



City of Westminster

# Committee Agenda

Title: **Planning Applications Committee (2)**

Meeting Date: **Tuesday 2nd May, 2017**

Time: **6.30 pm**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Melvyn Caplan (Chairman)  
Paul Church  
Gotz Mohindra  
Ruth Bush

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

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.**

**Tel: 020 7641 2341; email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

- |                                                            |                         |
|------------------------------------------------------------|-------------------------|
| <b>1. 2 SPRING GARDENS, LONDON SW1A 2TS</b>                | <b>(Pages 3 - 20)</b>   |
| <b>2. DEVELOPMENT SITE AT 25-33 BERNERS STREET, LONDON</b> | <b>(Pages 21 - 30)</b>  |
| <b>3. 27-41 HALF MOON STREET, LONDON W1J 7BN</b>           | <b>(Pages 31 - 54)</b>  |
| <b>4. 93 CHARLWOOD STREET, LONDON SW1V 4PB</b>             | <b>(Pages 55 - 74)</b>  |
| <b>5. 25 ST ANSELM'S PLACE, LONDON W1K 5AF</b>             | <b>(Pages 75 - 92)</b>  |
| <b>6. 13-14 CRAVEN TERRACE, LONDON W2 3QD</b>              | <b>(Pages 93 - 112)</b> |

**Charlie Parker**  
**Chief Executive**  
**20 April 2017**

## CITY OF WESTMINSTER

### PLANNING APPLICATIONS COMMITTEE – 2nd May 2017

#### SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN NO(s) : 17/01584/FULL  St James's	2 Spring Gardens London SW1A 2TS	Erection of structures at roof level, including retractable and non-retractable canopies; new kitchen, bar and store areas; extended lift shaft; altered staircase enclosure; installation of glazed balustrade and other associated alterations, in connection with an existing roof terrace.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN NO(s) : 17/01448/FULL	Development Site At 25-33 Berners Street London	Use of part ground and basement floors as gym/ health club/ fitness studio (Class D2).	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
3.	RN NO(s) : 16/08673/FULL 16/08675/LBC  West End	27-41 Half Moon Street London W1J 7BN	External and internal alterations and extensions to the existing hotel including the excavation of a new basement beneath part of the site, erection of rear infill extensions, and roof level alterations to nos. 35, 36, 37 and 38 to provide additional hotel accommodation (Class C1). Installation of external plant at main roof level on nos. 28, 29 and 30.	
	<b>Recommendation</b> 1. Grant conditional permission. 2. Grant conditional listed building consent 3. Agree reasons for granting conditional listed building consent as set out in informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
4.	RN NO(s) : 17/00922/FULL  Warwick	93 & 95 Charlwood Street London SW1V 4PB	Use of part ground and lower ground floors of No. 93 as 3-bed flat (Class C3) and part ground floor as retail (Class A1). Creation of front basement lightwells with associated railings and steps to Nos. 93 and 95, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults. Replacement of rear window with double doors to rear of No. 93.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN NO(s) : 17/00524/FULL  West End	25 St Anselm's Place London W1K 5AF	Demolition of existing building and replacement with a new enlarged single family dwelling with integrated basement accommodation, including underpinning works to both adjoining properties, 24 and 26 St Anselm's Place	

CITY OF WESTMINSTER

PLANNING APPLICATIONS COMMITTEE – 2nd May 2017

SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<b>Recommendation</b> Grant conditional permission.			
<b>Item No</b>	<b>References</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Resolution</b>
6.	<b>RN NO(s) :</b> 16/11557/FULL  Lancaster Gate	13-14 Craven Terrace London W2 3QD	Erection of single storey rear extension at lower ground floor level and three storey rear extension at first to third floor levels, excavation of front light well with associated railings, replacement of shopfront to No. 14, demolition of water tank and installation of two air conditioning units within an acoustic enclosure at roof level; in association with refurbishment of hotel to increase hotel capacity.	
	<b>Recommendation</b> Grant conditional permission.			

# Agenda Item 1

Item No.
----------

<b>1</b>
----------

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>2 Spring Gardens, London, SW1A 2TS,</b>		
<b>Proposal</b>	Erection of structures at roof level, including retractable and non-retractable canopies; new kitchen, bar and store areas; extended lift shaft; altered staircase enclosure; installation of glazed balustrade and other associated alterations, in connection with an existing roof terrace.		
<b>Agent</b>	Mr Colin Sinclair		
<b>On behalf of</b>	London & Regional (Trafalgar Square) Limited		
<b>Registered Number</b>	17/01584/FULL	<b>Date amended/ completed</b>	22 February 2017
<b>Date Application Received</b>	22 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

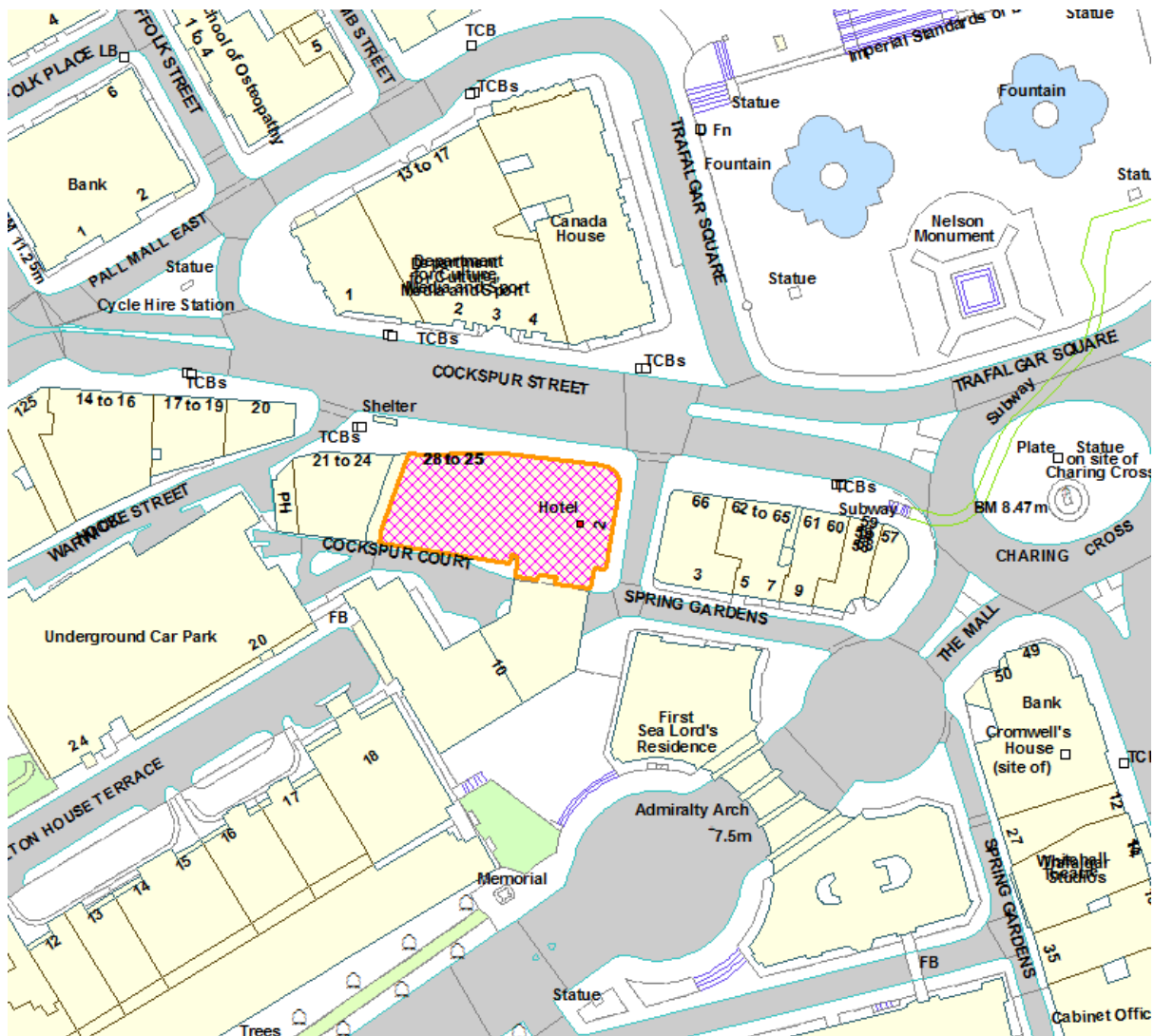
The Trafalgar Hotel, is a seven storey unlisted building on the corner of Spring Gardens and Cockspur Street, in hotel use with ancillary facilities, including a rooftop terrace with restaurant/bar. Permission is sought for the erection of structures at roof level to enclose the existing terrace including retractable and non-retractable canopies, glass balustrade, new kitchen, bar and store areas, and an extended lift housing.

The key issues in this case are:

- The impact of the proposals on the significance of designated heritage assets and the character and appearance of the St James's Conservation Area and the setting of the adjacent Trafalgar Square Conservation Area; and
- The impact of the proposals on the amenity of neighbouring occupiers.

The proposed development would be consistent with relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is considered acceptable in land use, design and amenity terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View from Trafalgar Square



Roof Terrace, Looking East

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No objection, the proposed additions will not amount to any major intrusion to the skyline and the access improvements are welcome.

### ENVIRONMENTAL HEALTH

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 46

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The Trafalgar Hotel is a seven storey, unlisted building, on the corner of Cockspur Street and Spring Gardens to the south west of Trafalgar Square. It is in hotel use with ancillary hotel facilities including a roof top terrace with restaurant/bar.

The location is one of intense heritage significance, including not only the Square and Nelson's Column (Grade I), but also high graded listed buildings in close proximity including the National Gallery (Grade I), the Church of St Martin-in-the-Fields (Grade I), Canada House (Grade II\*) the former City Council Offices at Cavell House (Grade II\*), Coutts Bank (Grade II\*) and National Westminster Bank (Grade II). Admiralty Arch (Grade I) is located to the south. The site is located within the St James's Conversation Area and adjacent to the Trafalgar Square Conversation Area. It also falls within the Core Central Activities Zone.

### 6.2 Recent Relevant History

On 27 November 1998 permission was granted for part redevelopment of 25-34 Cockspur Street for hotel, restaurant and shop. (RN: 98/08460/FULL).

On 21 February 2007 permission was granted for the extension of existing roof terrace and erection of staircase enclosure at main roof level. (RN: 06/06135/FULL).

On 2 February 2010 a renewal of permission dated 21 February 2007 was granted. (RN: 09/09544/FULL).

## 7. THE PROPOSAL

Permission is sought for the erection of structures at roof level to enclose the existing terrace including retractable and non-retractable canopies; glass balustrade; new kitchen, bar and store areas, extended lift enclosure and other associated alterations.



## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The roof terrace will continue to be used as a restaurant/bar in connection with the existing hotel use and does not therefore raise any land use issues.

### **8.2 Townscape and Design**

In accordance with the requirements of the NPPF, there is a presumption against harm when determining applications affecting the setting of listed buildings or within Conservation Areas. Policies S25 and S28 of Westminster's City Plan and DES1, DES6, DES9 and DES10 of the UDP also seek to protect designated heritage assets, conservation areas and seek to ensure a high standard of design.

Redeveloped behind its retained facade in 2001, the building terminates with an enlarged mansard, with a roof terrace, plant enclosures, lift overrun and other structures above. The roof terrace currently has a convoluted layout, with temporary structures and planters which are of little, if any, aesthetic quality. The proposals would see permanent structures which would cover the majority of the roof terrace area, with retractable canopies to the south, north and east. Frameless glass balustrading would also be installed at the roof edge.

The new structures will add additional height and bulk to the roof of the building. The structures will have a standing seam metal cladding, which are proposed to be coloured grey to match the colour of the roof below. On balance, the additional height and bulk proposed would not diminish key views from within Trafalgar Square or the surrounding streets and would not significantly alter the appearance of the building. Subject to conditions the proposals are not opposed on design and townscape grounds.

### **8.3 Residential Amenity**

The majority of neighbouring properties are in non-residential use, including The High Commission of Canada (Canada House) and the Serious Fraud Office to the front, the British Council to the rear and the Admiralty public house and office building to the east. The nearest residential accommodation is located within Norway House, 21-24 Cockspur Street, located to the west.

Policy S29 of the City Plan and Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/ sunlight, particularly to existing residential dwellings, and those developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

No objections have been received from neighbouring occupiers or owners.

The roof of the application site is not visible from the windows of Norway House. It is not considered the proposals would worsen residential amenity over the existing arrangement in terms of overlooking, sense of enclosure or light. Whilst the structures would add some height and bulk to the building, those properties with views of the roof are non-residential. Further, the new roof structures are set in from the sides of the building and there would be no significant impact on these non-residential buildings as a result.

The usability of the roof in poor weather will be increased, but the area would be no larger than the existing. The western area of the roof closest to the residential units in Norway House would be for stores and not an area where people using the roof terrace will congregate. It is also considered that due to the noisy nature of Trafalgar Square people using the roof terrace will not materially affect the noise heard by the residents of Norway House over the existing arrangement. The proposals are therefore considered acceptable in amenity terms.

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

No transportation or parking considerations are applicable for this development.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The proposal includes the extension of the lift to allow step-free access to the roof terrace. This is a welcomed development as currently disabled visitors and guests can only use a single chair lift to access the roof terrace from the floor below.

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

##### **Plant**

Mechanical plant is proposed to be located at roof level in connection with the new kitchen. Environmental Health officers have raised no objection subject to the council's standard noise conditions.

#### **8.8 London Plan**

This 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**

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

#### **8.11 Environmental Impact Assessment**

Not applicable in this case.

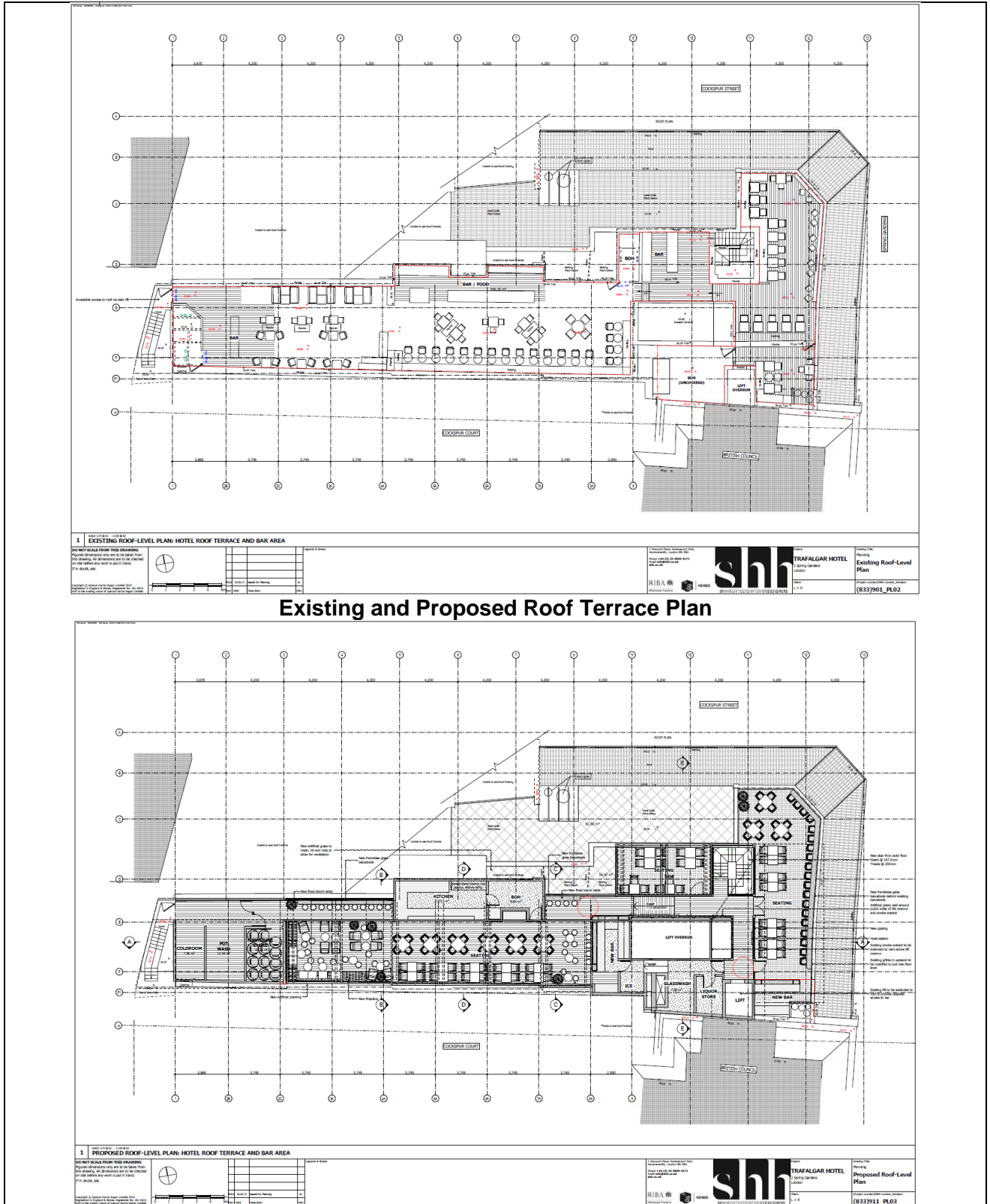
**9. BACKGROUND PAPERS**

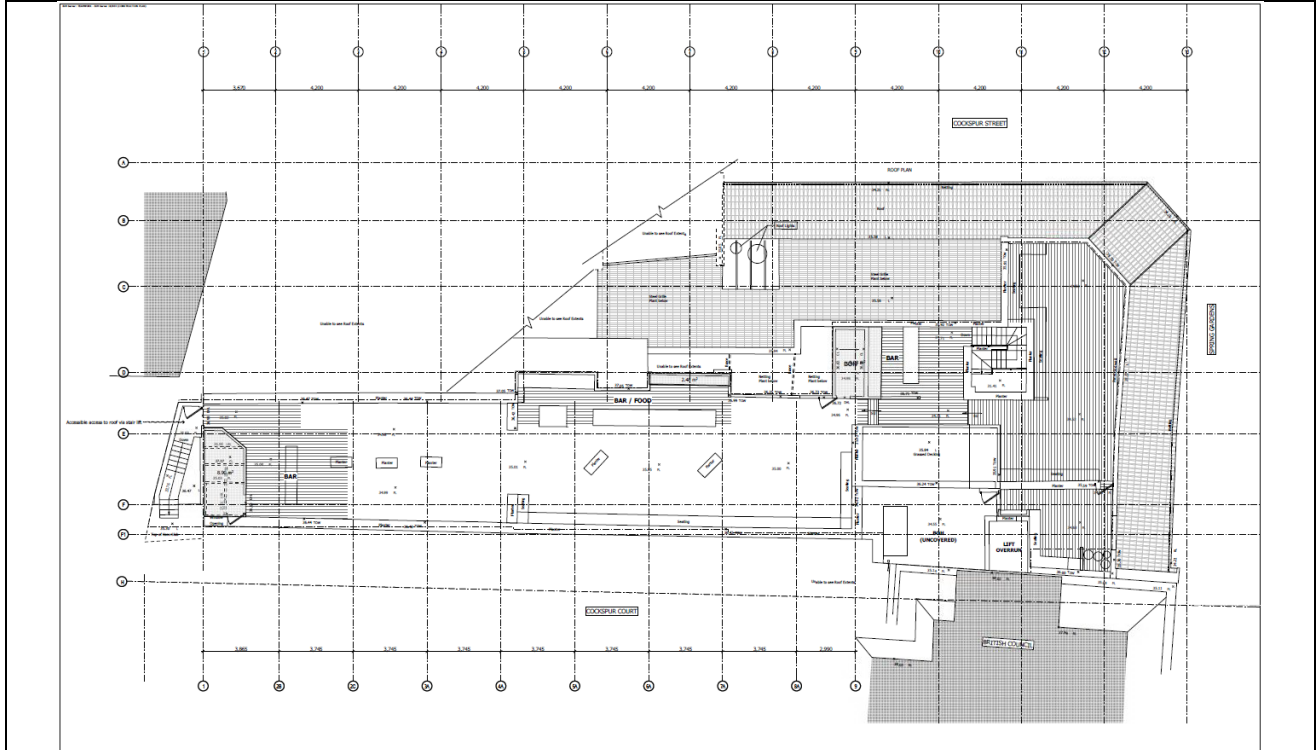
1. Application form
2. Response from Westminster Society, dated 7 March 2017
3. Response from Environmental Health (Plant And Equipment), dated 5 April 2017

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

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

10. KEY DRAWINGS





**1 EXISTING ROOF-LEVEL CANOPY PLAN**

DO NOT SCALE FROM THIS DRAWING. All dimensions are to be taken from the drawing. All dimensions are to be taken from the center of the column or wall unless otherwise stated.

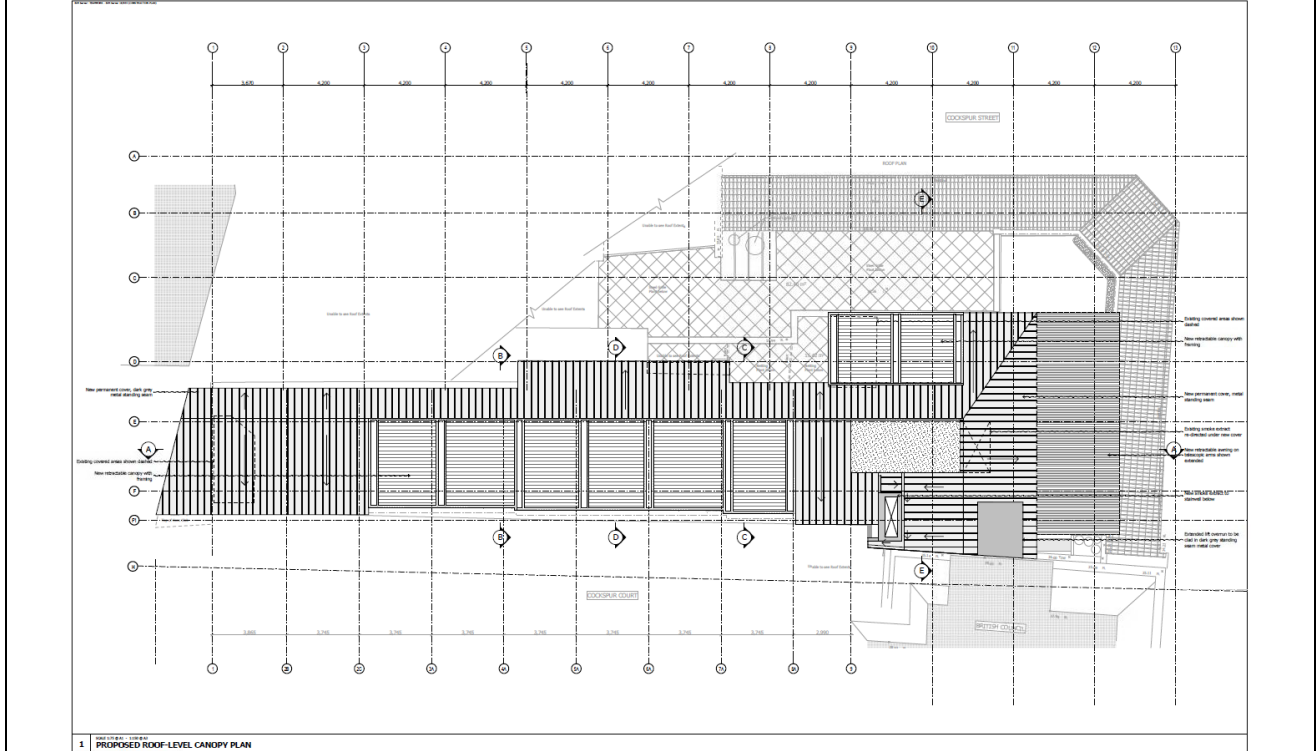
Scale	1:100
Author	...
Checked	...
Date	...

TRAFALGAR HOTEL  
1, Spring Gardens  
London  
W1K 2RF

shh  
RIBA  
ARCHITECTS

Project Name: Existing Roof-Level Canopy Plan  
Drawing No: (833)902\_PL02

Existing and Proposed Canopy (Roof) Plan



**1 PROPOSED ROOF-LEVEL CANOPY PLAN**

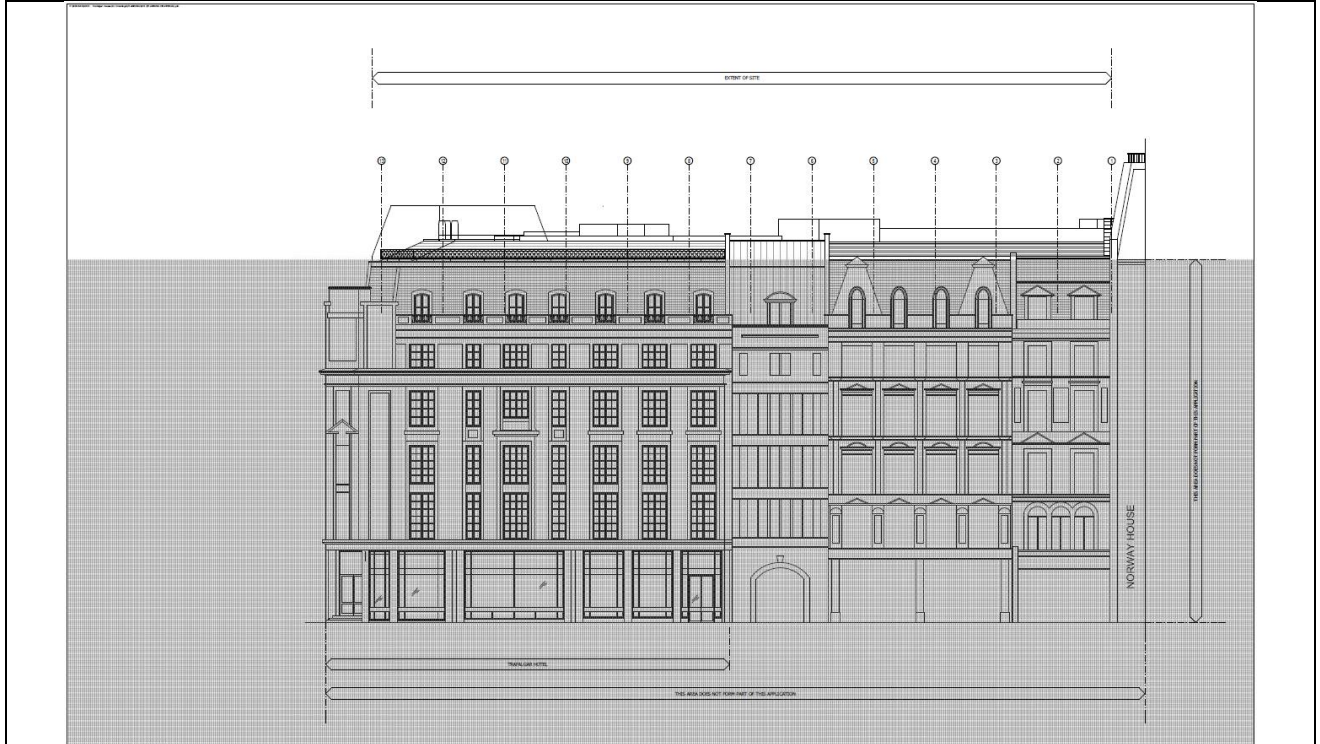
DO NOT SCALE FROM THIS DRAWING. All dimensions are to be taken from the drawing. All dimensions are to be taken from the center of the column or wall unless otherwise stated.

Scale	1:100
Author	...
Checked	...
Date	...

TRAFALGAR HOTEL  
1, Spring Gardens  
London  
W1K 2RF

shh  
RIBA  
ARCHITECTS

Project Name: Proposed Roof-Level Canopy Plan  
Drawing No: (833)912\_PL03



1 NORTH ELEVATION - EXISTING

DO NOT SCALE FROM THIS DRAWING  
Figures contained on this drawing are to be used for  
reference only and are not to be used for  
construction purposes.

NO.	DESCRIPTION	DATE
1	Issue for Planning	14/08/2014

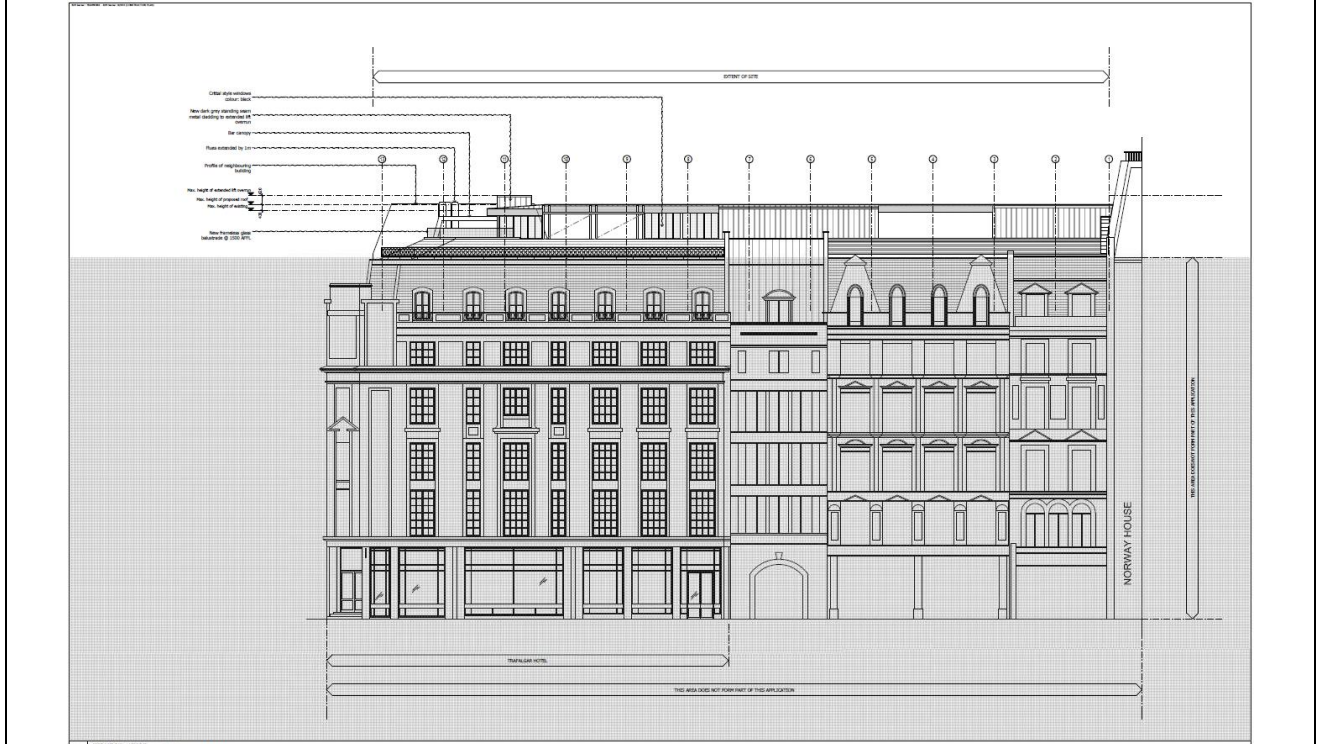
NO.	DESCRIPTION	DATE
1	Issue for Planning	14/08/2014



TRAFALGAR HOTEL  
100 Strand  
London  
W1A 2JG

Project: 100 Strand Hotel, London  
Drawing: North Elevation - Existing  
(833)904\_PL01

### Existing and Proposed North Elevation



1 NORTH ELEVATION - PROPOSED

DO NOT SCALE FROM THIS DRAWING  
Figures contained on this drawing are to be used for  
reference only and are not to be used for  
construction purposes.

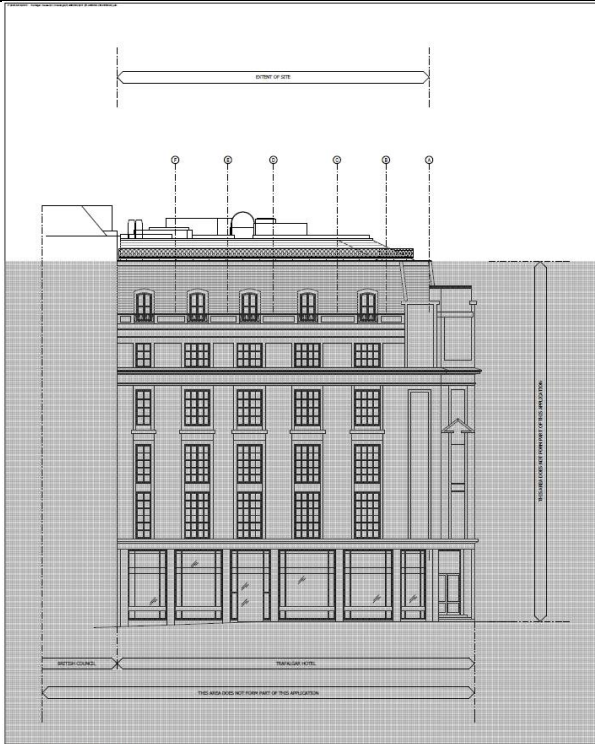
NO.	DESCRIPTION	DATE
1	Issue for Planning	14/08/2014

NO.	DESCRIPTION	DATE
1	Issue for Planning	14/08/2014



TRAFALGAR HOTEL  
100 Strand  
London  
W1A 2JG

Project: 100 Strand Hotel, London  
Drawing: North Elevation - Proposed  
(833)922\_PL01



1 EAST ELEVATION - EXISTING

DO NOT SCALE FROM THIS DRAWING  
All work shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014  
and shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014  
and shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014

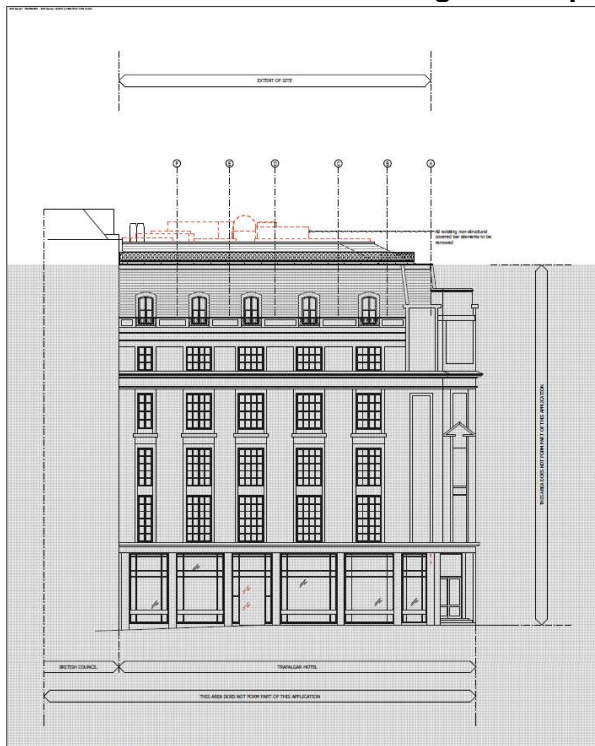
NO.	DATE	REVISION



**shh** TRAFALGAR HOTEL  
1 Spring Gardens  
LONDON  
W1J 7BT

Project Title  
Drawing Title  
Drawing No.  
Scale  
Date

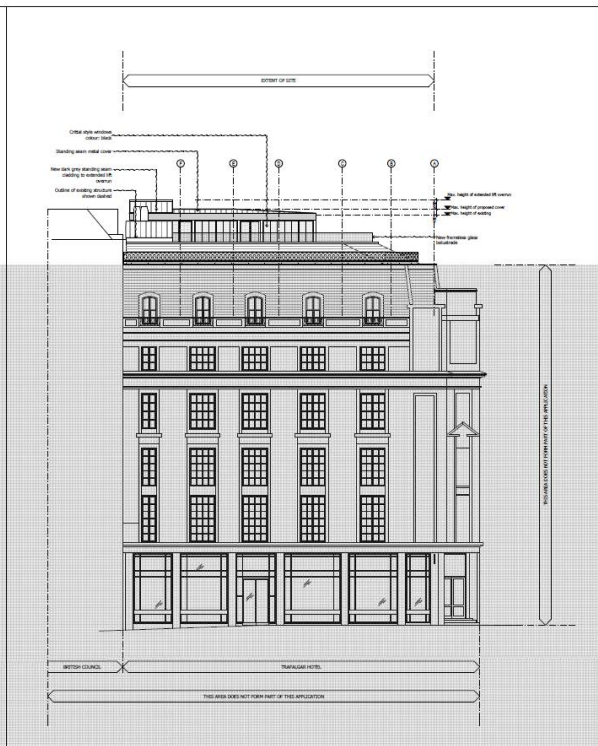
### Existing and Proposed East Elevation



1 EAST ELEVATION - STRUCTURE / FABRIC REMOVAL

DO NOT SCALE FROM THIS DRAWING  
All work shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014  
and shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014  
and shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014

NO.	DATE	REVISION



2 EAST ELEVATION - PROPOSED

DO NOT SCALE FROM THIS DRAWING  
All work shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014  
and shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014  
and shall be in accordance with the  
British Standards BS 1192:2011 and BS 1192:2014

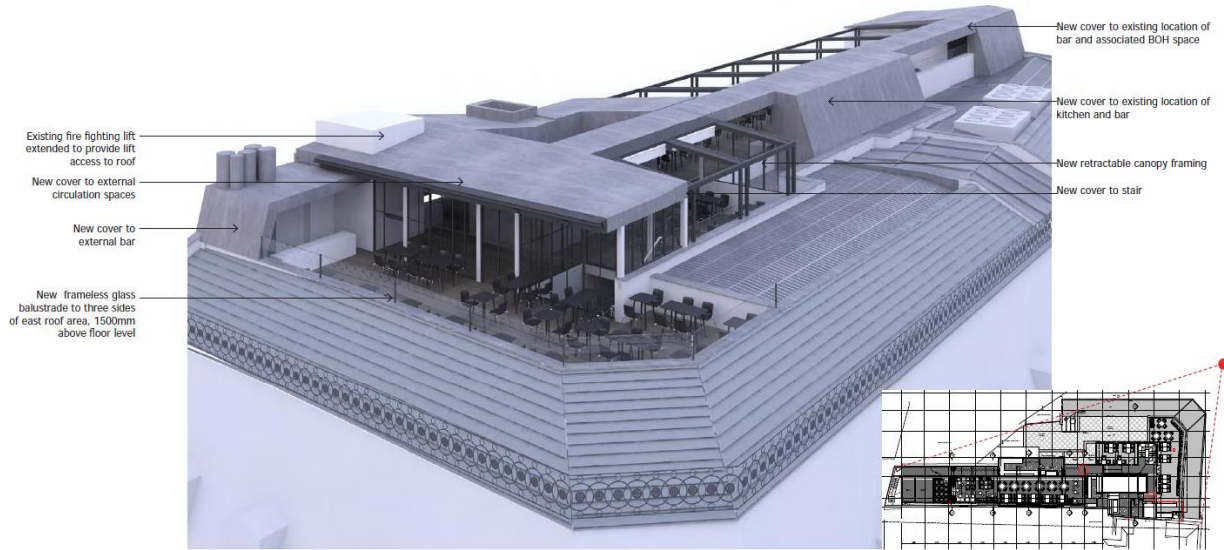
NO.	DATE	REVISION



**shh** TRAFALGAR HOTEL  
1 Spring Gardens  
LONDON  
W1J 7BT

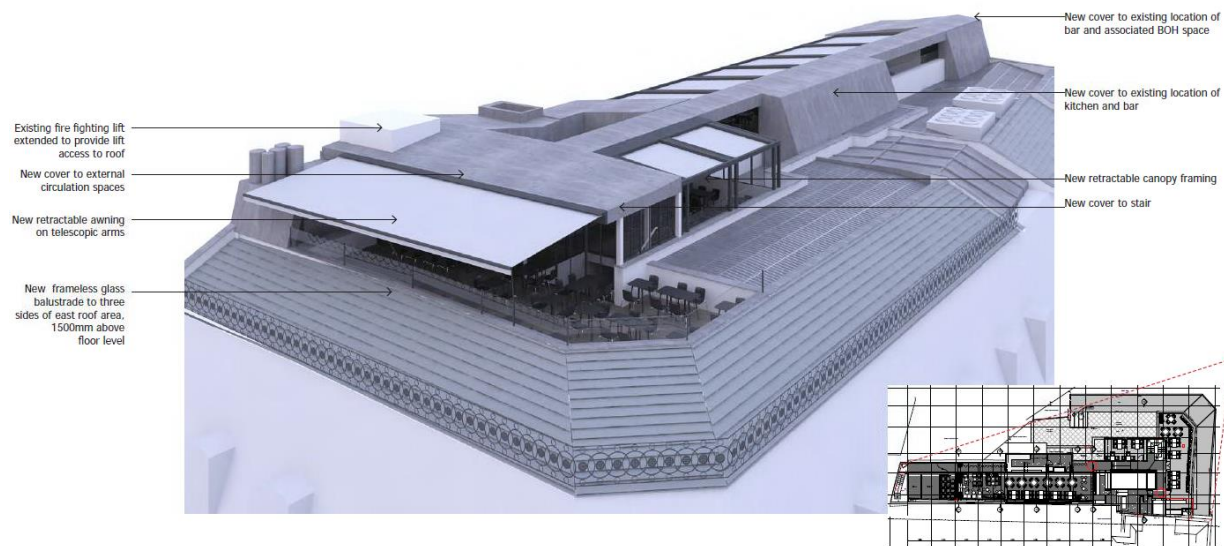
Project Title  
Drawing Title  
Drawing No.  
Scale  
Date

PROPOSAL (MASSING MODEL): CANOPIES RETRACTED



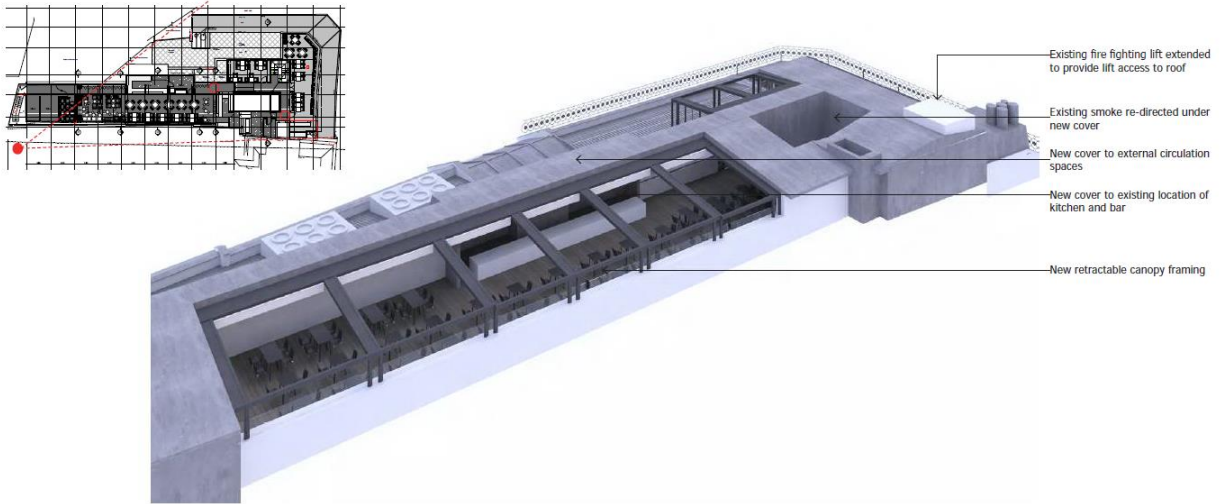
Computer Model Retracted and Extended

PROPOSAL(MASSING MODEL): CANOPIES EXTENDED



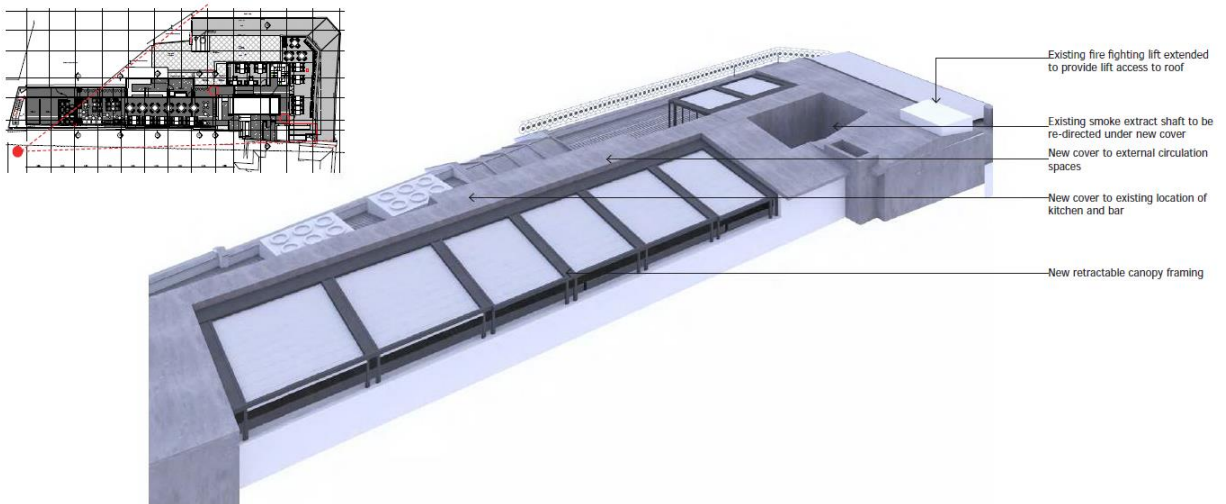


PROPOSAL (MASSING MODEL): CANOPIES RETRACTED



**Computer Model Retracted and Extended**

PROPOSAL (MASSING MODEL): CANOPIES EXTENDED



**DRAFT DECISION LETTER**

**Address:** 2 Spring Gardens, London, SW1A 2TS,

**Proposal:** Erection of structures at roof level, including retractable and non-retractable canopies; new kitchen, bar and store areas; extended lift; altered staircase; installation of glazed balustrade and other associated alterations, in connection with an existing roof terrace.

**Reference:** 17/01584/FULL

**Plan Nos:** Site Location Plan; (833)901\_PL02; (833)902\_PL02; (833)903\_PL01; (833)904\_PL01; (833)905\_PL01; (833)906\_PL01; (833)911\_PL03; (833)912\_PL03; (833) 913\_PL01; (833)920\_PL01; (833)922\_PL01; (833)923\_PL02; (833)924\_PL01; (833)930\_PL01; Design and Access Statement (SHH); Cover Letter (DP9); Environmental Noise Survey and Plant Noise Assessment Report (Hann Tucker Associates); and External Finishes Document including samples of zinc cladding, canopy fabric and glazing frame by SHH dated 10.10.2016.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 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 St James's 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)

- 4 You must not put any additional structures above parapet height, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's 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)

- 5 You must apply to us for approval of a scheme of illumination at rooftop level. You must not occupy the rooftop area until we have approved what you have sent us and you have carried out the work according to the approved details.

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 St James's 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)

- 6 You must carry out the development in accordance with the submitted facing material samples as detailed in the External Finishes document by SHH dated 10/10/2016, unless you apply to us and we approve alternative facing materials, with elevations and roof plans annotated to show where the materials are to be located. If we approve alternative materials you must then carry out the development, in accordance with the alternative details we approve.

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 St James's 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)

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency

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

**Reason:**

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

- 8 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.

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

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.

This page is intentionally left blank

# Agenda Item 2

Item No.
----------

2
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Development Site At 25-33, Berners Street, London</b>		
<b>Proposal</b>	Use of part ground and basement floors as gym/ health club/ fitness studio (Class D2).		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Derwent London Group		
<b>Registered Number</b>	17/01448/FULL	<b>Date amended/ completed</b>	23 February 2017
<b>Date Application Received</b>	21 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Charlotte Street, West		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

This site relates to three former office buildings on the east side of Berners Street. Planning permission for the redevelopment of the site for a new commercial building of eight storeys plus basement and rooftop plantroom was initially granted in November 2014 and works are substantially complete. The original permission enables use of the ground and basement floors for a range of uses comprising retail (Class A1), restaurant (Class A3) and office (Class B1). This application seeks the use of the main part of the basement and small part of the ground floor for a gym, health club or fitness studio (Class D2). A specific occupier is not known at this stage.

Although the City Council generally places a high priority on retaining retail uses, the building is not yet occupied, and therefore the flexible Class A1, A3 and B1 uses have not yet come into use. The application does not therefore result in the loss of any existing Class A1 retail floorspace. City Plan Policy S20 also protects existing office use, however, as the proposed use is to another commercial use, it is also acceptable in policy terms.

UDP policy SOC 1 deals with the provision of new social and community facilities (both public and private) in general and requires new facilities to be located as near as possible to the residential areas they serve, to have no adverse impact on the amenity of the surrounding area, including the effect of any traffic generated by the use, and to be safe and easy to reach on foot, by cycle and by and by public transport. City Plan policy S34 encourages new social and community uses, including health

and leisure facilities.

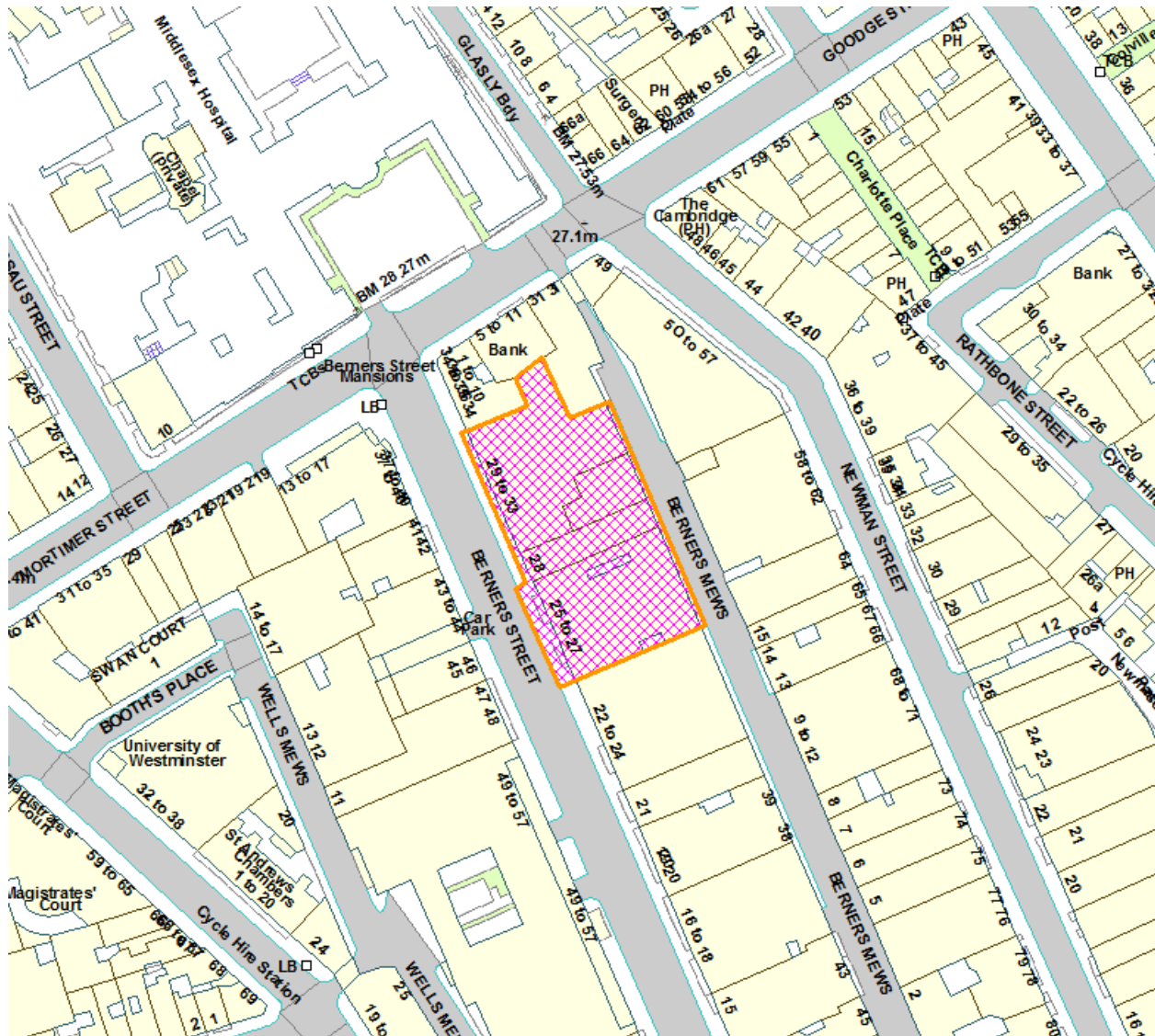
Given this policy context, the provision of a new gym/health facility is considered acceptable in land use terms. However, the application involves a large unit, some 960sqm in floor area, and the proposal is entirely speculative - no details of capacity, and types and sizes of classes or activities, have been submitted at this stage. The applicant has requested operating hours of 06:00 to 23:00 Monday to Friday and 08:00 to 20:00 on Saturdays and Sundays. The entrance to the proposed D2 facility is also within close proximity to existing residential flats at Berners Mansions at 34-36 Berners Street and therefore the impact of the D2 use on residential amenity needs careful assessment. No objections from adjoining residential occupiers have been received. The applicant advises that the future occupier will sign up to an Operational Management Plan which will address how the premises will be managed, including how people arriving at and leaving the premises would be managed. Despite the early hours that the applicant requests, it is recognised that gym users are unlikely to arrive or leave in large numbers and subject to conditions requiring doors and windows to the basement lightwell to be fixed shut and to prevent any music played from being audible outside the premises, it is not considered that the use would be likely to have a material impact on neighbouring residential amenity.

The applicant has also confirmed that no additional air conditioning plant is required to service the proposed D2 use. As plant areas which were approved as part of the original planning permission are shown on the proposed drawings, this plant is once again subject to the Council's standard noise conditions.

No details of staff numbers have been provided, and whilst cycle parking is shown on the proposed plans, a condition is required to ensure that a proportion are to be dedicated to the proposed gym (whilst retaining sufficient spaces for the remaining uses within the building). Conditions have also been included to ensure that the D2 occupier has access to the waste store on the ground floor and to require the provision of details of shower and changing facilities to ensure that these facilities shown on the proposed plans are retained for future office occupiers (and cyclists in particular) on the upper floors.

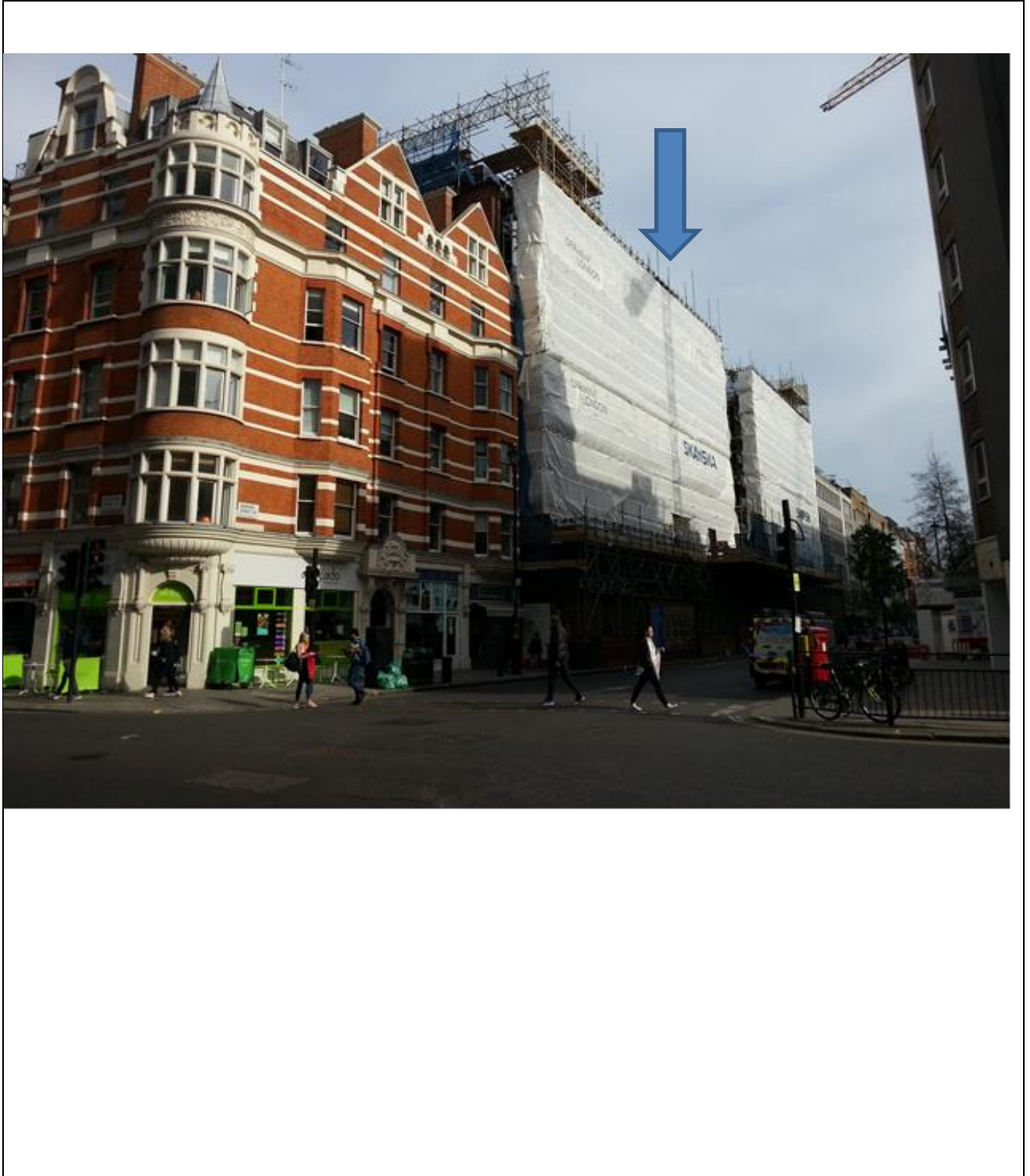


## 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



## 5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION  
No response to date

HIGHWAYS PLANNING MANAGER  
No objections subject to conditions

CLEANSING  
No objections subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED  
No. Consulted: 111; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

In November 2014 planning permission was granted for the demolition of existing buildings and erection of replacement building comprising retail (Class A1) and / or cafe/restaurant (Class A3) at part ground and part basement floor levels; offices (Class B1) at part basement, part ground, and first to seventh floor levels (including roof terraces at front seventh floor level and at rear fourth floor level); and plant at roof level.

In December 2015 and in August 2016, S73 applications were granted varying the original planning permission and enabling external alterations to the approved scheme, including plant at rear ground floor, removal of three windows at first floor, and enabling the use of the units at part ground and part basement level for either retail, restaurant and/or office purposes.

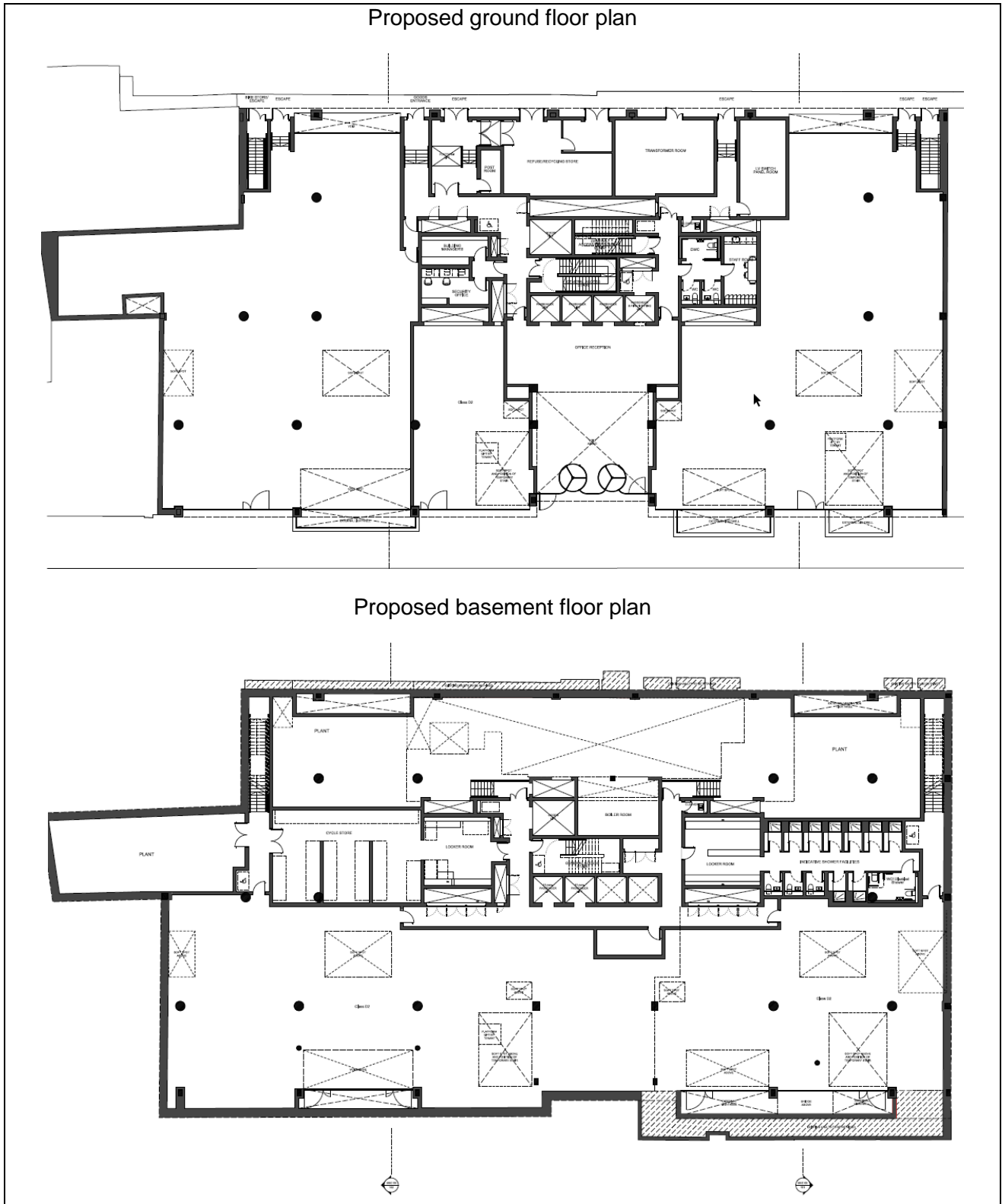
## 7. BACKGROUND PAPERS

1. Application form
2. Memorandum from Highways Planning Manager dated 13 March 2017
3. Memorandum from Cleansing dated 7 March 2017

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

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

8. KEY DRAWINGS



**DRAFT DECISION LETTER**

**Address:** Development Site At 25-33, Berners Street, London, ,

**Proposal:** Use of part ground and basement floors as gym/ health club/ fitness studio (Class D2).

**Reference:** 17/01448/FULL

**Plan Nos:** 13438 AR L-1 P00 099 Rev G, 13438 AR L00 P00 100 Rev H

**Case Officer:** Jo Palmer **Direct Tel. No.** 020 7641 2723

**Recommended Condition(s) and Reason(s)**

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

**Reason:**

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

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

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

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

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

**Reason:**

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level

should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;,, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;,, (c) Manufacturer specifications of sound emissions in octave or third octave detail;,, (d) The location of most affected noise sensitive receptor location and the most affected window of it;,, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;,, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;,, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;,, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;,, (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

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

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

**Reason:**

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

- 5 1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the D2 use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the D2 use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;,, (b) Distances between the application premises and receptor

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

Reason:

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

- 6 Customers shall not be permitted within the D2 premises before 06.00 or after 23.00 on Monday to Friday (not including bank holidays and public holidays), before 08.00 or after 20.00 on Saturday and Sundays, bank holidays and public holidays. (C12BD)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 7 No music played within the D2 premises shall be audible outside the building.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 You must apply to us for approval of a management plan to show how you will prevent customers who are arriving and leaving the D2 premises from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the D2 use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the D2 premises is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 9 With the exception of the entrance door, you must keep the doors and windows in the D2 premises closed. You can use them in an emergency or for maintenance only.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 You must apply to us for approval of details of how waste is going to be stored on the site and how materials

for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the D2 use. (C14EC)

**Reason:**

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

- 11 You must apply to us for approval of details of secure cycle storage for the D2 use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

**Reason:**

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

- 12 You must apply to us for approval of details of shower and changing facilities for the D2 use. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the shower and changing facilities according to these details, clearly mark the stores and make them available at all times to everyone using the D2 use.

**Reason:**

In order to ensure sufficient provision of on-site changing facilities and showers for cyclists as set out in Policy 6.9 of the London Plan 2015.

- 13 You must use the property only for gym, fitness or health club use. You must not use it for any other purpose, including any within Class D2 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). (C05AB)

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC1 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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.



# Agenda Item 3

Item No.
----------

<b>3</b>
----------

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	27-41 Half Moon Street, London, W1J 7BN		
<b>Proposal</b>	External and internal alterations and extensions to the existing hotel including the excavation of a new basement beneath part of the site, erection of rear infill extensions, and roof level alterations to nos. 35, 36, 37 and 38 to provide additional hotel accommodation (Class C1). Installation of external plant at main roof level on nos. 28, 29 and 30.		
<b>Agent</b>	QUOD		
<b>On behalf of</b>	London and Regional Properties		
<b>Registered Number</b>	16/08673/FULL 16/08675/LBC	<b>Date amended/ completed</b>	5 October 2016
<b>Date Application Received</b>	6 September 2016		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

- |                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Grant conditional planning permission.</li> <li>2. Grant conditional listed building consent.</li> <li>3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.</li> </ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 2. SUMMARY

<p>The site relates to a group of 15 terraced properties (27-41 Half Moon Street) of which 29 to 34 (consecutive) and 41 are Grade II listed. They are currently occupied by the Hilton London Green Park Hotel, providing a 163 bedroom hotel with ancillary restaurant and bar facilities. The site is located on the western side of Half Moon Street within the Mayfair Conservation Area and Core Central Activities Zone but outside of any designated stress areas.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

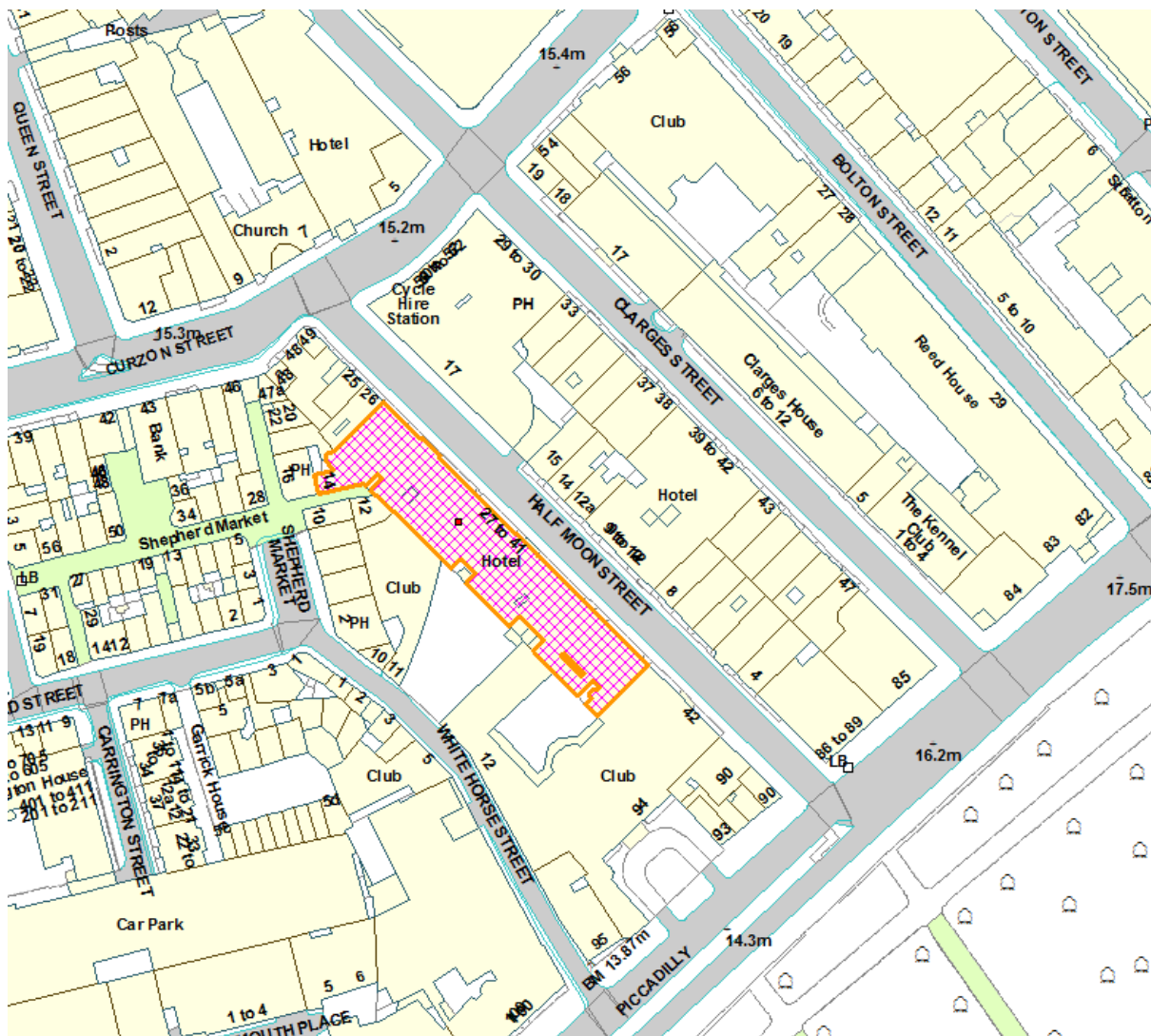
<p>Permission is sought for internal and external alterations including the excavation of a new sub-basement level beneath part of the hotel and extensions on the rear elevation and at main roof level. The proposal also creates a dedicated servicing entrance on the northern side of the hotel along Half Moon Street and installation of plant with associated screening at main roof level.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>The key issue for consideration is:</p>
--------------------------------------------

- The impact of a dedicated servicing entrance on the amenities of neighbouring occupiers.

The extension of the existing hotel is considered acceptable in land use, design, amenity and highways terms and is in accordance with the relevant policies within the Unitary Development Plan (UDP) and Westminster's City Plan.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.

All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Photograph 1. Front Elevation:



Photograph 2. Rear Elevation:



## 5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S  
No response.

HIGHWAYS  
No objection.

ENVIRONMENTAL HEALTH  
No objection.

BUILDING CONTROL  
No objection.

CLEANSING  
No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 217  
Total No. of replies: 2  
No. of objections: 2  
No. in support: 0

Objections on the grounds of noise and traffic disruption from servicing.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

27-41 Half Moon Street is occupied by a Hilton Hotel, providing a 163 bedroom hotel with ancillary restaurant and bar facilities on the western side of Half Moon Street. The premises comprise a group of fifteen terraced properties of which 29 to 34 (consecutive) and 41 are Grade II listed. The property is located within the Mayfair Conservation Area and the Core Central Activities Zone. The properties currently comprise basement, ground and first to fourth floors with some of the buildings also having hotel accommodation at fifth floor level, there are internal openings at all levels between the buildings.

The lower ground floor currently houses meeting rooms, kitchens and staff facilities, the ground floor accommodates the restaurant / bar, reception and some guest rooms and the upper floors are used entirely as guest accommodation. The applicant contends that the hotel needs major refurbishment works and there are a number of issues with the current hotel including a large number of single rooms, noise from the street affecting bedrooms, poor servicing layout and a need to improve accessibility and hotel facilities.

## 6.2 Recent Relevant History

### 08/04046/FULL

Installation of mechanical plant equipment at fifth floor roof level behind a 'false' mansard with windows.

Application Permitted 12 August 2008

### 08/04047/LBC

Installation of mechanical plant equipment at fifth floor roof level behind a 'false' mansard with windows.

Application Permitted 12 August 2008

### 00/08870/FULL

Erection of fifth floor rear extension to create two additional hotel bedrooms plus associated alterations at roof level, including relocation of plant.

Application Permitted 1 May 2001

### 97/00744/FULL

New mansard roof extension at fifth floor level.

Application Refused 17 April 1997

Demolition of existing rear structure and rebuilding to provide additional floor space at basement to 4th floor levels and a new 5th floor mansard roof extension to 3 houses. Installation of a new pedestrian access from Shepherd Market to Half Moon Street and the use of part of the basement as a wine bar and as two retail shopfronts and part of the ground floor as a shop.

Application Permitted 6 January 1986

This permission did not include any conditions restricting the use / operation of the hotel.

## 7. THE PROPOSAL

Permission is sought for the excavation of an additional (sub) basement level under part of the existing lower ground floor level to be utilised for the installation of plant; alterations to the front elevation including the removal of existing canopy structures and the creation of a new main entrance; creation of a dedicated servicing entrance; extensions and alterations at main roof level to Nos. 28-30, 32 and 35-38 and extensions at the rear of Nos. 31-33 and 36 and demolition and lowering of extensions at the rear of Nos. 37-40.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing hotel provides 163 bedrooms and comprises 7,931m<sup>2</sup> (GEA), the proposed hotel scheme would provide 164 bedrooms and 8,764m<sup>2</sup> (GEA) which is a floor space increase of 833m<sup>2</sup>.

Policy S23 of the City Plan states that 'proposals to improve the quality and range of hotels will be encouraged.' This is because hotels make a 'significant contribution to London's visitor accommodation and in supporting Westminster's role in global business. Hotels are

important to support the visitor and business economy, and have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities.'

Policy TACE2 of the UDP states that within the Core CAZ, extensions to existing hotels will be granted where no adverse environmental and traffic effects would be generated and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation.

The hotel occupies a large proportion of the western side of Half Moon Street (15 properties), opposite the site is the Flemings Hotel with a large restaurant further to the north. Adjoining the site to the south is the In and Out Club, with the remainder of the street either occupied by offices or residential accommodation. Whilst the proposal seeks to increase the hotel floor area by 833m<sup>2</sup> the number of proposed bedrooms in the hotel only increases by one. The increase in floor area enables a reduction in the number of single rooms and an increase in the number of suites, and facilitates the installation of new plant equipment in the basement, and improved guest, staff and servicing facilities.

There is no existing on-site parking provided at the hotel and this remains the case with the proposal. The main entrance to the hotel will be retained in the current location and improvements are proposed to provide level access to the ground floor of the property. Alterations are proposed to the servicing arrangements which are discussed in further detail in the Highways section below.

The extension to the existing hotel within the Core CAZ is considered to be acceptable as it would not result in a significant intensification of the existing hotel use. There would be no significant increase in either vehicular or pedestrian movements as a result of the proposal which is considered acceptable in principle and in accordance with City Plan policy S23 and UDP policy TACE2

Policy S1 of City Plan considers mixed uses in the Central Activities Zone, and requires that office extensions provide an equivalent residential uplift in certain circumstances, however, this is only applicable to office increases and is not applied to increases of other commercial land uses within the Core CAZ.

## 8.2 Townscape and Design

As a result of the historic conversion of the properties to hotel use little of special interest remains inside the buildings and the roof scape is cluttered with unattractive plant. Part of the rear façade and roof are visible in longer views from Shepherd Market and the rear of the Grade I listed 94 Piccadilly adjoins the southern end of the site. The historic course of the Tyburn crosses the site and a sewer associated with its early enclosure runs diagonally beneath Nos. 30, 31 and 32 from northeast to southwest.

Internally, the buildings are characterised by small rooms accessed from long corridors which frequently change levels with short flights of stairs. In the rooms there are no obvious features of architectural interest and the plan-form and hierarchy of the buildings is barely legible. In this context, further substantial alterations are acceptable in principle subject to preservation of the listed buildings' remaining features of special interest along

with those features of the unlisted buildings which contribute positively to the character and appearance of the surrounding conservation area.

In the basement the floors are to be lowered to a uniform level and sub-basement created for plant. The sub-basement is not continuous because the sewer under Nos. 30-32 is in the way.

The ground floor is also to be re-levelled to provide a more consistent level through the buildings, although there will still be some variation of levels at the north and south ends. The upper floors generally require less intervention, with most being in No. 36 and some in Nos. 39 and 40. These floor level alterations are acceptable in design and heritage asset terms and will maintain the special interest of the listed buildings and help to secure the long term viable use of the site as a hotel.

Windows are to be refurbished with secondary glazing to be installed in the listed buildings. New external doors are to be provided in most of the existing openings and a new main entrance provided in No. 35 with step-free access from the street. Another new entrance is to be provided in No. 27 where there was historically a large opening (currently a large window).

At roof level, a modest infill extension is proposed at Nos. 36, 37 and 38 which will unify the roofscape by removing the current anomalous set back arrangement and the plant will be rearranged and tidied.

To facilitate construction the ground floor walls of No 28 and Nos. 39 and 40 will be removed and rebuilt in facsimile. This is acceptable in design and heritage asset terms.

Overall, the alterations will maintain the special interest of the listed buildings and the character and appearance of the surrounding conservation area in accordance with UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10 and the City Council's 'Repairs and Alterations to Listed Buildings' supplementary planning guidance.

### **8.3 Residential Amenity**

There is an existing ancillary restaurant / bar area within the ground floor of the hotel which has its own separate entrance from street level, which is open to the general public. The proposal involves the relocation of this ancillary restaurant area to the lower ground floor level where it will only be available to hotel guests and will only serve breakfast. It is not considered these changes to the function of the restaurant facility would have any negative implications for residential amenity in the vicinity of the site. As the applicant has stated only guests will be able to use the on-site restaurant a condition has been applied to this affect and this has been agreed with the applicant. It is not considered necessary to condition the hours for which hotel guests can be served in the restaurant.

#### **Sunlight and Daylight**

A Daylight and Sunlight Assessment has also been submitted with the application to assess the impact of the development on surrounding sensitive properties including 14 Half Moon Street (opposite the site and in use as a single family dwelling), 90-93, 94 and 95 Piccadilly (being the In and Out Club, the adjacent building to the south of the

application site with consent for re-development as residential accommodation) and 10-12 White Horse Street (being the adjacent site to the west of the application site).

In relation to 10-12 White Horse Street the previous consent for redevelopment has now expired and whilst there is an application pending determination with the City Council for the redevelopment of the site for residential flats this has not been determined. Therefore the site should be considered with regard to its lawful use as commercial accommodation which is not afforded protection in terms of daylight and sunlight.

Given the limited extent of the alterations at the rear and main roof level the assessment confirms that any reductions in daylight and sunlight to the residential dwellings detailed above are well within the identified margins in the BRE Guidance and therefore the proposal is acceptable in this regard. It is also not considered the proposal would result in a significant increase in the sense of enclosure to any nearby residential occupiers.

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

The existing servicing provision is from the street and there is no opportunity for this to be provided off-street without unacceptable alterations to the buildings. The current hotel is serviced directly from the highway in Half Moon Street. The location of the servicing access is to be relocated towards the northern end of the hotel, with a dedicated servicing entrance with access internally to the lift to enable goods to be transported to the storage areas at basement level. This arrangement is considered an improvement on the existing situation and the Highways Planning Manager considers the changes will result in improved efficiency of loading and servicing from Half Moon Street and will reduce the time that delivery vehicles are on the highway outside the hotel. There are no conditions attached to previous planning permissions restricting the hours or operation of servicing at the hotel. The applicant has carried out a survey at the property and advises that currently servicing and deliveries are taking place over a 24 hour period, with ten deliveries over the course of the day, seven of which were between the hours of midnight and 06:00. Eight deliveries were carried out through the main hotel entrance with one each at the 'southern delivery stair' and the 'northern delivery stair'.

Two objections have been received to the application from residential occupiers in 30 Clarges Street which is a large block of flats which extends along Half Moon Street to the east of the application site. The objectors are concerned that the new dedicated servicing door will be nearer to their properties and that the existing servicing of the hotel has caused problems for years in terms of noise and traffic disruption (making reference to deliveries late at night and in the early hours of the morning). It is noted that there are also residential flats within 26 Half Moon Street being the adjoining property to the north.

The Highways Planning Manager considers that the creation of a dedicated servicing entrance with suitable storage areas and an internal goods lifts will reduce the time required for servicing and deliveries to take place. This should alleviate some of the existing issues that the residents are referring to. As detailed above there are no conditions currently controlling the servicing of the hotel and it would not be possible to create an off-street servicing area, however as the proposed servicing entrance is closer to residential flats the applicants have agreed to a condition restricting the hours of servicing to between 06:00 and 22:00 daily. It should also be noted that there are bedrooms for the hotel at ground floor level adjacent to the servicing entrance and at first



floor level above the servicing entrance so it is in the hotels best interest to ensure servicing is carried out quickly and quietly. Taking into account the existing unrestricted arrangements for servicing and the new proposed dedicated entrance with controlled hours of servicing the proposal is considered an improvement and the objections cannot be sustained. A condition is proposed requiring the submission of a Servicing Management Plan to ensure that the servicing of the hotel does not negatively impact upon highway movements and to protect the environment of people living in neighbouring properties.

To accord with the requirements of the London Plan nine cycle parking spaces would be required for a hotel of this size, the applicant is proposing eleven cycle parking spaces and this is welcomed and secured by condition.

### **8.5 Economic Considerations**

The benefits of the refurbishment to the hotel are welcomed.

### **8.6 Access**

The refurbishment of the hotel enables the provision of level access to the communal areas of the lower ground and ground floor levels and also enables the increase in the number of 'accessible rooms' from 1 to 9. The improvements to the accessibility of the building are noted and welcomed.

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

#### Plant

The proposal includes the installation of new plant equipment at various locations on the roof of the premises. The nearest noise sensitive properties were identified as the In and Out Club which has planning consent to be converted to residential accommodation and is 20m from the nearest plant items and 12 Shepherd Market which is 13m from the nearest plant item. As the final plant specification has not been determined the application is only supported by a background noise assessment. This has been deemed acceptable by Environmental Health subject to standard conditions and the requirement for a supplementary acoustic report to be submitted once the plant is finalised. The installation of the plant at roof level is therefore considered acceptable subject to applicable safeguarding conditions.

#### Refuse /Recycling

Internal waste storage is shown within the demise of the hotel and a condition is attached to ensure this is provided and retained in perpetuity. An informative is proposed to advise the applicant that all doors to the refuse area will need to be of a certain width to facilitate the movement of the bins.

### **8.8 London Plan**

Policy 4.5 of the London Plan considers the provision of 'London's visitor infrastructure' and states that the mayor and boroughs will, 'support London's visitor economy and

stimulate its growth, taking into account the needs of businesses as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London'. Part B of the policy also states that boroughs should 'seek to achieve 40,000 net additional hotel bedrooms by 2036, of which 10 per cent should be wheelchair accessible.'

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

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

### **8.10 Planning Obligations**

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

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016. The estimated CIL payment is £37,300 for the Mayoral CIL and £149,200 for the Westminster CIL, resulting in a total requirement of £186,500. (These figures are based on the information provided by the applicant within their CIL Form and are subject to future verification, as well as indexation.)

### **8.11 Environmental Impact Assessment**

There are no environmental impact issues associated with this proposed development.

### **8.12 Other Issues**

#### **Basement**

The proposal includes the excavation of a new sub-basement level and therefore the application must be considered with regard Policy CM28.1 of the City Plan. As the site is a 'non-residential development adjoining residential properties where there is a potential for an impact on those adjoining properties' Part B of the policy is applicable. This requires all basement developments to have regard to the site specific requirements and a structural methodology statement to be submitted in support of the development. Further, relevant information must be provided in relation to landscaping, tree protection, drainage and flood risk, protection of the character and appearance of the Mayfair Conservation Area and listed buildings.

The proposed sub-basement is in accordance with City Plan Policy CM28.1(B) through: (i) being entirely under the footprint of the existing building; (ii) not resulting in the loss of any trees or impacting upon garden areas; (iii) solely being used for the accommodation of plant; (iv) having no detrimental impact on the character and appearance of the Mayfair Conservation Area or listed building (as detailed within Section 8.2 of this report); and (v) having negligible impact on the flood risk for the immediate area and incorporating suitable measures to protect the new floor level from potential flooding. All required documentation has been submitted to the City Council and Building Control have confirmed they are satisfied with the structural information provided.

The application is also supported by a 'Flood Risk Assessment' which assesses the hydrology of the site including surface water run-off. The site is located within a 'surface

water flood risk hotspot' as identified by the adopted 'Basement Development in Westminster' Supplementary Planning Document. This has been identified and assessed within the submitted Flood Risk Assessment and also noted by Building Control in their response which states: 'the existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible.' A condition is recommended to ensure that the measures detailed in the floodrisk assessment are incorporated into the new sub-basement design.

The impact of the basement upon the heritage asset has been addressed above in the design section of the report. The proposed excavation of the new basement level in the proposal is therefore considered compliant with the relevant requirements of Policy CM28.1 of the City Plan.

### **Construction Impact**

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. The applicant provided evidence that they will sign up to the Code of Construction Practice and a condition is proposed to ensure that if the permission is implemented the applicant carries out the development under the supervision of the Code of Construction Practice

### **Demolition Impact**

Conditions are proposed to ensure that any demolition associated with this consent is only carried out as part of the complete redevelopment and a condition is attached requiring the submission of a construction contract to ensure the rebuilding to maintain the listed buildings and the appearance of the Mayfair Conservation Area.

## **9. BACKGROUND PAPERS**

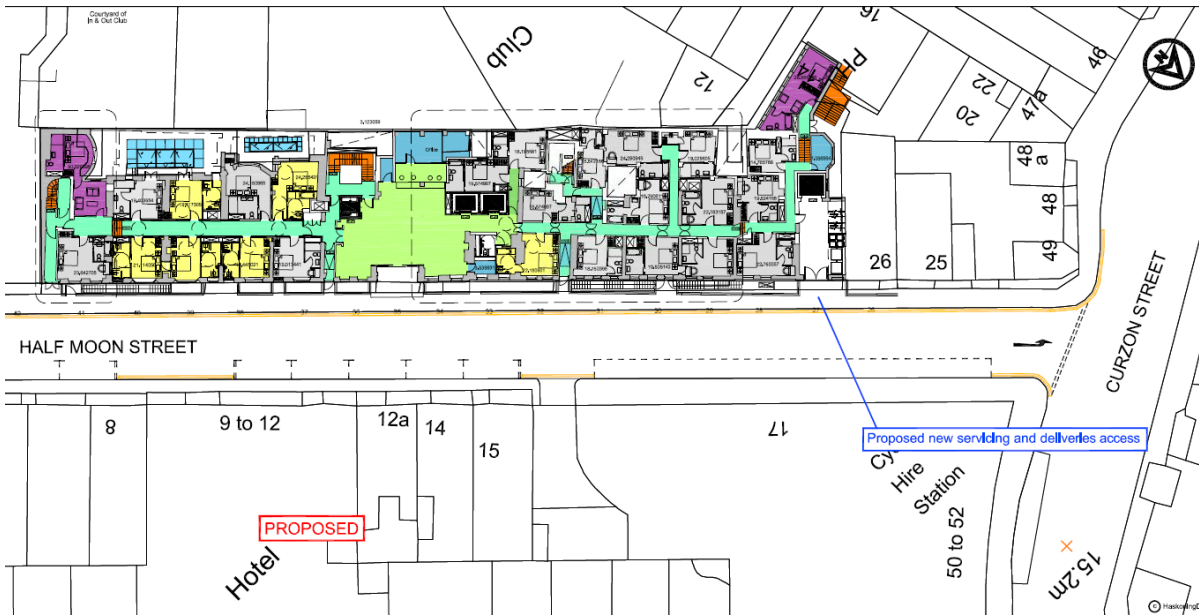
1. Application form
2. Response from Building Control, dated 27 October 2016
3. Response from Environmental Health, dated 1 November 2016
4. Response from Highways Planning Manager, dated 8 November 2016
5. Response from Cleansing Manager dated 19 April 2017
6. Letter from occupier of Flat 6, Glendore House, dated 17 November 2016
7. Letter from occupier of Flat 9, Glendore House, dated 23 November 2016

(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 <a href="mailto:pquayle@westminster.gov.uk">pquayle@westminster.gov.uk</a>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Drawing 3. Proposed Ground Floor Plan:



Drawing 4. Proposed Front Elevation:



**DRAFT DECISION LETTER (PLANNING)**

- Address:** 27-41 Half Moon Street, London, W1J 7BN,
- Proposal:** External alterations and extensions to the existing hotel including the excavation of a new basement beneath part of the site, erection of rear infill extensions, and roof level alterations to nos. 35, 36, 37 and 38 to provide additional hotel accommodation (Class C1). Installation of external plant at main roof level on nos. 28, 29 and 30.
- Reference:** 16/08673/FULL
- Plan Nos:** Transport Statement (T&PPB4491-101-101), Acoustic Assessment (20746/A/AC01/01), Flood Risk Assessment and Surface Water Run-Off Analysis dated 19/08/2016, Drawings: ZB2 Rev01, ZB1 Rev01, Z00 Rev01, Z01 Rev01, Z02 Rev01, Z03 Rev01, Z04 Rev01, Z05 Rev01, Z06 Rev01, ZEA Rev01, ZFF Rev01, ZWE Rev01, ZSW Rev01, ZEE Rev01, ZDD Rev01, D00 Rev01, D01 Rev01, D02 Rev01, D03 Rev01, D04 Rev01, D05 Rev01, DB1 Rev01.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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

Reason:

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

- 5 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

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)

- 6 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.

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including



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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 7 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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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)

- 10 You must apply to us for approval of detailed drawings of the new hotel entrance at No. 35 and all new external doors facing Half Moon Street including vault doors. 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 drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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)

- 11 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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.

- 12 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of this part of the Mayfair 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.

- 14 All servicing must take place between the hours of 06:00 and 22:00. 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 S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 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 and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 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. (R29CC)

- 16 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,
  - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 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. (R29CC)

- 17 You must provide the waste store shown on the approved drawings before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the property. 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.

Reason:

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

- 18 Only residents of the hotel or their guests may utilise the restaurant / bar areas at the hotel.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S23, S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 19 The measures set out within the Flood Risk Assessment and Surface Water Run-Off Analysis dated September 2016 shall be implemented in full and retained for the life of the development.

Reason:

To ensure that the development does not exacerbate and is resilient to surface water flooding, as required by Policy CM28.1 of our City Plan that we adopted in November 2016 and in order to accord with the guidance contained with the Basement Development in Westminster Supplementary Planning Document (adopted October 2014).

- 20 Prior to the operation of the hotel use hereby approved you must apply to us for approval of details of a Servicing Management Plan. You must not occupy the hotel use until we have approved what you have sent us. Thereafter you must operate the hotel in accordance with the approved Servicing Management Plan at all times.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S29 and S42 of Westminster's City Plan (November 2016) and STRA 25, ENV5, ENV6, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

### **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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would

require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 5 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.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 7 You are advised to ensure that all doors, entrances and passages that the Euro bins (1,100L) will pass through, have a minimum width of 1.5m. This is to allow easy movement of the bins from the lower ground level to the ground level during waste servicing.

#### DRAFT DECISION LETTER (LISTED BUILDING)

- Address:** 27-41 Half Moon Street, London, W1J 7BN,
- Proposal:** Internal and external alterations and extensions to the existing hotel including the excavation of a new basement beneath part of the site; and roof level alterations to nos. 35, 36, 37 and 38 to provide additional hotel accommodation. Installation of external plant at main roof level on nos. 28, 29 and 30.
- Reference:** 16/08675/LBC

**Plan Nos:** Transport Statement (T&PPB4491-101-101), Acoustic Assessment (20746/A/AC01/01) Drawings: ZB2 Rev01, ZB1 Rev01, Z00 Rev01, Z01 Rev01, Z02 Rev01, Z03 Rev01, Z04 Rev01, Z05 Rev01, Z06 Rev01, ZEA Rev01, ZFF Rev01, ZWE Rev01, ZSW Rev01, ZEE Rev01, ZDD Rev01, D00 Rev01, D01 Rev01, D02 Rev01, D03 Rev01, D04 Rev01, D05 Rev01, DB1 Rev01.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must apply to us for approval of detailed drawings of the new hotel entrance at No. 35 and all new external doors facing Half Moon Street including vault doors. 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 drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

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

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and,
  - \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
<b>3</b>

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.



# Agenda Item 4

Item No.
----------

<b>4</b>
----------

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>93 &amp; 95 Charlwood Street, London, SW1V 4PB</b>		
<b>Proposal</b>	Use of part ground and lower ground floors of No. 93 as 3-bed flat (Class C3) and part ground floor as retail (Class A1). Creation of front basement lightwells with associated railings and steps to Nos. 93 and 95, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults. Replacement of rear window with double doors to rear of No. 93.		
<b>Agent</b>	Mr Robin Harper		
<b>On behalf of</b>	Mr R Kenlock		
<b>Registered Number</b>	17/00922/FULL	<b>Date amended/ completed</b>	6 February 2017
<b>Date Application Received</b>	6 February 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Pimlico		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

The ground floor of 93 Charlwood Street is currently in use as a café, known as 'My Café' with the lower ground floor of Nos. 93 and 95 Charlwood Street in use as one residential flat. In September 2015 planning permission was granted for the use of the lower ground floors of Nos. 93 and 95 as two separate flats and the creation of front basement lightwells and associated railings on the Charlwood Street frontage. In January 2017 planning permission was refused to extend the lower ground floor flat in No. 93 into the rear part of the ground floor, and reduce the retail unit to 22sqm, on the grounds that the reduced retail unit would harm the vitality and viability of the Lupus Street Local Shopping Centre.

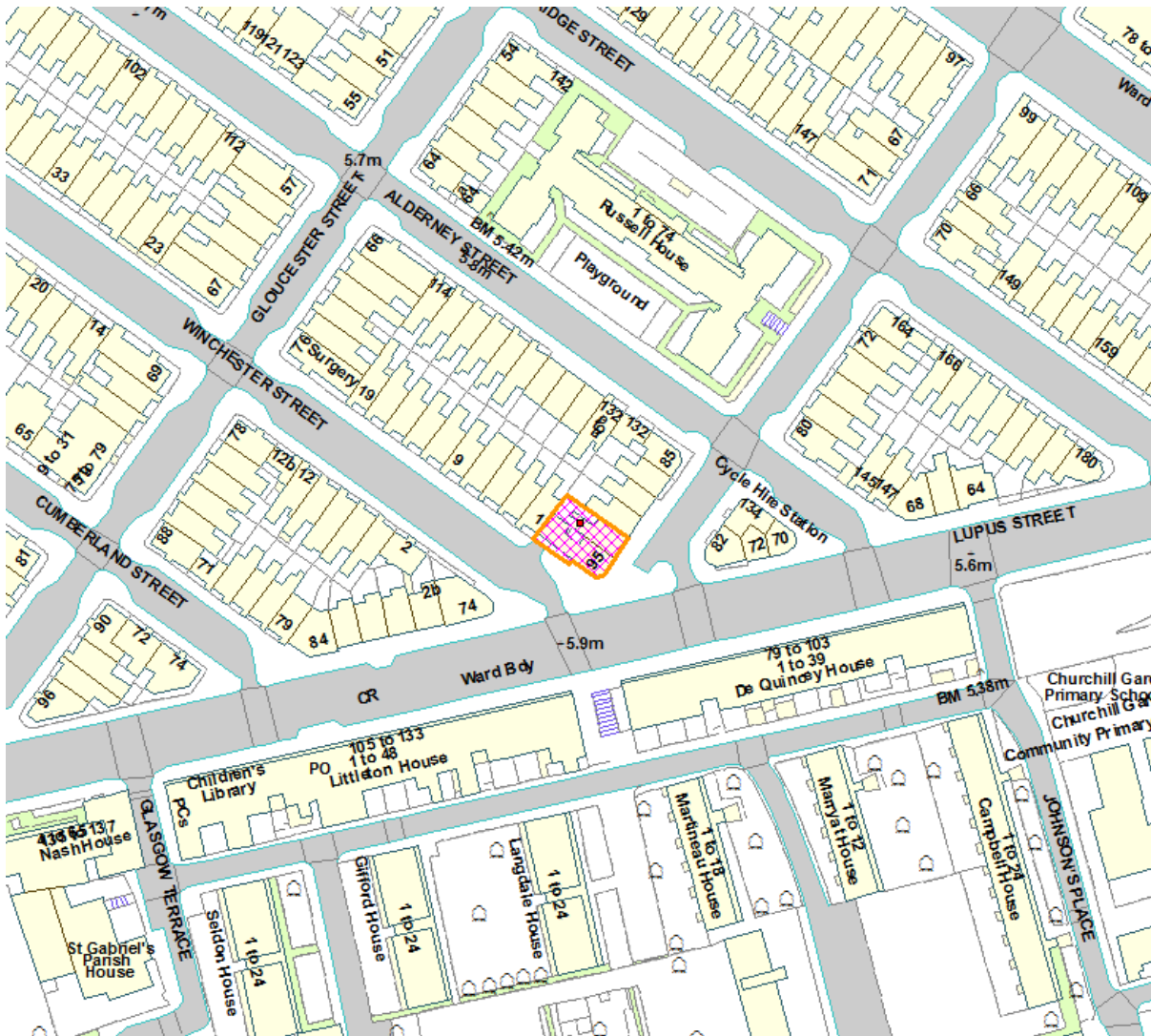
This latest application seeks to extend the residential accommodation into part of the ground floor of No. 93 to create a three bedroom flat (Class C3) with the remaining ground floor area as a retail area of 35sqm. The external works proposed are the same as that granted in the 2015 permission.

The key issues in the determination of this application are:

- The impact of the proposals on vitality and viability of the Lupus Street Local Shopping Centre;
- The impact of the proposals upon the character and appearance of the Pimlico Conservation Area; and
- The impact of the proposals on the amenity of neighbouring occupiers.

The proposed development would be consistent with relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the proposal is acceptable in terms of land use, design and amenity terms and the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Nos. 93 and 95 Charlwood Street



No. 93 Charlwood Street

## 5. CONSULTATIONS

### WESTMINSTER SOCIETY:

No objection.

### HIGHWAY PLANNING MANAGER:

Objection: no car or cycle parking provided.

### CLEANSING MANGER:

No objection subject to condition.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 198

Total No. of replies: 28

No. of objections: 21

No. in support: 7

Objections from neighbouring residents on some or all of the following grounds:

#### Landuse

- The loss of the café use is opposed as the existing business is well used, well liked and is considered to be an asset to the community. There are few comparable businesses within the area. It is a social hub for a variety of residents and visitors to Pimlico. Its loss would be to the economic and social detriment of the area.
- The proposed residual commercial unit would provide limited floorspace.
- The proposal would enlarge an existing flat making it more expensive and there are already many large and expensive flats in the area so this is not needed/ is not a benefit to existing residents.

#### Other

- The proposal does not take into account the rights of the current customers and owners of the businesses under the Equality Act. Protected groups would be disproportionately impacted by the proposals and therefore it is discriminatory. An Equalities Impact Assessment should be undertaken to ascertain compliance with Public Sector Equality Duty.

Support from neighbouring residents on some or all of the following grounds:

- The proposals would improve the quality of the residential accommodation in the building.
- The proposals would improve the visual appearance of the building and area.
- The proposals allow for a retail unit.
- The existing café use impacts negatively on the amenity enjoyed by neighbours in terms of noise, smells, waste, and increased loitering.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

## 6.1 The Application Site

The application site relates to two unlisted buildings located in the Pimlico Conservation Area, they are noted within the conservation area audit as 'unlisted buildings of merit'. The site is located on the corner of Charlwood Street and Winchester Street, where it meets Lupus Street, and forms part of the non-core frontage of the Lupus Street Local Shopping Centre

At ground floor level No. 93 Charlwood Street is in use as a café, known as 'My Café'. The lower ground floor of Nos. 93 and 95 Charlwood Street are currently in use as a single self-contained residential flat.

## 6.2 Recent Relevant History

### Nos. 93 and 95 Charlwood Street

On 27 November 2014 planning permission was refused for the use of the lower ground floor Nos. 93 and 95 including an infill extension of the lightwells and vaults and associated works to the Charlwood Street and Lupus Street elevations, to create two residential units (1 x 1 bed and 1 x 2 bed) (Class C3) on the grounds of visual harm and the poor standard of the proposed living environments.

On 29 September 2015 planning permission was granted for the use of the lower ground floors of Nos. 93 and 95 as two flats, creation of lightwells and associated railings on the Charlwood Street frontage, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults.

On 10 January 2017 planning permission was refused for use of part of the ground and lower ground floors of No. 93 as a three bedroom flat (Class C3) and use of part of the ground floor as retail (Class A1). Creation of light wells and associated railings and steps to Nos. 93 and 95, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults. Replacement of rear window with double doors to rear of No. 93, on the grounds of harm to the vitality and viability of the Lupus Street Local Shopping Centre.

### No. 93 Charlwood Street

On 15 April 2009 planning permission was refused for the installation of an extract duct to rear to discharge over roof of No. 1b Winchester Street' on the grounds of harm to residential amenity (noise) and harm to the visual appearance of the building.

On 18 June 2009 a Certificate of Lawful Development (Existing) was issued for the use of ground floor as a cafe serving hot food (Class A3).

## 7. THE PROPOSAL

Planning permission is sought for use of part of the ground and lower ground floors of No. 93 as a three bedroom flat (Class C3) with the remaining part of the ground floor as retail (Class A1). Front basement lightwells are proposed with associated railings and steps to

Nos. 93 and 95, and the replacement of a pavement light on the Winchester Street frontage and associated works to the pavement vaults. It is also proposed to replace a rear window with double doors to rear of No. 93.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed land uses are summarised below:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Café (Class A3)	46	0	-46
Retail (Class A1)	0	35	+35
Residential (Class C3)	70*	81	+11
<b>Total</b>	<b>128</b>	<b>128</b>	<b>0</b>

\*Figure for lower ground floor flat from 29 September 2015 permission.

#### Proposed Retail Use

Objections have been received from residents concerned with the loss of the existing café (My Café) on the grounds that it is a valuable facility that positively contributes to the character and function of the area and is the hub of the local community.

The site forms part of the non-core frontage of the Lupus Street Local Shopping Centre. Policy S21 of the City Plan and Policy SS7 of the UDP relate to local shopping centers and aim to safeguard shopping facilities for local residents in order to maintain a range of local shops and protect the character and function of the local shopping area. The policies protect against changes that would jeopardies the long-term use of retail at ground floor level, or would have a negative impact on the character and function of the area.

It should be noted that the existing café (class A3) use could change to a retail use (class A1) without the need for planning permission and the issue for consideration in this case is therefore whether the reduced size of the retail unit is acceptable.

In January 2017 planning permission was refused for the loss of ground floor Class A retail floorspace with a remaining retail unit of 22sqm. Whilst the principle of an A1 retail unit within a Local Centre is supported by the aforementioned policies, in that case, the resultant A1 retail unit was significantly reduced in size in comparison to the existing ground floor café. It was considered that the loss of ground floor non-A1 retail floorspace and the resultant smaller retail unit would have a harmful effect on the vitality and viability of the Lupus Street Local Shopping Centre. It was considered that a unit of only 22sqm would limit the number of retailers that would be able to trade from the premises by such a degree that the unit may be unviable, and consequently could be left vacant, and the application was therefore refused on these grounds.

The current proposal results in the loss of ground floor non-A1 retail floorspace and would provide a ground floor A1 retail unit of 35sqm. The total loss of commercial floorspace in the current application amounts to approximately 11sqm.

The applicant has cited examples of existing small retail units in the area, many of which

have been approved by the City Council in recent years and which are comparable to the size as that proposed.

The proposed retail unit will occupy the two principle ground floor rooms and will provide toilet and small kitchen facility. It is considered that the proposed retail unit will contribute to the vitality and viability of the Lupus Street Local Shopping Centre and would meet policy S21 of the City Plan and policy SS7 of the UDP.

#### Proposed Residential Use

The rear part of the ground floor of No. 93 is proposed to be converted to residential use to provide a three bedroom 'family sized' unit. The improvement and enlargement of residential units, particularly to create 'family sized' units, is supported by the City Plan and UDP. A condition is recommended to ensure that the residential unit is of such a standard that it protects residents within from external noise.

The proposal would not alter the residential flat to No. 95 approved under the 2015 planning permission.

### **8.2 Townscape and Design**

The design changes proposed in this application are the same as that approved under the September 2015 permission. The front basement lightwells proposed are considered to replicate historic lightwells that are a feature within the Pimlico Conservation Area and would be consistent with the lightwells and railings found at No. 86 Charlwood Street and opposite at No. 74 Lupus Street. The small extension underneath the pavement bridge is discreet and not overly visible from street level. The principle of a replacement pavement light and rear opening is also considered acceptable in design terms. The proposals are therefore considered to comply with Policy S28 of the City Plan and policies DES 1 and DES 5 of the UDP.

### **8.3 Residential Amenity**

The proposals will not give rise to any amenity concerns in relation to light, privacy or sense of enclosure.

A number of letters of support have been received from residents who consider the loss of the existing café would improve residential amenity with regard to noise, smells, and rubbish.

### **8.4 Transportation/Parking**

The Highways Planning Manager has raised concern that no off-street car parking is provided for the residential units and this is contrary to UDP policy TRANS 23. Whilst it is acknowledged that parking levels are high in this area, the proposal would create no additional units in comparison to the 2015 permission, and it is not considered that the application could be refused on this basis.

The drawings submitted do not include the provision for storage of waste and recyclable materials. It is recommended that this be secured by condition.



The proposal involves lowering the floor level to the vaults underneath the highway. The Highways Planner Manager does not object to this aspect of the scheme. An informative is recommended to advise the applicant technical approval for the works will be required.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

There is no level access to the existing café and no alterations are proposed to the retail entrance in this application.

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

Not applicable.

### **8.8 London Plan**

This 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**

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

### **8.11 Environmental Impact Assessment**

Not applicable.

### **8.12 Other Issues**

#### The Equalities Act

Section 149(1) of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED) in that local authorities must have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

In order to discharge the PSED, the City Council must have due regard to the issues, the effect the development may have on those with protected characteristics and the weight which should be given to those effects.

An objector has stated that a proportion of the customers of the café are elderly and disabled and that the operators of the café are from a minority ethnic community, and that these groups would be disproportionately impacted by the development. Officers are satisfied that some groups who have 'protected characteristics' would be impacted by the proposal.

#### Consideration

The amount of regard that is 'due' (that is, the degree of attention to the needs set out in section 149 that is called for) depends on the circumstances of the case: the greater the potential impact of a decision in planning terms, the greater the regard that must be had.

Whilst the proposal would result in the loss of the existing café use, it would be replaced by an A1 retail unit (albeit 11 square metres smaller than the existing café). The existing unit does not have step free access and there are other cafes nearby – including the wheelchair accessible café within the Library on Lupus Street. The proposed replacement retail unit will provide retail services to a range of local residents, and could be operated by a range of retail businesses.

Whilst officers understand existing users of the café, who enjoy the services provided, do not wish to see its loss, and these users include the elderly and disabled, the degree to which these groups would be impacted would be narrow in the context of an area where other cafes can be found and given A1 retail will be provided in a similar (albeit smaller) space which would protect the viability and vitality of the local shopping area. The proposal also provides an important benefit in terms of allowing the creation of a family-sized dwelling, in the context where there is a shortage of homes of all types and particularly those for families, and this has been given due weight.

The objector also suggests a formal impact assessment ought to be undertaken to determine whether the City Council has discharged the PSED. An assessment is not required in this instance. A properly informed, rational view has been taken on the extent of the likely impact and due regard has been had as required.

## **9. BACKGROUND PAPERS**

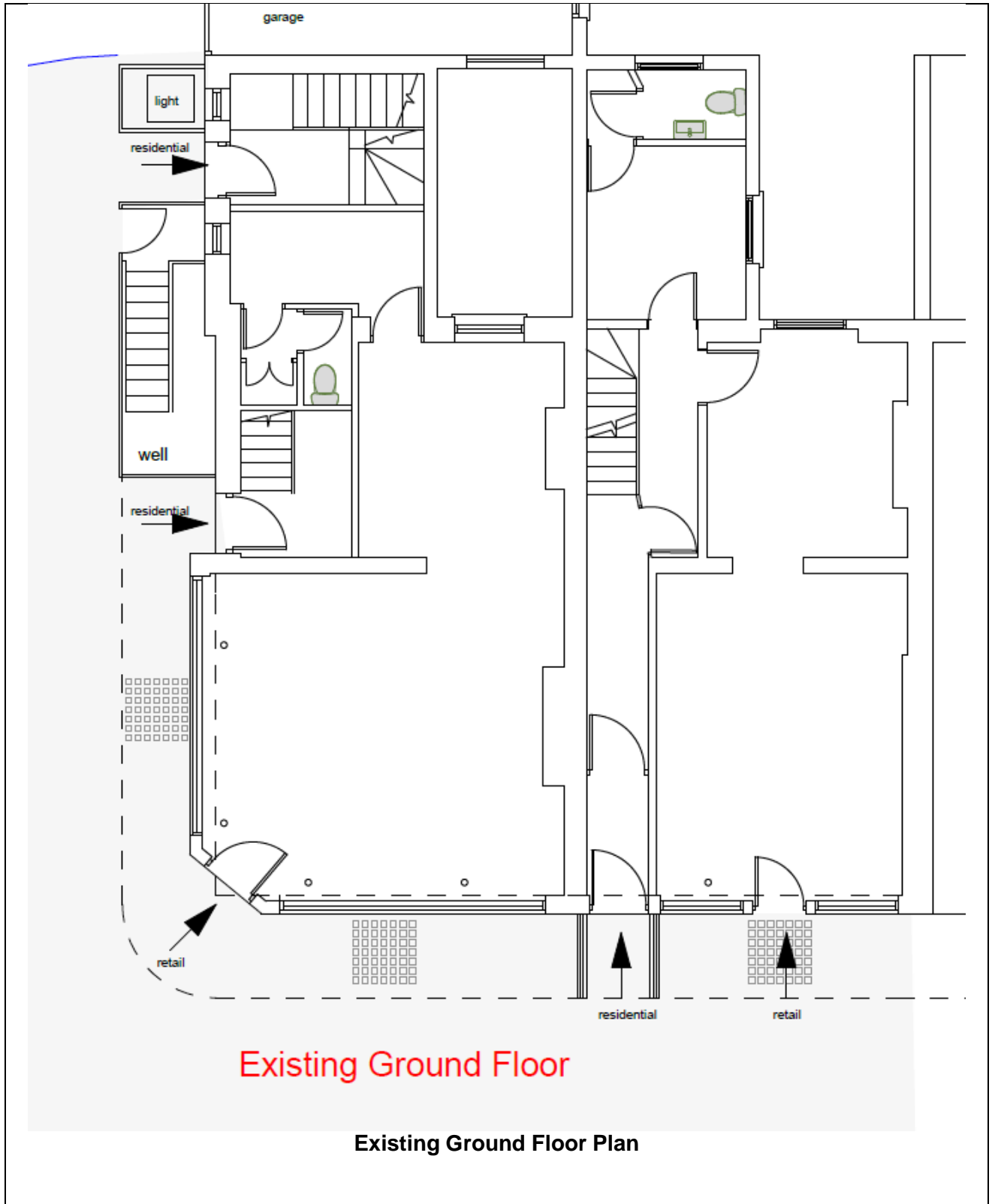
1. Application form
2. Response from Westminster Society, dated 21 February 2017
3. Response from Highways Planning Manager, dated 21 February 2017
4. Response from Cleansing Manager, dated 23 February 2017
5. Letter of support from occupier of 407 Howard House, Dolphin Square, dated 22 February 2017
6. Letter of support from occupier of 93A Charlwood Street, dated 22 February 2017
7. Letter of support from occupier of 95A Charlwood Street, dated 23 February 2017
8. Letter of support from occupier of 1B Winchester Street, dated 25 February 2017

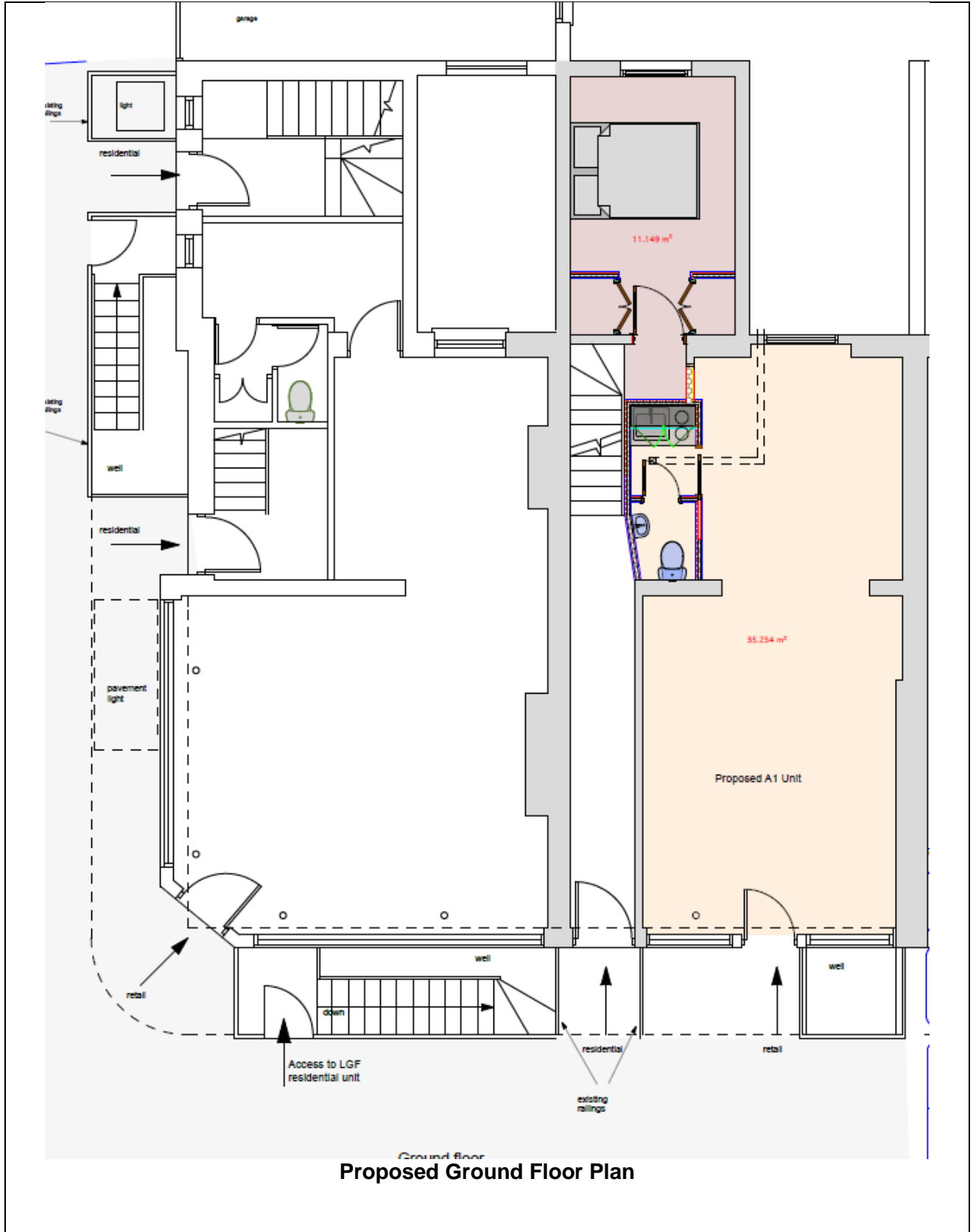
9. Letter of support from occupier of 2 Winchester Street, dated 1 March 2017
10. Letter of support from occupier of Flat 6, 42 Lupus Street, dated 6 March 2017
11. Letter of support from occupier of 95A Charlwood Street, dated 7 March 2017 [N.B. distinct from occupier referred to in 7.]
12. Letters of objection (x2) from occupier of 63 Shelley House, Churchill Gardens, and on behalf of The Churchill Gardens Neighbourhood Forum, dated 20 March 2017 and 11 April 2017
13. Letter of objection from occupier of 604 Beatty House, Dolphin Square, dated 22 March 2017
14. Letter of objection from occupier of 3 Langdale House, Churchill Gardens, dated 22 March 2017
15. Letter of objection from occupier of 35 Kent House, Aylesford Street, dated 22 March 2017
16. Letter of objection from occupier of 74 Lupus Street, dated 23 March 2017
17. Letter of objection from occupier of 52 Keats House, Churchill Gardens, dated 23 March 2017
18. Letter of objection from occupier of Flat 4, Campbell house, Churchill Gardens, dated 24 March 2017
19. Letter of objection from occupier of 114 Glastonbury House, Abbots Manor, dated 25 March 2017
20. Letter of objection from occupier of 5 Noel Coward House, 65 Vauxhall Bridge Road, dated 26 March 2017
21. Letter of objection from occupier of 13 Winchester Street, dated 26 March 2017
22. Letter of objection from occupier of 51A Denbigh street, dated 26 March 2017
23. Letter of objection from occupier of 3 Langdale House, Churchill Gardens, dated 27 March 2017 [N.B. distinct from occupier referred to in 14.]
24. Letter of objection from occupier of Flat 17X, Peabody Avenue, dated 28 March 2017
25. Letter of objection from occupier of 134 Wellington Buildings, Ebury Bridge Road, dated 28 March 2017
26. Letter of objection from occupier of 51 Wilkins House, dated 29 March 2017
27. Letter of objection from occupier of 51 Wilkins House, London, dated 29 March 2017 [N.B. distinct from occupier referred to in 26.]
28. Letter of objection from occupier of Apartment 2 Bramah House, 9 Gatliff Road, dated 5 April 2017
29. Letter of objection from occupier of 44 Tothill House, Page Street, dated 6 April 2017
30. Letter of objection from occupier of 17 Winterleys, Albert Road, dated 10 April 2017
31. Letter of objection from occupier of Flat C 139 Cambridge Street, dated 12 April 2017

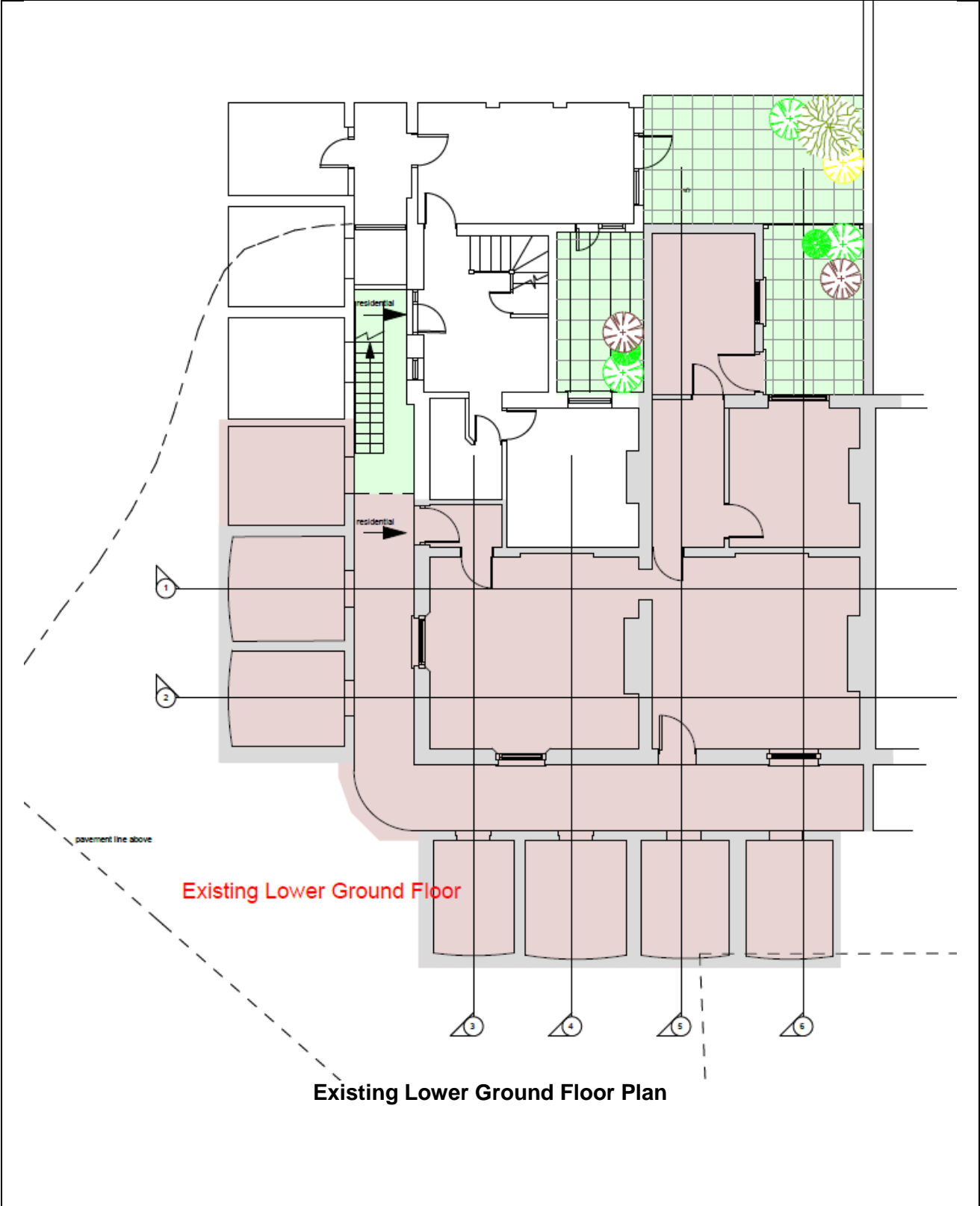
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

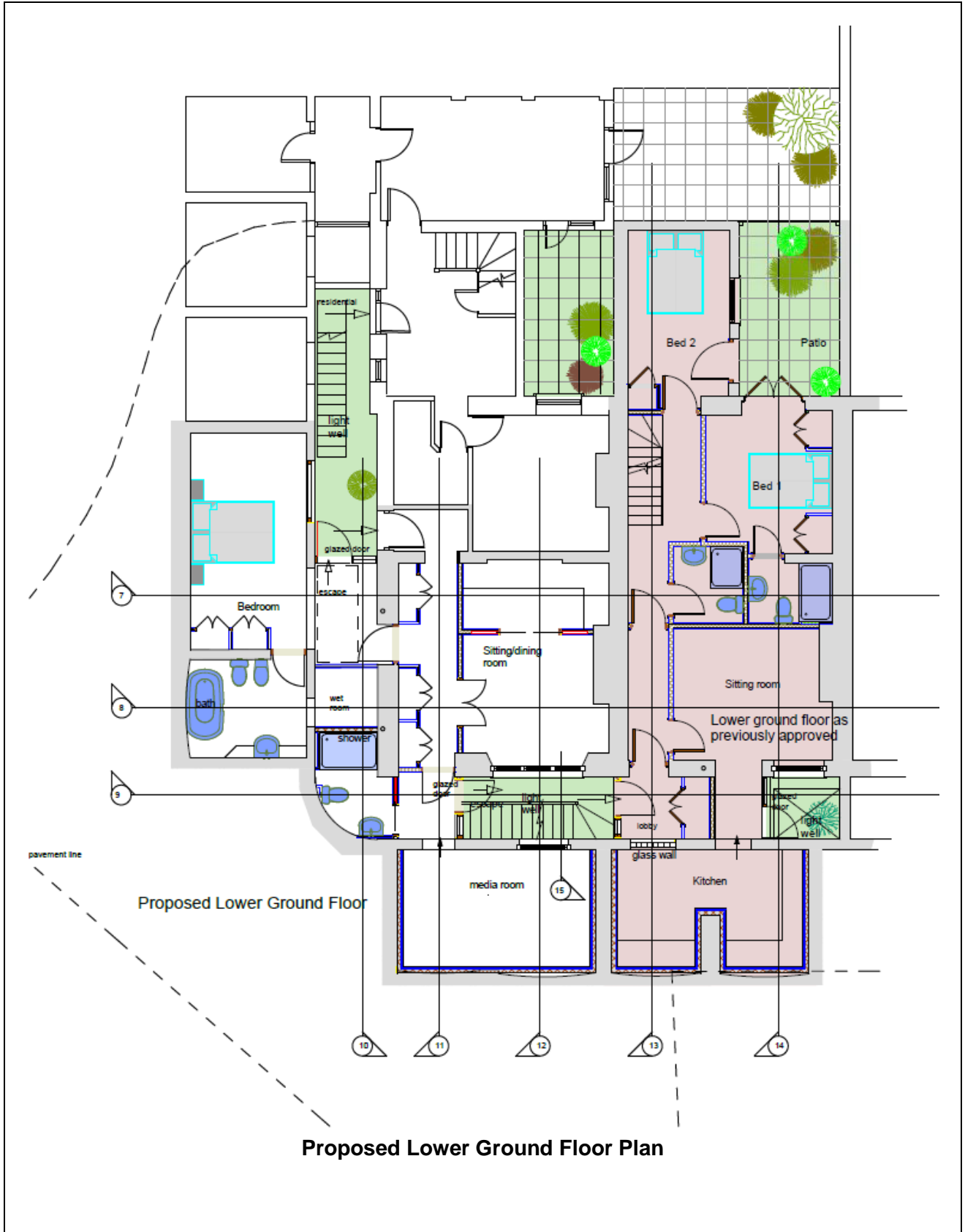
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

10. KEY DRAWINGS









Proposed Lower Ground Floor Plan



Existing elevation Winchester Street  
95 Charwood Street



Existing elevation Charwood Street  
93-95 Charwood Street



Proposed elevation Winchester Street  
95 Charwood Street as approved under  
planning consent 15/05600/FULL



Proposed elevation Charwood Street  
95 Charwood Street as approved under  
planning consent 15/05600/FULL

**Existing and Proposed Elevations**



**DRAFT DECISION LETTER**

**Address:** 93 Charlwood Street, London, SW1V 4PB,

**Proposal:** Use of part of the ground and lower ground floors of No. 93 as a three bedroom flat (Class C3) and use of part of the ground floor as retail (Class A1). Creation of light wells and associated railings and steps to Nos. 93 and 95, replacement pavement light on the Winchester Street frontage and associated works to the pavement vaults. Replacement of rear window with double doors to rear of No. 93.

**Reference:** 17/00922/FULL

**Plan Nos:** Site Location Plan; 15/2028/01 rev B; 15/2028/20 rev C; 15/2018/21; 15/2018/22 rev A; Cover Letter.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in 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)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development – pavement light and new railings at street level.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico 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)

- 5 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the residential and retail units. You must not use the waste store for any other purpose. (C14CD)

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)

- 6 The design and structure of the development shall be of such a standard that it will protect

residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

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

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

**Reason:**

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

**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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would

require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team,  
Environmental Health Service,  
Westminster City Hall,  
64 Victoria Street,  
London,  
SW1E 6QP

Phone: 020 7641 2000

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

- 6 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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.

# Agenda Item 5

Item No.
----------

5
---

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>25 ST ANSELM'S PLACE, LONDON, W1K 5AF</b>		
<b>Proposal</b>	Demolition of existing building and replacement with a new enlarged single family dwelling with integrated basement accommodation, including underpinning works to both adjoining properties, 24 and 26 St Anselm's Place.		
<b>Agent</b>	Nathaniel Lichfield & Partners		
<b>On behalf of</b>	Karrow I.O.M Ltd		
<b>Registered Number</b>	17/00524/FULL	<b>Date amended/ completed</b>	31 January 2017
<b>Date Application Received</b>	23 January 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission.
-------------------------------

## 2. SUMMARY

25 St Anselm's Place is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). It is a building that is in residential use as a 3-bedroom single dwelling house comprising two storeys, with an integral garage at ground floor level. There is a large garden to the rear.

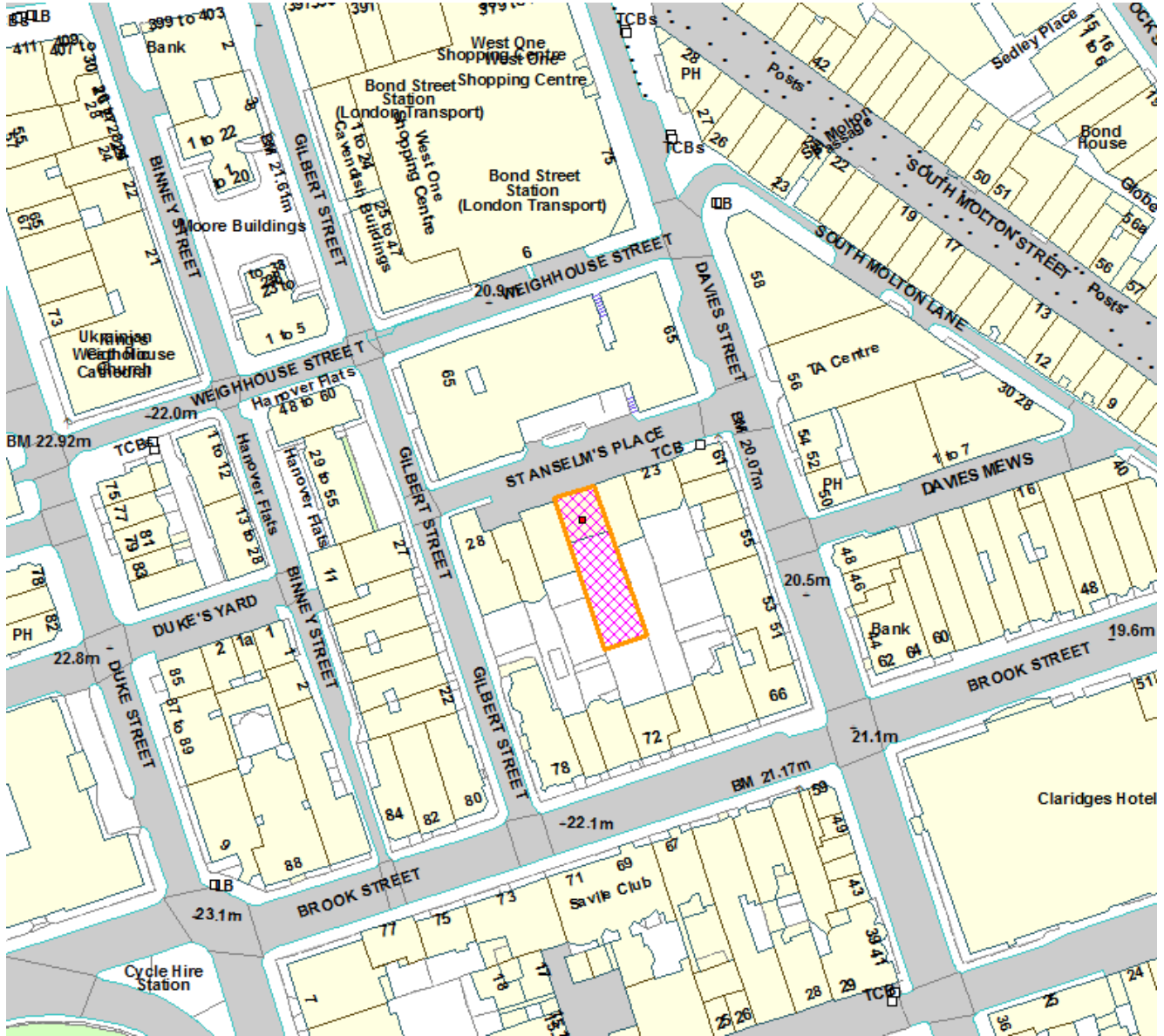
Planning permission is sought for the complete demolition of the existing property and its replacement with an enlarged dwelling comprising of basement, ground and two upper floors.

The key issue for consideration is;

- The impact of the replacement dwelling upon the amenity of neighbouring residents.

The application is considered acceptable in land use, amenity, design and conservation terms, and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Photograph 1. Front elevation of building



Photograph 2. Rear elevation of building



## 5. CONSULTATIONS

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response will be reported verbally

### ARBORICULTURAL SECTION

No objection following a legible version of a plan showing the location of the trial trenches.

### BUILDING CONTROL

No objection

### CROSSRAIL

Any response will be reported verbally

### HIGHWAYS PLANNING

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections on the following grounds:

- Amenity, including overshadowing, daylight and sunlight and general outlook, and loss of privacy through overlooking.
- Demolition of the building and potential impact of this on adjoining properties
- Unspecific reference to the conservation area.
- Disruption during building works, including adverse impact on traffic and road access, with reference to problems caused by the Crossrail development, including noise nuisance
- Basement works are likely to impact on safety on the surrounding area due to digging, in addition to the Crossrail development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

25 St Anselm's Place is an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). It is a building that is in residential use comprising of three bedrooms at first floor and living rooms and integral garage at ground



floor level. There is a garden extending to the rear which contains a large mature London Plane tree within it. The Crossrail development site is located to the front (north) of the site.

## **6.2 Recent Relevant History**

None relevant.

## **7. THE PROPOSAL**

Planning permission is sought for the complete demolition and replacement of the existing single family dwelling. The replacement building will comprise of four storeys including a new basement and new second floor. The proposals indicate that the integral garage is to be retained and six bedrooms to be provided. The London Plane tree in the rear garden will be retained. The excavation of the new basement level will require the underpinning of both adjoining properties.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Residential use**

25 St. Anselm's Place is lawfully a residential property. The principle of redeveloping this building for residential purposes is acceptable in land use terms. The existing Gross Internal Area (GIA) of the existing building is 194m<sup>2</sup> and the proposed is 426.6m<sup>2</sup>. The proposals seek to increase the amount of residential floorspace by 232.6m<sup>2</sup> GIA and accords with Policy H3 and City Plan policy S14. It is considered that the replacement dwelling would provide a good standard of accommodation.

The increase in residential floorspace does not trigger the requirement to provide a proportion of affordable housing within this scheme.

### **8.2 Townscape and Design**

Notwithstanding the vague objection to the proposal's impact on the conservation area, the replacement building is considered to make an equal or better contribution to the Mayfair Conservation Area. The demolition of the existing building is acceptable in principle, subject to an acceptable replacement building.

In height and bulk terms the replacement building would be only slightly higher than the existing ridge and only marginally higher than one of the adjoining properties and as such is considered to be acceptable. Although the replacement building projects back beyond the existing rear elevation, this is considered to be acceptable subject to detail.

The replacement building is considered acceptable in terms of its detailed design, height, bulk and choice of traditional building materials.

### 8.3 Residential Amenity

Objections have been received from the occupier of 26 St Anselm's Place including overshadowing, daylight, sunlight and outlook. An objection on behalf of Hatfield Estates at 72 Brook Street raises privacy issues.

#### **Sunlight and Daylight**

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to new and existing developments. The submitted report considers the impacts of the proposals on nearby sensitive properties including the adjoining residential properties at 24 and 26 St Anselm's Place, and 74 Brook Street at the rear. The Crossrail development site is located to the front (north) of the site. An objection citing loss of daylight/sunlight have been received from 26 St Anselm's Place.

#### Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. For buildings that neighbour a new development, the guidance suggests that daylight may be adversely affected by the development if its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value.

The report states that the proposed dwelling will still be positioned behind the line of the rear elevation of the adjoining property to 26 St Anselm's Place and therefore none of its windows will be affected. The objection cannot be supported in this regards.

The report demonstrates that the windows serving the adjoining property to No. 24 achieve compliance with the BRE guidelines in respect of VSC assessment. There are losses to daylight levels, however considering the maximum VSC reduction is 0.04 (to what appears to be a bedroom at first floor level), and it is not considered that the impact of the proposals would be significant.

The objections on the losses to daylight levels at neighbouring properties cannot be supported and the proposed scheme is unlikely to have a material impact upon the living conditions of neighbouring occupiers in terms of daylight.

#### Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the loss over the whole year exceeds 4%, then the loss would be noticeable.

As No. 26 is positioned forward of the replacement dwelling, none of the windows in the rear façade area affected and the objection from the occupier of this building are not sustainable. With regard to No. 24, the report demonstrates that the development would satisfy the BRE guidelines in respect to sunlight to neighbouring properties. Whilst there are losses, the windows tested receive more than 25% annual sunlight hours and more than 5% during winter months.

#### Internal levels for proposed development

The Average Daylight Factor (ADF) is an accurate assessment of daylighting conditions within new rooms. The BRE report advises that where supplementary electric lighting is available, the recommended daylight factor levels for dwellings are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The submitted report demonstrates that all rooms within the proposed development would experience adequate light depending on the type of room.

#### **Sense of Enclosure/Overshadowing**

The replacement dwelling would project beyond the existing rear elevation, but would still be set back from the rear elevation of No. 26 by 1.64m. The replacement dwelling will partly retain its current footprint in line with No. 24, but where it is extended, the building only projects 1.3m beyond the rear of No. 24. Given the staggered rear elevation and relationship of the replacement building to the adjoining buildings, it is not considered that the replacement building would result in an unacceptable degree of enclosure to reasonably withhold planning permission. The objection from the occupier of No. 26 cannot be supported in this regard. Similarly their outlook will not be affected.

#### **Privacy**

There is an existing degree of mutual overlooking between the existing building and the residential property to the rear of the site at 74 Brook Street (the occupier of which has objected on grounds of loss of privacy). The existing distance between the rear elevation and the rear boundary is 23m and this will be reduced by 4m to 19m. It is not considered that an increase in overlooking of 4m from the replacement dwelling would lead to a material loss of privacy to the detriment of neighbouring occupiers that would warrant refusal of the application.

It is not considered that the lightwell and windows in the side elevation of the projecting part of the building (at ground floor) that face towards No. 24 would increase levels of overlooking to that property. It is considered that the privacy of neighbouring properties to either side would be maintained. A condition shall be imposed removing permitted development rights for further extensions and alterations.

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

The plans indicate that the replacement dwelling shall provide a replacement garage. This is acceptable in highways planning terms and shall be secured and retained by condition.

## 8.5 Economic Considerations

No economic considerations are applicable for a development of this size

## 8.6 Access

Access to the dwelling will remain unchanged from St Anselm's Place.

## 8.7 Other UDP/Westminster Policy Considerations

### Trees

There is a mature London Plane tree in rear garden which is proposed to be retained and protected during construction. The applicant has undertaken some trial excavations but the location is unclear and there is difficulty in establishing which roots are affected. The total Root Protection Area (RPA) of the London Plane tree is 707m<sup>2</sup>. The basement excavation is approximately 30m<sup>2</sup> which is about 4% of the tree's RPA. A small incursion in the RPA is probably tolerable if no large roots are affected.

The recommendation as a result of the trial holes was to excavate a basement 4m from the existing rear elevation and 2.4m from the boundary with 24 St Anselm's Place. The tree report says some roots will be affected by the extension and states there would be one 30mm diameter root and one 25mm diameter root. Conditions are requested to protect this tree during construction.

## 8.8 London Plan

This 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

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

The estimated CIL payment is :

Mayoral -	£15,019.91
Westminster -	£135,955.13
Total -	£150,975.04

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

## 8.11 Environmental Impact Assessment

There are no environmental impacts associated with this proposed development.

## 8.12 Other Issues

### Excavation/Basement

The replacement dwelling includes an additional basement level, which needs to be assessed against City Plan policy CM28. The policy seeks to control the depth and size of new basements. The policy requires basements to be single storey only and not extend beyond more than 50% of a garden. The proposed basement complies with the policy. It would not therefore adversely impact on residential amenity or the character and appearance of the Conservation Area.

### Structural Issues

With regards to basement structural impact, objections have been received from neighbouring properties in relation to the digging work in addition to Crossrail as a result of basement works. To address this and the requirements of the basement SPD and policy, a structural methodology statement has been submitted, setting out that both adjoining properties, to either side (No's. 24 and 26) will be underpinned and the ground floor slab removed whilst excavations are carried out. The application is also supported by a ground movement assessment report by Elliott Wood. The report identifies that the excavation of the basement would not result in harm to neighbouring properties. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

Building Control officers have reviewed the submitted details the structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using reinforced concrete underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the structural statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

### Construction impact

Concerns from adjoining occupiers have been expressed regarding construction relating to disturbances. The Code of Construction Practice was published in July 2016 and is

designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major and basement developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of basement developments. Before September 2016, developments of this scale used legal agreements to fund the Environmental Inspectorate (EI) and required Site Environmental Management Plans to be submitted to and approved by the City Council.

In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. Such a condition is recommended.

### Flood Risk

City Plan policy CM28.1. requires all basement developments to demonstrate that the site specific ground conditions, drainage and water environments in the area of the development have been considered. A Flood Risk Assessment by Elliot Wood has been submitted which identifies the site being within an area of high risk from surface water flooding ('Flooding Hotspot 7'). The site also lies within Flood Zone 1 where there is a low risk of flooding.

The flood risk assessment identifies that there is a low risk of flooding providing a suitable surface drainage strategy is in place and concludes that the proposed development will not increase the risk of flooding elsewhere. The drainage at basement level will be routed to submersible packaged pumping stations incorporating non-return valves, protecting the basement from public sewer surcharge.

A condition will ensure that the measures set out in the Flood Risk Assessment are implemented.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Highways Planning - Development Planning, dated 13 February 2017
3. Response from Arboricultural Officer, dated 19 April 2017
4. Response from Building Control, dated 18 April 2017
5. Letter from occupier of 26 St. Anselm's Place, London, dated 20 February 2017
6. Letter from occupier of 72 Brook Street, London, dated 4 April 2017

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

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

**10. KEY DRAWINGS**

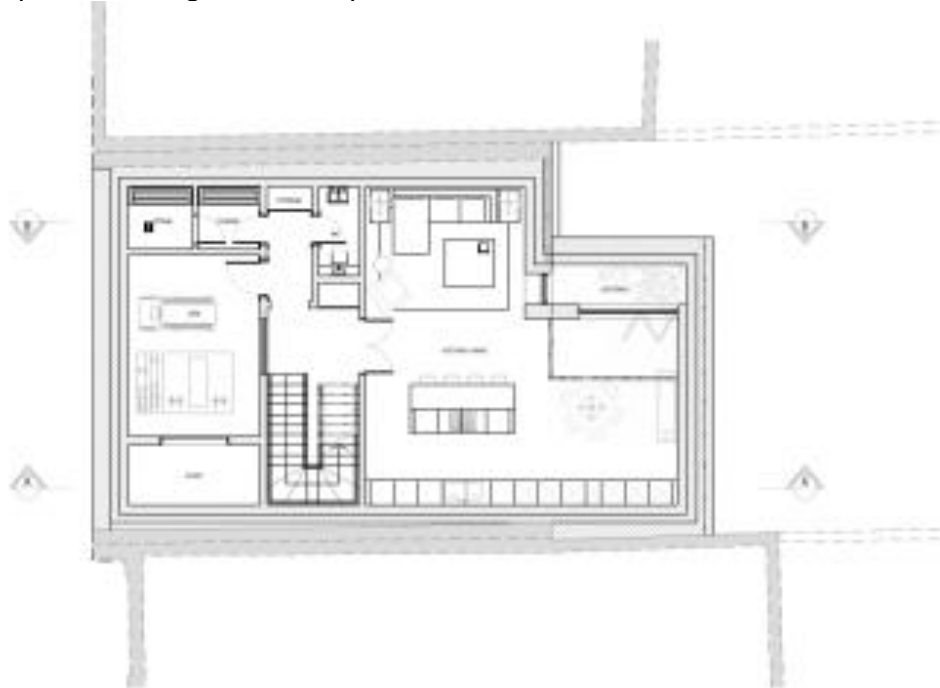
Drawing 1. Proposed rear elevation



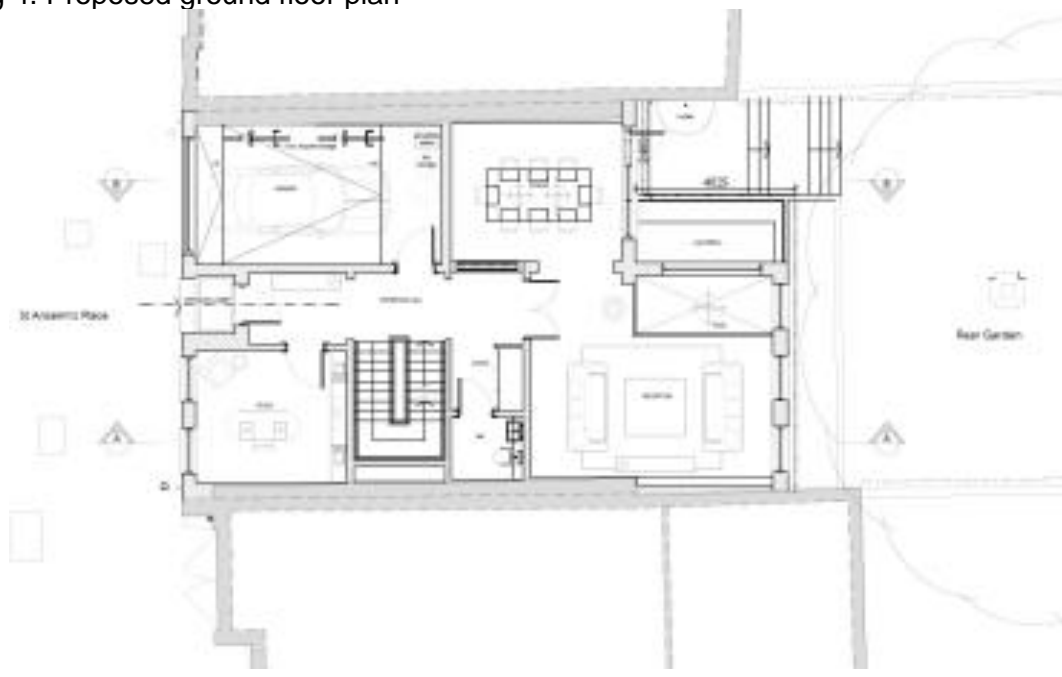
Drawing 2. Proposed front elevation



Drawing 3. Proposed lower ground floor plan



Drawing 4. Proposed ground floor plan





**DRAFT DECISION LETTER**

**Address:** 25 St Anselm's Place, London, W1K 5AF,

**Proposal:** Demolition of existing building and replacement with a new enlarged single family dwelling with integrated basement accommodation, including underpinning works.

**Reference:** 17/00524/FULL

**Plan Nos:** 1513-PL-211-A; 1513-PL-212-A; 1513-PL-213-A, 1513-PL-214-B; 1513-PL-215-C; 1513-PL-221-A; 1513-PL-222-B; 1513-PL-231-A; 1513-PL-232-A, Flood Risk Assessment 2150656 P2 dated Dec 2016.

**Case Officer:** Lindsay Jenkins **Direct Tel. No.** 020 7641 5707

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

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

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

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and

approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 4 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 5 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our permission. This is despite the provisions of Classes A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order) no enlargement or alterations of the premises or any additional structures/buildings within the curtilage of the site shall be carried out.

Reason:

To prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21EC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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.

- 9 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development
- i. new windows,
  - ii. new roof lights,
  - iii. new external doors.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair 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.

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair 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.

- 12 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 2 years of completing the development (or

within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 2 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

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

Reason:

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

- 14 The measures set out within the Flood Risk Assessment, 2150656 P2 dated Dec 2016 shall be implemented in full and retained for the life of the development.

Reason:

To ensure that the development does not exacerbate and is resilient to surface water flooding, as required by Policy CM28.1 of our City Plan that we adopted in November 2016 and in order to accord with the guidance contained with the Basement Development in Westminster Supplementary Planning Document (adopted October 2014).

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

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an

**Assumption of Liability Form immediately.** On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

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.

This page is intentionally left blank

# Agenda Item 6

Item No.

6

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 2 May 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Lancaster Gate	
<b>Subject of Report</b>	<b>13-14 Craven Terrace, London, W2 3QD</b>		
<b>Proposal</b>	Erection of single storey rear extension at lower ground floor level and three storey rear extension at first to third floor levels, excavation of front light well with associated railings, replacement of shopfront to No. 14, demolition of water tank and installation of two air conditioning units within an acoustic enclosure at roof level; in association with refurbishment of hotel to increase hotel capacity.		
<b>Agent</b>	George Stamos		
<b>On behalf of</b>	Mr Raj		
<b>Registered Number</b>	16/11557/FULL	<b>Date amended/ completed</b>	23 January 2017
<b>Date Application Received</b>	6 December 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought to extend and alter this hotel by way of a lower ground floor rear extension and increase the depth of the existing rear closet wing at first to third floors, the creation of a front lightwell and new shop front, together with the rooftop air conditioning units and associated external alterations. The works are in connection with the refurbishment and increased capacity of the existing hotel from 69 to 79 bedspaces.

The main issues relate to;

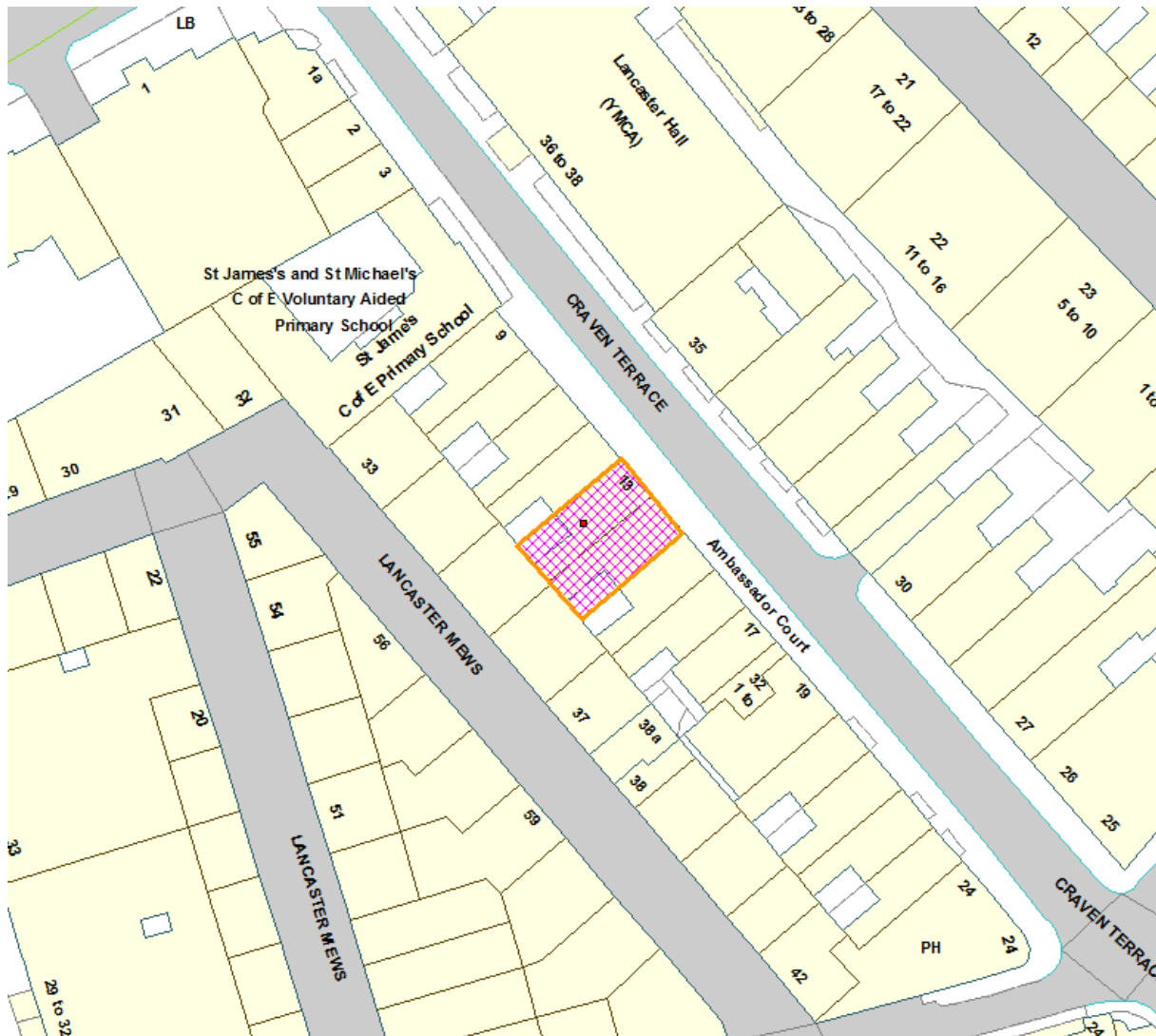
- The principle of increasing the capacity of the hotel outside of the Central Activities Zone.
- The Impact of the proposal on the amenities of neighbours.

Objections have been received from the South East Bayswater Residents Association on grounds of the quality of accommodation proposed, and from the adjoining neighbour on grounds of the impact of the rear extension on daylight and sense of enclosure. Notwithstanding the objections raised, the

proposal is in accordance with relevant policies within the UDP and City Plan and the application is therefore recommended favourably.
----------------------------------------------------------------------------------------------------------------------------------------



### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
All rights reserved License Number LA

4. PHOTOGRAPHS

View of front of application site No. 13 – 14 Craven Terrace and rear of site below



## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- \* Some documents not available for public view.
- \* Increase in unit numbers results in small hotel rooms which are unacceptable.

#### HIGHWAYS PLANNING

No objection subject to details of waste and recycling and cycle parking.

#### PROJECT MANAGER WASTE

No objection subject to details of waste and recycling.

#### ENVIRONMENTAL HEALTH

No objection, subject to conditions.

#### ADJOINING OWNER/OCCUPIERS

No consulted: 19 No of replies 2 (1 objection, 1 comment)

- \* Loss of natural light to neighbours bedroom window.
- \* Noise disturbance from air conditioning units.
- \* Overdevelopment.
- \* Noise conditions to restrict noise from proposed air conditioning plant.

#### SITE / PRESS NOTICE

Yes.

### REVISED CONSULTATION

**Additional consultation with all neighbours and consultees carried out on 30 January 2017 on supplementary Operational Management Statement.**

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

- \* Reiterate concerns regarding quality of accommodation due to room sizes. Request views of Environmental Health.
- \* Object to non residents using restaurant until 01:00am.
- \* Welcome refuse provisions in basement.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Nos.13-14 Craven Terrace are two unlisted 5-storey plus basement mid-terrace buildings in use as the Oxford Hotel. It is located outside of the Central Activities Zone (CAZ) and is not within a designated Stress Area. Access to the hotel is provided through the ground floor reception within the frontage of No. 13, whilst the ground floor of No 14 is in use as an independent Foreign Exchange.

### 6.2 Recent Relevant History

85/02179/FULL

Construction of new mansard storey for 4th floor to provide residential unit & removal of staircase

Application permitted

17 March 1986

16/11788/ADV

Display of non-illuminated fascia sign measuring 0.25m x 3.70m

Application Permitted

28 December 2016

## 7. THE PROPOSAL

The proposed development comprises extensions and alterations together with the refurbishment and reconfiguration of the existing hotel, to provide an increase in hotel bedrooms from 22 to 35 and an increase in bedspaces from 69 to 79. It would also bring about the relocation of the hotel dining area from the basement to the ground floor and the replacement of the rooftop water tank with plant and acoustic enclosure.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (hotel)	532	563	31

Following advice from officers the originally proposed two storey (lower ground and ground floor lightwell) extensions were reduced to single storey at lower ground floor level. In addition the 'Operational Management Statement' referred to in the Design and Access statement was absent from the submission, and this was provided and further consultation undertaken with neighbours and statutory consultees.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The Council's relevant policies are S23 of Westminster's City Plan adopted November 2016 and TACE2 of the UDP adopted January 2007. They both seek to ensure that a range of good quality visitor accommodation is available to support London's role as a world class visitor destination without adversely affecting the quality of life of local residents and the surrounding environment. Outside of the Central Activities Zone (CAZ) improvements and extensions to hotels will be assessed against the need to safeguard the amenity of adjoining occupiers. Examples of improvements are listed in paragraph 8.23 of the UDP and include increases in bed spaces.

The submitted operational management statement sets out that following the proposed development, it is expected that the maximum number of guests staying overnight at the hotel increases from 69 to 79, due to many existing family rooms being subdivided into smaller rooms, the smallest of which is 9m<sup>2</sup>.

The South East Bayswater Residents Association has commented that these small rooms provide an unacceptable standard of accommodation. However there are no planning controls relating to the size of hotel rooms or any conditions controlling the number of hotel bedrooms or bedspaces. Given that the building is not listed, internal alterations to subdivide larger rooms into smaller rooms could be undertaken without the need to obtain planning permission.

In terms of impact upon the locality, the submitted operational management statement provides details of; servicing, staff management, travel and vehicle movements and noise implications for proposed plant. The details provided give assurances that these matters have been considered in the operation of the hotel. This is discussed in more detail in the 'Highways' and 'Other considerations' part of this report.

The existing hotel restaurant is to be relocated from basement to ground floor level over a greater floor area and could be easily accessible from the street. However the applicant has confirmed that the restaurant is for hotel guests only and not visiting members of the public. This is to be controlled by condition. As such the proposal satisfies policy TACE2 which restricts activities within hotels serving non-residents of the hotel.

In light of the above, the proposed development is not considered to result in any significantly detrimental impact upon the locality and neighbouring residential amenity in accordance with policies S23 of Westminster's City Plan and TACE2 of the UDP, and is acceptable on land use grounds.

## **8.2 Townscape and Design**

The external alterations comprise; an extension in the depth of the existing rear closet wing at first, second and third floor levels, lower ground floor rear extensions, creation of front lightwells, shopfront alterations to no.14 and replacement of the existing water tank with the installation of air conditioning equipment at roof level.

To the rear it is proposed to extend the closet wings by 870mm and to erect single storey extensions within the lower ground floor rear lightwells of both properties. The extensions are modest in scale and reflect the design and materiality of the existing building and are therefore acceptable in design and townscape terms and preserve the character and appearance of the building and the Bayswater Conservation Area.

In terms of detailed design, the alterations to the closet wings relate to two separate buildings and the introduction of a visual demarcation between the two closet wings is proposed in the form of 300mm projecting brickwork. This is a welcome approach as it ensures the interpretation of the two buildings is maintained. The roof is to be clad in lead and the rainwater goods will be black painted metal, which are welcomed. The windows are appropriately scaled and of a sympathetic design and materiality being white painted timber sashes. However the details of the windows do not appear to be accurate as the top sash sits within a double frame (the glazing should sit within the frame with the horns beneath). This is proposed to be secured by condition.

The introduction of a lightwell to the front of the building is not contentious in design terms as they are characteristic features within the street scene and given the presence of vaults, it is likely a lightwell previously existed. Details of the proposed lower ground floor front elevation will be secured by planning condition. It is proposed to insert railings around the lightwell and to insert a lightweight metal staircase within it for access purposes. The material of the railings and their fixing appears to be traditionally detailed. A condition is recommended requiring the detailed design and method of fixing to be provided.

It is proposed to replace the existing shopfront of no 14 and to install a shopfront which matches the detailed design of no.13. Policy DES 5 (C-) states the permission will generally be granted for new shopfronts where they relate satisfactorily to the design of the upper parts of the building and where they do not displace existing locally distinctive or characteristic shopfronts. The shopfront appears to be a later addition and therefore its replacement as proposed, incorporating local characteristics and architectural features found on the adjoining building, is considered acceptable.

On the roof it is proposed to erect two new air conditioning condenser units, enclosed within an acoustic enclosure measuring 920mm by 760mm by 1710mm which will be powder coated dark grey to reflect the roofing material. The plant will replace an existing water tank of comparable scale and result in the removal of guard rails. Given the presence of an existing feature of this scale at roof level and the limited visibility of it from the street level and due to its set back from the front of the building, this installation is considered acceptable in design terms in this particular case.

Overall the proposal preserves the character and appearance of the building and the Bayswater Conservation Area, in accordance with UDP policies DES1, DES 5, DES9 and policies S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

An objection from the occupier of the top floor flat within neighbouring building No. 15 Craven Terrace has been received on grounds that the rear extensions would result in a loss of daylight and an increased sense of enclosure to their bedroom window. The proposed extensions to the closet wing add less than 1m of depth, and this together with the distance from the neighbour's window in question, ensures that the extensions would not have any significant detrimental impact on the amount of daylight that the occupiers of the neighbouring property receive or result in any significant increased sense of enclosure. Furthermore, the originally proposed two storey extensions (lower ground and ground floor level within the rear lightwell) were, following officers advice reduced to lower ground floor level only. In their revised form, the reduced extensions would have limited impact on adjacent neighbours.

The extensions therefore satisfy the objectives of UDP policy ENV13 and S29 of the City Plan which both seek to safeguard residential amenity from development.

### **8.4 Transportation/Parking**

The Operational Management Statement sets out that hotel guests predominantly arrive at the site via public transport. The application site has a high public transport accessibility level with Lancaster Gate underground station within a five minute walk. As such the City Council's Highways Planning Manager has not raised objection to the proposal.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

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

## **Plant**

Two air conditioning units are proposed on the roof of the building within an acoustic enclosure. An adjoining occupier has requested that conditions be imposed to ensure that the plant is not audible at adjoining properties. Environmental Health have reviewed the submitted acoustic report and are satisfied that it will comply with the Council's standard noise and vibration criteria which can therefore be secured by way of condition. A condition is also recommended to ensure the acoustic enclosure is installed prior to the operation of the plant.

## **Refuse /Recycling**

The Operational Management Statement confirms that refuse and recycling storage is provided in the basement, and that all servicing will take place via the service stairs which lead up to Craven Terrace. This arrangement is acceptable providing further details of refuse and recycling are secured through planning condition as requested by Highways Planning (Waste) Officers.

### **8.7 London Plan**

This application raises no strategic issues.

### **8.8 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.

### **8.9 Planning Obligations**

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the uplift in floor area, the estimated CIL payment would be £4,650 for Westminster's CIL (£150 per square metre in the Core Area), and £1,550 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

## **9. BACKGROUND PAPERS**

1. Application form
2. Responses (x2) from South East Bayswater Residents Association, dated 31 December 2016 and 3 March 2017.
3. Memos (x2) from Environmental Health (Plant and Equipment), dated 20 December 2016 and 19.04.2017.
4. Memo from Highways Planning, dated 8 February 2017
5. Memo from Projects Officer (Waste), dated 20 December 2016
6. Letter from occupier of 36 Lancaster Mews, London, dated 17 February 2017
7. Letter from occupier of Flat 3, 15 Craven Terrace, dated 2 January 2017

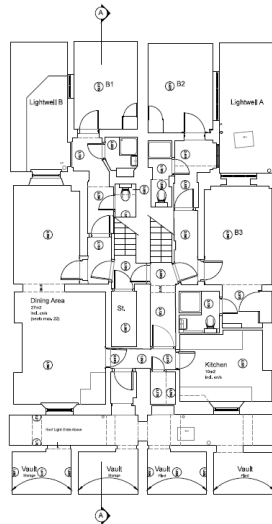
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

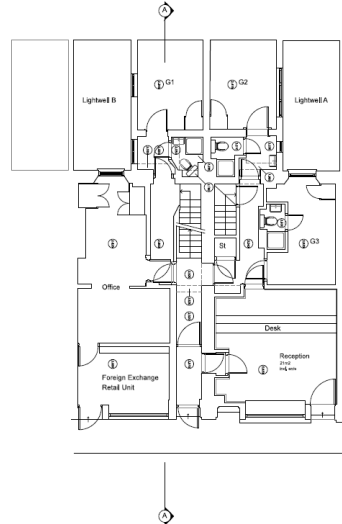


10. KEY DRAWINGS

Existing Ground and Lower Ground floor plan and first and second floor plan below

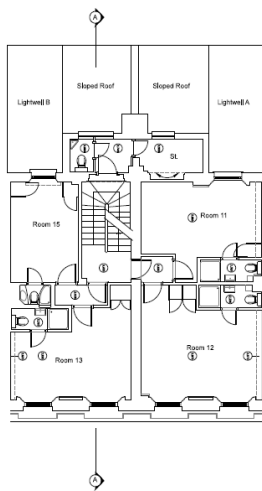


1. Existing Lower Ground Floor Plan  
Scale: 1:100

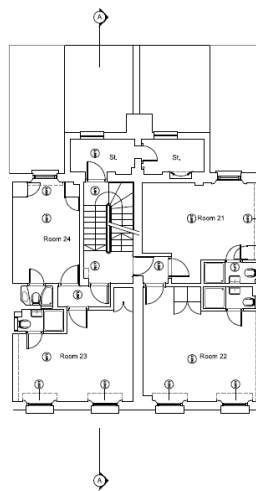


2. Existing Ground Floor Plan  
Scale: 1:100

mail@stamosyearchitects		Drawing Title:	Note	Date	Rev.
1st Floor, Old Town Hall 254 Mare Street London, E8 1HR tel: +44(0)2089861280		Existing Lower Ground and Ground Floor Plans			
Project:		Client:		Date:	04 / 08 / 2016
Oxford Hotel, 13 Craven Terrace, W2 3QD		Bloomsbury Realty Management Ltd.		Check by:	Scale: 1:100 @ A3
				Drawing No.:	1340 / GA / 001



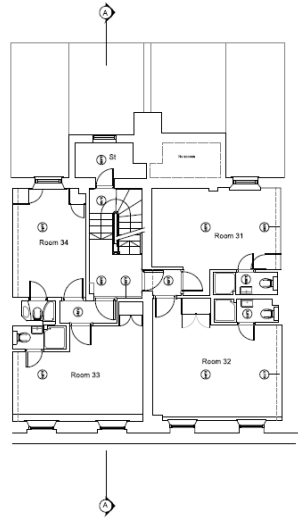
1. Existing First Floor Plan  
Scale: 1:100



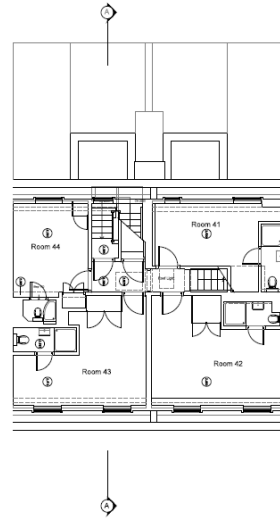
2. Existing Second Floor Plan  
Scale: 1:100

mail@stamosyearchitects		Drawing Title:	Note	Date	Rev.
1st Floor, Old Town Hall 254 Mare Street London, E8 1HR tel: +44(0)2089861280		Existing First and Second Floor Plans			
Project:		Client:		Date:	04 / 08 / 2016
Oxford Hotel, 13 Craven Terrace, W2 3QD		Bloomsbury Realty Management Ltd.		Check by:	Scale: 1:100 @ A3
				Drawing No.:	1340 / GA / 002

**Existing third floor and mansard floor, existing front and rear elevation below**



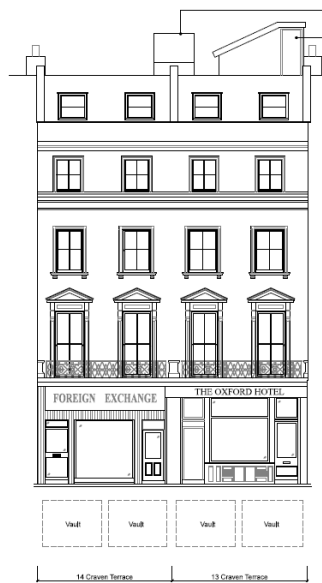
1. Existing Third Floor Plan  
Scale: 1:100



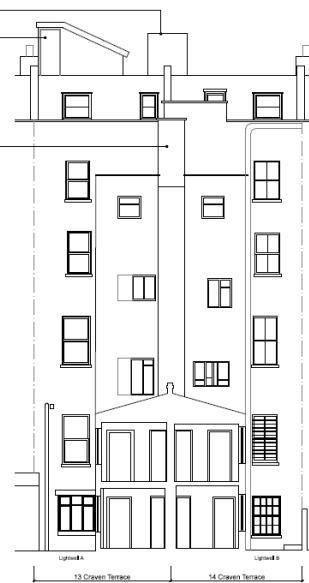
2. Existing Mansard Floor Plan  
Scale: 1:100



mail@stamosyearchitects 1st Floor, Old Town Hall 354 Mare Street London, E8 1HK Tel: +44(0)2089851280	Drawing Title:	Note:	Date:	Rev.:
	Existing Third and Mansard Floor Plans Project: Oxford Hotel, 13 Craven Terrace, W2 3GD Client: Bloomsbury Realty Management Ltd.			Date: 04 / 08 / 2016
				Drawing No: 1340 / GA / 003



1. Existing Front Elevation  
Scale: 1:100

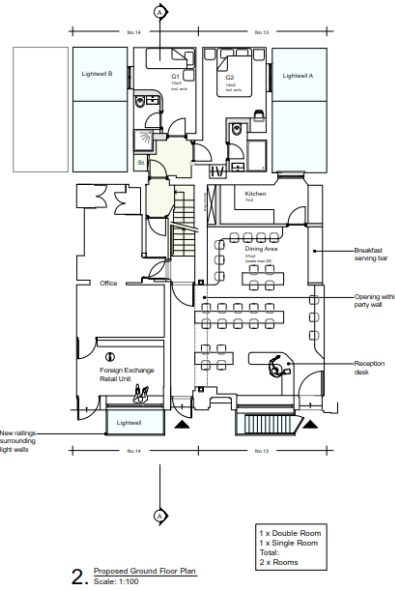
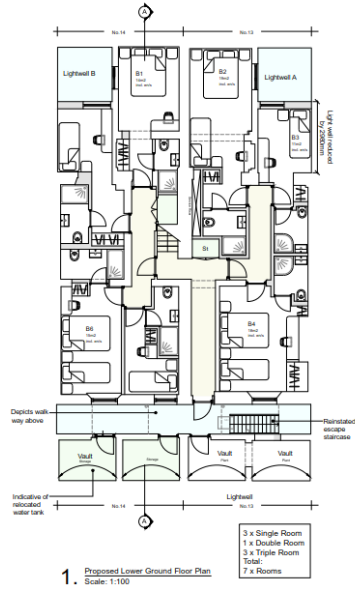


2. Existing Rear Elevation  
Scale: 1:100

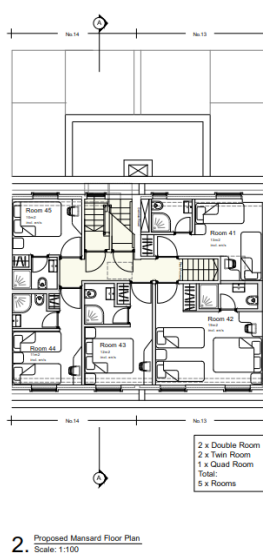
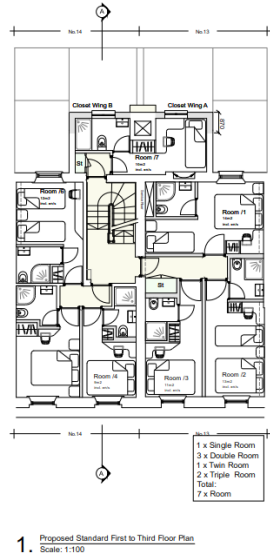


mail@stamosyearchitects 1st Floor, Old Town Hall 354 Mare Street London, E8 1HK Tel: +44(0)2089851280	Drawing Title:	Note:	Date:	Rev.:
	Existing Front and Rear Elevations Project: Oxford Hotel, 13 Craven Terrace, W2 3GD Client: Bloomsbury Realty Management Ltd.			Date: 04 / 08 / 2016
				Drawing No: 1340 / ELE / 001

**Proposed ground and lower ground floor plan and standard first to third floor plan below plus mansard**



mail@stamosyarchitects 1st Floor, Old Town Hall 354 Mare Street London, E8 1HR Tel: +44(0)2089861280	Drawing Title:	Note:	Date:	Rev:	
	Proposed Lower Ground and Ground Floor Plans	Ground floor reception modified	07.10.16	C	
	Project:	Foreign exchange unit remains	10.11.16	D	Date:
	Oxford Hotel, 13 Craven Terrace, W2 3GD	Reception desk illustrated	21.02.17	E	21 / 02 / 2017
	Client:	Ground floor light well extension removed	13.03.17	F	Scale: 1:100 @ A3
	Bloomsbury Realty Management Ltd.				Drawing No: 1340 / GA / 005 F



	Single Room	Double Room	Twin Room	Triple Room	Quad Room	Total
Lower Ground	3	1	0	3	0	7
Ground	1	1	0	0	0	2
First to Third	3	0	3	6	0	21
Mansard	0	2	2	0	1	5
<b>Total</b>	<b>7</b>	<b>13</b>	<b>5</b>	<b>9</b>	<b>1</b>	<b>35</b>

mail@stamosyarchitects 1st Floor, Old Town Hall 354 Mare Street London, E8 1HR Tel: +44(0)2089861280	Drawing Title:	Note:	Date:	Rev:	
	Proposed Standard First to Third Floor Plan	Room layouts altered due to client comments	23.08.16	A	
	Project:	Mansard floor plan added, annotations updated	06.09.16	B	Date:
	Oxford Hotel, 13 Craven Terrace, W2 3GD	Brick projection between closet wings added	10.11.16	C	04 / 08 / 2016
	Client:	Ground floor light well extension removed, room table modified	13.03.17	D	Scale: 1:100 @ A3
	Bloomsbury Realty Management Ltd.				Drawing No: 1340 / GA / 006 D

**Proposed front and rear elevation and proposed side elevations below**

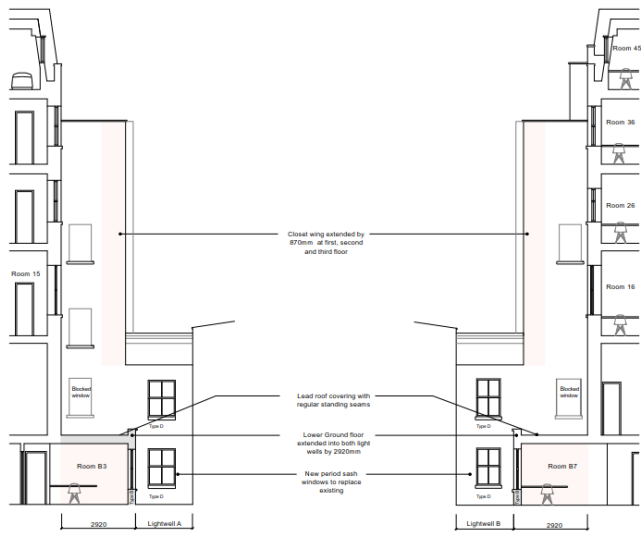


**1.** Proposed Front Elevation  
Scale: 1:100

**2.** Proposed Rear Elevation  
Scale: 1:100

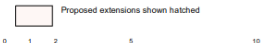


mail@stamosyeharchitects 1st Floor, Old Town Hall 354 Mare Street London, E8 1HR tel +44(0)2089861280	Drawing Title:	Note	Date	Rev.	Date	Rev.
	Proposed Front and Rear Elevations Project: Oxford Hotel, 13 Craven Terrace, W2 3GD Client: Bloomsbury Realty Management Ltd.	Window references & brick projection between closet wings added Ground floor light well extension removed	10.11.16 13.03.17	A B	04 / 08 / 2016 Scale: 1:100 @ A3	04 / 08 / 2016 Check by: A3 Drawing No: 1340 / ELE / 003 B



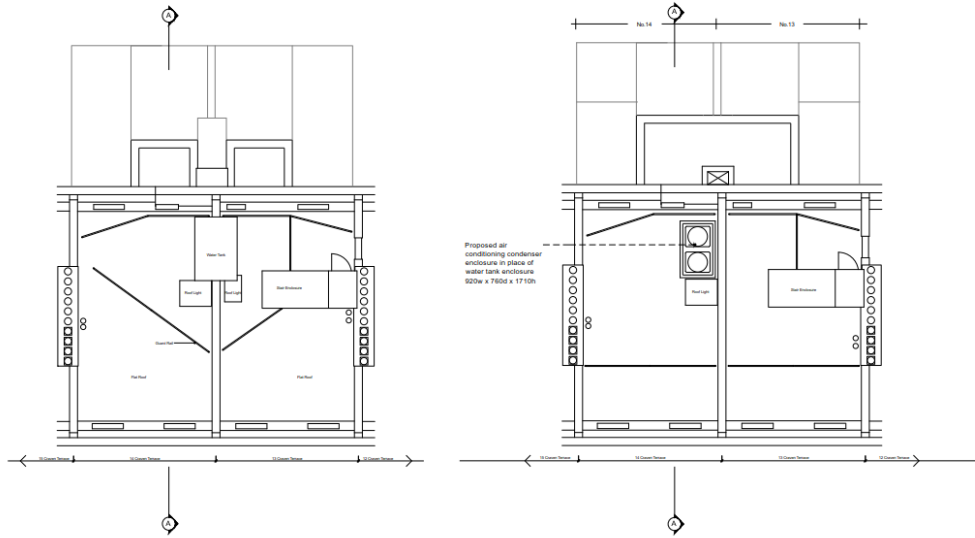
**1.** Proposed Side Elevation Light well A  
Scale: 1:100

**2.** Proposed Side Elevation Light well B  
Scale: 1:100



mail@stamosyeharchitects 1st Floor, Old Town Hall 354 Mare Street London, E8 1HR tel +44(0)2089861280	Drawing Title:	Note	Date	Rev.	Date	Rev.
	Proposed Side Elevations Project: Oxford Hotel, 13 Craven Terrace, W2 3GD Client: Bloomsbury Realty Management Ltd.	Window references & brick projection between closet wings added Ground floor light well extension removed	10.11.16 13.03.17	A B	04 / 08 / 2016 Scale: 1:100 @ A3	04 / 08 / 2016 Check by: A3 Drawing No: 1340 / ELE / 004 B

**Existing and proposed roof plan**



1. Existing Roof Plan  
Scale: 1:100

2. Proposed Roof Plan  
Scale: 1:100



email@stermosyeharchitects 1st Floor, Old Town Hall 354 Mare Street London, E8 1HR tel +44(0)2089861280	Drawing Title:		Note		Date	Rev.
	Existing and Proposed Roof Plans		Lift overrun removed Ground floor light well extension removed		23.08.16	A
Project:	Oxford Hotel, 13 Craven Terrace, W2 3GD	Client:	Bloomsbury Realty Management Ltd.	Date:	13.03.17	B
				Check by:		Date: 04 / 08 / 2016
				Scale:	1:100 @ A3	
				Drawing No:	1340 / GA / 004 B	

**DRAFT DECISION LETTER**

**Address:** 13-14 Craven Terrace, London, W2 3QD,

**Proposal:** Erection of single storey rear extension at lower ground floor level and three storey rear extension at first to third floor levels, excavation of front light well with associated railings, replacement of shopfront to No. 14, demolition of water tank and installation of two air conditioning units within an acoustic enclosure at roof level; in association with refurbishment of hotel to increase from 22 rooms to 35 rooms.

**Reference:** 16/11557/FULL

**Plan Nos:** 1340 LP 001 , 1340 LP 002, 1340 ELE 001, 1340 ELE 002, 1340 ELE 003 B, 1340 ELE 004 B, 1340 GA 001, 1340 GA 002, 1340 GA 003, 1340 GA 004 B, 1340 GA 005 F, 1340 GA 006 D, 1340 SEC 001, 1340 WIN 500, 1340 WIN 501, Design and Access statement, Operational Management Statement 13-14 Craven Terrace, London W2 3QD, Acoustic Report 15256.PCR.01, Email from agent dated 21 February 2017

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

- o between 08.00 and 18.00 Monday to Friday; ,
- o between 08.00 and 13.00 on Saturday; and ,
- o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and ,
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 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 Bayswater 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)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development:
- 1) detailed drawings, including sections at a scale of 1:20 or 1:10 of the new windows;
  - 2) detailed drawings, of the new railings, including their method of fixing;
  - 3) detailed drawings, of the lower ground floor front elevation.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

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 Bayswater 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)

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;:, (b) Locations of the plant and machinery and

associated: ducting; attenuation and damping equipment;; (c) Manufacturer specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

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

- 6 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.

- 7 The air conditioning unit must not operate until the mitigation measures specified in Part 5 of the Planning Compliance Review by KP acoustics dated 20 November 2016 have been installed and shall be retained for as long as the air conditioning unit remains in use.

**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.

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hotel. (C14EC)



**Reason:**

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

- 9 You must not use the roof of the extensions for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

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

- 10 The ground floor hotel dining space shall used as an ancillary part of the hotel use and therefore used by guests staying at the hotel only, and not for visiting members of the public.

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible

Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk) , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 The term 'clearly mark' in condition 8 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 5 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact: ,  
John Firrell MHCIMA, Secretary - Considerate Hoteliers Association, C/o  
Wheelwright's Cottage, Litton Cheney, Dorset DT2 9AR , ,  
E-mail: [info@consideratehoteliers.com](mailto:info@consideratehoteliers.com), Phone: 01308 482313, , (I76AA)
- 6 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 7 You are advised that the relocated guest breakfast and dining area on the ground floor shall remain as an ancillary part of the hotel as confirmed in your email dated 21 February 2017 and condition 10 of this permission. You cannot therefore use the dining area as a restaurant with an orientation to visitors not staying at the hotel as this is a material change of use that requires planning permission.

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.