

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	3 Mandeville Place, London, W1U 3AP		
Proposal	Demolition and redevelopment behind retained and refurbished Mandeville Place facade, including rebuilding of mansard roof, rear extension on basement, ground and first to fourth floors, installation of plant within new recessed roof level enclosure and provision of internal kitchen extract duct terminating above main roof level. Use of basement and ground floor levels as a restaurant (Class A3) and use of the first to fourth floors as offices (Class B1).		
Agent	CBRE Ltd		
On behalf of	KF Properties		
Registered Number	17/10490/FULL	Date amended/ completed	29 November 2017
Date Application Received	24 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application premises is a vacant office building, on basement, ground and four upper floors, located on the west side of Mandeville Place. The property is an unlisted building of merit within the Portman Estate conservation area. Permission is sought for the demolition of the existing building behind the retained, and altered, front facade, and for the erection of a new building on basement to fourth floors with full height extensions over the existing rear lightwell and the installation of new plant within a recessed area within the rebuilt mansard roof. The basement and ground floor levels would be used for restaurant (Class A3) purposes and the first to fourth floor levels as offices (Class B1).

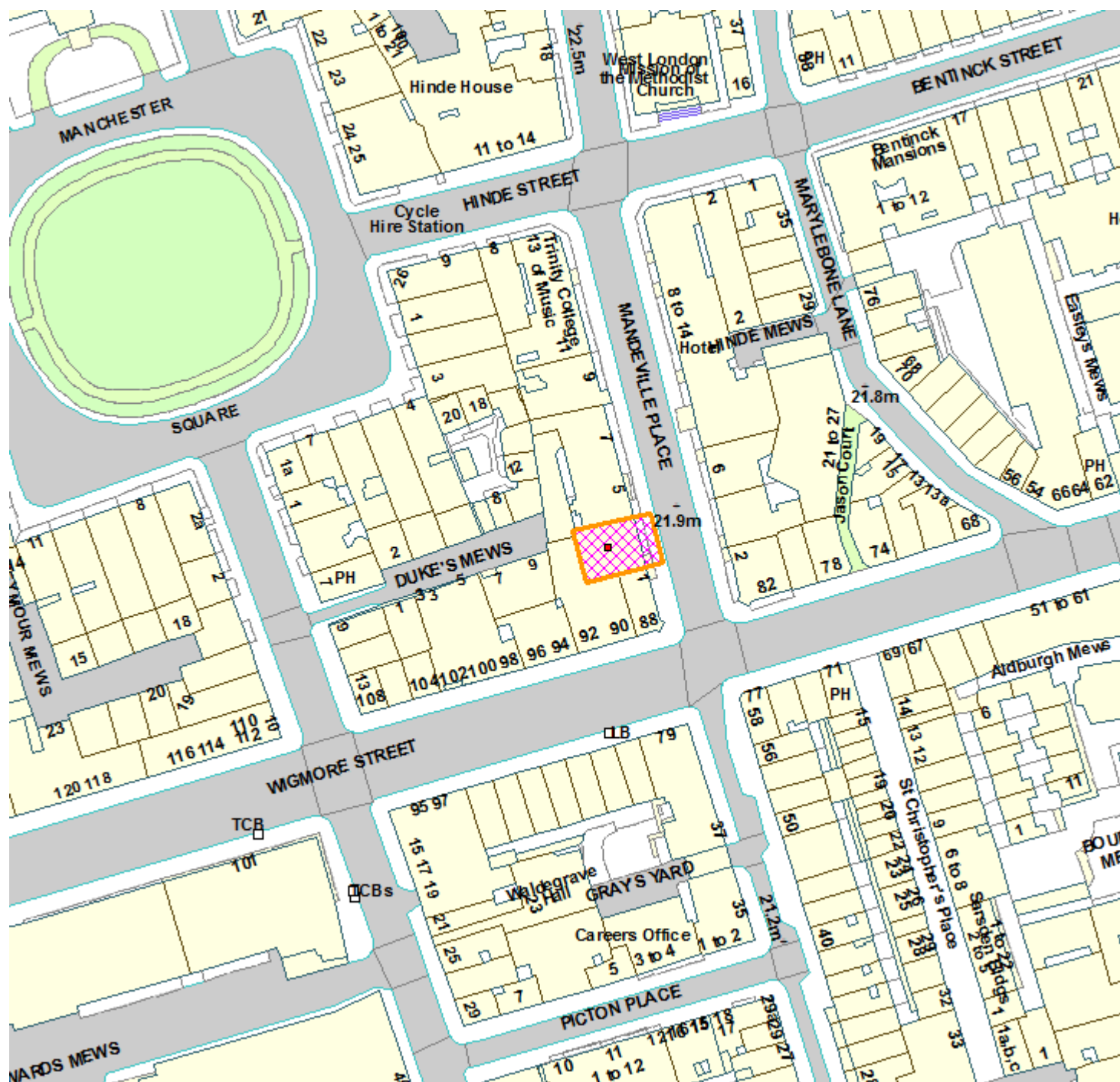
The key issues for consideration are:

- The impact of the development upon the character and appearance of the Portman Estate Conservation Area
- The acceptability of the restaurant in land use and amenity terms

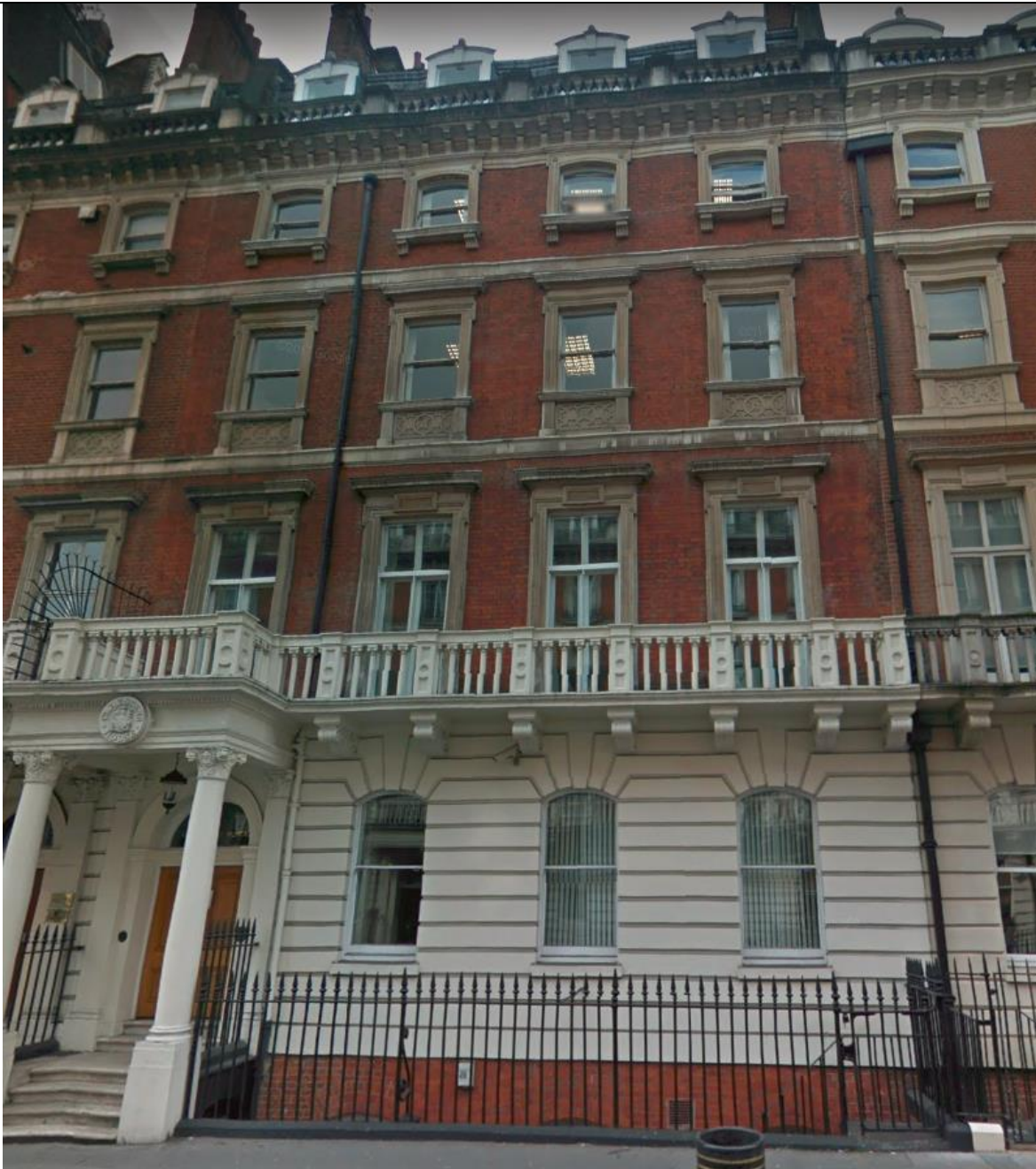
- The impact of the completed development, including plant operation, on neighbours' amenity.

Objections have been received on land use, and amenity and design grounds. However, subject to appropriate conditions, the proposals are considered to accord with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan. The application is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

THAMES WATER

No objection, informatives recommended.

MARLEBONE ASSOCIATION

Objection: restaurant would adversely affect the character of the street. If the use is considered acceptable, recommend reducing opening hours with a 12-month trial period.

ENVIRONMENTAL HEALTH

No objection.

CLEANSING

No objection

HIGHWAYS

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55

No. of objections: 8 (including one letter on behalf of the occupants of 8-20 Duke's Mews) No. in support: 0

Objections on the following grounds:

Land Use

*Support office development

*Impact of restaurant on character of the street, Approval of the use would be inconsistent with decisions relating to the adjoining site.

*Loss of office floorspace unacceptable given shortage of suitable offices and numbers of restaurants in the area

*No demand for a restaurant, proliferation of late night uses in the area

Design

*Unacceptable bulk and massing

*Uncharacteristic alteration to roof form

*Uncharacteristic development at rear which radically alters the character of the building, loss of rear windows

* large windows and Juliet balconies an uncharacteristic feature of the area and more suited to residential development

*Duct is unsightly

Amenity

*Loss of amenity to local residents and business occupiers due to late night noise nuisance and general disturbance from restaurant use; effective planning and licensing controls required

*Loss of light

*Loss of privacy

*Noise disturbance from extension of building to rear site boundary

*Plant noise

Highways

*Increased traffic generation from customers and deliveries

Other

*Disruption during construction works; nuisance from noise dust etc.; restricted access to properties in Duke's mews (route for construction traffic); draft CMP inadequate
Potential impact on party walls for excavation/demolition

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building of merit located in the Portman Estate Conservation Area and the Core Central Activity Zone. The building is on the west side of Mandeville Place, close to its junction with Wigmore Street.

The building, which comprises basement, ground and four upper storeys, has a lawful office use (Class B1). The property is currently vacant.

Mandeville Place is primarily commercial in character. The ground floor frontage on the west side comprises offices and the School of Environmental Sciences at no 11-13. The southernmost property, 1 Mandeville Place forms the return of a cafe at 88 Wigmore Street. The east side is dominated by the Mandeville Hotel no. 6-14. The lower floors of no 2-4 are in commercial use (office and retail) and the upper floors provide 17 flats. There are also flats at 1 Mandeville Place, at the rear of the site, in Duke's Mews, and on the upper floors of 90-92 Wigmore Street (Wigmore Mansions). Wigmore Street is characterised by various retail, office and entertainment uses on Wigmore Street

6.2 Recent Relevant History

None,

7 THE PROPOSAL

The proposal involves the demolition of existing building behind the retained Mandeville Place façade and the erection of a replacement building also on basement, ground and four upper floors. Part of the existing building extends to the rear site boundary, the remainder, at ground floor level and above, is set back from the boundary behind a small lightwell. The replacement building incorporates full height extensions over this lightwell area.

Plant for future tenants, and a lift overrun, would be sited within a sunken enclosure set within the rebuilt roof. A full height kitchen extract duct, routed internally, would terminate within this enclosure, 1metre above roof level.

The basement and ground floors would provide a new restaurant (Class A3), measuring 263 sqm (GIA). The upper floors would continue to be occupied as offices (Class B1).

Proposed restaurant opening hours are between 0730 and 2330 on Monday to Thursday, between 0730 to 2400 (midnight) on Friday and Saturday (and Sundays immediately prior to Bank Holidays) and between 0730 and 2230 on Sunday. The restaurant would accommodate a maximum of 120 customers.

The application has been amended to include details of refuse storage arrangements and to increase the level of cycle parking provision 9from 4 to 8 spaces)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Offices (Class B1)

The development would result in an overall increase of 135 sqm (GIA) of floorspace on the site. However, due to the change of use of the basement and ground floor, would be a net reduction of 128 sqm of office floorspace.

Objections have been received to the loss of office floorspace on the basis that there is a shortage of suitable office accommodation, and particularly given the number of existing restaurant uses in this area of the City. City Plan policy S20 permits the loss of offices on sites within the core CAZ, where this floorspace is converted to an alternative commercial use. In these circumstances, the reduction in office floorspace is acceptable in land use terms and the objections cannot be supported.

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Proposed restaurant use

City Plan Policy S6 acknowledges that, in principle, entertainment uses are appropriate for the Core Central Activities Zone.

Given the size of the proposed restaurant, UDP policy TACE8 of the UDP applies. This states that permission will generally be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise; vibration; smells; increased late night activity; increased parking and traffic and no adverse effect on the character or function of the area, including any cumulative adverse impact. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that the use is appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that the use does not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Objections have been received from the Marylebone Association, local residents and local business occupiers on the grounds that the proposed would be detrimental to the character of Mandeville Place. Objectors consider that there is no demand for another restaurant given the proliferation of entertainment uses in the area and that the proposed use would adversely affect the amenities of neighbouring residential and office premises as a result of increased general disturbance and late night noise nuisance caused by restaurant customers and music from the restaurant.

Given the character of Mandeville Place and Wigmore Street, it is not considered that the replacement of ground floor office with a restaurant would have an adverse impact upon the character and function of the area. Although there are other restaurants/cafes including the site immediately to the south (88 Wigmore Street) it is not considered that the introduction of a new restaurant would have an adverse cumulative impact on the character of the area, given the dispersed nature of these premises. It could also be argued that the proposed use could have a positive impact upon the character of the street, replacing a blank office frontage and increasing street level interest. In this case, it is not considered that objections relating to the impact on the character of the area could be supported.

One respondent has referred to the planning history of a neighbouring site, believing that permission was refused for a restaurant use there, and that any decision to approve the current proposal would be inconsistent. From the description given, it appears that this is a reference to 88 Wigmore Street, although it has not been possible to verify this with the objector. Records indicate that a Certificate of proposed Use “for the use of the lower ground and ground floors of 88 Wigmore Street as sandwich bar for take-away sale of cold food, including the sale of hot drinks and heated food and including some seating for eating on the premises (at ground floor and lower ground floor’ (06/08266/CLOPUD) was refused on 5 Jan 2007. This CLOPUD was refused on the basis that the proposed use was not a Class A1 retail use and that permission for a change of use was required. However, on 10 April 2007, permission was granted for the retention of this sandwich bar/cafe (sui generis) on the basement and ground floors (07/01276/FULL). In both cases, the applicant at 88 Wigmore Street appears to be the current objector. Given the circumstances of the case, it is not considered that the refusal of the CLOPUD at 88 Wigmore Street has a bearing on the current proposals.

The restaurant proposals are speculative with no end-user identified, and therefore it is not possible to consider their likely impact by assessing the track record of the intended occupier. However, conditions could be used to control the opening times and activity to limit the impact. These conditions would ensure that the use would be a sit-down restaurant limited to a maximum capacity of 120 customers (based on approximate figures provided by the applicant). Any ancillary bar area could be limited to a small part of the premises, (a condition is recommended limiting the bar area to a maximum of 15% of the overall floorspace) and restricted to use by diners before and after their meals. Conditions are also recommended to preclude takeaway and delivery services in association with the use.

The Marylebone Association has requested that should a restaurant us be considered acceptable in principle, the operating hours should be reduced to hours more appropriate to a “secondary residential street to Wigmore Street” and limited to a 12-

month trial period to allow their impact to be monitored. The proposed restaurant opening hours (until 23.30 on Monday to Thursday, midnight on most Fridays and Saturdays and until 2230 on most Sundays. These hours accord with those set down within the UDP which are generally considered to be appropriate within primarily residential areas - generally until 24.00 (midnight) on Monday to Thursday and 00.30 hours on Friday and Saturday). In these circumstances, given the mixed character of Mandeville Place and the surrounding area, the significant costs associated with the fitting out of a new restaurant and the need for some certainty for prospective tenants, it is not considered that it would be reasonable to impose reduced operating hours or to permit these only on a temporary basis.

The proposal incorporates an external kitchen extract terminating at high level will ensure that cooking odours are adequately dispersed.

The application is supported by a draft Operational Management Plan. However, given the speculative nature of the proposals, a condition is recommended requiring the submission of a finalised Operational Management Plan (OMP) to be submitted, for the prospective tenant, and approved prior to the commencement of the restaurant use: This would include measures to ameliorate the potential impact of the use including:

- The prevention of customers queuing on the street
- Measures to encourage customers to wait inside the premises until taxis arrive,
- management of customers who wish to smoke;
- methods preventing customers from taking their drinks onto the street:
- means to ensure that goods are not stored on the highway and that deliveries are carried out in a sensitive manner, within agreed hours (06.45 to 18.00 hours daily), to ensure noise is minimised

A condition is also recommended to ensure that no live or recorded music which is audible externally or in neighbouring properties can be played.

With the imposition of appropriate operating conditions, it is considered that there will be no material loss of amenity arising from the introduction of a restaurant in this location. The proposed restaurant use is therefore considered acceptable on land use and amenity grounds. The acceptability of the proposals in highways terms is discussed in section 8.4 below.

8.2 Townscape and Design

The application property building forms part of a consistent terrace of grand Victorian town houses at 1 to 13 Mandeville Place (nos. 5-7 are rebuilt). The buildings date from 1876, by James Hendry and John Norton. There is a matching terrace on the opposite side of the street. The front facades are of orange-red brick and stone in a French Renaissance style. Because of their quality and consistency, they make a considerable contribution to the character and appearance of the Portman Estate Conservation Area (and the Harley Street Conservation Area, which boundary is on the east side of Mandeville Place).

Being part of this terrace, with an ornate front facade, the application building is considered to make a positive contribution to the character and appearance of the conservation area.

The rear elevation of the building is of considerably lesser quality than the front, and makes only a modest contribution to the Portman Estate Conservation Area. Nevertheless, it is a traditional building with stock brick and mansard roof that overhangs the rear elevation. There is a mixture of steel and timber sash windows, some in a poor state of repair.

The proposal involves the demolition and redevelopment of the building behind the retained, and altered, front façade. Its loss would not be resisted if the replacement building is of equal or greater design quality.

Alterations to the front façade are minor and include the replacement of existing windows with timber sashes and the replacement of the entrance door and fanlight. The replacement of the existing solid panelled door with a half glazed door is not considered to be acceptable. A number of buildings in Mandeville Place, and all those on the west of the street, retain historic solid doors. Where solid doors have been lost, on the east side, it is to the detriment of the appearance of the building and to the character of the conservation area. An amending condition is therefore proposed, requiring details to show a traditional solid timber door. The timber doors within the lightwell are not shown as replaced on the proposed plans. An additional condition will require retention as a precaution.

The key considerations are the acceptability of the following parts of the scheme:

Rebuilding the roof

Objections have been received on the grounds that the proposed alteration to the roof form would radically alter the character and fabric of the building and that the proposed extract duct is unsightly.

The roof would be rebuilt to incorporate a new concealed plant area. The building is very little overlooked, and the secondary pitch of the mansard roof will conceal the plant and the discharge point of the internal kitchen extract duct (which would terminate 1m above roof level), in all public, and most private, views. The (rebuilt) house at no.5 has a similar arrangement to conceal a roof terrace. Given that the proposals are similar to those approved on the neighbouring site, and as the duct would be largely internal to the building, these aspects of the scheme are considered acceptable in design terms and the objections cannot be supported.

The character of the rebuilt roof will be similar to that adjacent, and in line with the guidance in the Council's Supplementary Planning Guidance *"Roofs: a guide to alterations and extensions on domestic buildings"*.

The loss of roof fabric is not considered to be harmful to the character or appearance of the conservation area. A condition requires the use of natural slate on the new roof. The applicant intends to reuse the existing slate if feasible.

Demolition of rear elevation and interior

The interior of the building has no statutory protection. The existing building contains a fine cantilevered staircase with a cast iron balustrade and continuous handrail.

All floors would be rebuilt behind the retained face, and the staircase would be removed. With the exception of the staircase, and some decorative plaster in the ground floor entrance hall, the building's interior is not of particular interest. The rear elevation, while of traditional materials and incorporating some traditional windows, neither contributes to nor detracts from the character of the area.

The loss of the floorplates, internal walls and rear façade is considered acceptable in design terms. The applicant has agreed that the staircase will be carefully dismantled and offered for re-use elsewhere. This would be secured by condition.

Taken as a whole, including the re-use of the stair, the principle of demolition behind a retained facade is therefore considered acceptable.

Increased rear bulk and the treatment of the rear façade

Objections have been received on the grounds that the proposed increase in bulk and massing at the rear of the building constitutes an overdevelopment of the site and that the treatment of the rear façade, including the reduction in the number of windows and the incorporation of rear Juliet balconies and large windows radically alters the character of the building, being more in keeping with residential development, and is unsympathetic to the character of the area.

The existing building abuts the rear boundary wall on basement and part ground levels, adjacent to a two storey rear extension to the rear of 90-92 Wigmore Street. At first floor and above, the building façade is set back from the boundary by approximately 3.5m. The rear of the new building extends to the rear site boundary on all floors and is set behind the line of the rear of the stair tower to the, rebuilt, 5 Mandeville Place, which is an assertive modern building, and the flank wall to the property to the south. In this context, the additional bulk at the rear is considered acceptable.

The new rear facade is of a modern approach informed by the traditional architecture it replaces. The rear of the building is only partially visible in views from Duke's Mews and windows on the two lowest floors are screened by the rear boundary wall. There are no rear windows on the basement and ground floors of the replacement building. However, given that these are not currently visible from Duke's Mews, it is not considered that the omission of windows on these levels would have a material impact upon the character of the building.

The incorporation of larger sliding windows on the upper floors, set behind Juliet balconies, is considered to be acceptable. They replace steel casement windows, which are themselves broad openings. There is a mixture of window types within the mews. A full height opening behind a small balcony is not an uncharacteristic window type.

Consequently, subject to conditions, the proposal is considered acceptable in terms of its impact on the character and appearance of this part of the Portman Estate conservation area and accords with relevant development plan policies. In these circumstances, objections on the basis of unacceptable height and bulk, roof form and detailed design cannot be supported.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect and improve the residential environment and to resist proposals which would result in a material loss of daylight or sunlight, increased sense of enclosure to adjoining windows or loss of privacy to adjoining occupiers. Similarly, City Plan Policy S29 seeks to safeguard the amenity of surrounding residents.

Sunlight and Daylight

An objection has been received from one resident of Wigmore Mansions (90 Wigmore Street) on the grounds that the proposal will result in a loss of light to the flats within that building.

The proposed rear extensions sit between flank walls to neighbouring properties to the north (5-7 Wigmore Street) and south (Wigmore Mansions), and there is no overall increase in the height of the building. Consequently, it is not considered that the proposal will result in any material loss of daylight/sunlight to neighbouring residential properties.

Sense of Enclosure

There are no residential windows in the immediate vicinity of the proposed rear extensions which would be directly obstructed by the proposed rear extensions and it is not considered that the development would result in any increased sense of enclosure to neighbouring properties.

Overlooking

A resident of the first floor at 2 Mandeville Place, on the opposite side of the street, has objected to the proposals on the ground that the restaurant proposals would result in increased overlooking to that property. There is no change to the window arrangements on Mandeville Place and the new restaurant would be accessed from the shared office entrance. In these circumstances, and given the relationship between the application premises and properties opposite, it is not considered that the scheme would result in a material loss of privacy.

The proposed rear extensions infill the existing rear lightwell and abut the flank wall of 9 Duke's Mews, which is a commercial building. Windows on the upper floors overlook the mews rather than windows to individual properties within it. Whilst there would be some potential for oblique views to the rear flat roof at 5 Mandeville Place, which the drawings describe as a terrace, this building is in office use.

Due to the presence of a projecting extract duct on the neighbouring premises, which provides a degree of screening, and the relationship of the proposed rear windows and

those in neighbouring properties to the south, it is not considered the development would result in any material increase in the degree of overlooking to adjoining residential properties.

Noise disturbance from within the building

An objection has also been received on the grounds that the extension of the building to the rear site boundary would result in increased noise disturbance to neighbouring residential properties. to the rear site boundary. There are no rear windows serving the restaurant and it is not considered that the rearward projection of the upper floors, which would continue to be occupied as offices, would have a material impact on levels of noise generated from within the building, notwithstanding the fact that the new sliding windows would be larger than the existing. Consequently, it is not considered that this objection could be supported.

In these circumstances, the application is considered to comply with adopted development plan policies which seek to safeguard residents' amenities.

8.4 Highways

Parking/traffic generation

An objection has been received on the grounds that the development would result in an unacceptable increase in traffic generation caused by restaurant customers and delivery vehicles.

The proposal is considered unlikely to have a significant impact on car parking in the area. Anyone visiting the site by car would be subject to local parking restrictions. However, the site is centrally located and well served by public transport including principal bus routes and Bond Street and Oxford Circus underground stations. Any taxis visiting the site would not have a significant impact on the operation of the highway in this central location.

Servicing

UDP policy TRANS 20 and S42 of the City Plan require off street servicing to be provided as part of new developments. No off-street servicing is proposed as there is no rear access. The site is located within a Controlled Parking Zone, which means that single/double yellow lines in the vicinity permit loading and unloading to occur. The largest regular servicing vehicle expected to be associated with the development is the refuse collection vehicle.

It is not considered that the servicing of the development would have a significant impact upon the operation of the local highway network. The application is supported by a Servicing Statement but this provides no site specific information detailing how servicing operations will be managed on a day-to-day basis. Consequently, the Highways Planning Manager has requested that a condition be imposed requiring the submission of a Servicing Management Plan to demonstrate how servicing of the development

would be managed to minimise its impact on the local highway network and highway users. This would be secured by condition.

Recommended conditions to prevent the operation of takeaway and delivery services would safeguard parking availability for other highway users and would also address potential amenity and nuisance issues associated with such uses.

In these circumstances, it is not considered that objections on highways grounds could justifiably form the basis of a recommendation for refusal.

Cycle parking

There are currently no cycle parking facilities on the site. To comply with London Plan policy a minimum of nine spaces cycle spaces would be required to serve the development (2 for the restaurant use and the remainder for the offices). The application has been revised are required to increase the number of cycle space from 4 to 8, including two folding bike lockers. The applicant has explored various options to increase the cycle parking provision. However, given that this is façade retention scheme with no rear access to the site, and in view of the need to locate waste stores in the other pavement vaults and shared street access, the shortfall of one space is considered acceptable and is a substantial improvement on the existing situation. The cycle parking would be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the development are welcomed.

8.6 Access

Access to the building remains unaltered. The development would provide lift access to all floors.

8.7 Other UDP/Westminster Policy Considerations

Plant and ventilation equipment

Mechanical plant for the offices and restaurant would be set a sunken enclosure within the rebuilt roof. In addition, it is proposed that the kitchen extract duct to the restaurant would be routed through the building and would exit the building within this screened enclosure. Objections have been received on the grounds of potential disturbance from the plant operation to residents in Duke's Mews.

The application is supported by an acoustic report which has been assessed buy the Council's Environmental Health Officer. They have raised no objection to the proposal, considering that the plant operation is likely to comply with the City Council's standard noise conditions. Subject to conditions, relating to plant noise and vibration, restrictions on the hours of plant operation and the submission of a supplementary noise report to demonstrate that these conditions can be met, the scheme is considered to comply with UDP policy ENV7 and S32 of the City Plan and objections relating to plant noise can be supported.

In addition, a condition is recommended requiring the submission of full details of the proposed kitchen extract system to ensure the adequate dispersal of cooking fumes

Refuse /Recycling

Office waste was previously collected using the Council's 'Bag on Street' service. The proposal includes an off-street refuse storage area at basement level. Refuse sacks will be transferred to the pavement collection point no more than 30 minutes prior to set collection time and refuse and recycling will be collected using Council services.

The Cleansing Manager has raised no objection to proposed refuse and recycling storage arrangements, which would be secured by condition.

8.8 London Plan

The application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

The application does not trigger any planning obligations.

The estimated Westminster CIL payment is £20,250.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale as to trigger an environmental assessment.

8.12 Other Issues

Construction Impact

The occupants of neighbouring properties have raised concerns in relation to the potential impacts of the construction process including noise nuisance and disruption. A draft Construction Management Plan has been submitted as a contractor has not yet been appointed. Objectors are also concerned that Duke's Mews would be a delivery route for construction materials, that there is potential for obstruction to properties within the mews, which has limited space for manoeuvring and turning vehicles. However, the draft CMP specifically states that there will be no site access from Duke's Mews.

Objectors also consider that the submitted CMP is inadequate in dealing with the issue of dust and dirt and impact on residential windows, window boxes roofs and courtyards

to properties within the Mews. The documents include information regarding measures to contain dust from the site, cleaning of the highway etc. the applicants have confirmed that they will abide by the requirements of the Council's Code of Construction Practice and will sign up to the considerate constructor's scheme. At this stage, it is considered that the undertakings within the draft CMP are acceptable. It is anticipated that the finalised document, which would be secured by condition, would specifically address objectors' more detailed concerns.

A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

Structural Concerns

One objector has raised concerns regarding the ability of the development to be carried out without compromising the structural integrity of neighbouring party walls as a result of demolition and excavation works. However, the scheme does not involve any additional excavation on the site.

The Building Control Officer has reviewed the objections and the submitted Structural Report and has raised no objection to the proposals.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

An informative is proposed to advise the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

9 BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 21 December 2017
3. Response from Thames Water dated 12 December 2017
4. Response from Environmental Health, dated 5 January 2018
5. Memoranda from Highway Planning dated 20 December 2017 and 10 January 2018
6. Memoranda from Cleansing dated 12 December 2017 and 12 January 2018
7. Responses from Building Control dated 18 and 19 December 2017
8. Letter from occupier of Flat 1, 2 Mandeville Place dated 11 December 2017
9. Letter from occupier of 43 Astons Road, Moor Park dated 22 December 2017
10. Letter from occupier of Flat 3, 90 Wigmore Street dated 28 December 2017
11. Letter on behalf of the residents 8-20 Duke's Mews dated 8 January 2018
12. Letter from occupier 10 Duke's Mews dated 9 January 2018
13. Letter from the occupier 12 Duke's Mews dated 10 January
14. Letter from the occupier 14 Duke's mews dated 12 January 2018
15. Letter from the occupier 18 Duke's mews dated 12 January 2018

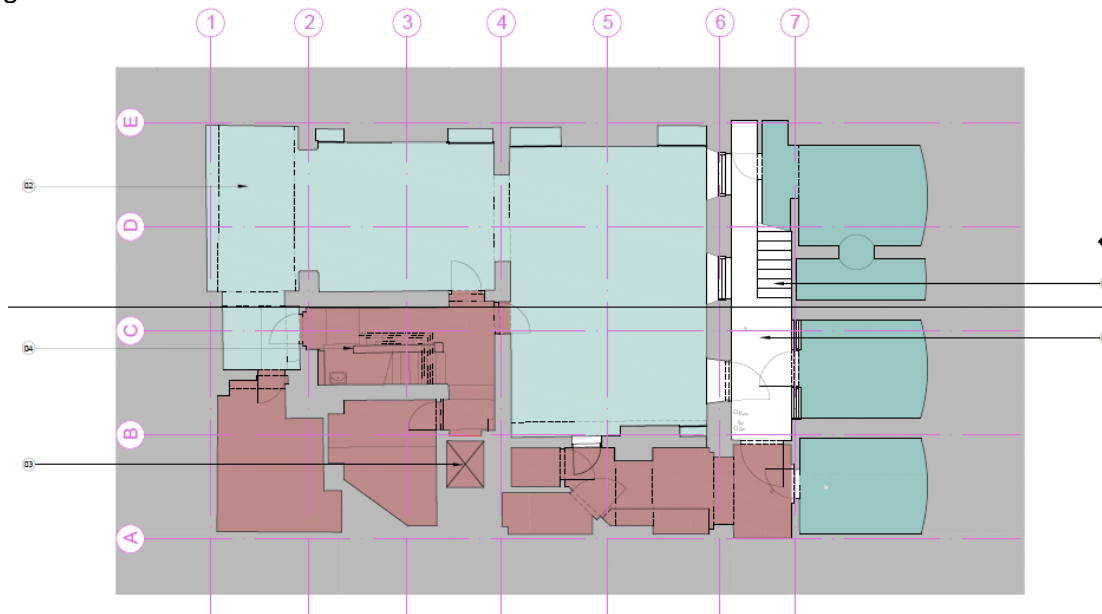
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.
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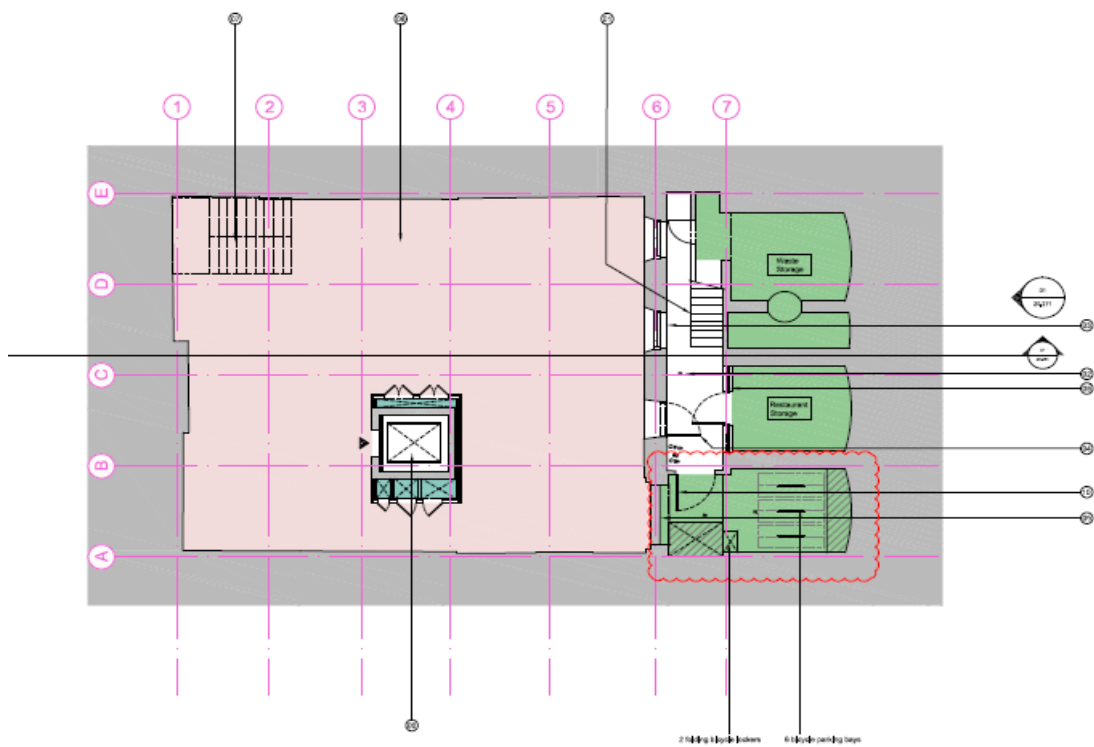
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK .

10 KEY DRAWINGS

Existing Basement



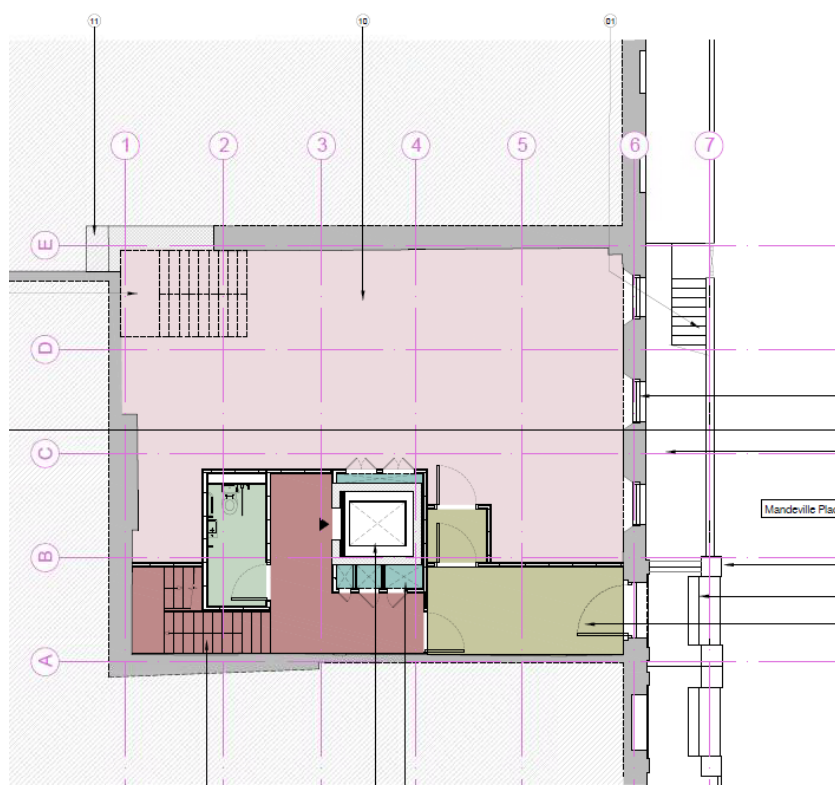
Proposed Basement



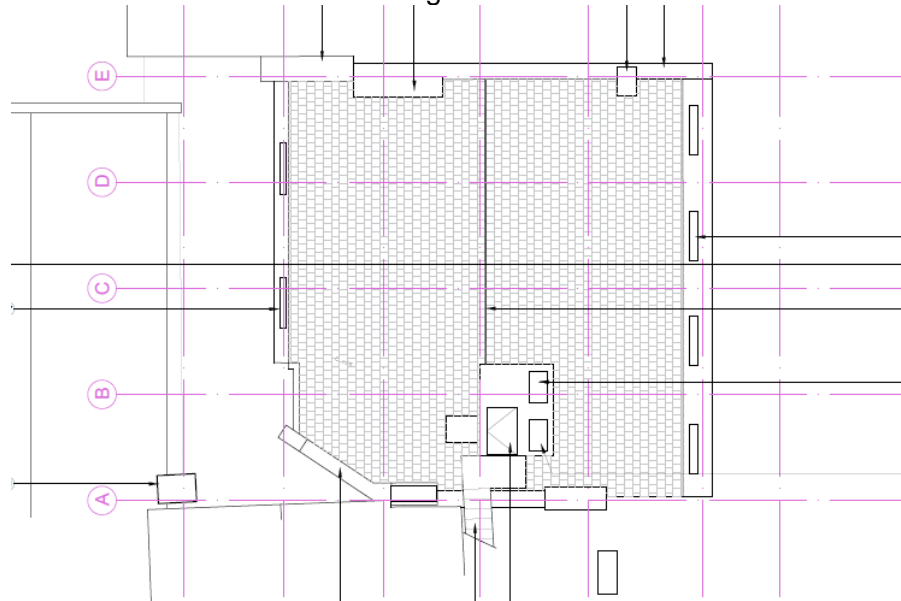
Existing Ground Floor



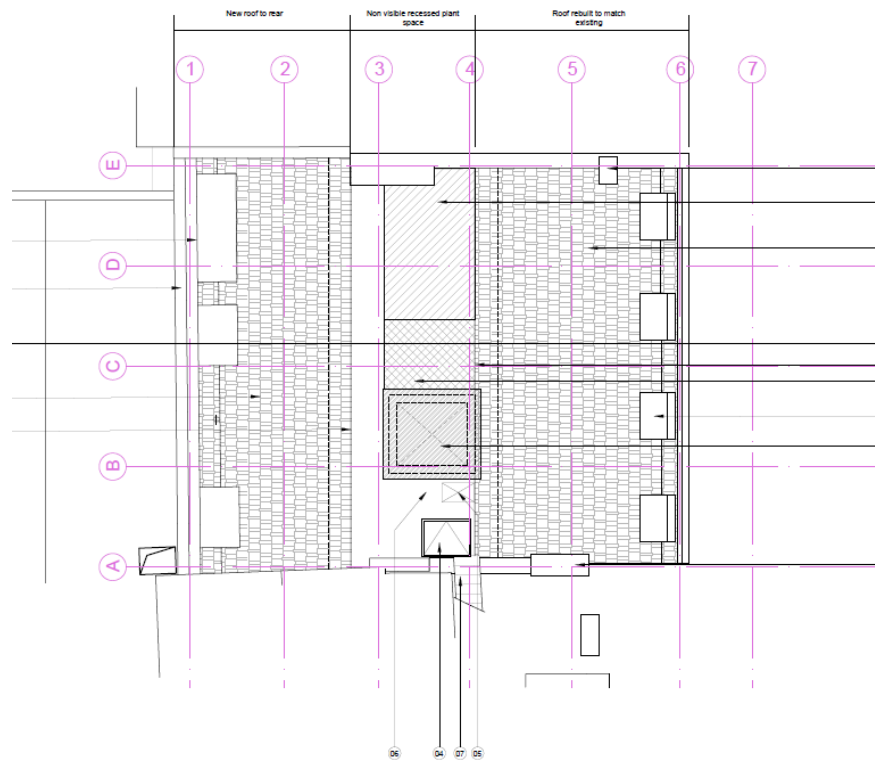
Proposed Ground Floor



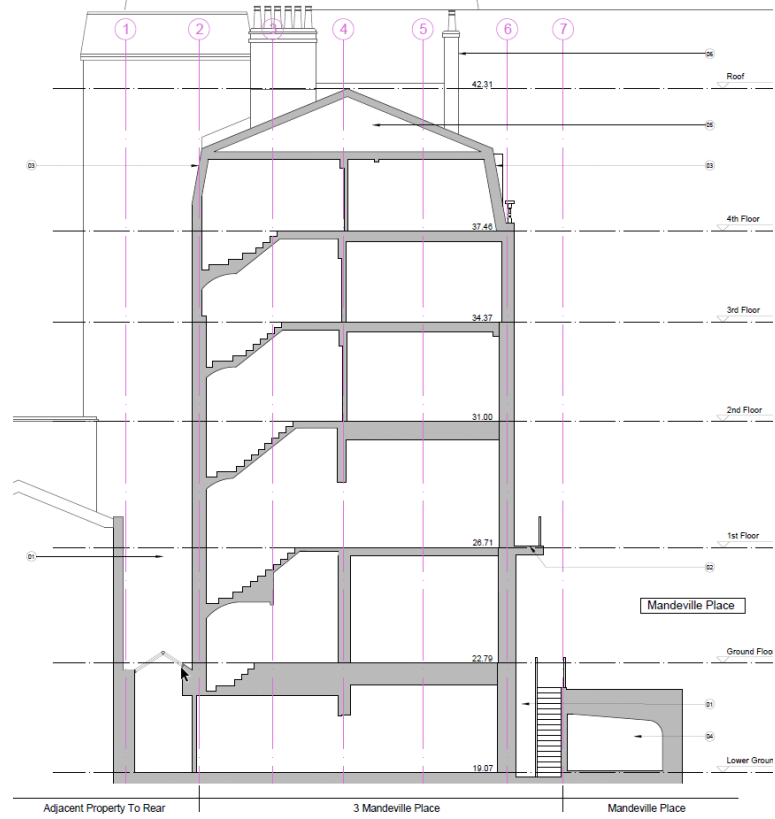
Existing Roof Plan



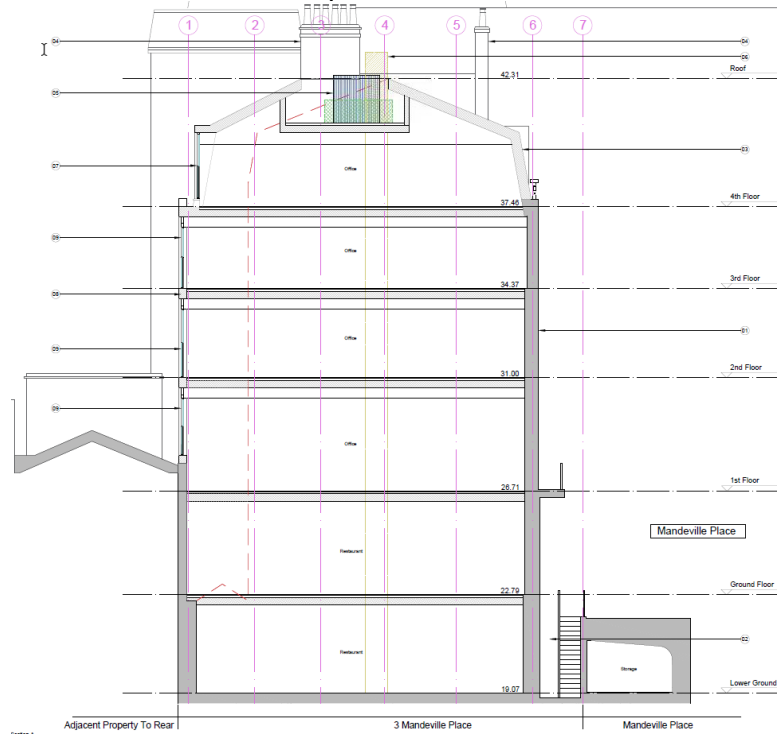
Proposed Roof Plan



Existing Section



Proposed Section



Existing front Elevation



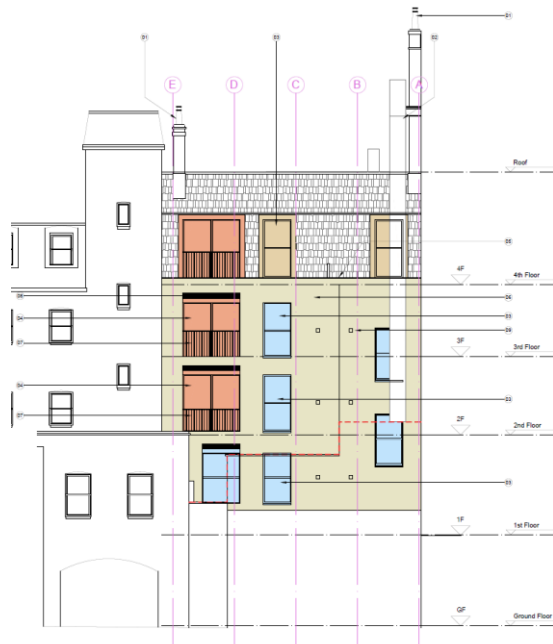
Proposed front Elevation



Existing Rear Elevation



Proposed Rear Elevation



DRAFT DECISION LETTER

Address: 3 Mandeville Place, London, W1U 3AP

Proposal: Demolition and redevelopment behind retained and refurbished Mandeville Place facade, including rebuilding of mansard roof, rear extension on basement, ground and first to fourth floors, installation of plant within new recessed roof level enclosure and provision of internal kitchen extract duct terminating above main roof level. Use of basement and ground floor levels as a restaurant (Class A3) and use of the first to fourth floors as offices (Class B1).

Reference: 17/10490/FULL

Plan Nos: 1704-BG-00-B1-DR-A-15.200 P1, 1704-BG-00-01-DR-A-15.201 P1, 1704-BG-00-02-DR-A-15.202 P1, 1704-BG-00-03-DR-A-15.203 P1, 1704-BG-00-04-DR-A-15.204 P1, 1704-BG-00-05-DR-A-15.205 P1, 1704-BG-00-06-DR-A-15.206 P1, 1704-BG-00-ZZ-DR-A-15.251 P1, 1704-BG-00-ZZ-DR-A-15.271 P1, 1704-BG-00-ZZ-DR-A-15.272 P1 (demolition drawings)

1704-BG-00-B1-DR-A-20.200 P2, 1704-BG-00-01-DR-A-20.201 P1, 1704-BG-00-01-DR-A-20.201 P1, 1704-BG-00-02-DR-A-20.202 P2, 1704-BG-00-03-DR-A-20.203 P2, 1704-BG-00-04-DR-A-20.204 P2, 1704-BG-00-05-DR-A-20.205 P2, 1704-BG-00-06-DR-A-20.206, 1704-BG-00-ZZ-DR-A-20.251 P1, 1704-BG-00-ZZ-DR-A-20.271 P1, 1704-BG-00-ZZ-DR-A-20.272 P2; 00101 Rev P3,

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 You must 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.

Noisy work must not take place outside these hours. (C11AA)

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 You must not sell any hot-food take-away on the premises, nor operate a delivery service, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet Class TACE 8 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 4 The provision of a bar and bar seating must not take up more than 15% of the floor area of the restaurant premises. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Portman Estate Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must not allow more than 120 customers into the property at any one time (including any customers waiting at a bar).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the East Marylebone Conservation Area. This is in line with S24 of Westminster's City Plan adopted November 2016 and TACE 8 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must not play live or recorded music on your property that will be audible externally or in the adjacent properties.

Reason:

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

- 7 Customers shall not be permitted within the restaurant premises before 07:30 or after 23:30 Monday to Thursday, before 07:30 or after 24.00 (midnight) on Friday and Saturday (and Sundays immediately prior to a bank holiday) and before 07:30 or after 22:30 on Sundays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must apply to us for approval of a Servicing Management Plan to show how you will ensure deliveries are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the approved Servicing Management Plan at all times that the restaurant is in use

Reason:

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

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

the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 11 You must provide the waste store shown on drawing 1704-BG-00-B1-DR-A-20.200 P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 12 You must provide each of the six cycle parking spaces and two bicycle lockers shown on the approved drawings prior to occupation. Thereafter the cycle spaces and lockers 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.

- 13 The plant/machinery hereby permitted shall not be operated before 07:00 or after 24.00 on Monday to Thursday, before 07:00 or after 00:30 on Friday and Saturday (and Sundays immediately prior to a bank holiday) and before 07:00 or after 23:00 on Sundays

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.

- 14 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

Reason:

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

- 15 The extract duct hereby approved shall be installed in full prior to the commencement of the restaurant (Class A3) use hereby approved and shall be retained in situ for the life of the development.

Reason:

To ensure that cooking odours are adequately dispersed, as required by S29 and S31 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the restaurant from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and ensure deliveries and refuse are not stored on the highway and are carried out in a sensitive manner to ensure noise is minimised within agreed hours. You must then carry out the measures included in the approved Operational Management Plan at all times that the restaurant is in use. (C05JB)

Reason:

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

- 17 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Portman Estate Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 18 You must apply to us for approval of details (1:5 and 1:20) of the following parts of the development - 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 approved details. (C26DB)

Reason:

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

- 19 The roof covering must be of natural grey-blue slate

Reason:

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

- 20 The roof level plant and duct must be painted dark grey.

Reason:

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

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

Reason:

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

- 22
- i) The staircase must be fully recorded, carefully dismantled and offered for reuse elsewhere.
 - ii) Prior to the erection of the redeveloped building evidence of compliance with part i) of this condition must be submitted to the City Council

Reason:

To protect the character and appearance of the undesignated heritage asset. 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)

- 23 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24-hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

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.

- 24 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 9 and 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 25 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: traditional solid timber front door. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

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

- 26 You must not alter existing doors within the front lightwell; unless changes are shown on the approved drawings.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (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 As the new construction provides support to the highway an informative should be included to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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