

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 November 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	1 Chiltern Street, London, W1U 7PA,		
Proposal	Variation of Condition 9 and 21 of planning permission dated 24th November 2021 (RN: 21/05449/FULL) for "Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to permanently extend the opening hours of the courtyard to 22:00 on Thursdays, Fridays and Saturdays.		
Agent	WSP UK Limited		
On behalf of	c/o Agent		
Registered Number	23/02315/FULL	Date amended/ completed	5 April 2023
Date Application Received	5 April 2023		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the existing legal agreement dated 24 November 2021 to ensure the continued provision of the previously secured planning obligations.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that

would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

The application concerns the Firehouse Hotel, Chiltern Street which, following a permission originally granted in 2009, has been in operation as an hotel since April 2014. A condition was attached to that permission which limits the use of courtyard area for drinking and dining from 09:00 to 21:00 hours each day (Condition 21). Condition 9 requires compliance with a management plan.

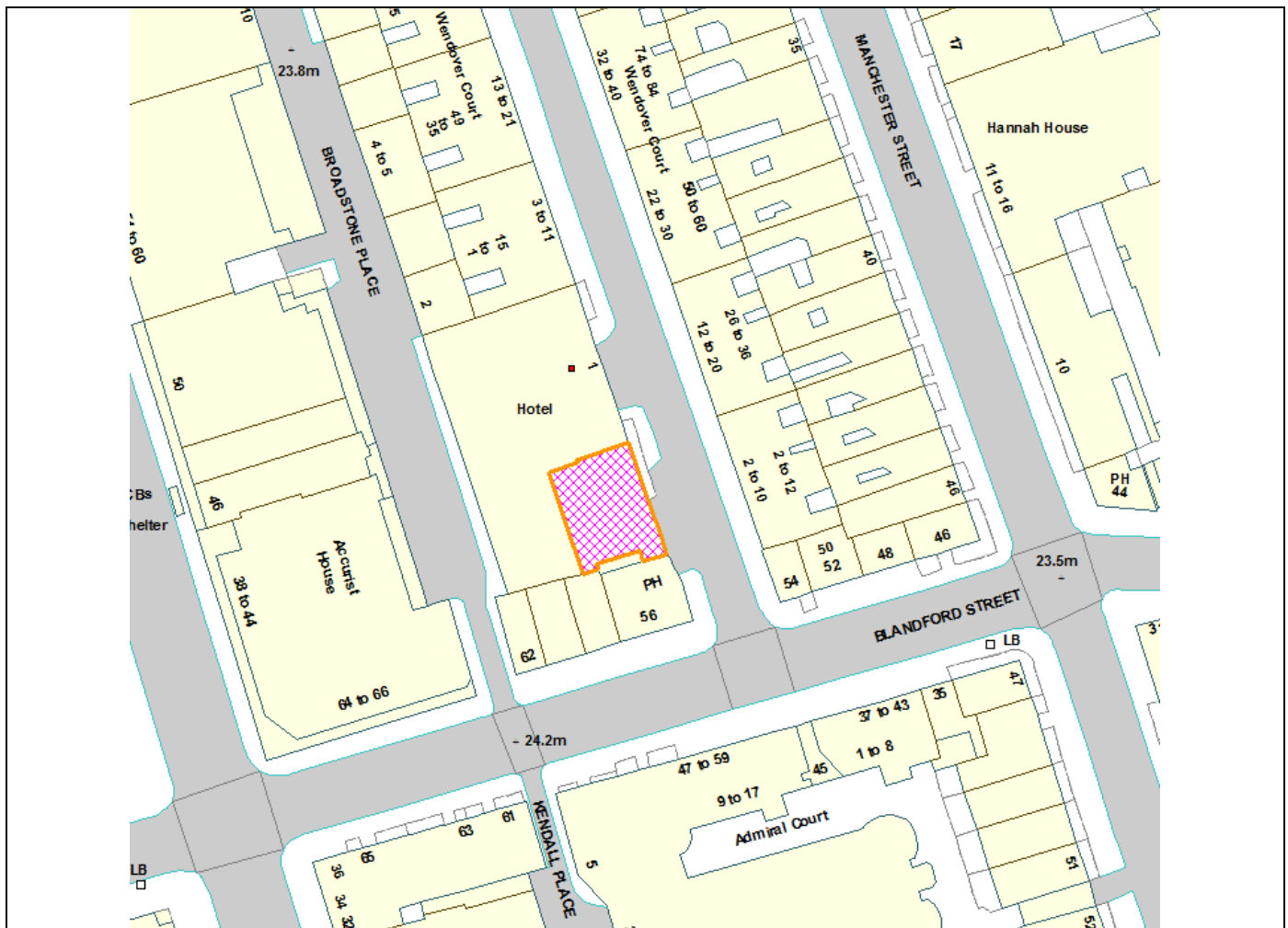
An application was approved on 14 May 2021, which granted temporary planning permission for the use of the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a period until to 30 September 2021. This application was again renewed on 24 November 2021, but only for the hours of 09:00 to 22:00 on Thursdays, Fridays and Saturdays. These permissions were granted following the Business and Planning Act 2020 which included a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including measures which enabled businesses to provide outdoor restaurant seating without the need for planning permission.

Planning permission is now sought to enable the courtyard area to be used on a permanent basis until 22:00 hours on Thursdays, Fridays and Saturdays. Linked to this is an updated management plan for condition 9.

The key issue in this case is the impact of the proposals on residential amenity and objections from neighbouring residents have been received on the grounds that customers of the Firehouse cause noise and nuisance.

The application is supported by a detailed acoustic information in relation to proposed noise levels from the courtyard use and existing background noise levels. In this regard, the information submitted as part of this application is more comprehensive than that submitted in previous reports, which only referred to historic background noise levels, rather than calculating noise levels from the courtyard. Environmental Services have assessed the report and advise they have no objections and approval is recommended.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION

If permission is granted, request that a temporary 1-year consent is approved to ensure that there is no detrimental impact to the amenity of the residential neighbours.

ENVIRONMENTAL HEALTH

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 87

Total No. of replies: 40

No. of objections: 13 (2 letters from one respondent) raising issues on the following grounds:

- * Increase in noise levels.
- * Given the listed status of neighbouring properties, double glazing cannot be installed to prevent noise.
- * Neighbours have the right to expect 'peace and enjoyment' after 6pm.
- * The Firehouse is having trouble managing their existing planning agreements, specifically in relation to noise control. Existing issues must be addressed before any consideration of additional liberties is given.
- * Noise in the street from patrons who become more voluble as the evening goes is not something that the Firehouse has been able to control.
- * The covered area - which has permission as a walkway - is now used for extra seating and not for its permitted purpose.
- * A recent Licence Review of the adjoining licensed premises formerly known as the Bok Bar (56 Blandford St) was clear in establishing a cutoff for outdoor drinking of 9 p.m. There is no cause to extend the Firehouse's hours beyond this.
- * The comments made by the Fire House that there will "no discernible impact on the residential amenity of the neighbouring properties" is completely untrue.
- * Two previous Council Planning Committees and two previous Licensing Committees all unanimously said permanent planning permission should never be granted.
- * The previous temporary extensions of hours was granted as a post-COVID relief measure, under the explicit understanding that this would not lead to a permanent extension request.
- * The pandemic is now over and the viability of the Chiltern Firehouse is an entirely commercial matter for them and should not be at the expense of the amenity of neighbouring residents.
- * Extended hours results in more hire-bikes on the street, more anti-social behaviour, more litter overflow, and more white-collar dealing.
- * Sets a dangerous precedent for other businesses in the vicinity.
- * The Fire House have a list of near residents' email addresses but did not use it to contact us, so it appears that their 'consultation' with affected neighbours was not serious.

No. in support: 27 raising the following comments:

- * Other restaurants have tables/chairs till 11pm;
- * Staff manage noise levels very well;
- * The Fire House have extra staff to deal with less considerate patrons.

PRESS NOTICE/ SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) included a community event and two further meetings were held following the event with stakeholders at their request. These were with the Chair and events officer of the Marylebone Association and the neighbours of an adjoining property.

Most verbal feedback was positive about the extra hour from attendees. However, there were some concerns raised by some close residents about noise from the courtyard and the hotel. The Operational Management Plan (OMP) has been reviewed in light of comments and has been resubmitted as part of this application.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in

Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Chiltern Firehouse, a Grade II listed hotel, is located on the west side of Chiltern Street near the corner of Blandford Street within the Portman Estate Conservation Area. Planning permission was originally granted for the use of the former fire station as an hotel in April 2009.

The operation of the hotel is subject to a number of conditions including a requirement to close the restaurant doors and windows on Chiltern Street between 20:00 and 08:00 and limiting the al fresco dining area within the courtyard between the hours of 09:00 and 21:00.

7.2 Recent Relevant History

Planning permission granted 30 April 2009 for the use of the fire station as a 33 bedroom hotel (Class C1). Construction of a new five storey building in the yard, glazed rear roof light and single storey rear extension at ground floor level and part-two and three storey rear extensions at first floor level and above and new part basement excavation. Associated internal and external works.

Planning permission granted 19 August 2011 for the use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations.

Planning permission granted 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations;

Planning permission granted 28 March 2017 for Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan (14/11804/FULL).

Planning permission and listed building consent granted on 23 June 2021 for the erection of a glazed canopy and cloister in the front courtyard.

Planning permission was granted on 14 May 2021 for Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until 30 September 2021.

Permission was granted on 8 July 2021 for the use of the public highway for the placing of 10 tables and 20 chairs in an area measuring 14m x 2.5m between the hours of 09:00 and 20:00, in connection with the existing hotel for a temporary period of one year.

Planning permission was granted on 24 November 2021 for Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 on Thursdays, Fridays and Saturdays for a temporary period until 30 September 2022.

Licensing history

The premises licence granted in May 2021 enabled the use of the courtyard to operate until 22:00 hours daily (ref: 20/11588/LIPV). The current licence, approved 4th October 2023 requires all tables and chairs to be removed from the outside area or rendered unusable by 21:00 each day (ref: 23/04650/LIPDPS).

8. THE PROPOSAL

Condition 21 of the original planning permission for the hotel use (ref. 10/10324/FULL) restricts the use of the outside courtyard until 21:00. Applications were subsequently approved in March 2021 and again in November 2021, both of which granted temporary planning permission for the use of the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day. The last permission expired on 30 September 2022 (ref. 21/05449/FULL). This date was imposed as it was in line with the Business and Planning Act 2020 which included a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including measures which enabled businesses to provide outdoor restaurant seating without the need for planning permission.

This application now seeks to extend the opening hours of the courtyard area by one hour (22:00) on Thursdays, Fridays and Saturdays on a permanent basis. The applicant argues that the additional flexibility provided by the extended opening hours in the courtyard have helped restore trading levels and ultimately, increase and retain

employment. They argue that the permanent increase of one hour on Thursdays, Fridays and Saturdays will allow the Firehouse to have more certainty in their operations going forward, help to retain their staff in a competitive market, invest into the Borough and protect the longevity of the hotel and therefore, support the London visitor economy.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Not applicable to this case.

9.2 Environment & Sustainability

Not applicable to this case.

9.3 Biodiversity & Greening

Not applicable to this case.

9.4 Townscape, Design & Heritage Impact

Not applicable in the determination of this application.

9.5 Residential Amenity

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of minimising noise impacts and preventing noise intrusion to residential developments; and to make sure that quality of life and health and wellbeing of existing and future occupiers are not adversely affected by negative impacts on the local environment.

Whilst 27 letters of support have been received, objections have again been received from neighbouring residents, primarily on the grounds that noise and nuisance is caused by the customers within the courtyard, including noise and commotion when customers leave.

It is accepted that the presence of tables and chairs close to residential premises can cause problems in terms of noise nuisance and late-night disturbance and it is clear that the premises have been a source of complaint from local residents. The premises is located in close proximity to a number of residential dwellings, the nearest being the flats directly opposite, and adjacent to the Fire House, in Wendover Court. This is a relatively quiet location and it is once again acknowledged that the extended hours of use of the courtyard will result in an increase in later noise and activity.

The courtyard can also accommodate a significant number of customers (approximately 100-120 seated people), however, the historic permissions for this site do not restrict the number of tables and chairs, or the total courtyard capacity, only the hours of its use. Objectors also refer to the fact that the glass walkway is also used for extra seating and not for its permitted purpose (which they believe was to provide a covered access to the hotel entrance). However, the permission granted for the walkway is not subject to any conditions to prevent the space beneath it from being used for seating/dining purposes.

As set out above, consent has previously been granted, on a temporary basis, for the extended use of the terrace until 22:00. Whilst the first temporary permission enabled the courtyard to be used for seven days a week, the most recent temporary permission enabled the courtyard to be used until 22:00 only on Thursdays, Fridays and Saturdays. As noted by objectors, both consents were considered acceptable only as a post-COVID relief measure, and previous reports to committee did set out that permission would be unlikely to be forthcoming for any future application to enable the external seating to be used beyond 21:00 hours on a permanent basis.

However, during the course of this application further acoustic information has been submitted in relation to proposed noise levels from the courtyard use and existing background noise levels. In this regard, the information submitted as part of this application is more comprehensive than that submitted in previous reports, which only referred to historic background noise levels, rather than calculating noise levels from the courtyard. Environmental Services have assessed the report and advise they have no objections. They advise that the assessment indicates that noise levels emanating from the use of the terrace from 60 people (i.e. half of the assumed capacity) all talking at once within the courtyard are at or below ambient noise levels at receptors. This does mean that noise levels are not below background noise levels, and indeed at a recent officer's site visit, the noise of clatter of cutlery can be clearly heard from outside the site. Objectors also argue that noise from the use of the courtyard is audible within adjoining properties.

It is however acknowledged that the courtyard can operate until 21:00 hours without any restriction on numbers, vertical drinking or a requirement for waiter/waitress service etc. The Environmental Services Officer (ESO) argues that with additional measures, such as those included within the previous premises licences, such as table-only service, the requirement for either a SIA door supervisor or a dedicated and trained duty manager to be within the courtyard to manage the courtyard area at all times and preventing vertical drinking, that the likely impact on residents will be reduced. Further measures within the approved Management Plan include restrictions on regulated entertainment within the courtyard and the encouragement of guests to call for cars and taxis whilst inside the premises rather than waiting on street and the provision of direct contacts of senior members of staff to enable local residents to contact them on a 24 hour basis.

Given that the courtyard currently can operate without a restriction on numbers, it is more appropriate in this case to regulate activities within the courtyard, and the area beneath the glass walkway, through the Licensing process rather than through the planning system to ensure that the risk of public nuisance is reduced. In granting the premises licence in May 2021 for the use of the courtyard until 22:00 hours daily (ref: 20/11588/LIPV) the Licensing Sub-Committee imposed additional conditions which required alcohol in the courtyard to be served by waiter or waitress service to only seated persons and for a Street Warden to be employed to patrol the vicinity of the premises from 17:00 to midnight on Monday to Saturday and 17:00 to 23:00 on Sundays.

The licence approved in May 2021 only allowed the use of the courtyard until 22:00 hours for a temporary period which expired on 30 September 2022. It is understood that the applicant will apply for a revised licence to align with any variation granted.

The operators do have in place, as part of the current Premises Licence, a Noise Management Plan that was always designed to be used to consider the ongoing and

changing needs at the site, and it may be possible to amend this to introduce additional sound absorbing measures, such as additional fabric and soft furnishings, and rubber mats and rubber legs on chairs.

Since the courtyard has been operating until 22:00 hours, there has been one complaint about music noise in the courtyard. There have not been any complaints received relating to more general noise from the use or extended hours of use of the courtyard. Notwithstanding this, it is recognised that the reason residents do not register formal complaints can be attributed to several factors including the 'fatigue/exhaustion' experienced by individuals to the process of registering complaints. Residents have previously argued that this lack of complaints is because most residents believe that Westminster cannot take action on voices alone, as this, unlike music, is not treated as a Statutory Nuisance.

There have however been numerous complaints relating to noise from the Chiltern Firehouse itself, particularly in relation to music noise from the Ladder Shed, and objectors believe that existing issues must be addressed before any consideration of additional extended hours for the courtyard are given. This issue has been passed to the Noise Team to investigate the re-setting of the sound limiter, but it is not considered reasonable for this to prevent assessment of the current proposal for the additional hour in the courtyard.

Residents comment that the pandemic restrictions on hospitality have now been lifted and it is time for conditions at least to return to pre-restrictions conditions. They also believe that any extended hours of operation would set a precedent for other similar applications and that other premises operate to much earlier hours, examples of which include:

- AOK Kitchen (on Dorset Street) has a restriction that the 18-seat terrace can only be used between 08.00 am and 21.00;
- Il Baretto on Blandford Street is subject to a condition requiring the 16 chairs to be used only between 11:00 and 21:00;
- the Larrik pub (on the corner of Crawford Place and Crawford Street) has a restriction that the 12 benches to only be used between 11.00 and 21.00; and
- Aubaine restaurant on Moxon Street is subject to a condition requiring the 10 chairs only to be used between 08:00 and 21:00.

It appears that there are very few exceptions to this terminal hour of 21:00 hours in nearby premises, but there is a history of consents for 22 Paddington Street, with the last permission granted in June 2022 which allows tables and benches to be placed on the highway until 23:00.

The committee report for the last temporary permission granted in October 2021 does also set out that permission is unlikely to be forthcoming for any future application to enable the external seating to be used beyond the authorised terminal hour of 21:00 on a permanent basis. However, given the submission of more comprehensive acoustic information, and to the comments of Environmental Sciences set out above, it is considered reasonable to grant permission to allow the courtyard to be used only on Thursdays, Fridays and Saturdays until 22:00 hours.

9.6 Transportation, Accessibility & Servicing

Not applicable in the determination of this application.

9.7 Economy including Employment & Skills

No economic considerations are applicable for a development of this size, although it is noted that the applicant does state the additional hour three nights a week will help to retain their staff in a competitive market, invest into the Borough and protect the longevity of the hotel and therefore, support the London visitor economy.

9.8 Other Considerations

Comments have been raised regarding the pre-application engagement process carried out by the applicant, and the lack of consultation with immediate neighbours. Whilst this is regrettable, it is not a reason to withhold planning permission, and notification with immediate neighbours has been undertaken as part of the Council's consultation process (with 87 immediate neighbours notified.)

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

The original permission was subject to a legal agreement which secured:

- i) A financial contribution of £377,325 towards public realm works;
- ii) A financial contribution of £194,102 towards the City Council's affordable housing fund;
- iii) The residential uses (and retention of) at 48, 58 and 63 Gloucester Place and 15 to 16 Fitzhardinge Street prior to the occupation of the hotel;
- iv) Retention of the school use at Bryanston Square;
- v) The permanent retention of the use of the hotel function room (free of charge) for local residents' use;
- vi) Public access to the hotel;
- vii) A parking mitigation payment of £9,000.
- viii) A Crossrail contribution of £67,020 as agreed between the applicant and TfL.

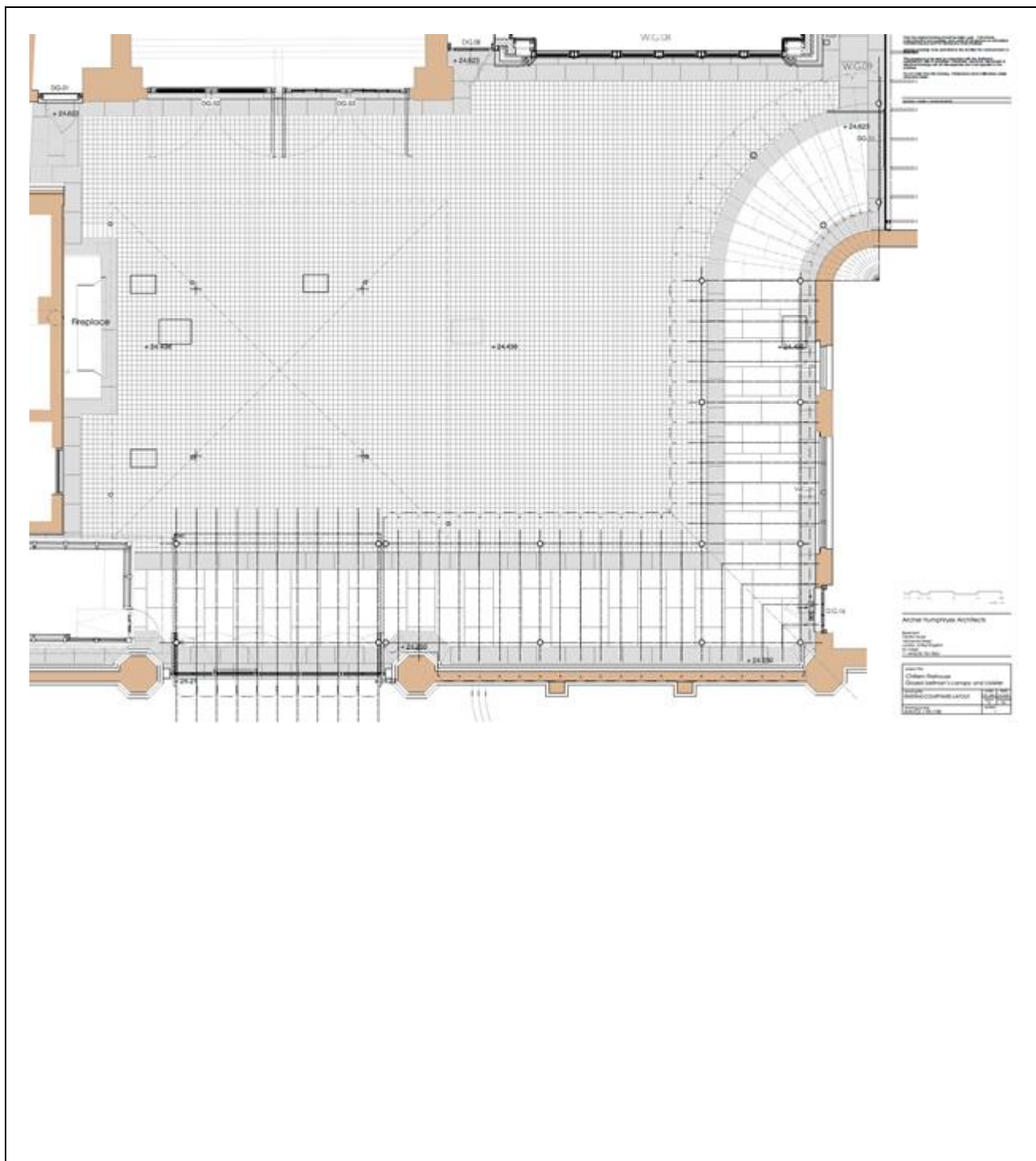
Whilst the financial payments have all been paid, a deed of variation to the original agreement will be required to secure the matters set out in iii) to vi) above.

A CIL payment is not liable.

(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: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 1 Chiltern Street, London, W1U 7PA,

Proposal: Variation of Condition 9 and 21 of planning permission dated 24th November 2021 (RN: 21/05449/FULL) for "Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; NAMELY, to permanently extend the opening hours of the courtyard to 22:00 on Thursdays, Fridays and Saturdays at Chiltern Firehouse.

Reference: 23/02315/FULL

Plan Nos: AHA-CS-GA-100

21/05449/FULL
AHA-CS-GA-100

AHA-CS-GA-100

20/07858/FULL
AHA-CS-GA-100

14/11804/FULL
DA/CS/PL/101 Rev AD

14/08741/FULL
DA/CS/PL/101 Rev AA, , 12/10521/FULL, DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/10521/FULL
DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/05388/NMA
DA-CS-PL-103, DA-CS-PL-101, DA-CS-PL-104, DA-CS-PL-106, DA-CS-PL-107, DA-CS-DM-002, DA-CS-DM-003, DA-CS-DM-006, DA-CS-DM-011, DA-CS-DM-016, DA-CS-DM-018, DA-CS-DM-020, DA-CS-DET-510, DA-CS-DET-527, PE.CF3_2201, PE.CF3_2202, PE.CF3_3105, PE.CF3_3109, PE.CF3_3110, 17196-ST-005, 17196-ST-010, 17196-ST-011, 17196-ST-012, 17196-ST-020, 17196-ST-021, 17196-ST-022, 17196-ST-030, 17196-ST-031, 17196-ST-032, 17196-ST-033, 17196-ST-034, 17196-ST-035, 17196-ST-040, 17196-ST-041, 17196-ST-050, 17196-ST-051, 17196-ST-060, 17196-ST-061, 17196-ST-062, 17196-ST-065, 17196-ST-070, 17196-ST-080, 17196-ST-081, 17196-ST-082, 17196-ST-083, 17196-ST-084, 17196-ST-085, 17196-ST-086, 17196-ST-090, 17196-ST-099, 17196-ST-100, 17196-ST-101, 17196-ST-102, 17196-ST-103, 17196-ST-109,

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17196-ST-131, 17196-ST-140, 17196-ST-141, 17196-ST-150, 17196-ST-151,
17196-ST-160, 17196-ST-161, 17196-ST-165, 17196-ST-170, 17196-ST-171,
17196-ST-172, 17196-ST-173, 17196-ST-174, 17196-ST-180, 17196-ST-185,
17196-ST-186,

11/09264/NMA

101-O, 103-J, 104-L, 105-L, 106-K, 107-J, 108-G, 109-D, 111-F, 113-H, 114-J, 115-F, 116-E, 117-G, 118-E

10/10324/FULL

DA/CS/PL/100, 100.1A, 101F, 103F, 104F, 105E, 106E, 107D, 108C, 109C, 111D, 113E, 114F, 115D, 116C, 117D, 118C; DA/CS/DM/002B, 003A, 004A, 005A, 006A, 007A, 008A, 009A, 011A, 013A, 014B, 015B, 016A, 017A, 018A, 019A, 020A; DA/CS/EX 003, 002, 004, 005, 006, 008, 009, 011, 013, 014, 015, 016, 019; External Noise Assessment dated November 2010; Structural Engineering Report dated 15 November 2010 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

You must carry out basement excavation work only; ,

* between 08.00 and 18.00 Monday to Friday; and,

* not at all on Saturdays, Sundays, bank holidays and public holidays. , ,

Noisy work must not take place outside these hours. (C11BA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and

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

- 3 You must carry out the work in accordance with the details approved under 12/11691/ADFULL approved on 20.12.2012, 11/09854/ADFULL approved on 28.11.2011 and 11/11918/ADFULL approved on 21.8.2012 or in accordance with alternative details to be approved by the City Council.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must carry out the work in accordance with the samples approved under 11/11116/ADFULL or in accordance with alternative samples to be approved by the City Council.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 You must carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011 or in accordance with an alternative sample panel of brickwork to be approved by the City Council.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 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:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 8 Non resident hotel guests shall not be allowed access to or to remain on the premises within the hotel restaurant and function room except between the hours of 07.00 and 24.00

Reason:

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

- 9 You must carry out the measures included in your management plan dated March 2023 at all times that the hotel is in use. (C05KA)

Reason:

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

- 10 You must install the ventilation measures approved under RN 11/11148/ADFULL prior to the occupation of the hotel. You must not change it without our permission.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 11 (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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 12 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:

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

- 13 You must operate the plant/machinery in accordance with the supplemental noise report approved under RN 14/00780/ADFULL at all times that the plant is in use.

Reason:

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

(R51AC)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number DA/CS/PL/103 revision S. 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 and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 15 You must maintain the acoustic measures according to the works approved under RN 11/08504/ADFULL.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

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

Reason:

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

- 17 All servicing must take place between 08:00 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 avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 18 You must carry out the measures in your Servicing Management Plan approved under RN 13/11973/ADFULL at all times that the hotel is in use.

Reason:

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway, as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23BC)

- 19 You must hang all doors or gates so that they do not open over or across the road or pavement, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 20 All restaurant windows/doors on the Chiltern Street frontage shall be closed between 2000 hours each day and 0800 hours the following morning.

Reason:

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

- 21 The courtyard area can only be used for outside dining/drinking between 09:00 hours and 22:00 hours on Thursdays, Fridays and Saturdays and between 09:00 hours and 21:00 hours on Sundays, Mondays, Tuesdays and Wednesdays.

Reason:

To protect neighbouring residents from noise and disturbance as set out Policies 7, 33 and 43 of the City Plan 2019 - 2040 (April 2021). (R25BE)

- 22 You must carry out the measures in your Travel Plan approved under 13.11973/ADFULL at all times that the hotel is in use.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 23 You must not allow more than 250 customers in the front of house areas at any one time.

Reason:

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

- 24 The existing firestation lantern and the firestation sign at second floor level on the Chiltern Street frontage shall be retained in situ unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 25 The plant area at basement level shall be reserved for plant only and not be used for any

front of house activities.

Reason:

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

- 26 Public access/egress (for guests and non-resident patrons) shall only be through the courtyard entrance on Chiltern Street and the three entrances on Broadstone Place as respectively marked hotel entrance and secondary hotel entrance(s) on Plan no DA/CS/PL 101 (Rev AD). The door leading from the kitchen area onto Chiltern Street shall be for means of escape only.

Reason:

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

- 27 The operation of the premises for hotel purposes shall only take place in accordance with the parking bays as replaced on Broadstone Place.

Reason:

To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 28 All existing original windows shall be retained in situ in the listed building. Double glazed windows shall not be installed within the listed building.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 29 You must not use the first floor roof (marked as terraced area on your drawing no. DA/CS/PL 104 Rev P) for sitting out or hotel guest use, unless we have given our approval beforehand. You can however use the roof for maintenance or means of escape purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 30 No music or amplified sound played within the restaurant shall be audible outside the premises at any time.

Reason:

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

Planning Document (May 2021). (R13FC)

- 31 You must only use the area shown as restaurant on the ground floor plan DA/CS/PL/101 AD as a sit-down restaurant with waiter service. You must not use any part of the restaurant as a bar or bar area, or for any other purposes, including any other within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

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

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, neighbourhood plan (where relevant), 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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to retention of the residential uses at 48, 58 and 63 Gloucester Place, 15-16 Fitzhardinge Street and the school use at 48 Bryanston Square; to secure public access to the hotel and the permanent retention of the use of the hotel function room (free of charge) for local residents' use.

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.