115-S2 Rev. P0, 2219-P116-S2 Rev. P1, 2219-P210-S2 Rev. P0, 2219-P211-S2 Rev. P1, 2219-P310-S2 Rev. P1, 2219-P311-S2 Rev. P0, 2219-P312-S2 Rev. P0, 2219-P099-S2 Rev. P2, 2219-P100-S2 Rev. P1, 2219-P101-S2 Rev. P0, 2219-P102-S2 Rev. P0, 2219-P103-S2 Rev. P0, 2219-P104-S2 Rev. P0, 2219-P105-S2 Rev. P0, 2219-P106-S2 Rev. P1, 2219-P200-S2 Rev. P0, 2219-P201-S2 Rev. P1, 2219-P300-S2 Rev. P1, 2219-P301-S2 Rev. P1 and 2219-P302-S2 Rev. P1.

For information only: Design review report and Fire Statement dated April 2023, Design and Access Statement (2219-P600-S2-P1) dated April 2023, Planning and Heritage Statement dated 12/05/2023, Operational Management Plan dated April 2023, Sustainable Design Statement dated 12/05/2023, Flood Risk Assessment dated 01/06/2023 and Daylight and Sunlight Report (Project Ref: 71-73 BR(Rev-) dated April 2023.

Case Officer: Zulekha Hosenally

Direct Tel. No. 07866 037615

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:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 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

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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 Pimlico Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 All original details must be retained and made good, any new details must match the original.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 4 You must apply to us for approval of detail drawings of the following parts of the development:

- i) New glass screen and doors at ground floor level (elevation and section details showing framing details (1:10)); and,
- ii) New fixed glass panel at ground floor level (elevation and section showing framing details).

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 (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 5 You must apply to us for approval of details of the following parts of the development:

- i) Elevations and sections (1:10 and 1:20) of all new windows, which shall be traditionally detailed to match existing windows and feature integral glazing bars.

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 (C26DB)

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 Policies 38 and 39 of the City Plan 2019 - 2040

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(April 2021). (R27AC)

- 6 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 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 Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 8 The new roof must be covered in natural Welsh slates and so maintained.

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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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. (159AA)

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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