

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	30 Portman Square, London, W1H 9FJ		
Proposal	Erection of part single / part two-storey roof extension and erection of three-storey roof extension to rear central wing in order to provide an additional 42 bedrooms (Class C1) and erection of single storey side extension to provide extension to hotel (Class C1) facilities. Creation of new retail kiosk (Class A1) at ground floor level at corner of Portman Square and Upper Berkeley Street. Alterations to rear, front and side elevations.		
Agent	Gerald Eve LLP		
On behalf of	International Hotelier (UK) Ltd		
Registered Number	17/05355/FULL	Date amended/ completed	19 June 2017
Date Application Received	15 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises an unlisted purpose built hotel making up the western side of Portman Square. The site is located within the Core Central Activities Zone (Core CAZ). The site is not located in a conservation area but is surrounded by the Portman Estate Conservation Area to the south, west and east.

It is proposed to replace the plant storey at tenth floor level and the lift motor room above with a two-storey roof extension. The central rear wing is proposed to be increased in height by three storeys (including a storey of plant). A single storey ground floor extension is proposed at the corner of Upper Berkeley Street and Berkeley Mews in order to provide additional dining floorspace for use in an ancillary capacity to the hotel. In total, 1,880 sq.m (GIA) of additional hotel floorspace is proposed and the number of bedrooms is proposed to increase by 42. A small retail unit is proposed between the

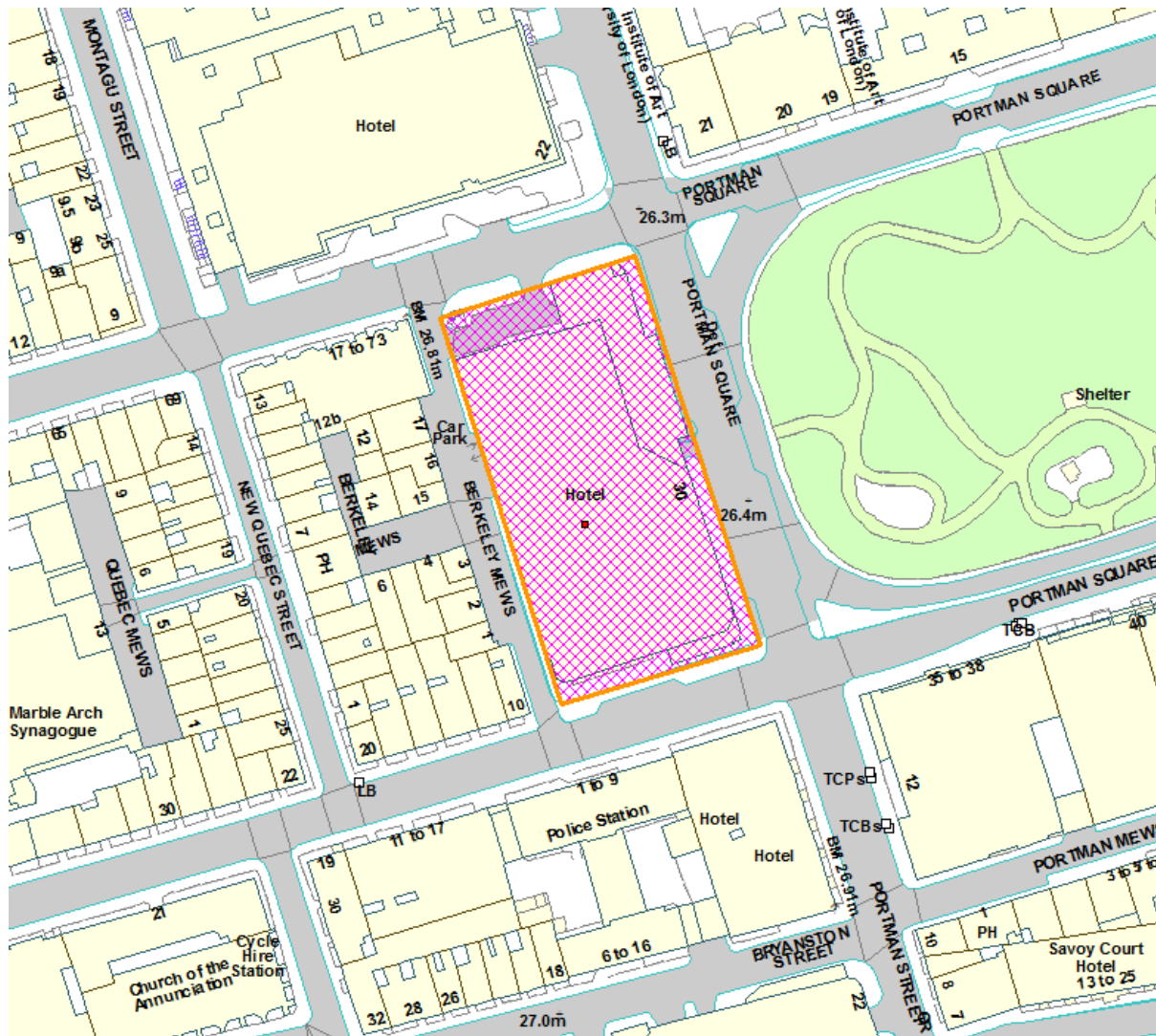
existing columns at the corner of Portman Square and Upper Berkeley Street. Finally, a number of external alterations are proposed at all floor levels to the hotel.

The main issues for consideration are:

- Whether the proposal would preserve the setting of the adjacent Portman Estate Conservation Area and the nearby listed building, and would not harm views out of Portman Square.
- Whether the proposal would preserve the amenity of nearby residents.
- Whether the extension to the hotel would have an acceptable impact upon the local highway network and public safety.

The site's location within the Core CAZ means that the proposed extensions to this hotel are acceptable in principle. The proposed extensions are also considered to be acceptable in design and conservation terms. Furthermore, the extensions will not have a harmful impact upon the local highway network, public safety or the amenity of local residents. For these reasons the proposal is considered to comply with the policies contained within the London Plan (2016), the City Plan (2016) and the Unitary Development Plan (UDP) (2007). It is accordingly recommended that permission be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

CLEANSING:

Request that a revised drawing and waste management strategy be submitted to the City Council indicating proposal for the storage of residual waste and recyclable material.

HIGHWAYS PLANNING:

- The proposed extensions and alterations at ground floor level will not affect the capacity of the existing off-street drop-off / pick-up facility, result in a significant detrimental impact on highway and operation and will not significantly alter the existing servicing arrangements.
- The quantum and location of the proposed cycle parking is acceptable.
- Concern raised in respect to the loss of one of the access ramps to the basement car park.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

DESIGNING OUT CRIME:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 465

Total No. of replies: 4

No. of objections: 3

No. in support: 0

No. of neutral comments: 1.

Amenity:

- Loss of daylight and sunlight.
- Concern that the increased size of the hotel will result in additional loading and unloading on Berkeley Mews which generates noise nuisance for local residents.
- Concern that the increased size of the hotel will mean more staff standing in Berkeley Mews and smoking.
- Concern in respect to cooking odours from the proposed ground floor extension.

Design and Conservation

- The proposed extension is ugly, its height and mass is overbearing and it does not enhance Portman Square.

Other:

- One commenting that all refuse bins should be in an enclosed compound.
- One raising concern that a roof extension has already been refused on this site previously, that the development may generate additional surface water runoff and requesting additional information in respect to the proposed relocated plant.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a large unlisted hotel occupying the whole of the west side of Portman Square, with lower wings of accommodation on the Seymour Street and Upper Berkeley Street frontages and to the centre of the building. The Radisson Hotels lies immediately to the north of the site and the former Seymour Street police station immediately to the south (currently being redeveloped as a mixed use scheme comprising a school, 24 x flats, a restaurant and office accommodation).

The existing hotel contains 440 hotel bedrooms on the upper floors to the slightly set back ninth floor level, with plant occupying the further set-back tenth floor. A lift motor room sits above this tenth floor.

The rear of the building fronts onto Berkeley Mews and has a loading bay and vehicular access to a ten-space basement car park. Off-street pick-up / drop-off is from the front of the hotel on Portman Square, with vehicles egressing onto Upper Berkeley Street

Berkeley Mews is mixed in character, containing offices, dwellinghouse and ground floor commercial garaging / storage. Nos. 1, 16 and 17 Berkeley Mews have all recently been granted permission to be converted from residential to office use and No. 1 has already been converted.

Whilst located outside of a conservation area, the hotel forms a significant feature in views out of the Portman Estate Conservation Area which surrounds the building to the west, east and south. Immediately to the south and south-east of the site are Grade II listed buildings in the form of Nos. 10-20 Seymour Street and the Northern part of Mostyn Hotel at the corner of Portman Street and Seymour Street. The site is not within a strategic viewing corridor.

The site is location within the Core CAZ.

6.2 Recent Relevant History

04/05854/FULL

Erection of two additional storeys to existing hotel building to create one penthouse residential flat (Class C3) including staff accommodation.

Application refused on 4 November 2004 on the grounds that the proposed extension, by reason of its height, bulk and massing, would harm the appearance and proportions of this building and harm the setting of the adjoining Portman Estate Conservation Area. A subsequent appeal against this decision was withdrawn.

7. THE PROPOSAL

The application proposes replacing the existing tenth floor and lift motor room with two floors of hotel accommodation. The tallest element of the building is proposed to increase

in height by 1.4m but the general increase in height across the roof is between 2.0m and 3.2m as a result of the wider new tenth and eleventh floors. The roof of the proposed extension is proposed to be a bio-diverse living room and includes photovoltaic arrays. The new tenth and eleventh floors are proposed to be faced in Portland stone.

The central rear wing of the hotel is proposed to be increased in height by three floors, including a storey of plant, in order to provide an 'executive lounge' and 'wellness area', with terraces facing Berkeley Mews.

The bedroom and facilities used within the building are proposed to be reconfigured with the net result being the provision of an additional 42 hotel bedrooms.

At ground floor level a single storey northern extension is proposed at the corner of Upper Berkeley Street and Berkeley Mews to provide additional dining accommodation for use in an ancillary capacity to the hotel. A florist (Class A1) is also proposed at the corner of Portman Square and Upper Berkeley Street through infilling an area between the columns of the building in glazing.

The existing loading bay on Berkeley Mews is proposed to be enlarged in order to accommodate the increased size of the hotel. The result is that the two vehicular ramps to the basement car park are proposed to be reduced to one. The number of car parking spaces is proposed to be reduced from ten to six and 24 cycle parking spaces are proposed at basement level.

A number of other external alterations are proposed, including alterations to the ground floor glazing facing Portman Square, re-cladding the ground floor columns in Portland stone in place of the existing grey marble, installing a new central entrance on Portman Square (again in Portland stone), rendering the rear elevation in Portland stone aggregates, and installing new windows in all floor levels in both the north and south flank elevations.

The increase in hotel floorspace is set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel (Class C1)	28,506	30,386	+1,880
Shop (Class A1)	0	41	+41

8. DETAILED CONSIDERATIONS

8.1 Land Use

London Plan Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible. City Plan Policy S6 outlines how the Core CAZ is an appropriate location for a range of commercial uses, whilst City Plan Policy S23 directs new hotels to the Core CAZ (amongst other locations) and states that proposals to improve the quality and range of hotels will be encouraged.

UDP Policy TACE 2 also directs new hotels and permits extensions to existing hotels to streets in the Core CAZ which do not have a predominantly residential character. This is provided no adverse environmental and traffic effects would be generated and adequate provision is made for setting down of visitors by coaches or taxis where a significant amount of new visitor accommodation is proposed.

It is understood that the current restaurant offer is not sufficient to service the existing occupancy levels within the hotel. The addition of new ancillary facilities would improve the overall offer and experience for visitors. Furthermore, the proposed addition 42 bedrooms would contribute towards the target within the London Plan. The proposed hotel extensions are therefore acceptable in land use terms.

The proposed shop at ground floor level will enliven this corner and provide retail opportunities for local residents and visitors, in accordance with City Plan Policy S6 and S21 and UDP Policy SS4.

8.2 Townscape and Design

The existing hotel comprises of nine storeys plus a recessed tenth storey of plant. It is predominantly of red brick with stone cornices at ground and seventh floor on the Portman Square facade. There is concrete banding between each floor which is continued around the sides and to the rear of the building. The north and south corners of the Portman Square frontage feature dual aspect windows and there are two blind windows, marked by recesses in the brickwork, on each level of the north and south facade. There are also two lower wings of accommodation facing onto Seymour Street and Upper Berkeley Street.

As set out above, a previous application for a roof top extension to provide a penthouse flat on this site was refused in 2004 on design and conservation grounds. The proposed two storey glazed extension was considered to increase the prominence of the building and cause harm to the setting of the neighbouring Portman Estate Conservation Area.

The current design, however, is considered to be of significantly better design quality through providing a better solid to void ratio and a more harmonious architectural relationship with the host building. Furthermore, the height and bulk is ameliorated by the proposed stepping back of the bulk. The design echoes the relocated central entrance and gives a better 'top' to the building. This is reinforced by the design of the roof extension which deliberately completes the building there by ensuring that the overall composition of the building presents a more coherent contribution to the setting and views into and out of the Portman Estate Conservation Area and from Portman Square. The use of Portland stone cladding at roof level and at ground floor level ties the building together and is a suitable material for the site's context.

The proposed Portland stone-clad single storey northern extension at the corner of Upper Berkeley Street and Berkeley Mews and infilling the columns with glazing to provide a retail unit at the corner of Portman Square and Upper Berkeley Street will significantly improve the building's relationship with the streetscene and improve the appearance of what is currently an underused and unresolved corner of the site.

The increase in height of the central rear wing is uncontentious, being set against the taller main part of the hotel and through the floors recessing as they rise. The tidying up of the rear elevation on Berkeley Mews is also welcome.

It is concluded that the proposed alterations will enhance the appearance of the building, preserve the setting of the neighbouring Portman Estate Conservation Area and the setting of the nearby listed buildings, and not harm views out of Portman Square. The proposal is therefore acceptable, being in accordance with City Plan Policy S25 and S28 and UDP Policies DES1, DES 5, DES 6, DES 9, DES 10 and DES 12. For these reasons, the objection on design and conservation ground cannot be supported in this instance.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise.

Sunlight and Daylight

Policy ENV13 states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

As set out above, objections from residents to the rear of the site have been received on the grounds that the proposed extension will result in losses of daylight and sunlight that would be harmful to residential amenity.

A full sunlight and daylight assessment accompanies the application that assesses the impact of the proposed extensions to the hotel on residential windows within Nos. 1, 2, 16 and 17 Berkeley Mews, Nos. 10-14 Seymour Street, Nos. 17-73 Upper Berkeley Street and the development currently being constructed at Nos. 1-9 Seymour Street. The assessment finds that the proposed extensions will not adversely impact on any adjoining residential buildings in respect to daylight or sunlight, with any losses not being noticeable. As such, the proposal is fully compliant with the BRE Guide (2011) and therefore UDP Policy ENV 13 and City Plan Policy S29. The objections on this ground therefore cannot be supported.

Privacy and Sense of Enclosure

The existing building is significantly taller than its immediate neighbours and the extension proposed is set back from the rear elevation. It is not considered therefore, that the proposal would afford the opportunity for direct overlooking of adjacent properties or any material increase sense of enclosure.

Noise and Disturbance

In order to ensure that the proposed terraces at rear third and fifth floor levels do not result in harm to the amenity of residents within Berkeley Mews, it is recommended that a condition is imposed prohibiting access between 22.00 and 08.00 daily.

Whilst the concern from local residents that the increase in the size of the hotel will mean more loading and unloading on from Berkeley Mews is recognised, the Highways Planning Manager is satisfied that the proposed extensions will not significantly alter the existing service arrangements. Furthermore, the enlarged loading bay will allow more of this servicing to take place off-street.

Finally, the additional hotel dining facility at the corner of Upper Berkeley Street and Berkeley Mews is unlikely to cause disturbance for local residents late into the evening as it is proposed to be used in an ancillary capacity to the hotel, with diners returning to their rooms or to the main lobby before leaving the hotel.

Odour

The proposed new restaurant at the corner of Upper Berkeley Street and Berkeley Mews will be served by the existing hotel kitchen and therefore will not generate any additional cooking odours.

8.4 Transportation/Parking

The Highways Manager is satisfied that the proposed extensions and alterations are acceptable in transportation terms through not affecting the capacity of the existing off-street drop-off / pick-up facility, having a significant detrimental impact on highway and operation or significantly alter the existing servicing arrangements.

There is also no objection to the reduction in car parking spaces within the basement from ten to six given that UDP Policy TRANS 22(B) states that car parking facilities will not normally be permitted within hotel developments. Whilst some concern has been raised in respect to the reduction in the number of access ramps from two to one, it is concluded that one ramp is sufficient for this small number of spaces. This is subject to securing by condition the submission of a Car Parking Management Plan (including traffic lights) and ensuring that a maximum of six parking spaces are provided

8.5 Economic Considerations

The economic benefits of additional visitors to Westminster and the associated increase visitor spend to the local economy are welcome.

8.6 Access

10% of the proposed new bedroom will be wheelchair accessible, in accordance with London Plan Policy 4.5 and all of the entrances to the hotel provide level access. Lift access is also provided to all floors.

8.7 Other UDP/Westminster Policy Considerations

Noise

In order to ensure that noise generated by any of the ancillary hotel floorspace proposed (such as the 'wellness clinic') does not cause harm to neighbouring residential amenity, a condition is recommended that ensures that noise 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.

Plant

Environmental Health has assessed the Environmental noise survey submitted by the applicant and has no objection to the proposed new and relocated plant operating on a 24 hours basis from a noise or vibration perspective, subject to conditions.

Refuse / Recycling

The proposed increase in the size of the loading bay has been confirmed to be acceptable by the Cleansing Manager, with final details on the location and capacity of storage for waste and recyclable material proposed to be secured by condition.

Biodiversity and Flooding

The application proposes that the majority of the flat roof of the hotel will be 'living roofs' which will both to add to local biodiversity and to reduce water run-off. The application estimates that the system collectively has the capacity to store 139.4 cubic metres of rainwater on site, which marginally exceeds the storage requirement when considering a 1 in 100-year rainfall event and a climate change factor of 40%. This provision is in accordance with by City Plan Policies S30 and S38 and UDP Policies ENV 4 and ENV 17.

Sustainability

An Energy Assessment setting out how the development will meet the targets for carbon dioxide emissions reduction set out in London Plan Policy 5.2 has been submitted and the three-step energy hierarchy has been implemented and the estimated regulated carbon dioxide saving on site are 32.8% against Part L 2013 through the use of the existing hotels' combined heat and power facility, the proposed photovoltaic arrays at roof level,

This falls slightly short of the 35% set out in London Plan Policy 5.2 which equates to 6.3 tonnes per annum of regulated CO₂, equivalent to 188.6 tonnes over 30 years, to be offset offsite. A condition is recommended securing an appropriate means of off-setting this deficit off-site.

It is expected that the on-site renewable technology will reduce carbon dioxide emissions from the building by 10.7%. Whilst this falls short of the 20% reduction required by City Plan Policy S40, it is considered that this is the maximum that the site can achieve and is therefore acceptable. The delivery of these environmentally friendly features is secured by condition.

8.8 London Plan

This application raises no strategic issues other than the target for additional hotel bedrooms set out within Section 8.1 of this report.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Whilst the increase in retail and hotel floorspace does trigger a payment requirement under the Mayor's Crossrail Funding SPG (March 2016), the amount payable under the planning obligations policy is less than that payable under the Mayor's CIL and therefore only the Mayor's CIL is payable. As such, planning obligations are not relevant in the determination of this application.

The estimated CIL payment is:

- Mayoral CIL - £399,975 (index linked).
- Westminster CIL - £521,258 (index linked).
- Total - £921,233 (index linked).

8.11 Environmental Impact Assessment

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

8.12 Other Issues

Construction impact

The development will be subject to a condition requiring adherence to the Code of Construction Practice that will ensure that the disruption during the course of construction is minimised.

9. BACKGROUND PAPERS

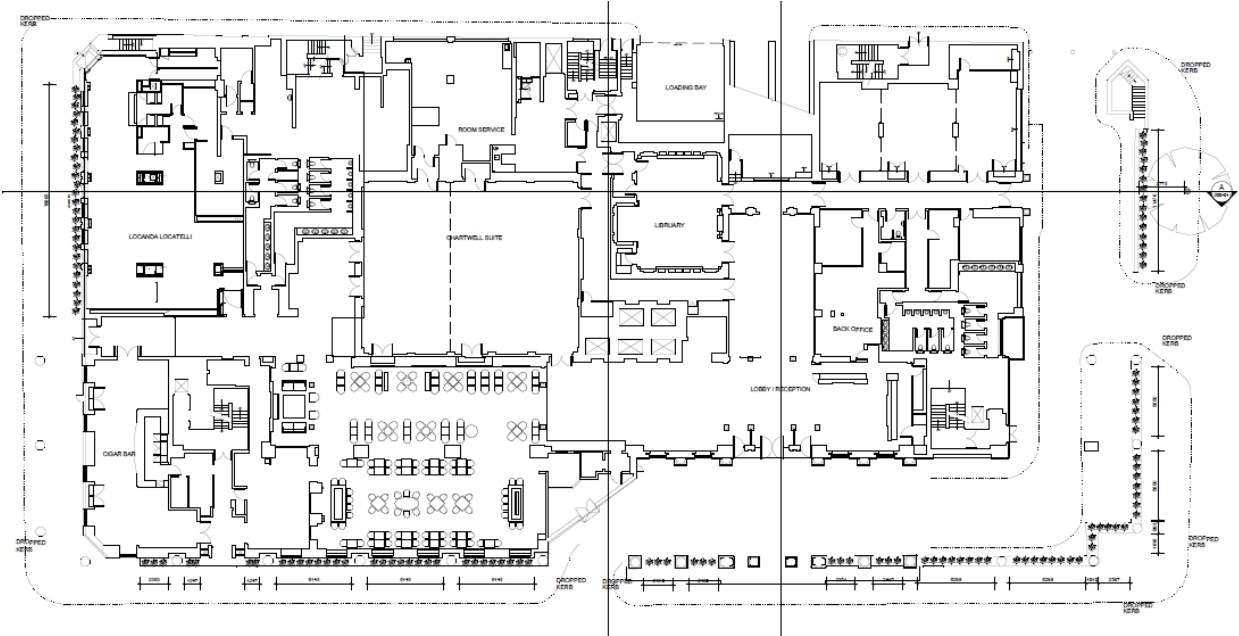
1. Application form
2. Memorandum from Cleansing, dated 6 July 2017
3. Memorandum from Environmental Health, dated 11 July 2017
4. Memorandum from Highways Planning, dated 2 August 2017
5. Letter from occupier of 12b Berkeley Mews, Westminster, dated 3 July 2017
6. Letter written on behalf of the Residents Committee for 71-73 Upper Berkeley Square, dated 7 July 2017
7. Letter from occupier of Flat 15, 71-73 Upper Berkeley Street, dated 20 July 2017
8. Letter from occupier of 71-73 Upper Berkeley Street, London, dated 12 July 2017
9. Letter from occupier of 8 Priory Close, London, dated 11 July 2017

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

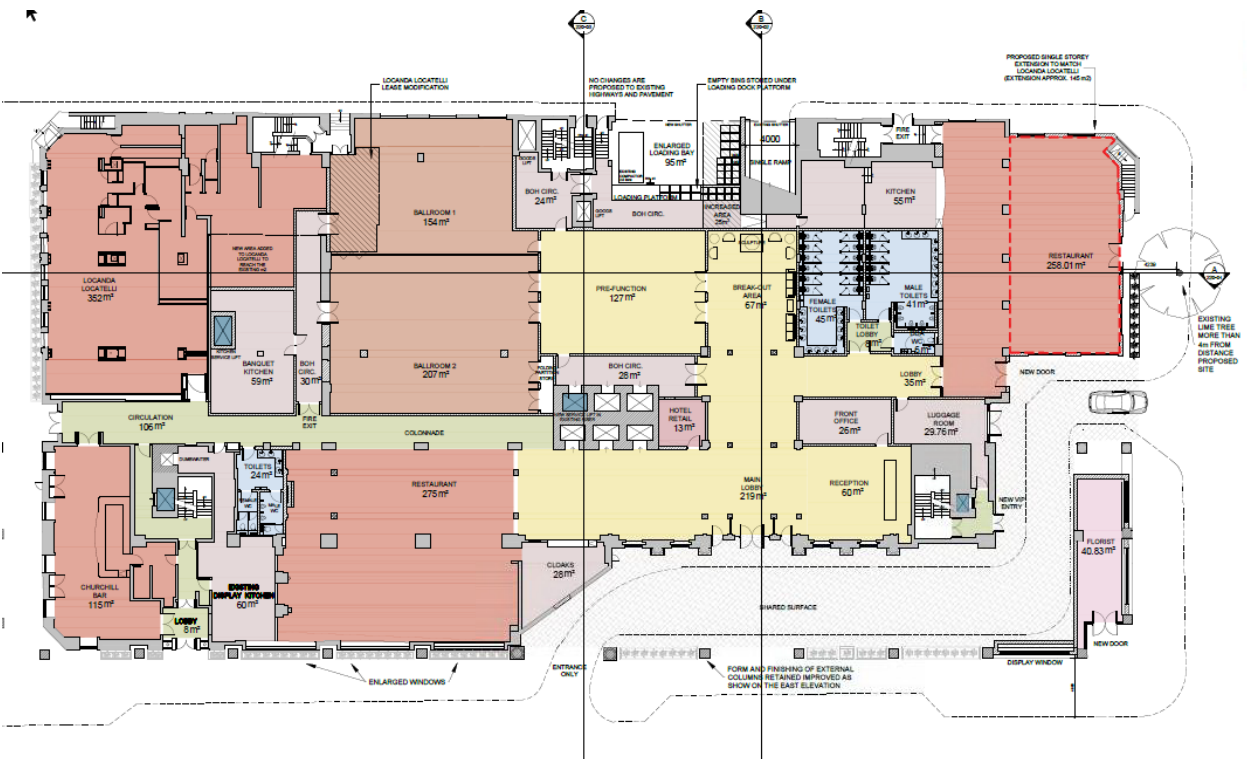
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

Existing ground floor plan:



Proposed ground floor plan:



Existing elevation:



Proposed elevation:



Fig. P.1. - Proposed new elevation. This elevation indicates the addition of the new section to the existing building, showing the addition of a new section to the existing building.



Fig. P.2. - Proposed new elevation. This elevation indicates the addition of the new section to the existing building, showing the addition of a new section to the existing building.

Existing elevation:



Proposed elevation:



DRAFT DECISION LETTER

Address: 30 Portman Square, London, W1H 9FJ

Proposal: Erection of part single and part two-storey roof extension, erection of three-storey rear extension in order to provide an additional 42 bedrooms (Class C1) and erection of single storey side extension to provide extension to hotel (Class C1) facilities. Creation of new retail kiosk (Class A1) at ground floor level at corner of Portman Square and Upper Berkeley Street. Alterations to rear, front and side elevations.

Reference: 17/05355/FULL

Plan Nos: A-PL-HW-1B2-01 Rev. 01, A-PL-HW-100-01 Rev. 02, A-PL-HW-1MZ-01 Rev. 01, A-PL-HW-102-01 Rev. 02, A-PL-HW-103-01 Rev. 02, A-PL-HW-104-01 Rev. 01, A-PL-HW-105-01 Rev. 01, A-PL-HW-106-01 Rev. 01, A-PL-HW-107-01 Rev. 01, A-PL-HW-108-01 Rev. 01, A-PL-HW-109-01 Rev. 01, A-PL-HW-110-01 Rev. 01, A-PL-HW-111-01 Rev. 01, A-PL-HW-112-01 Rev. 02, A-PL-HW-270-01 Rev. 01, A-PL-HW-270-02 Rev. 01, A-PL-HW-270-03 Rev. 01, A-PL-HW-270-04 Rev. 01, A-PL-HW-220-01 Rev. 01, A-PL-HW-220-02 Rev. 01, A-PL-HW-220-03 Rev. 01, 5026-L-710, 5026-L-10, and Section 2.13 of the Design and Access Statement (dated 15 June 2017).

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution

Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

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

Reason:

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

- 4 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 5 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the extended hotel (Class C1) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the extended hotel (Class C1) use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

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

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

Reason:

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

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

Reason:

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

- 7 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the building is suitable. This is as set out in S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007.

- 8 You must provide the enlarged waste store shown on drawing A-PL-HW-100-01 Rev. 02 prior to any of the additional hotel floorspace hereby approved being occupied. You must clearly mark it and make it available at all times to everyone using the hotel. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 9 You must apply to us for approval of detailed drawings showing the layout and capacity of the enlarged waste store hereby approved. You must not occupy any of the additional hotel floorspace hereby approved until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hotel. (C14EC)

Reason:

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

(R14BD)

- 10 You must not use any part of the enlarged hotel hereby approved until we have approved appropriate arrangements to secure the following:

- Measures to ensure that the carbon dioxide saving deficit are secured off-site.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To ensure that the carbon dioxide savings required by London Plan (2016) 5.2 are secured.

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation of the additional hotel floorspace hereby approved. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

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

- 12 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 13 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 14 You must apply to us for approval of detailed drawings at 1:20 of the following parts of the development - typical bays / windows. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 15 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

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

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

Reason:

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

17 Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 18 You must provide the following bio-diversity / surface water run-off attenuating features before occupation of any of the additional hotel floorspace hereby approved:

- The living roofs shown on approved drawings 5026-L-710, 5026-L-10, A-PL-HW-102.01 Rev. 02, A-PL-HW-103.01 Rev. 02 and A-PL-HW-112.01 Rev. 02, and in accordance with the specification set out within Section 2.13 of the Design and Access Statement dated 15 June 2017 hereby approved.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan (November 2016) and ENV 4 and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (adopted 2016). (R43FB)

- 19 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application:

- The photovoltaic panels shown on approved Dwg. No. A-PL-HW-112.01 Rev. 02.

You must not remove any of these features. (C44AA)

Reason:

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

- 20 Other than to escape during an emergency, staff and guests shall not use the terraces at rear third and fifth floor levels outside of the following hours: 22.00 - 08.00 daily

Reason:

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

- 21 The basement car park shall contain a maximum of six car parking spaces.

You must apply to us for approval of a Car Parking Management Plan setting out measures to ensure that operation of the basement car park and access ramp will not cause a highways obstruction on Berkeley Mews.

Reason:

In the interests of public safety and to reduce use of private motor vehicles as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 With reference to condition 6 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

- 4 Under Condition 10 we are likely to accept a legal agreement / undertaking under section 106 of the Town and County Planning Act to secure a contribution of £11,316 towards projects to reduce carbon dioxide emissions elsewhere within the City of Westminster. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.