

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 21 November 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	233 - 237 Old Marylebone Road, London, NW1 5QT		
<b>Proposal</b>	Demolition of existing building and redevelopment to provide a new building comprising lower ground floor, mezzanine, upper ground floor and first to eight floor levels for use as hotel (Class C1) with ancillary bar/restaurant at lower ground floor, external landscaping and associated works.		
<b>Agent</b>	Mr George Smith		
<b>On behalf of</b>	.Dominvs Group		
<b>Registered Number</b>	17/07627/FULL	<b>Date amended/ completed</b>	25 August 2017
<b>Date Application Received</b>	24 August 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Molyneux Street		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is a mid-street building of six storeys, unlisted and outside of a conservation area, but located adjacent to the Molyneux Street Conservation Area to the south east and the Portman Estate Conservation Area to the north east. There are also a number of nearby grade II listed buildings in the terrace. The application site is also located within the Marylebone and Fitzrovia character area of the Central Activities Zone (CAZ).

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a new hotel (Use Class C1). The proposed hotel would contain 93 bedrooms within a building comprised of nine storeys high. The scheme has been amended during the course of the application to reduce the extent of the basement excavation under the front forecourt. The ground floor would include a ground floor café/restaurant.

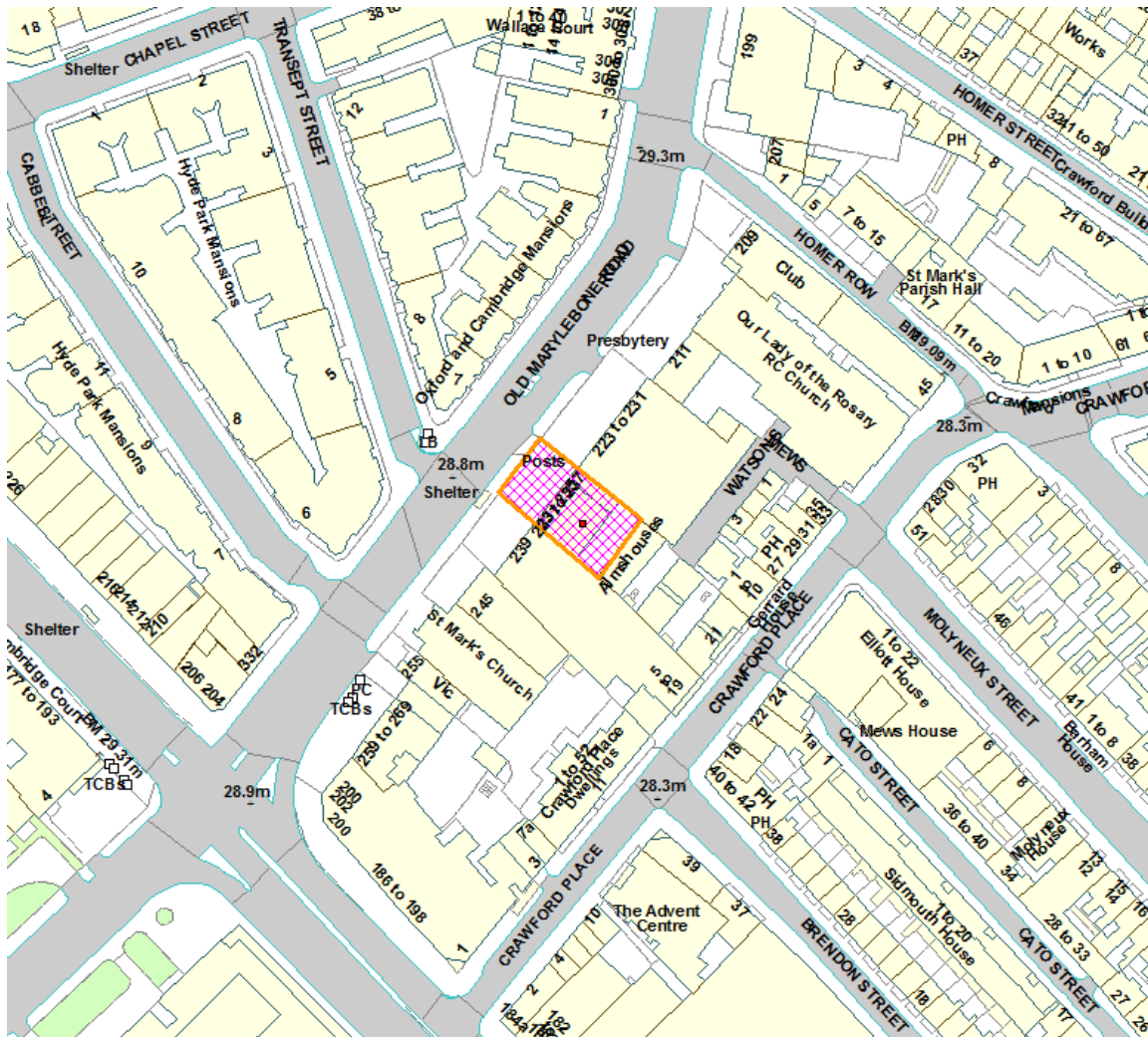
The key considerations are:

- Loss of office use and provision of hotel use;
- Impact on the character and appearance of the area;

- Impact on residential amenity;
- Impact on the highway;
- Harm to a street tree.

For the reasons set out in the report, the proposed development is considered to comply with the Unitary Development Plan (UDP) and City Plan (City Plan) and is therefore recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation



## 5. CONSULTATIONS

### WARD COUNCILLORS:

No responses received to date..

### HISTORIC ENGLAND:

Not considered necessary to consult Historic England.

### THE ST MARYLEBONE SOCIETY:

Objection raised on the grounds that this is not the location for a hotel with no possibility of rear servicing and therefore servicing having to take place from the Old Marylebone Road. Concern raised as to the design and architecture and that it is 'not good enough' and that exemplary design should be sought. Comment also made that there is little communal space for guests in new hotels, with no lounges etc.

### THE MARYLEBONE ASSOCIATION:

Objection raised on the grounds that the development represents a 300% uplift in floor area on the site adding 1,800m<sup>2</sup>, with no S106 contributions benefiting the local area or community with infrastructure, public realm or housing. Comment made that the design is lacklustre and misses an opportunity for an innovative architectural solution. Concern also raised that the servicing of this 93 bedroom hotel involves lorries (deliveries and refuse) reversing off the Old Marylebone Road as there is no rear access.

### TRANSPORT FOR LONDON:

No objection subject to conditions.

### ENVIRONMENTAL HEALTH:

No objection raised to the principle of the hotel or to the plant proposed. Objection raised regarding the air quality assessment, servicing, the CHP unit and the proposed kitchen/bar.

### HIGHWAYS PLANNING:

No objections subject to conditions regarding the servicing management plan and coaches.

### CLEANSING MANAGER:

No objection to revised storage arrangements and collection.

### DISTRICT SURVEYORS:

No objection.

### METROPOLITAN POLICE – DESIGNING OUT CRIME OFFICER

No objection subject to conditions and recommendations.

### ARBORICULTURAL OFFICER:

Objection raised on the grounds that the proposed basement (including in its amended form) will encroach upon the root protection area of the London Plane street tree and is therefore likely to harm to this tree. Given the objection to this, no comment is made on the impact to the canopy

**HEAD OF POLICY - CITY PLANNING:**

No response received.

**LONDON FIRE AND CIVIL DEFENCE AUTHORITY:**

No responses received.

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

No. Consulted: 518

Total No. of replies: 14

No. of objections: 14

Fourteen objections received on behalf of 13 properties (including one response containing 19 signatures) on the following grounds:

**Design:**

- Building too tall;
- Scale and bulk of the building at odds with neighbouring properties;
- The proposed front elevation sits forward of the main building line;
- The proposals have a negative impact of the adjacent conservation areas;
- The proposals harm the setting of the nearby listed buildings and the Alms Houses to the rear;
- Comment made on the green tiling;
- More consideration of the rear elevation design needs to be given as this is viewed from the conservation area.

**Land Use:**

- Proposals are contrary to S20 of the City Plan which seeks a growth in office space;
- The proposals do not comply with S8 of the City Plan;
- The site is not in an area designated for a hotel use;
- The proposals to create a hotel would turn this area into a commercial zone;
- There are already 122 hotels in the area with vacancies throughout the year;
- A change from a day time use (office) to a night time use (the hotel) impacts on existing day time uses (shops etc) in the area;
- The City needs more affordable homes rather than hotel accommodation.

**Amenity:**

- Old Marylebone road is primarily a residential street with some quiet commercial premises that are largely closed in the evening and weekends and a hotel will change this;
- The proposed bar/restaurant will allow non-residents and harm the quietness of the street;
- Noise from the comings and goings of guests;
- Loss of light to properties to the rear in Crawford Place and to the front in Oxford and Cambridge Mansions;
- Noise from plant to properties to the rear;
- Impact upon privacy of residents in Hyde Park Mansions and Crawford Place;

- Sense of enclosure to the properties in Crawford Place
- Light pollution from lit staircases;
- The building itself will harm the amenity of future occupiers of the hotels.

**Highways:**

- Impact upon the traffic of Old Marylebone Road as a result of increased visitors, coaches and servicing;
- Coaches are unacceptable;
- How are conditions relating to coaches enforceable?
- Only one access point to allow for servicing;
- Parking congestion.

**Other:**

- Increased in crime (including robbery, drugs and prostitution);
- Dust, Noise and disruption during the course of construction;
- Cumulative impact of construction works in the area;
- Fire concern as a result of extending the building close to the Alms Houses to the rear;
- Impact upon trees on Old Marylebone Road.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a mid-street building of six storeys, unlisted but located adjacent to the Molyneux Street Conservation Area to the south east and the Portman Estate Conservation Area to the north east. The building is also located within the immediate setting of four Grade II listed buildings including St Mark's Church and the Roman Catholic Church of Our Lady of the Rosary and the attached presbytery. The site lies within the Marylebone and Fitzrovia Area of the Central Activities Zone.

Whilst of a contemporary construction the existing building lies on an established footprint with the front building line of the site and the adjoining buildings maintain the historic built line, as shown by historic maps of the area. These buildings characteristically have large extended 'forecourts' which have been utilised in a number of ways in the past.

Old Marylebone Road is a TfL Red Route.

### 6.2 Recent Relevant History

#### 04/01097/FULL

Permission granted for the 'Erection of front extension to reception area with new screen/door and associated slate covered wall for future toilet' in April 2004.

#### 96/00302/FULL

Permission granted for roof extension and infill extensions at 3<sup>rd</sup>-5<sup>th</sup> floor in November 1996.

96/04819/CLEUD

A lawful development certificate granted for the use of the whole building as offices was granted in July 1996.

**7. THE PROPOSAL**

The applicant proposes demolishing the existing office buildings (Use Class B1) and construction of a hotel (Use Class C1). The proposed hotel would contain 93 bedrooms within a building comprised of nine storeys high. The ground floor would include an ancillary bar/restaurant at lower ground floor level. The applicant does not state in their submission whether this bar/restaurant is to be open to members of the public.

The following changes to floorspace on-site are proposed:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Change
Office	932	-	-932
Hotel	-	2743	+1811

**8. DETAILED CONSIDERATIONS****8.1 Land Use**Loss of Existing Office

Whilst the London Plan (March 2016) (“the London Plan”) does not specifically protect office uses, policy 4.2 does support rejuvenation of the office stock within the CAZ in order to improve the quality and flexibility of office stock so that it can meet the distinct needs of the Central London market. Strategic policy also acknowledges the diverse range of uses that exist within the CAZ and that having a range of residential and visitor infrastructure uses within the CAZ helps to support its strategic function. Paragraph 2.3.5 of the CAZ SPG seeks to ensure that additional hotel provision does not constrain the availability of local employment and commercial floorspace, having regard to demand and viability.

The applicant states that the office is current vacant. At the time of the officers site visit this was not the case. The site is not located in a core office location and transport and public realm improvements (including Crossrail) along Oxford Street and around Paddington is likely to further marginalise the office market in Marylebone, making the redevelopment of existing stock less attractive. It is also noted that commercial space will be re-provided in the form of the hotel and retail use, which would help to support the strategic function of the CAZ. The loss of office space on this site would not undermine the primary business function of the CAZ or any locally defined office market, nor would it adversely impact on the wider strategic function of the CAZ. As such, the loss of office space on this site would be consistent with the London Plan.

The reasoned justification to policy S20 of Westminster’s City Plan (November 2016) (“the City Plan”) notes concern with office losses throughout the City, although does note that losses of office to other commercial uses are acceptable as they contribute to commercial



activity. Accordingly, the principle of losing this office space to another commercial use on this site would be consistent with policy S20 of the City Plan.

### Proposed Uses

Policy 4.5 of the London Plan directs hotel provision to Opportunity Areas and CAZ fringe locations with good public transport. The proposal would be consistent with this strategic policy objective.

This site is not located within an Opportunity Area, the Core CAZ, Named Streets or NWEDA/NWSPA where new hotels are directed (see policy S23 of the City Plan and TACE 2 of the Unitary Development Plan (adopted 2007) ("the UDP"), nor is the site located within a CAZ frontage where commercial development is encouraged and directed toward. Policy S8 of the City Plan which looks specifically at Marylebone and Fitzrovia wider CAZ states that outside of the Named Streets, new commercial uses will not generally be appropriate. An objection has been received on the grounds that the proposals do not comply with this policy.

However, whilst the northern side of Old Marylebone Road is characterised by large mansion blocks, the southern side is characterised by large office buildings and therefore is very commercial in nature, despite objections received on this basis. The proposed hotel replaces an existing commercial use and it is therefore considered that in principle the proposed hotel is acceptable.

The proposed café/restaurant use at the lower ground floor is sufficiently small enough to be considered ancillary to the hotel and is therefore supported. A condition is recommended to ensure that it remains ancillary to the proposed hotel and only open to hotel guests is recommended.

## **8.2 Townscape and Design**

Planning permission is sought for the demolition of the existing building and its replacement with a nine storey building, plus lower ground floor level of 340m<sup>2</sup>. Above ground the building occupies the existing building footprint, maintaining the front elevation built line, whilst the lower ground floor level is to be extended partially underneath the front forecourt, resulting in one rooflight located to the front of the building. The ground floor level will have a partially glass, partially obscured elevation whilst first floor and above will be clad in Blue bateig sandstone with the projecting bay being clad in Portland Jordans Basebed stone. Around the roof, set back from the elevations will be an aluminium mesh cladding to conceal plant behind. The entire rear elevation will be White Engobe brick with a white mortar and all the windows will be aluminium framed.

Objections have been received to the proposals on the grounds that the scale and massing of the proposed building is not representative of the townscape; that the proposed building does not relate well to the surrounding area; the adjacent conservation areas and is harmful to the setting of the nearby listed buildings. Comments have also been made that the proposed design is unacceptable.

As the proposed development involves the insertion of a new building within a continuous street façade the development is considered, in design terms, in relation to UDP policies

DES 1 and DES 4. DES 1 establishes principles of urban design and conservation, ensuring the highest quality of new development, whilst DES 4 seeks to ensure the highest quality of new development in order to preserve or enhance the townscape. Additionally the scheme is considered in relation to DES 9 (F) and DES 10 (D) which seek to ensure that development, located within the setting of a listed building or conservation area, does not have adversely affect the setting of the heritage asset or have a visually adverse impact on the special character or appearance of the area and views into it.

#### Principle of demolition

The existing building is considered to be of limited architectural interest and therefore the principle of its demolition and replacement is considered to be acceptable subject to the quality of its replacement.

#### Scale, Bulk and Massing

At present the site sits in between two taller buildings, with the tallest buildings in the street being the Grade II listed St Marks Church whose tower is a prominent feature in the street scene and skyline. As the height of the building, at 26m (some 3.5m taller than the existing building) will be in keeping with the neighbouring building heights, it is not considered to be excessively tall with the increased bulk and mass being visually unobtrusive when viewed from the immediate and wider setting, as shown by the verified views. The development has had regard for the prevailing building heights of the area and is therefore considered to be in accordance with DES 4. Additionally the siting of the building so as to maintain the historic built line is welcomed, complying with DES 4 by conforming with established boundary lines.

The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced; the extent is not fixed and may change as the surroundings evolve. A Conservation Area will have its own setting and it is this setting which can contribute to the significance of the heritage asset. The character of the two neighbouring conservation areas derives from the evolution of the area, the street pattern and the largely intact building stock, most of which are three storeys high. The proposed 9 storey building will be directly set against the low level character and whilst the increased height and mass will be appreciated in views from the east, it will be seen in context with the established development along Old Marylebone Road and therefore is not considered to be so out of character as to be visually detracting or harmful to the setting of the conservation areas. Furthermore the setting of the heritage assets will be maintained, with the height of the building not compromising the prominence of St Marks Church tower within the street scene.

#### Architectural Approach

The detailed design of the proposed building is considered to be in keeping with the prevalent architectural style located on the south side of Old Marylebone Road. The material pallet, whilst not directly representative of the metal and glass office blocks does address the more solid mansion blocks on the northern side of the road and therefore is not considered to be so out of keeping as to be harmful to the character and appearance of the area. The ground floor level does have a large amount of glazing, demarking the entrance to the building, however the service areas are shown as being obscured. This area presents an opportunity to introduce screening of visual interest which is reflective of detailing found on other part of the building; these details are requested by condition. The use of two types of stone gives articulation to the elevation, whilst the introduction of

colour through powder coated aluminium panels to some of the window reveals adds visual interest. Officers are of the opinion that a colour more reflective of the mansion blocks on the north side of the road would be a more sympathetic approach than the green shown in the visuals; this can be conditioned. Keeping the rear elevation a light solid colour reduces its visual impact from the conservation areas and therefore is a welcomed approach. The introduction of plant on the roof is regrettable within a redevelopment scheme, however the plant area has been kept to a minimum and will be screened with aluminium panels, which due to their positioning on the plan will not be visually appreciated from the public realm. The development is considered to be of a high standard of design, with the use of materials being appropriate for the setting, in accordance with the aims of DES 1 and DES 4.

#### Basement Excavation

In considering the excavation at lower ground floor level in terms of design Part B(5) of City Plan Policy CM28.1 is of particular relevance. The policy states basement development should protect the character and appearance of the existing building and surrounding area, ensuring skylights are sensitively designed and discreetly located. The principle of excavating beneath part of the front forecourt is not contentious in design terms, subject to the external manifestations being appropriate for their setting. A single glass walk-on rooflight is proposed adjacent to the front elevation, projecting along the entrance footpath. It will be separated from the vehicle area by bollards and will relate to the paving demarking the pedestrian route. Whilst rooflights are not common along this section of Old Marylebone Road, as it forms part of a coherent hard landscaping scheme to the forecourt area and has been designed so as to be in keeping with the paving pattern, in this instance the single rooflight is considered to be acceptable in design terms and in accordance with part B(5) of CM28.1 as there is a limited impact on the character and appearance of the surrounding area.

The proposed replacement building is considered to be in accordance with City Plan policies S28 and CM28.1 as well as UDP policies DES 1, DES 4, DES 9 and DES 10. In accordance with the requirements of the NPPF, the proposal will have a limited impact on the setting of the identified heritage assets.

### **8.3 Residential Amenity**

Policy S29 of the City Plan and ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Several objections have been received to the proposals on the grounds of loss of light, loss of privacy, sense of enclosure and noise and disturbance from guests of the hotel.

#### **8.3.1 Loss of Daylight/ Sunlight**

The supporting text to policy ENV 13 specifies that regard should be had to the BRE publication "Site Layout Planning for Daylight and Sunlight: A guide to good practice"

(2011) (“the BRE Guide”). The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

The applicant has submitted a Daylight and Sunlight Report by GIA as part of the application to demonstrate compliance with the BRE Guide. The assessment considers the following adjacent or nearby residential properties that are eligible for testing in the BRE Guide:

- 11 Crawford Place
- 15 Crawford Place
- 18 Crawford Place
- 20 Crawford Place
- 21 Crawford Place
- 22 Crawford Place
- 24 Crawford Place
- 27-29 Crawford Place
- 31 Crawford Place
- 33-35 Crawford Place
- 1, 2 and 3 Watson Mews
- 6 & 7 Cabbell street
- Oxford and Cambridge Mansions
- 223-231 Old Marylebone Road
- Elliott House
- Gerrard House

Residential properties, notably Hyde Park Mansions, to the north west of the application site are considered too distant from the subject property to result in potentially unacceptable light loss.

### Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways.

The assessment demonstrates that of the 19 properties assessed, 18 of those will not experience any losses outside of the BRE tolerances.

21 Crawford Place, which is the Christian Union Alms Houses directly to the rear of the site is the one property that will be affected by the proposals. The Alms Houses consist of a two storey building with two central courtyards, with single bedroom small flats at ground and first floor levels. All the units are single aspect and face into the courtyards. There are 12 Alms Houses providing accommodation to the elderly. Of the 26 windows assessed in the Alms House, serving 25 separate rooms, 16 windows demonstrate compliance with the BRE guidance. 10 windows fall short of the BRE recommendations in relation to VSC and NSL and these all serve living areas and bedrooms. The reductions are up to 100%, however it should be noted that these rooms already have extremely low levels of VSC of between 0.6%-2.2% against a BRE target of 27%, primarily due to their location beneath walkways and overhangs. The absolute loss of VSC is equally small at between 0.6%-2.2% which does appear as a disproportionately large percentage change.

Whilst the losses appear large, this is unlikely to be noticeable by the existing occupants and therefore whilst regrettable that these losses occur to this vulnerable group, in accordance with paragraph 14 of the NPPF, it is therefore clear that any daylight/sunlight impacts and height of the development will not “significantly or demonstrably” outweigh the commercial and economic benefits of the development and the proposals are, on balance, considered to be acceptable and in accordance with policies ENV13 of the UDP and S29 of the UDP.

### Sunlight

In terms of sunlight, the assessment measures the impact of overshadowing to all windows which face the application site within 90 degrees of due south. The BRE guidance advises that a room will appear reasonably sunlit if it received at least a quarter (25%) of annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

All properties relevant for assessment comply with the BRE guidelines.

### **8.3.2 Sense of Enclosure**

The existing building is not as high as its neighbours and has a significantly shallow footprint. The proposal seeks to create a nine storey building, with a depth to match its neighbouring property. The rear of the application site will be some 1-2m away from the rear blank elevation of the Alms Houses to the rear. Those occupiers of the Alms House with views north west to the rear of the application will ‘closer’ to them. This is considered to be no different a relationship that one experiences of the large neighbouring buildings on Old Marylebone Road and therefore in terms of sense of enclosure the proposals are considered acceptable. Other properties in Crawford Place will notice the new development but this is not considered to harm their outlook.

The proposals are not considered to result in any sense of enclosure to properties north, north/west of the application site in the mansion blocks opposite the site.

### 8.3.3 Privacy

Multiple windows are proposed to the front and rear elevations. The windows are set in reveal and in most instances are not full height, with decorative panels/ stone work proposed to the top. Whilst the building is increased in bulk and height, it must be remembered that there are already existing multiple windows to the front and rear serving the office building. There are no windows in the rear elevation of the Alms Houses and any views into the Alms Houses from upper levels of the proposed hotel, are over a distance of 14m and so oblique so as to not result in any overlooking. Objections from residents in 11 Crawford Place to the south have also been received on overlooking grounds. The distance to these properties is more than 40m and any views would be again so oblique so as to not result in any harmful overlooking. The proposed windows to the front elevation are not considered to allow detrimental overlooking to the mansions blocks opposite, primarily due to the distance involved.

### 8.3.4 Light Pollution

An objection has been received on the grounds that the internal staircase serving the hotel will be lit 24 hours and result in light pollution to properties in the mansion buildings opposite the application site. The drawings show the internal staircase within the core of the building.

Whilst part of the ground floor is likely to be lit 24 hours a day as this is the reception area, this is unlikely to have any harmful impact upon neighbouring residents, over and above what could exist with the existing office building, whereby often for security reasons, offices have a 24hr manned reception.

Whilst it is acknowledged that compared to the existing office building which is closed in the evenings and on weekends, the windows to the proposed bedrooms could be lit internally; given the size of the apertures; and that in most circumstances there will be windows fixtures and fitting to enhance the hotel guests experience, it is not envisaged that there would any substantial light pollution.

### 8.3.5 Noise

#### Noise from Plant

It is proposed to install building services plant within the development. The Environmental Health Officer has reviewed the proposal and has recommended conditions to ensure that noise from these sources does not cause unacceptable harm to residents surrounding the site.

#### Noise from Guests

Objections have been received from neighbouring properties on the grounds of noise from guests and those using the bar/restaurant.

At 93 rooms, this is not considered to be an excessively large hotel. However, hotels by their nature are not noisy and it is anticipated that it would result in unacceptable noise levels. Whilst there will be some comings and goings from visitors, on this busy road, mixed in character, and that generally they will be coming on foot, by public transport or by taxi as no coach parties are proposed, it is not envisaged that this would be harmful to residential amenity. The bar/restaurant is at lower ground floor level, despite the objections received and therefore this is likely to attract only hotel guests rather than any other visitors. Conditions are recommended to ensure that the restaurant/bar is ancillary to the hotel and only open to hotel guests to ensure that the proposals result in no harm to residential amenity.

Subject to these conditions, the proposal would be consistent with policies ENV6 and ENV7 of the UDP and policy S32 of the City Plan.

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

Several objectors are concerned with parking, on-street servicing and the impact of vehicle movements on Old Marylebone Road. TfL have raised no objections to the proposals.

##### **8.4.1 Trip Generation**

The applicant has submitted a Transport Assessment providing information on the level of operation of the proposed development. The figures within the information submitted by the applicant appear broadly reasonable as a base to compare change that the proposed use may generate.

On balance, while the proposed hotel use will result in higher levels of activity, particularly with regards to taxis/private hire vehicles at different times to the existing use, the overall activity of guests arriving and departing the site on foot will not result in significant detrimental highway safety or operation.

##### **8.4.2 Car Parking**

No car parking is provided for the proposed hotel use with 3 existing office car parking spaces removed. The site is within a Controlled Parking Zone and has a good level of public transport accessibility. TRANS23 states "the permanent loss of any existing off-street residential car parking space will not be permitted other than in exceptional circumstances." The existing spaces are not linked to residential units and as such the loss is not contrary to TRANS23.

The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. Residential parking bays are restricted to permit holders 24 hours a day 7 days a week, the use of single yellow line and other bays is restricted from 0830 till 1830 Monday to Saturday. It is therefore considered that the proposal is unlikely to have an adverse impact on on-street car parking in the area.

##### **8.4.3 Cycle Parking**

The London Plan requires the provision of 1 cycle parking space for staff per each 20 bedrooms. 12 spaces are proposed in the mezzanine level access by a stair with cycle run and lift which is acceptable and compliant with the London Plan requirement. Cycle parking for staff will help reduce reliance on other less sustainable transport modes.

#### **8.4.4 Servicing**

A multipurpose taxi drop off and service bay is provided at the front of the site accessed from Old Marylebone Road. The applicant indicates that the site would generate approximately 10 daily service trips (which seems reasonable given the size of the proposal including the ancillary bar and restaurant). For larger service vehicles which cannot enter the site the surrounding area is a Controlled Parking Zone, the double red lines directly outside the site prevent unloading and loading from occurring however there is a loading bay on Old Marylebone Road Southwest of the site.

While there will be an increase in the level of servicing over that which is likely to be generated by the existing office use, given the service bay and the submitted Service Management Plan (SMP), it is considered that the majority of the servicing associated with the site can be accommodated within the site itself and the SMP will help minimise the adverse impact of servicing on the public highway. This is to be conditioned.

Coach activity is common for hotels and the drop off or collection of guests from coaches having a significant impact on the safety and operation of the highway network, including on pedestrians. No provision for coach party arrivals is provided. The applicant has indicated that they would not accept coaches and would accept a condition restricting this and group booking not exceeding more than 20 guest at any one time, therefore allowing for a small mini bus to utilise the proposed forecourt. A condition to secure this within a revised servicing management plan is recommended.

#### **8.4.5 Waste**

Off-street waste stores are provided for the proposed hotel. This reduces the likelihood of waste being placed on the highway for long periods of time. The servicing management plan states that waste will likely be collected from within the site using a small refuse vehicle truck, again to be conditioned.

### **8.5 Economic Considerations**

Whilst the loss of the office floorspace is regretted, the hotel development would provide employment opportunities during construction and would create full time jobs once operational. The proposal can also accommodate a significant number of visitors annually whose spending during their stay will bolster the local economy and encourage further investment by shops and services in the area.

### **8.6 Access**

The proposed development includes accessible passenger lifts, wide corridors and level thresholds into wheelchair accessible rooms. A total of 10% of the hotel rooms would also be Universally Accessible, in accordance with London Plan requirements and controlled by condition. Induction loops would also be installed in the reception area for those that



are hard of hearing and Universally Accessible toilets in proximity to the integral restaurant.

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

### **8.7.1 Sustainability and Climate Change**

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policies 5.6 of the London Plan and S39 of the City Plan require major development to be designed to link to and extend existing heat and energy networks in the vicinity, except where it is not practical or viable to do so.

Policies 5.7 of the London Plan and S40 of the City Plan require all major development to maximise on-site renewable energy generation carbon dioxide emissions, where feasible.

Policy 5.9 of the London Plan states that development should reduce potential overheating and reliance on air conditioning systems.

The proposed development achieves a carbon dioxide reduction of 35.88% over 2013 Building Regulations.

There are no existing energy networks in the vicinity and none are planned. Accordingly, it would not be practical to require this of the applicant. The applicant does not show any PV panels at roof level, however it is noted within the energy strategy that these are to be installed. A condition to secure this is recommended. The applicant also proposed a CHP system to heat the building and provide hot water.

The applicant has also provided a thermal comfort report that concludes that the proposal will be built to minimise potential overheating and the need for comfort cooling. A condition is recommended to secure this.

Overall, the proposed development satisfies policies 5.2, 5.6, 5.7 and 5.9 of the London Plan and policies S28, S39 and S40 of the City Plan.

### **8.7.3 Trees**

There is a London plane on Old Marylebone Road located directly outside the curtilage of the property and this is owned and managed by Transport for London. No comments regarding the trees have been made by TfL. It is a prominent and attractive tree in early maturity, with a long life expectancy if allowed to remain. It is one of several London planes of similar age on this part of Old Marylebone Road.

A revised arboricultural method statement has been submitted, along with revisions to reduce the extent of the basement away from the front forecourt by 2m. This revised scheme suggests a 19% incursion into the root protection area (RPA) of the tree to accommodate the proposed basement.

The City Council's arboricultural officer states that on the basis of the submission this incursion is too great and is not the recommendation of the British Standard 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'.

The officer goes on to state that entirety of the frontage of the new building also forms the RPA of the tree. Given that the site is entirely hard paved and that the proposed building line of the new hotel is not to come forward of the existing building it is considered unreasonable to refuse permission on this basis.

At the time of writing the City Council's arboricultural officer was in discussion with the applicants arboricultural officer and it has provisionally been agreed that trial excavations to ascertain root presence/ absence was required. A condition to secure trial excavations and tree protection methods is therefore recommended.

Given the arboricultural officers objection to the proposals, no further comments were made as to the likely impacts of the proposal on the canopy of the tree. Again, given that the building line does not project any further forward to the tree it is unlikely that the proposals will have a significant impact upon the canopy of the tree. Any maintenance of the tree at a later date will be the responsibility of TfL and will be assessed on its own merits.

## **8.8 London Plan**

Whilst reference has been to the London Plan, this application raises no strategic issues and is not referable to the Mayor.

## **8.9 National Policy/Guidance Considerations**

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

## **8.10 Planning Obligations**

Planning obligations are not necessary in respect of the determination of this application.

The proposals are CIL liable and the total estimated sum is £397,183.55 of which £114,507.17 corresponds to Mayoral CIL and £282,676.38 corresponds to Westminster CIL.

## 8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

## 8.12 Other Issues

### 8.12.1 Basement Excavation

Policy CM28.1 relates to all basement development in the City.

The applicant has submitted a detailed structural methodology statement which has been assessed by the City Council's District Surveyors who consider this to be acceptable. The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice in order to minimise the impact of any development upon the amenity of neighbouring properties. The site lies outside of a flooding 'hotspot' and is therefore not considered to increase flood risk. The proposals are considered to comply with Part A of the policy.

The proposals as discussed above impact upon the London Plane Street, however for the reasons given, officers are content that the proposed basement excavation will not detrimentally harm the root of the tree. The site is not within a flooding/ surface water hot spot and therefore raises no flooding issues. Drainage information has been provided with the application and building control officer have raised no adverse comments to this. As discussed above, the proposed basement works incorporate a rooflight to the front forecourt. This is considered to be well designed and is considered to protect the character and appearance of the existing building. The proposals are therefore considered to comply with Part B of the policy.

Regarding Part C of the policy and as set out in the drawings, the proposed basement is of less than a single storey and will not extend beneath more than 50% of the garden land. There is a minimum depth of 1m soil depth and 200mm for drainage accommodated above the new basement in the front forecourt area. The proposals comply with Part C of the policy.

Part D of the policy is not relevant.

### 8.12.2 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including dust, noise and traffic and the cumulative impact of numerous construction works.

It is a long standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by condition

and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require adherence to the City Council's Code of Construction Practice.

### 8.12.3 Objectors Comments

The issues raised by the objectors have been largely addressed above. The following is also noted:

#### Crime and Security

Objections have been received on the grounds that hotel users and users of the bar/restaurant at ground floor level will increase crime rates and harm security measures. The Metropolitan Police Designing Out Crime Officer has responded to the application and has no objection to the proposals. Matters of noise and disturbance have been address in the amenity section of this report.

#### Fire Safety

Concern is raised that as a result of extending the building closer to the Alms Houses to the rear this could result in the transference of fire to the properties to the rear.

The proposed hotel building is not attached to the Alms Houses, but it will be sited some 1-2m away from the rear elevation of the Alms Houses. Should permission be granted, the works would be subject to Building Regulations which would address fire safety concerns.

#### Number of Hotels in the Area

An objector considers there to already be too many hotels in the area. As addressed in the land use section of the report, there are policies which seek to ensure that there is not a proliferation of hotels in an area, which may impact upon the amenity of neighbouring properties.

## 9 BACKGROUND PAPERS

1. Application form
2. Response from Historic England dated 31 August 2017.
3. Response from St Marylebone Society dated 14 September 2017.
4. Response from Marylebone Association dated 25 September 2017
5. Response from TFL dated 14 September 2017.
6. Response from cleansing Manager dated 19 September 2017.
7. Response from Building Control- Development Planning dated 22 September 2017.
8. Response from Designing Out Crime Officer received 27 September 2017.
9. Response from Environmental Health dated 18 October 2017.
10. Response from Highways Planning Manager dated 31 October 2017.
11. Response from Arboricultural Officer dated 27 October and 6 November 2017.
12. Responses from occupiers of 5E Hyde Park Mansions dated 11 and 14 September 2017.
13. Response on behalf of multiple occupiers of 21 Crawford Place (Christian Alms Houses) received 11 September 2017.
14. Response from occupier of 12, 21 Crawford Place received 13 September 2017.
15. Response from occupier of 5L Hyde Park Mansions received 15 September 2017.

16. Response from occupier of 5F Hyde Park Mansions received 15 September 2017.
17. Response from Church of Our Lady of the Rosary received 19 September 2017.
18. Response from Marble Arch London received 20 September 2017.
19. Response from occupiers of 5<sup>th</sup> Floor, Eddison House, 223-231 Old Marylebone Road received 20 September 2017.
20. Response from occupier of 8F Hyde Park Mansions received 21 September 2017.
21. Response from 1 Homer Row received 27 September 2017.
22. Response from occupier of Flat G, 4 Oxford Cambridge Mansions received 5 October 2017.
23. Response from multiple occupiers of 11 Crawford Place received 5 October 2017.
24. Response from occupiers of 23 Crawford Place received 16 October 2017.

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

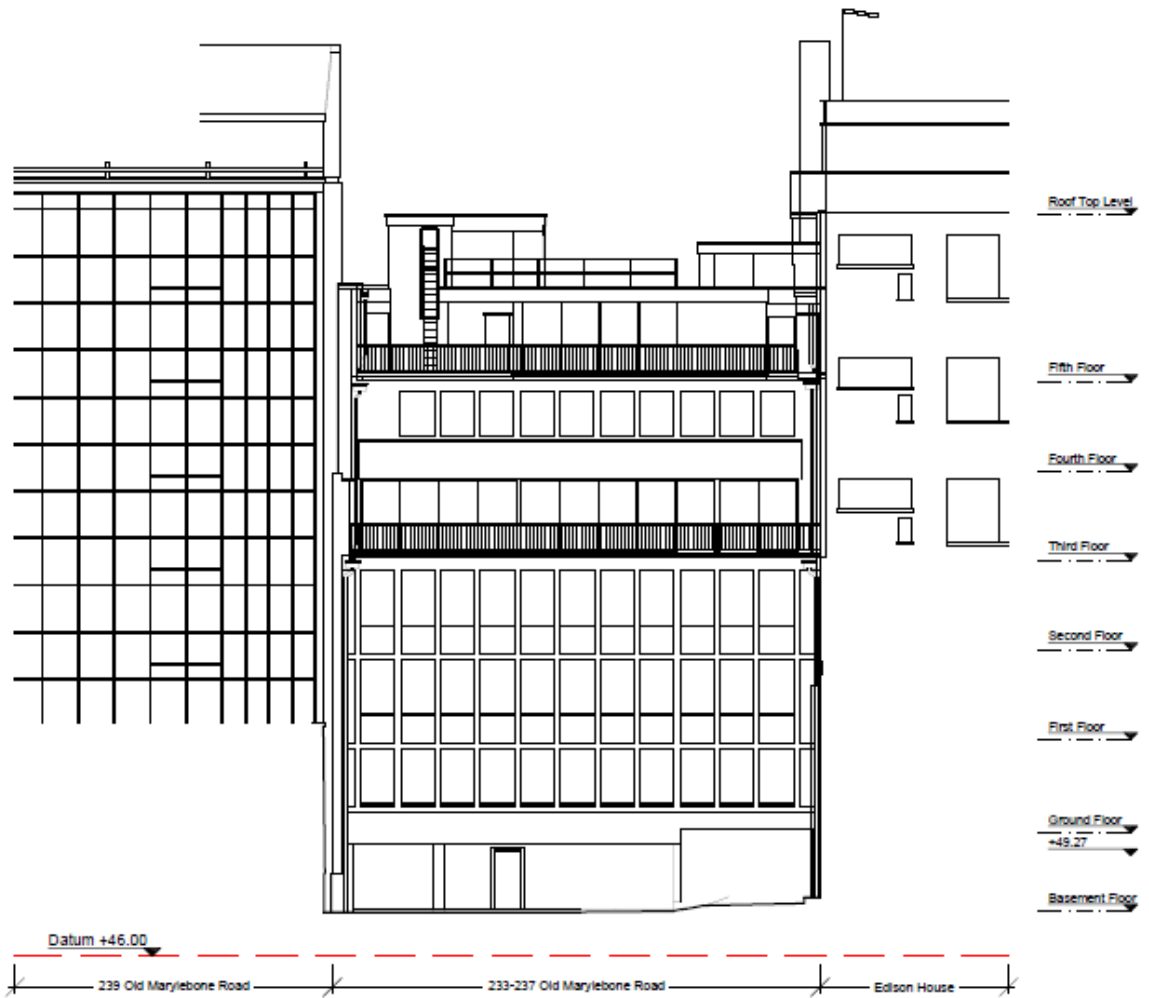
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT [kdavies1@westminster.gov.uk](mailto:kdavies1@westminster.gov.uk)

10 KEY DRAWINGS

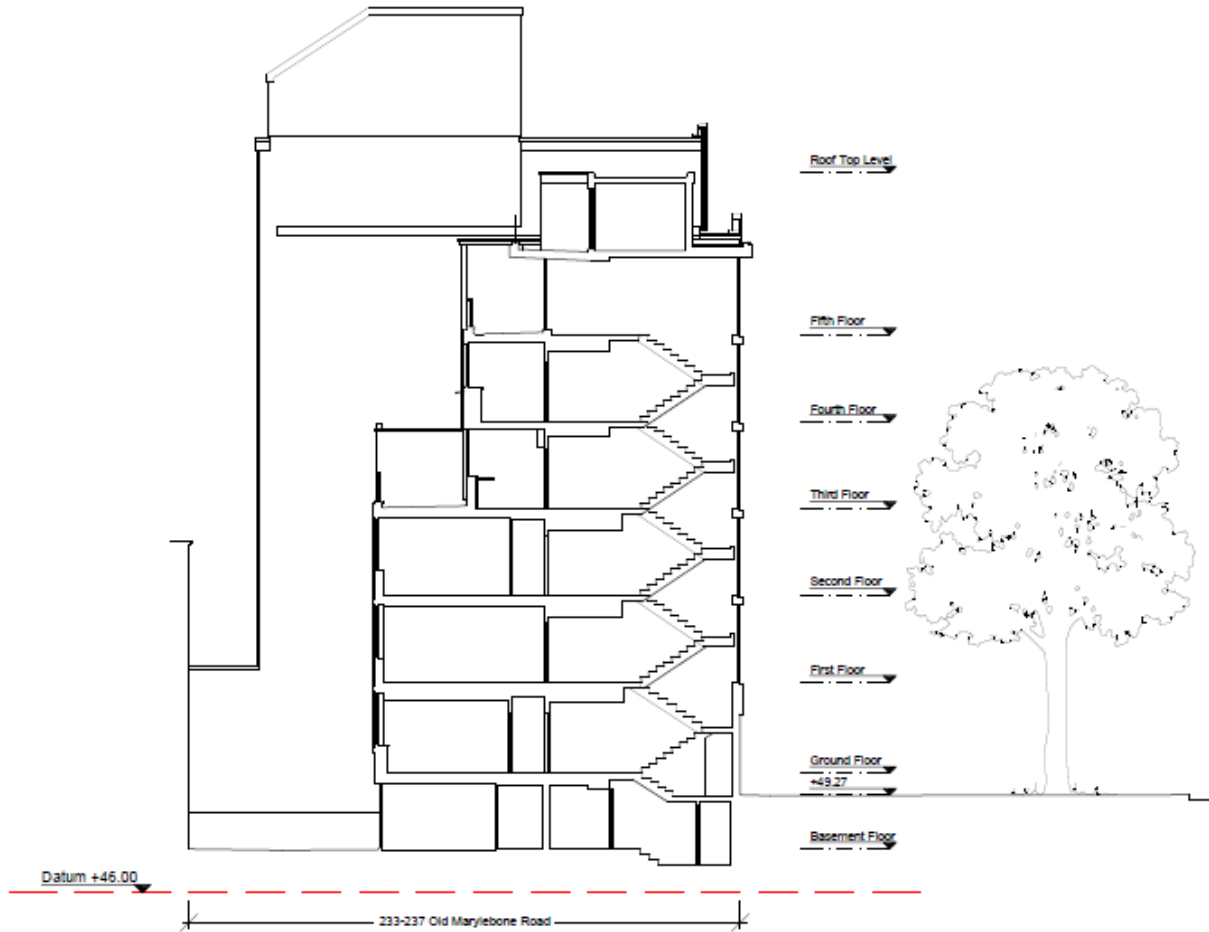
Existing Front Elevation



Existing Rear Elevation



Existing Section AA





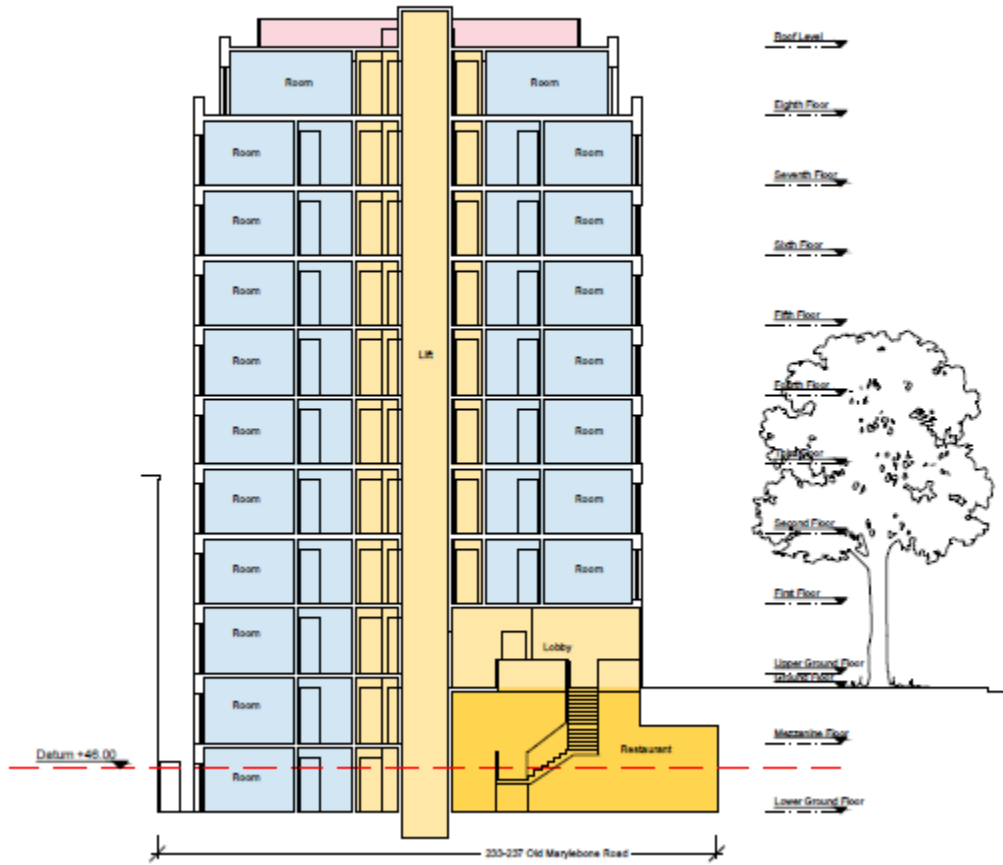
### Proposed Front Elevation



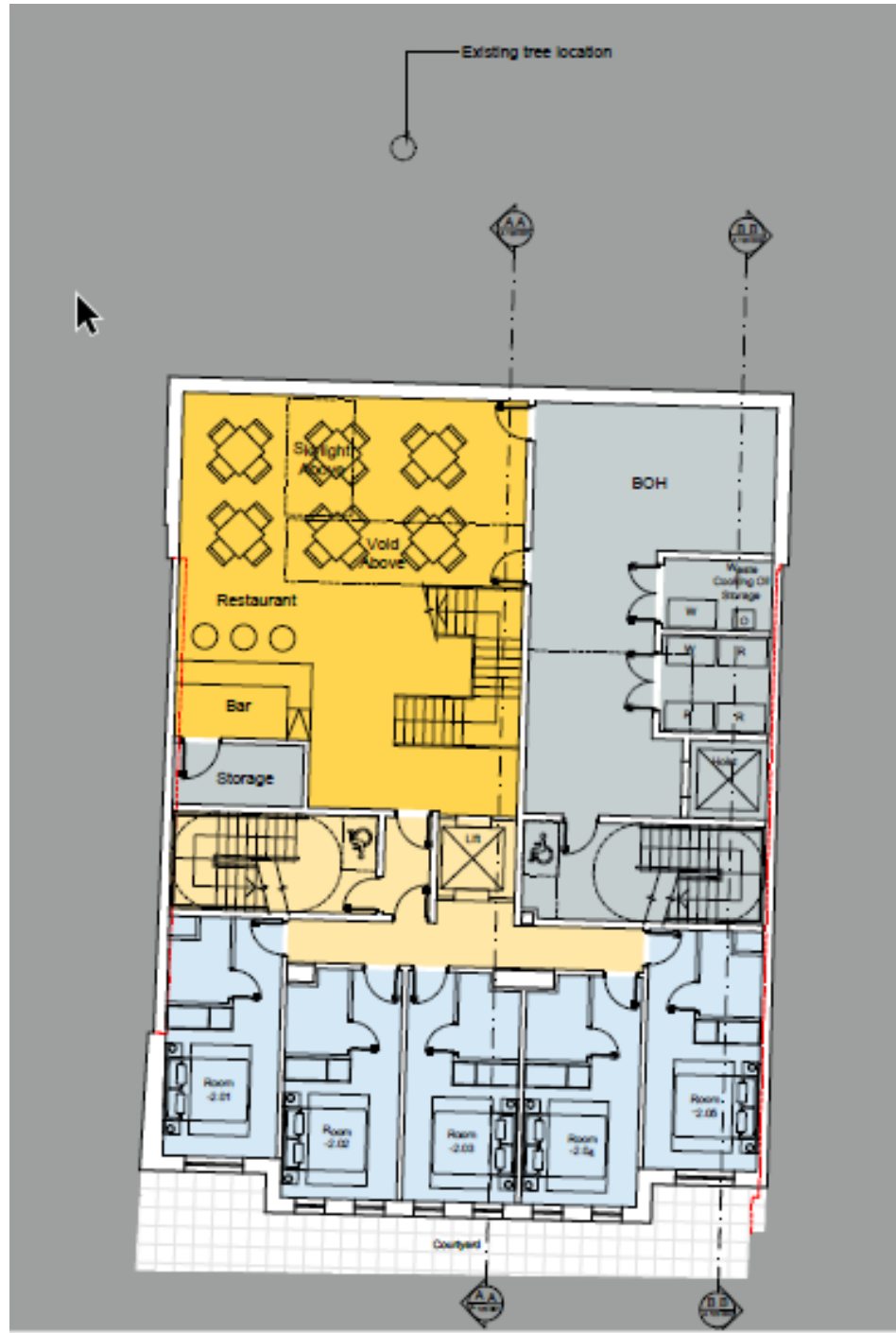
### Proposed Rear Elevation



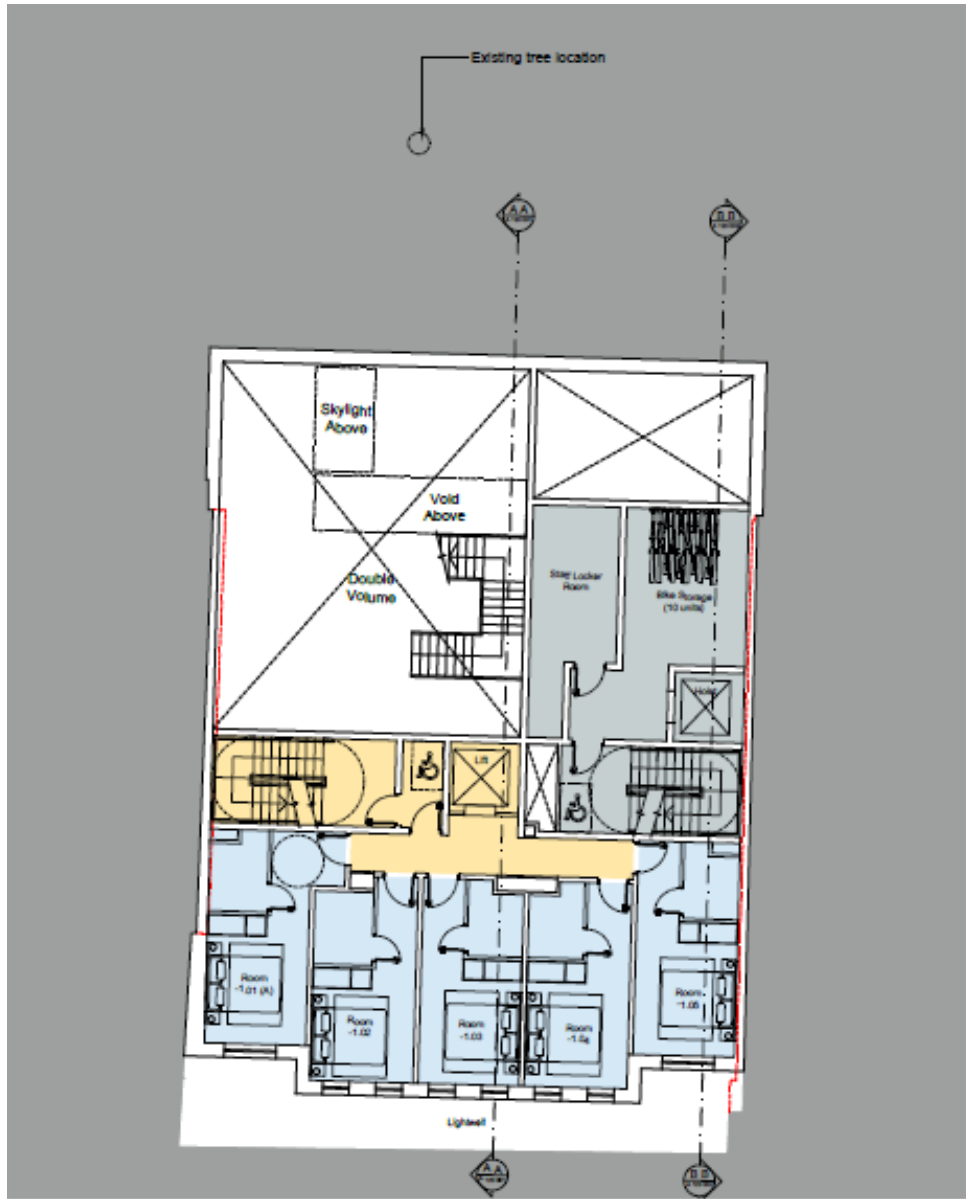
Proposed Section AA



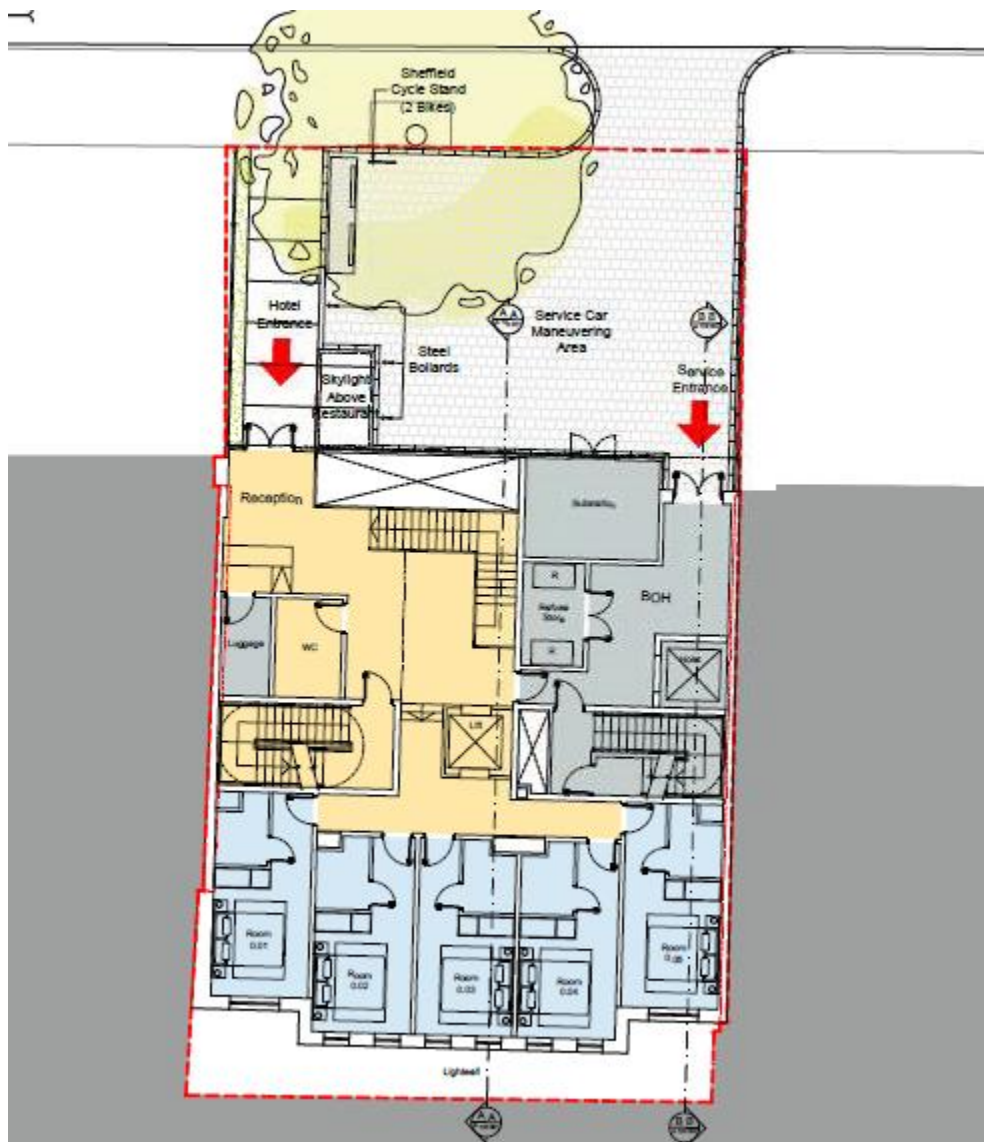
Proposed Lower Ground Floor Plan



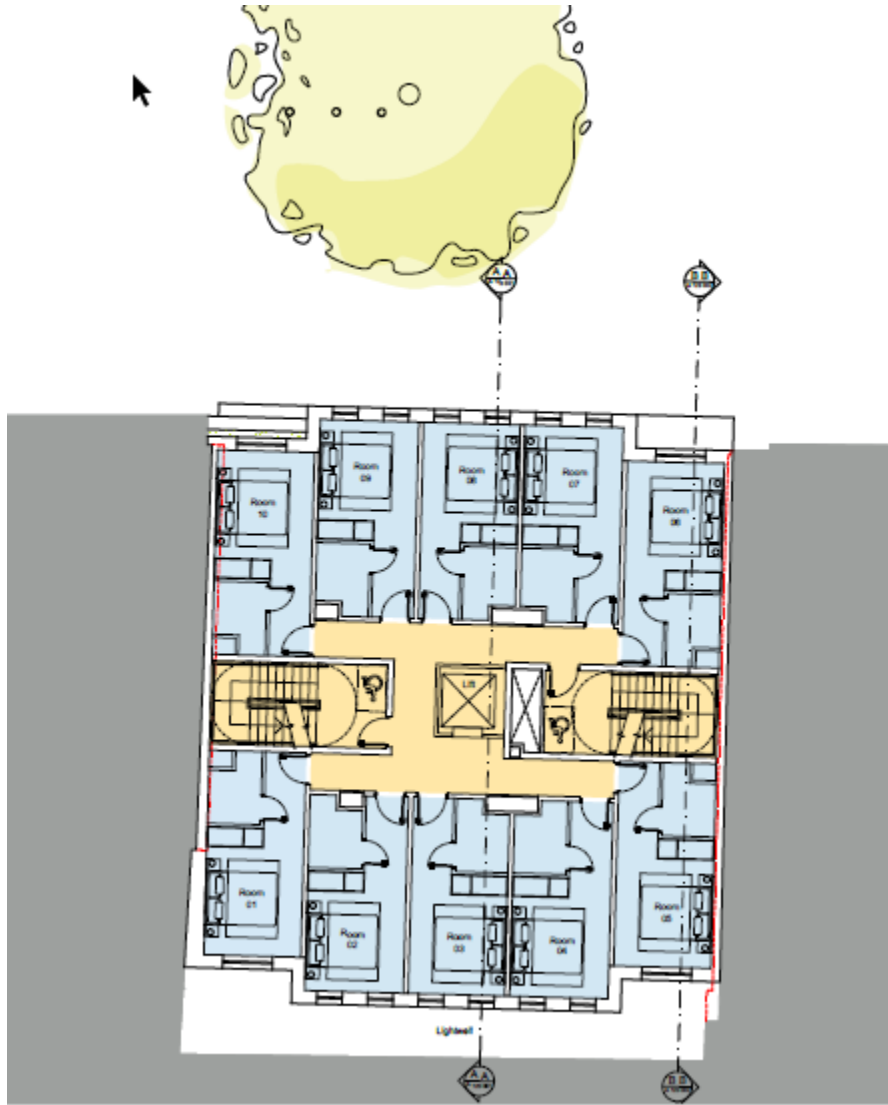
Proposed Mezzanine Level Floor Plan



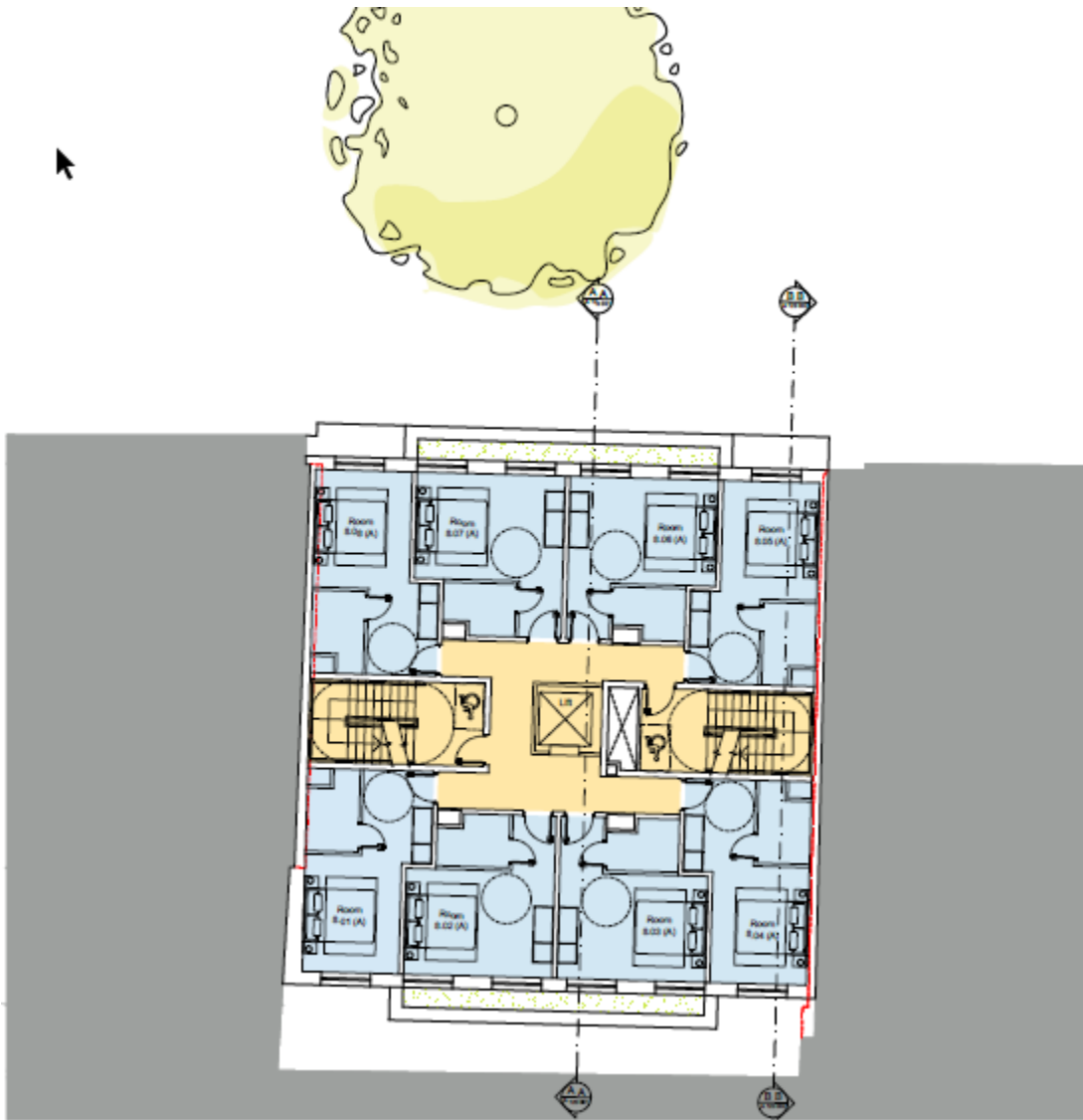
Proposed Upper Ground Floor Plan



Proposed First- Seventh Floor Plan



Proposed Eighth Floor Plan





**Proposed Visual**



Proposed Visual



**DRAFT DECISION LETTER**

**Address:** 233 - 237 Old Marylebone Road, London, NW1 5QT,

**Proposal:** Demolition of existing building and redevelopment to provide a new building comprising lower ground floor, mezzanine, upper ground floor and first to eight floor levels for use as hotel (Class C1) with ancillary Bar/Restaurant, external landscaping and associated works.

**Plan Nos:** A-000-001 P0; A-025: 001 P0; 002 P0; 003 P0; 004 P0; 005 P0; 006 P0; 007 P0; 008 P0; 010 P0; 011 P0; 020 P0; 021 P0; A-050: 001 P0; 002 P0; 003 P0; 004 P0; 005 P0; 006 P0; 007 P0; 008 P0; A-100: 000 P3; 001 P1; 002 P3; 003 P0; 004 P0; 005 P0; A-110: 001 P0; 002 P0; A-12-: 001 P1002 P1; Planning Statement; Design and Access Statement; Heritage Statement; Noise Impact Assessment; Ventilation/Extraction Statement (for ancillary F&B element); Energy Assessment & Sustainability Statement; Energy Assessment & Sustainability Statement; Draft Delivery and Service Management Plan (including Site Waste Management Plan); Arboricultural Impact Assessment; Tree Protection Method Statement.

For information only: Structural Method Statement (Basement Impact Assessment); Daylight/Sunlight Assessment; Archaeological Desk Based Assessment; Air Quality Assessment; Foul Sewerage and Utilities Assessment; Statement of Community Involvement; Demolition Management Plan; Construction Logistics Plan (CLP); BREEAM Pre-Assessment.

**Case Officer:** Kimberley Davies

**Direct Tel. No.** 020 7641 5939

**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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

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

- 4 You must apply to us for approval of samples and details of the facing materials you will use, including the glazing, stonework, bricks, plant screen and window reveal panels, 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 5 You must apply to us for approval of samples of the following parts of the development - paving materials. 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 samples. (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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 6 You must apply to us for approval of detailed drawings; of the following parts of the development:

- a decorative design on the service/ access doors to the front elevation at ground level.

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 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 7 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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 8 You must not put planters, tubs, furniture or other obstructions on the forecourt. (C26QA)

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 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 9 You must not use the rear courtyards at lower ground, or the flat roofs at eighth floor or the roof of the building, shown on plans A-100-00 P3, A-100-004 P0; A-100-005 P0, for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 The hotel bar/restaurant shall be used only for guests of the hotel and not open to members of the public.

Reason:

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

- 11 You must abide the terms and agreement of the servicing and management plan dated 18 October 2017 at all times.

Reason:

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

- 12 All servicing must take place between 07:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 13 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 20 persons or more to travel to and from the premises.

Reason:

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

- 14 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 15 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

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

- 16 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

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

- 17 Before anyone occupies the hotel room, you must provide the separate stores for waste and materials for recycling shown on drawing number . You must clearly mark them and make them available at all times to everyone using the hotel. (C14FB)

Reason:

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

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

Reason:

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

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing 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.

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

Reason:

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

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



Reason:

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

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

- 23 The design and structure of the development 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.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order 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.

- 24 The design and structure of the development 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.

Reason:

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

- 25 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.

PV panels at roof level

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)

- 26 Pre-commencement Condition: You must apply to us with details of a survey and details of trial excavations trenches to establish the exact position of any roots of the adjacent street tree. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 27 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 28 **Pre Commencement Condition.** You must apply to us for approval of details of a security scheme for the You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AB)

Reason:

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

- 29 The design and structure of the development shall be of such a standard that it will protect residents within it from structural borne noise from the underground lines (Edgware Road Underground Station and surrounding) so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

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.

- 30 You must apply to us for approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. You must not begin the use allowed by

this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 31 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

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

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 Please contact our Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start digging foundations near the tree referred to in condition 26 and 27. (I34AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street

London  
SW1E 6QP

Phone: 020 7641 2000

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

- 8 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](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 9 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

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

You are urged to give this your early attention

- 10 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 11 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA  
Secretary - Considerate Hoteliers Association  
C/o Wheelwright's Cottage  
Litton Cheney  
Dorset DT2 9AR

E-mail: [info@consideratehoteliers.com](mailto:info@consideratehoteliers.com)

Phone: 01308 482313

(I76AA)

- 12 Conditions 19, 20, 21, 22, 23, 24 \_ 29 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)

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

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

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

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

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

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

- 14 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 15 Condition 30 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health

section at the address given below.

Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Phone: 020 7641 3153  
(I73AB)

- 16 You are advised that in regards to Condition 4 and 6, the colour of the window reveals should reflect colours found in the setting of the building, including those in the mansion blocks opposite. The service/access doors should incorporate the similar colourings.