



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (1)

Meeting Date:

Tuesday 27th June, 2023

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Jason Williams (Chair)
Md Shamsed Chowdhury
Sara Hassan
Elizabeth Hitchcock



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception 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.



If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: 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 that Councillor Hitchcock will be replacing Councillor Glen.

To note any other changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest 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

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting.

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

(Pages 5 - 8)

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/about-council/democracy/stream-council-meetings>

To access the recording after the meeting please revisit the Media link.

- | | |
|--|--------------------------|
| 1. 77 PARK LANE, LONDON, W1K 7TP | (Pages 11 - 68) |
| 2. BASEMENT AND GROUND FLOOR, 124-126 ST JOHN'S WOOD HIGH STREET, LONDON, NW8 7SG | (Pages 69 - 96) |
| 3. RYDER COURT, 14 RYDER STREET, LONDON, SW1Y 6QB | (Pages 97 - 130) |
| 4. 18-19 ST CHRISTOPHER'S PLACE, LONDON, W1U 1NN | (Pages 131 - 148) |
| 5. 34 GROSVENOR SQUARE, LONDON, W1K 2HD | (Pages 149 - 162) |

**Stuart Love
Chief Executive
16 June 2023**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 18th April, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Md Shamsed Chowdhury, Sara Hassan and Robert Rigby

1 MEMBERSHIP

That Councillor Ruth Bush was substituting for Councillor Jason Williams and that Councillor Robert Rigby was substituting for Councillor Jim Glen.

There were no further changes to the membership.

2 DECLARATIONS OF INTEREST

Councillor Ruth Bush explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

Councillor Bush declared an interest in respect of Item 2 and informed that she was acquainted with the chair of the Pimlico Neighbourhood Forum and advised that the individual was also the chair of the Westminster Tree Trust of which she was also a member. She advised that the individual was objecting to the application and would be addressing the meeting. Councillor Bush advised that she had not held any discussions regarding the application with the speaker.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 21 February 2023 be signed by the Chair as a correct record of proceeding be agreed subject to the resolution for Item 3 on Pg 11 be amended and the words 'permission subject to' be deleted.

4 PLANNING APPLICATIONS

1 17-19 DENMAN STREET, LONDON, W1D 7HW

Installation of art work on flank party walls above 17 Denman Street.

Jessica White addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY

That conditional permission be granted subject to a legal agreement to ensure that the public art is secured, retained and maintained (to include an Operation and Maintenance Strategy).

2 BASEMENT AND GROUND FLOOR, 79 WILTON ROAD, LONDON, SW1V 1DL

Use of basement and ground floors as restaurant/hot food takeaway (sui generis) with installation of extraction flue system to roof at rear.

An additional representation was received from Councillor Jim Glen (13.04.23)

The presenting officer tabled the following amendment to Condition 12

Item 2: Basement and Ground Floor, 79 Wilton Road

Amendment to Condition:

12. No deliveries of any takeaway food or drink shall be permitted from the premises, even as an ancillary part of the primary restaurant/ takeaway use.

Peter Ruback addressed the Sub-Committee in objection to the Application.

RESOLVED UNANIMOUSLY

That conditional permission, as amended, be granted.

3 11 CHURTON PLACE, LONDON, SW1V 2LN

Formation of new entrance door and access staircase to basement front light well, erection of single storey rear extension with a rear ground floor roof terrace and use of the lower-ground floor as a 1x bed flat and the ground, first and second floor as a 4x bed maisonette.

Ivan Coffey addressed the Sub-Committee in support of the Application.

John Tetzlaff addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY

1. That conditional permission be granted.
2. That conditions be included which require the details of noise mitigation measures to minimise noise from use of metal staircase to basement and to ensure that the gates open inwards.

4 10 UPBROOK MEWS, LONDON, W2 3HG

Erection of roof extension with associated terrace; Conversion of garage to habitable space; Formation of new windows and doors; and associated external alterations.

An additional representation was received from a resident (12.04.23)

RESOLVED UNANIMOUSLY

1. That conditional permission be granted.
2. That an Informative be included which encourages the applicant to use timber in the replacement of the windows and to “tooth-in” the raising of the rear wall.

5 VERNON HOUSE, 40 SHAFTESBURY AVENUE, LONDON, W1D 7ER

Use of basement and ground floors as a drinking establishment (Sui Generis).

An additional representation was received from the Soho Society (Date unknown)

Christian Fisk addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY

That conditional permission be granted.

6 24-31 GROSVENOR SQUARE, LONDON, W1K 6AH

Amendments to planning permission dated 18th February 2021 (RN:20/06601/FULL) for Variation of condition 1 of planning permission dated 21.5.20 (RN:19/07406/FULL), which itself varied condition 1 and 9 of planning permission dated 20.11.18 (RN: 18/03520/FULL) which itself varied condition 1 of planning permission dated 12 September 2017 (RN: 16/06423/FULL) for, 'Alterations to the existing building including retention & repair of the front and side facades, part demolition & replacement of the rear facade, rear extension of the 2nd-5th floors, removal of existing & introduction of a new 6th floor, introduction of a new set-back 7th floor, extension of the existing basement levels to include two additional

basement levels (including one mezzanine level), installation of roof plant & plant screen, public realm works including hard & soft landscaping, removal of the security kiosks, fencing, bollards & gates/barriers to Blackburne's Mews & Culross Street, removal & replacement of 6 No. trees in front of the Grosvenor Square elevation & re-opening of the road on the western side of the Square, all in connection with the use of the building as a hotel (Class C1) with flexible retail/restaurant use at 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible restaurant/bar use at 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within the basement (Class D2/Class C1) & an ancillary ballroom, event spaces, back of house facilities & associated car, cycle parking & servicing facilities accessed from Blackburne's Mews, & other associated works' - NAMELY, to amend Condition 17 to remove reference to the seventh-floor level [requiring public access] to provide the hotel operator with greater discretion as to its use in light of the sensitivities around access and operation and the focus of the public offer at ground and first floor level.

A late representation was received from Gerald Eve LLP (17.04.23).

Tom Eyres addressed the Sub-Committee in support of the Application.

RESOLVED THAT THE APPLICATION BE REFUSED. (Refuse: Councillors Ruth Bush, MD Shamsed Chowdhury, and Sara Hasan: Agreed: Councillor Robert Rigby)

Reason

The proposal is not considered to be a non-material alteration.

The Meeting ended at 10.30 pm

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 27th June 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/05437/FULL West End	77 Park Lane, London, W1K 7TP	Use of part-ground floor, part-lower ground floor and basement to hotel use (C1), replacement of roller shutter with louvred pedestrian gate and double door external alterations and installation of plant at ground and basement floors.	Central London Investments Limited
	Recommendation Grant conditional permission			
2.	RN(s) : 22/03542/FULL Regent's Park	Basement And Ground Floor 124-126 St John's Wood High Street London NW8 7SG	Erection of a new 3 storey dwelling to the rear of 124-126 St John's Wood High Street, with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun, fencing and installation of heat pump. Formation of opening in rear of ground floor retail unit. Installation of solar panels at roof level.	Mr Adam Buckley
	Recommendation Grant conditional permission			
3.	RN(s) : 22/08649/FULL St James's	Ryder Court 14 Ryder Street London SW1Y 6QB	Replacement of window with door, lowering of windowsills and installation of platform lift at upper ground floor level on Ryder Street; upgrade works to ground floor entrance including new lighting; extension of existing lift overrun at roof level; creation of roof terrace with planting, landscaping and pergola; installation of PVs; and associated works.	M&G TS Ryder Limited
	Recommendation Grant conditional permission.			
4.	RN(s) : 23/01197/FULL West End	18 - 19 St Christopher's Place, London W1U 1NN	Use of the ground (including forecourt) and basement as a mixed-use wine shop/wine bar (sui generis)	Chris SCP Estate Ltd
	Recommendation Grant conditional permission			
5.	RN(s) : 23/01122/FULL West End	34 Grosvenor Square London W1K 2HD	Variation of conditions 2 and 3 of planning permission dated 30th March 2022 (RN 21/07888/FULL) for the Variation of conditions 3 and 4 on permission dated 24/11/2020 for alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3) NAMELY, to extend the temporary permission for the retention of the decking in the front lightwell with external dining for a further temporary period until May 2024. (Application made under Section 73 of the Act.)	Caprice Holdings Ltd
	Recommendation Refuse permission: design grounds			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 June 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	77 Park Lane, London, W1K 7TP		
Proposal	Use of part-ground floor, part-lower ground floor and basement as hotel use (C1), replacement of roller shutter with louvred pedestrian gate and double door external alterations and installation of plant at ground and basement floors.		
Agent	Centro Planning Consultancy		
On behalf of	Central London Investments Limited		
Registered Number	22/05437/FULL	Date amended/ completed	26 April 2023
Date Application Received	9 August 2022		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

This application relates to a vacant car showroom which occupied the basement, lower ground and part ground floors. The proposals involve the conversion of the basement (and ground floor entrances, stair/lift cores and a vehicle access ramp linking ground and basement levels) to provide a 66-bedroom (room only) hotel with ancillary back of house facilities but no catering or conference facilities. (The main ground floor part of the showroom is not part of this application.) Minor external works are also proposed to entrances on

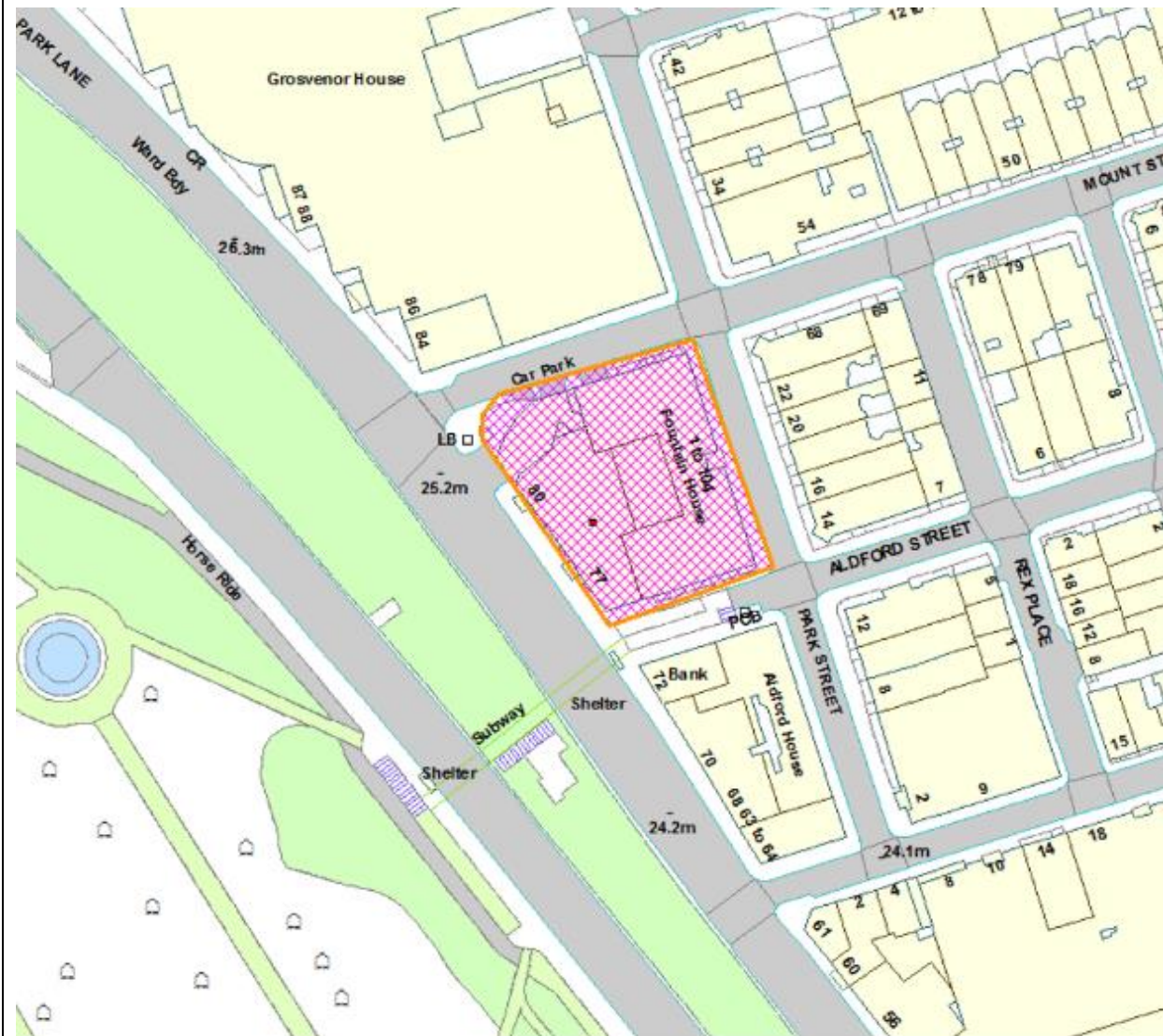
Aldford Street and Mount Street. Internal plant is proposed at basement and ground floor levels.

The key considerations in this case are:

- The acceptability of the proposal in land use terms, including the requirement to make the best use of the land;
- The impact of the proposals upon the appearance of the building and the character and appearance of the conservation area;
- The impact on the amenity of neighbouring residential properties;
- The impact of the use and site servicing upon the operation of the local highway network.

Several objections have been received principally in relation to the acceptability of a hotel use in this location, and on amenity grounds and highways grounds. However, subject to appropriate operational controls, the scheme is considered acceptable in land use, amenity and highways terms and in terms of its impact upon the character and appearance of this part of the Mayfair conservation area and the application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





Mount Street frontage



Aldford Street frontage

5. CONSULTATIONS

5.1 Application Consultations

MAYFAIR RESIDENTS' GROUP

No response to date

MAYFAIR NEIGHBOURHOOD FORUM

Support provision of a more affordable hotel type in this location. Note that there are few affordable restaurants in Park Lane and no food and drink offer within the hotel. Food deliveries via on-line platforms should be prevented to minimise potential nuisance. Site deliveries should be manageable subject if no food and drink offer.

Request that applicants make a s106 contribution towards the Mayfair Green Route project in Aldford Street.

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

No response to date

FIRE HEALTH AND SAFETY EXECUTIVE

'Content' on the basis of additional information and clarification. Proposals will be subject to consideration at later regulatory stages.

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER

No objection subject to suggested security measures and a condition requiring the development to achieve a Secured By Design Accreditation.

ENVIRONMENTAL SERVICES

No objection subject to conditions

WASTE PROJECT OFFICER

Revised arrangement for storage of waste/recycling are satisfactory.

HIGHWAYS PLANNING TEAM - CITY HIGHWAYS

Conditions recommended requiring the submission of updated Servicing Management Plan and a hotel Operational Management Plan to address issues raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 186

Total No. of replies/objections: 7 (including a letter on behalf of the Fountain House Residents' Association, a letter on behalf of the 12 unnamed leaseholders of Fountain House and a letter on behalf of a property management company)

with an interest in seven neighbouring residential properties).
No. in support: 0

Objections on some or all of the following grounds:

Land use:

- Hotel development unacceptable in principle in this residential location
- Loss of car showroom (and associated loss of employment)
- Application does not make efficient use of the land or provide a meaningful use for the remainder of the site and would compromise the future use of the rest of the unit; future use of existing premises should be considered as a whole.
- Alternative, more acceptable uses should be considered; no marketing evidence to support contention that there is no demand for a car showroom use or an alternative use or to demonstrate that a hotel is the most appropriate use.
- Use contrary to policies requiring development to respond positively to the character and quality of the particular characteristics of the immediate vicinity of the development site.

Amenity:

- Adverse impact on residents' amenities particularly in evening/early morning, exacerbated by the intensive nature of the hotel use and increased activity due to lack of food drink provision.
- Noise and disturbance from taxis/coaches and from guests attempting to enter small hotel entrance close to neighbouring residential properties; noise from taxis/coaches and loading/unloading of luggage; disturbance from guests loitering outside hotel.
- Noise disturbance from servicing activities
- Impact on amenity of residents of Fountain House due to potential anti-social
- behaviour and disturbance due to lack of monitoring by staff.
- Hotel Management Plan should be subject to annual review (with neighbour consultation)
- Potential disturbance from plant operation

Highways/servicing:

- Off-street servicing contrary to policy; proposed serving arrangement inadequate and detrimental to the operation of the highway and safety of other highway users.
- Inadequate provision for taxis and coaches; suggested controls do not ameliorate potential problems.

- Servicing proposals unclear/contradictory (frequency and duration of deliveries and servicing) and require clarification.
- Inadequate refuse storage to take account of a future hotel use with a food/drink offer.

Sustainability

- Servicing proposals do not meet requirements regarding sustainability.

Design/townscape

- Use of a side door as the hotel entrance will change circulation patterns in the area and diminish the building's role within, and contribution to, the conservation area.

Fire safety

- Scheme should be referred to the Health and Safety Executive (gateway One)

Security

- Increased security risk to residents and flats on the upper floors as this type of hotel use is not adequately monitored.

Other issues

- Application form (Certificates of ownership) incorrect
- Adverse effect on the 'prestigious' nature of the upper floor flats and impact on property values
- Criminal behaviour previously taken place on site
- No pre-application engagement by the applicant
- No neighbour consultation received (at pre-application stage on receipt of the application)
- Request that the application be reported to the Planning Sub-Committee

PRESS NOTICE/ SITE NOTICE:

Yes

Applicant's Pre-Application Community Engagement

The submitted Statement of Community Involvement (SCI) states that the applicants undertook pre-application consultation with neighbouring occupiers in accordance with the 'Early Community Engagement in Westminster Guidance Note (February 2022)'. It states that letters were sent to 109 neighbouring addresses most likely to be affected by the proposals (22 July 2022) notifying recipients of the proposed application, and providing contact details. The envelope was marked to highlight the contents of the

letter. The SCI confirms that, at the date of submission, no enquiries had been received as a result of this consultation. The applicants confirm that they did not notify properties in Park Street given the distance of Park Street properties from the Hotel and staff entrances, and that there would not be a material impact..

A dedicated website for the development was also launched on 22 July to coincide with the positing of the notification letter.

The SCI also confirms that emails were sent to the ward councillors and to the Residents' Society of Mayfair & St James's. The amenity society subsequently expressed their interest in meeting the developer, although it is not clear whether any meeting took place. (The applicants met the Mayfair Neighbourhood Forum after the submission of the application). The SCI includes examples of the letters and emails sent and a 'screen grab' of the development website.

A letter submitted on behalf of the Fountain House Residents' Association notes the submission of a SCI but expresses residents' disappointment that more strenuous efforts were not made to ensure that they were aware of the proposal, stating that the majority failed to receive a notification letter and their regret that residents were not included in the 'wider engagement' which appears to have included the Residents' Society of Mayfair and St James's,

The applicants did not seek pre-application advice from officers.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage,

design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application relates to part of a former car showroom on the lower floors of Fountain House, a purpose-built inter-war mansion block located on the east side of Park Lane which occupies an entire street block bounded by Park Lane, Mount Street, Aldford Street and Park Street, with a petrol filling station at the corner of Mount Street and Park Lane. The building comprises a mixture of commercial uses on the lower levels (the vacant car showroom, the petrol station and a small office) and flats on part ground and first to tenth floors, accessed via a grand entrance on Park Street. The site is within the Central Activities Zone, and the Mayfair Conservation Area, and provides views in and out of the Hyde Park conservation area. It is also situated within West Mayfair as designated in the Mayfair Neighbourhood Plan. This site lies within the LAEI Air Quality Focus Area, (Marble Arch to Hyde Park Corner) and the Great Estates Area of Special Archaeological Priority.

Part of the western end of Aldford Street, running between Fountain House and Aldford House, which is not open to traffic, houses the Aldford Street entrance/exit to the Park Lane subway. The remaining roadway between the subway railings and Park Street is a small turning head with single and double yellow lines. Refuse bags on the adjacent pavement, suggest that this area is used for the servicing of neighbouring buildings/waste collections.

Towards the centre of the Aldford Street frontage (directly opposite the subway), there is raised entrance, accessed by an external stair, which currently serves the ground floor car showroom and stairs core leading to the basement. Immediately adjacent (to the east) is a 'tradesmen's entrance' which links through the residential foyer. There

are two windows and entrance door within the lower ground floor lightwell which serve corner offices (known as 75 Park Lane). The remaining lightwell windows serve the common parts including internal stair leading to the basement. To the east of the tradesmen's entrance, windows at raised ground floor level serve a flat. The remainder of the flats are at first floor and above.

On Mount Street, there is a vehicular access ramp to the basement and two car lifts, one serving the basement and the other serving the lower ground floor. Part of the ground floor, the lower ground (access cores and car lift and vehicular ramp) and basement were formerly occupied as a car showroom for 'Mini' cars. This use has now been consolidated within the BMW Flagship showroom at Aldford House (70 Park Lane) immediately to the south.

Two basement level parking spaces are currently used in association with the petrol filling station but these will form part of the hotel accommodation.

The site is in close proximity to neighbouring listed buildings including those at 54 Mount Street and at 8-12 and 14-22 Park Street.

There are residential properties in the vicinity of the site including at 8, 10, 12, 16, 18, 20, 22 and 26 Park Street; 50, 51, 53, 54, 68, 69, 78, 79 and 81 Mount Street, 1, 3 and 5 Rex Place and Aldford House, to the south of the site.

7.2 Recent Relevant History

None relevant.

8. THE PROPOSAL

This application relates to the use of the basement as a hotel (Class C1) measuring 2,324 sqm (GIA). The proposal would include the basement vehicle storage area (a small part of which was also used for displaying cars, with two parking spaces for petrol filling station staff), the Aldford Street entrance, the access cores at lower ground level (linking the ground floor and basement); the vehicle ramp and the commercial car lift on Mount Street to provide a new hotel. The ground floor showroom area and the lower ground floor (including the residents' car park and the associated car lift) are excluded from the proposals.

The hotel would provide 66 double guest bedrooms rooms, (7 rooms providing wheelchair access), and ancillary facilities in the form of the hotel reception and seating area, luggage store, office, plant areas, cycle parking and waste/recycling facilities. None of the rooms would be served by external windows. No drinking/dining facilities would be provided on site and no refrigerators or desk/dining facilities would be provided in guest bedrooms.

The raised entrance on Aldford Street would be modified to provide level access to the hotel. This entrance lobby would house a concierge/security desk and lead to two new lifts (both evacuation lifts) and a staircase leading to the basement. The gates to the commercial car lift on Mount Street will be replaced with new glazing and an access door serving a goods lift /staff entrance lift. The roller shutter to the adjacent vehicular access ramp would be fitted with a louvred double door, to provide ventilation to a new plant area at the top of the existing vehicle ramp, and a pedestrian gate to the cycle store and waste stores.

The application has been revised to serve notice on owners of the land, to provide revised waste storage details and to clarify the proposed servicing arrangements. Further information has been provided regarding the emergency generator (to power the proposed evacuation lifts).

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Overview

The site lies within the Central Activities Zone and the West Mayfair as designated in the MNP. City Plan Policy 1A sets out Westminster's spatial strategy which seeks to ensure that the borough will continue to "grow, thrive and inspire at the heart of London as a world city". The policy supports "...intensification and optimising densities in high quality new developments that integrate with their surroundings and make the most efficient use of land" but recognises the need to balance the competing functions of the CAZ as a retail and leisure destination, visitor attraction and home to residential neighbourhoods. Policy 1B confirms that growth will primarily be delivered through the intensification of named locations including the CAZ with commercial-led and mixed-use development to provide significant growth, including in leisure floorspace, alongside new homes.

These overarching objectives are also set out within the NPPF (Chapter 11) and the London Plan. London Plan policy GG2 seeks to "...create successful mixed-use places that make the best use of land...enable the development of brownfield land, prioritising...sites which are well connected by existing or planned Tube and rail stations, and sites within and on the edge of town centres...and proactively explore the potential to intensify the use of land".

The Mayfair Neighbour Plan 2019 (MNP), in its introduction to 'Growth Areas', recognises (paragraph 3.1.3) that "The challenge for Mayfair is to deliver sustainable mixed-use growth; locating growth in sustainable locations; ensuring growth happens in such a way that it enhances the quality of life for residents, workers, and visitors; highlighting key Mayfair uses, and supporting greater growth for those". It acknowledges that "growth is already supported anywhere within Mayfair by virtue of the London and

City Plan CAZ designations” but states that the aim of the Plan is to direct where that growth is most appropriate and better reflects and responds to local character and dynamics”.

Policy MSG1 of the MNP encourages growth within Mayfair, including increased density and the intensity of use, the efficient use of existing floorspace and activity, especially from those uses which animate the street scene. Under policy MSG2, growth is positively encouraged on Park Lane, and mixed use and residential growth is directed towards West Mayfair, where the site is located. (Policy MSG2 is cross-referenced to specific policies relating to Park Lane but these are primarily concerned with improvements to traffic and the environment for pedestrians and cyclists and ground level developments, with the aims of activating the ground floor frontage).

Policy MRU2 of the MNP requires development proposals in Mayfair to respond positively to the character and quality of the particular characteristics of the immediate vicinity of the development site.

Related policies

To ensure that any detrimental impacts on existing users of an area are avoided, City Plan policy 7 requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality and protecting and positively responding to local character and the historic environment. In considering development proposals, the Council will take a balanced approach that considers the specific site location and context as well as the merits of the proposals including the consideration of the wider benefits of a scheme against impacts on the surrounding area.

The Plan recognises that factors such as polluted air, excessive smells, poor waste management, noise and strong vibrations are examples of environmental impacts that have an adverse impact on quality of life and health and well-being. Development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours. It confirms that the Council will place the burden on the applicant to ensure mitigation measures are included to safeguard future local amenity and to ensure that development does not cause existing nearby uses from having to curtail their activities.

Policy 33 of the City Plan requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents. Developments must prevent the adverse effects of noise and vibration, with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses, minimising noise from plant and internal activities and from servicing and deliveries. In assessing the impact of development proposals, the Council will apply the ‘Agent of change’ principle which places the burden on the applicant to mitigate negative environmental impacts and ensures development does not cause existing nearby uses from having to curtail their activities.

Policy MRU1 of the MNP requires proposals for new commercial or entertainment uses

in Mayfair to demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as from 'noise and rubbish between 11pm and 7am'. The supporting text refers to the impact of late-night noise and waste disposal. To address the potential conflicts between the new commercial uses and neighbouring residential uses, the MNP encourages the submission of Operational Management Plans to demonstrate how the impact on neighbouring occupiers will be ameliorated in accordance with the 'agent of change' principle.

Commercial Uses/Character of the area

City Plan policy 14 supports the intensification of specified locations, including the CAZ, to provide additional floorspace for main town centre uses, in principle, subject to their impact on townscape and heritage. Policy 14G confirms that, in addition to sites within the town centre hierarchy, town centre uses will also be supported in principle throughout those parts of the CAZ with a commercial or mixed-use character, having regard to the existing mix of land uses and neighbourhood plan policies.

The supporting text to policy 14 confirms that "Whilst not forming a part of Westminster's town centre hierarchy, the wider CAZ as defined in the London Plan covers much of the city. Town centre uses provide a key element of the mix of uses within it and contribute to its character and strategic functions. However, the CAZ is also home to many local residents and some parts of it are also wholly residential in character. To respect its many functions, and the need to protect residential amenity, policy support is therefore provided for town centre uses within the parts of the CAZ that are of a commercial or mixed-use character." However, it acknowledges that "In applying this policy approach, the dense nature of Westminster makes it difficult to accurately and definitively map clear boundaries of different character areas on a city-wide level. As such, judgements will be based on an assessment of the mix of land uses within the vicinity of a development site, and any assessments of local character within made neighbourhood plans".

The City Plan Glossary defines "Predominantly commercial neighbourhoods" within the CAZ as areas "... where the majority of ground floor uses comprise of a range of commercial activity". Park Lane, a principal London thoroughfare, is characterised by commercial uses at ground floor level, including offices, shops and large hotels.

Chapter 4.3 of the MNP 'Commercial' (where detailed policies relates to office development) refers (paragraph 4.3.2) to the 'predominantly residential neighbourhoods of West Mayfair'. One objector, in considering the character of the area in which the new hotel is proposed, has highlighted both paragraph 2.1 of the submitted Design and Access Statement, which concludes that the site is located in a 'very well established predominantly residential area' and also the description of the character of West Mayfair within the MNP. However, officers note that the submitted Planning Statement (paragraph 2.3) describes the site as being in a "central location with mixed use charactercharacterised as a high-end car showroom locationcombined with

hotels and residential uses’.

The objector has also referred to an “Upper Floor Residential Use Plan” (page 50 of the MNP) which shows the location and number of flats on upper floors. The applicant’s view is that this plan, which indicates a mix of hotel, residential and non-residential uses on the upper floors of neighbouring sites, further supports their contention (as set out in paragraphs in their original Planning Statement relating to the site location) that the area is characterised by a mixture of uses.

It is accepted that the site is located adjacent to the westernmost boundary of West Mayfair. However, the site fronts Park Lane which is characterised by ground floor commercial uses. Although it is accepted that there are residential developments in the area (including on the upper floors of the application site and in neighbouring properties the north, south and east of the site), the site is considered to be located in a commercial or mixed-use area (based on the definition of ‘predominantly commercial areas’ within the City Plan which relates to the character of ground floor uses), rather than in a location which is ‘predominantly residential character’.

Loss of the car showroom and impact on the future viability of the retained accommodation/land use efficiency

The applicants have confirmed that the previous tenant vacated the site in June 2022 on expiry of their lease, having taken the decision to consolidate three of their former Park Lane car showrooms in one flagship showroom at 70 Park Lane. They have advised that the former tenant decided to vacate the building due to changing trends in the way consumers purchase cars, including the emergence of ‘out of town’ showrooms and a move towards online purchasing. Although Park Lane has, historically, been associated with car showroom uses, for new high-end vehicles the applicants have pointed to a more recent focus for car showrooms in other locations, including in and around Berkeley Square, and contend that there is no longer a demand for a car showroom use in this (Park Lane) location.

The applicant states that alternative uses have been considered for the application premises but that the premises would be unattractive to many other potential city centre uses for a variety of reasons including the limited pedestrian footfall on Park Lane (the site being located outside of the West End Retail and Leisure SPA , which is the main focus for active ground floor shopping and restaurant uses); its large footprint and the fact that the basement does not benefit from any natural light. It is acknowledged that the building layout, where the basement and ground floor are separated by a level of residential parking, is likely to affect potential demand for the space.

Objectors consider that the current proposals do not meet policy objectives set down in City Plan policy 1 (see above), Policy GG2 of the London Plan and Chapter 11 of the NPPF) which require developments to make the most efficient use of land. The London Plan recognises that there will be competing pressures on the use of space and that this will need to work more efficiently including by encouraging a mix of land uses and co-

locating different uses to provide a wider range of services and amenities. It acknowledges that making the best use of land means directing growth to the most accessible and well-connected places and exploring all for the effective use of the City's land, including the intensification of existing places while, at the same time, supporting local communities and strengthening London's distinct and varied character. The aforementioned policies are largely concerned with identifying vacant sites, brownfield sites/contaminated land and air space above buildings for new development, principally new housing, and also requires that planning policies and decision 'should promote and support the development of under-utilised land and buildings'.

Objectors are concerned that no marketing information has been submitted to demonstrate either that the premises were marketed for car showroom use, or that there is no demand for this use, as demonstrated by a marketing exercise. A letter submitted on behalf of the Fountain House Residents' Association refers to 'potential interest' in the continued car showroom use but confirms the FHRA's belief that 'the interested party was unable to gain access to the building'. No further details have been provided. The existing car showroom is a single planning unit and objector are concerned that a change of use of part of the car showroom would prevent its future occupation for that use and would compromise the future use of the remaining floorspace. (Although the comment concerns the future use of the ground and lower ground floors, the lower ground floor accommodation (other than the basement access cores) is not part of the car showroom use and will in remain in use as an area for the residents' parking.) Respondents believe that the future use of the space should be considered as a whole, to avoid compromising future uses and public access, and including consideration of delivery and servicing requirements.

Objectors are also concerned that insufficient consideration has been given to the consideration of 'more acceptable' alternative uses for the premises. They do not accept the applicant's assertion that a hotel use would be the 'most appropriate' use for the site, notwithstanding the applicant's assessment that the premises are likely to be unattractive for a variety of potential uses for the reasons stated. They are also concerned that no supporting information i.e., details of a marketing exercise, have been submitted to demonstrate a lack of demand for a continued car showroom use or for a (different) alternative use of the entire car showroom have been provided and, consequently, consider that the proposal is not 'justified', does not represent an efficient use of the land and should be refused.

In response to these comments, the applicants have re-stated their view that the lack of interest from motor companies for the premises, regardless of part of the premises being proposed for hotel use, demonstrates that the continued use as a car showroom is unviable. City Plan policies do not protect existing car showroom uses. Additionally, City Plan policy 13 does not require marketing information to be submitted in support of proposals for new hotel development within the CAZ, unless the existing premises are in office use or any other Class E (commercial, business and service) use, or education or community use. In these circumstances, the applicants are not required to submit marketing evidence either to demonstrate that there is no demand for a car showroom

use on the site or that there is no demand for an alternative replacement use. The City Council cannot require an applicant to make an application which encompasses the entirety of an existing planning unit, and any submitted proposal must be determined on its merits.

The proposal would retain a large unit at ground floor level, measuring approximately 645 sqm, maintaining the principal access from Park Lane. This large floorplate could be adapted as required to suit a range of potential future uses, and the accommodation could also be subdivided to create smaller units. Planning permission would be required for any alternative use of the existing car showroom, which is a sui generis use. However, City Plan 14 would require any alternative use for the ground floor to serve visiting members of the public. The potential servicing demands would depend on the nature of any alternative use proposed and would be assessed as part of any future planning application. While the objectors' concerns are noted, it is not considered that they could reasonably justify a refusal of the current planning application.

The site has been vacant since June 2022. There is no guarantee that a potential occupier for the entire planning unit would be forthcoming in the foreseeable future and the objectors' suggestion that the City Council should not consider proposals relating to parts of the unit, could result in long term vacancy of the entire site, which would be undesirable. The proposals would bring this subterranean space back into a viable use. Given the reported lack of demand for the continuation of the existing use and the size of the retained ground floor accommodation, it is not considered that the proposal would, in principle, prejudice the future use of the ground floor (including potentially as a car showroom where cars are stored off-site). In these circumstances, the application is not considered to be contrary to the objectives of City Plan policy 1, London Plan policy GG2 or Chapter 11 of the NPPF and objections on the grounds that the proposals do not make the best use of the land cannot be supported.

Hotel use

Policy context

The applicants have cited development plan policies which promote commercial growth within the CAZ and which acknowledge the role of hotels in supporting Westminster as a place to shop, work and spend leisure time, enhancing the visitor economy.

The City Plan, in setting its context (page 10) recognises that “Hotels are an integral part of the CAZ, generating both direct and indirect spending in the local economy. It acknowledges that there is a ‘range of hotels in Westminster accommodating for different budgets – from well-known historic hotels such as the Ritz and the Savoy to the smaller local hotels’”. The City Plan also refers to the GLA's London Office Policy Review 2017. This estimates that between 2016–2041 there will be a need for approximately 75,000 additional office-based jobs in Westminster and acknowledges that “Over the Plan period an increased demand for other commercial spaces, including hotels, retail and leisure developments is also expected, meaning additional commercial

floorspace of a range of types will be required”. Paragraph 6.10.2 of the London Plan also recognises the importance of provision of new accommodation to meet the demands of tourists, estimating that London will need to build 58,000 bedrooms of serviced accommodation by 2041.

The applicants have also referred to the GLA’s “Projections of demand and supply for visitor accommodation in London to 2050” (April 2017). This recognises that the importance of tourism to London’s economy, means that the City must ensure that it is able to meet tourist demand. However, it confirms that the current supply of serviced rooms is ‘tight,’ and the cost of accommodation expensive and that, in 2015, “London had the highest occupancy rate of all European cities, and the fourth highest average daily rate, behind Zurich, Paris and Geneva”. The same document acknowledges that in 2015, most of London’s supply of serviced accommodation, including hotels, was located in Central London, with over a quarter of rooms located in Westminster, by far the largest proportion of any borough. Despite this, the longer-term trend has been to increase supply in parts of London (beyond Westminster and the LB of Kensington and Chelsea). However, based on likely demand, the GLA’s projections estimate that Westminster would provide the largest increase in the net supply of serviced accommodation, providing 9.7% of the total increase in supply by 2041.

Policy E10 of the London Plan (Visitor Infrastructure) encourages the provision of serviced accommodation within the CAZ, promoting strategically important serviced accommodation in the Opportunity Areas, with smaller-scale provision in other parts of the CAZ, except wholly residential streets or predominantly residential neighbourhoods, subject to other land use policies. The policy resists the intensification of the provision of serviced accommodation where this compromises local amenity or the balance of local land uses.

Policy 15 of the City Plan (Visitor Economy) states that the Council will maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities, and directs new hotels and conference facilities to specific locations, including commercial areas of the CAZ. The supporting text (paragraphs 15.13 and 15.14) acknowledges that the CAZ, as the central commercial hub, with excellent national and international transport connections, is an appropriate location for hotels and conference facilities. However, when assessing the acceptability of new hotel proposals, the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers) and highways and parking, will be taken into account. The Plan recognises the need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents. It also acknowledges that particularly large or intensively used hotels may not be compatible within predominantly residential streets, because the amount of activity they generate can cause amenity problems.

Appendix 7 of the MNP sets out the objectives of its policies including Objective 4 which aims to ‘support and enhance Mayfair as London’s leading destination for high quality

retail, art galleries, restaurants and hotels’.

Park Lane is characterised by commercial uses at ground floor level and is home to a number of large hotels including the Grosvenor House Hotel, which is located on the opposite side of Mount Street and the Dorchester Hotel, to the south. The provision of more hotel accommodation in Westminster is supported development plan policies and is considered appropriate in principle in this mixed-use location, close to the attractions of the West End and served by excellent transport links, subject to an assessment of its impact in amenity and highways terms.

Proposed use and impact on amenity

The proposed hotel operator is Criterion Hospitality Limited, who currently operate four hotels in central London . The scheme would introduce the applicant’s ‘Zedwell’ hotel brand – a windowless hotel room concept. One respondent has expressed concern about the amenity of hotel guests as a result of inadequate ventilation and a lack of natural light. The applicants have confirmed that the hotel is designed to provide a comfortable internal environment including adequate fresh air supply. Natural light is not considered to be an essential requirement for hotel rooms and the City Council has previously approved ‘windowless’ hotel rooms on other sites including the Trocadero and at 18-20 Warwick Street. It is acknowledged that this form of development increases the range of good quality, but more affordable, visitor accommodation.

The hotel would provide 66 double guest bedrooms rooms, and ancillary basement facilities including the hotel reception/small seating area, luggage store, office, plant areas, cycle parking and waste/recycling facilities. No drinking/dining facilities would be provided on site , and this would be secured by condition due to the increased servicing and waste storage demands associated with such provision (though the condition allows for the potential provision of vending machines).

It is acknowledged that the proposed bedroom accommodation is much smaller than would be provided in most leisure-based hotels. One response refers to the requirements of London Plan Policy E10G which requires either 10% of new bedrooms to be wheelchair accessible or 15% of new bedrooms to be accessible in accordance with a specified design standard. Seven of the 66 hotel bedrooms rooms (10.6%) would be fully accessible for wheelchair users. Level access would be provided from Aldford Street, with access/egress to/from the basement via two new evacuation lifts. These arrangements accord with London Plan requirements.

The Mayfair Neighbourhood Forum broadly welcomes the proposal, subject to operational controls, on the basis that Park Lane is known for its hotels and that the scheme would provide a more affordable option, serving a different market. Whilst maintaining their view that the application site is located in a residential area, and that the proposed hotel development is unacceptable in principle, objectors acknowledge that development plan policies support the principal of hotel development within the CAZ. However, they note that that these policies recognise the need to balance the

competing functions of the CAZ and that support is conditional upon on the hotel use safeguarding the amenity of neighbouring occupiers and local environmental quality and responding positively to the character and quality of the particular characteristics of the immediate vicinity.

Objectors consider that the hotel proposals are contrary to these requirements and that the impact of the use upon neighbours' amenity will be exacerbated by the small size of the hotel, and its intensive use. They are concerned that the small size of the hotel entrance, which is in close proximity to several residential properties, would result in bottlenecks/guests congregating outside and about general noise disturbance associated with the comings and goings of hotel guests, including from associated vehicle movements - taxis and coaches (with idling engines), noise from the loading/unloading of luggage, and disturbance from servicing activities. Objectors also consider that the lack of 'basic amenities' means that guests will be forced to leave the hotel early in the morning for breakfast and will return late in the evening, in addition to general movements 'to and fro' during the course of the day. They are also concerned that guests will be 'loitering' on the pavement outside the hotel to smoke or get a mobile telephone signal. They conclude that the nature and design of the proposed hotel represents the 'least sensitive' means of introducing new hotel use, involving greater levels of noise and disturbance that would normally be the case, particularly compared to other hotels that provide more traditional on-site facilities.

Occupants of Fountain House have expressed particular concern about the potential for ant-social behaviour associated with the use and the impact on residents of upper floor flats.

Given the site location, the small scale of the hotel, its basement location and relationship with neighbouring properties, and the absence of additional customer services, the applicants consider that, subject to appropriate operational controls, the hotel use would not have a material impact upon the amenities of neighbouring occupiers or the environmental quality of the area. However, they acknowledge that site activity and the management of guests will need to be carefully controlled. Consequently, they have submitted a draft hotel Operational Management Plan (OMP), a copy of which is included in the background papers. This includes details of various commitments/measures designed to ameliorate the potential impact of the use:

- No food or beverage service will be provided by the hotel. Hotel guests will be directed to numerous restaurant etc in the wider area. (The Mayfair Neighbourhood Forum notes that there are no affordable restaurants in Park Lane and, given that there is no food and drink provision within the hotel, is concerned about potential nuisance from food deliveries ordered via on-line platforms. It is considered that any finalised OMP (to be secured by condition) should include a commitment that hotel guests will not be permitted to order food from on-line services/delivery platforms and that no food deliveries will be allowed within the hotel in order to address the issue of potential disturbance from delivery scooters etc and additional requirements for the storage of food waste).

- Given nature of the hotel, it is not anticipated that guests will arrive/depart by coach. The finalised OMP would need to exclude coach bookings (direct bookings and through third parties) and should also include the applicant's more recent proposals to minimise the number of guests within group bookings (see below). It is considered that the OMP should also confirm arrangements to deter guests from organising trips from the hotel using coach pick-ups/drop offs. The finalised OMP would need to confirm how these restrictions would be advertised and enforced.
- The hotel will be fully staffed at all times with a concierge/security desk located within the main entrance to control and monitor customer access/egress. Staff will manage guests entering/leaving the hotel to minimise potential noise disturbance and to prevent customers congregating outside.
- The concierge will be able to call taxis for hotel guests from within the building.
- Staff will provide guests with information about the local area and local transport options.
- Staff will enter/exit the site using the Mount Street entrance.
- A Street Management Policy will be implemented to maintain the privacy and amenity of neighbouring residents. (This should be included as an appendix for any finalised OMP)
- Regular recorded security patrols of the property and surrounding area will be undertaken to ensure that outside areas are kept clean and that guests do not congregate outside. (The OMP should be updated to confirm the frequency of these patrols)
- Smokers (staff and customers) will be directed to designated smoking areas. The location of these smoking areas is unclear but, given that smoking would not be permitted inside the building, it is accepted any alternative use of the site would result in smokers standing on adjacent streets. The OMP should be updated to detail proposed measures to ensure that the pavements are kept clean of smoking debris and to ensure that smokers do not cause a nuisance to neighbouring residential properties e.g., standing outside neighbouring residential entrances and should confirm how staff/customers will be advised of this requirement. The applicant has confirmed that the basement will be supplied with a telecommunication signal and that Wi-Fi will be provided to all parts of the hotel. Consequently, hotel guests and staff will not need to leave the building to make/receive a mobile phone calls.
- Local residents will be able to contact hotel staff at any time to discuss any problems associated with the hotel use. The designated community contact is the

Operations Manager. It is unclear whether an operations Manager would be on site on a 24-hour basis and, if not, who should be contacted in the event of an out-of-hours emergency. The finalised OMP should include details of a complaints procedure, including details of a 24-hour (manned) telephone number and confirming how any complaints received will be logged and responded to and how these procedures would be advertised.

- Staff will operate procedures to deal with unexpected conduct by hotel guests. and will call emergency services, where necessary.
- CCTV cameras will be installed to monitor the entrance, service entrance and all external areas associated with the hotel to minimise potential disturbance from guests. CCTV footage will be kept for a minimum of 31 days.
- A Code of Conduct for hotel guests, relating to behaviour inside and outside the hotel to safeguard neighbours' amenity, will be published.
- Hourly room rentals will not be permitted.
- Servicing and deliveries will be scheduled to avoid servicing conflicts, undertaken at off-peak times and between normal working hours. The proposed servicing hours have now been moved to later in the evening. The OMP should include obligations to ensure that servicing is carried out to minimise noise disturbance e.g., through the use of electric vehicles, use of trolleys with rubber wheels, engines switched off, etc. While some of these measures are noted within the Servicing Management Plan, it is considered that measures specifically designed to safeguard neighbours' amenity should be included within the OMP to provide a single management manual.
- Deliveries will be offloaded at the existing service ramp (Mount Street) and transferred to the goods lift. Any unscheduled deliveries will be rejected, and drivers sent to the designated on-street loading areas (the loading bay and single yellow lines on Mount Street). (The proposed servicing arrangements have since been revised to take account of local loading restrictions and all servicing would take place between 07.30 and 8.30 and between 18.30 and 21.00 hours . The OMP should be updated to reflect this change).
- All waste will be stored internally prior to collection. (The OMP should also be amended to confirm that waste bins will be returned to the basement immediately after emptying and that no waste or waste bins will be stored on the highway/pavement).
- All plant associated with the development will be regularly maintained to prevent potential, noise disturbance.

Objectors have requested that conditions are imposed to ensure that the hotel does not operate in excess of capacity and that hourly room rentals are not permitted. The hotel capacity is determined by the room layout shown on the plans and a condition would be imposed requiring the development to be carried out in accordance with the submitted drawings. The capacity would also be restricted by fire safety considerations. Commitments to preclude hourly room rentals are included within the draft OMP, and would form part of any finalised Plan, adherence to which would be secured by condition. In these circumstances, the requested additional conditions are not considered necessary in planning terms.

It is noted that there are residential properties in close proximity to the proposed hotel, including immediately adjacent to and above the hotel entrance. However, with appropriate controls in place, it is not considered that the proposals would have a material impact on the amenity of neighbouring occupiers or local environmental quality. The absence of hotel drinking/dining facilities would significantly reduce the site's servicing and waste storage requirements. Many guests in Westminster's hotels, even those which are more leisure-focused, would choose to 'dine out' in the many cafes and restaurants in the West End as part of their stay, and many guests would leave these hotels early to attend meetings or make travel connections. It is not considered that the absence of drinking/dining facilities within the proposed hotel would have a material impact upon the movement of hotel guests when compared with other hotel types, particularly given the limited number of rooms proposed when compared with neighbouring hotels.

It is accepted that there will be increased activity on Aldford Street associated with hotel arrivals and departures. As Park Lane is a red route, taxis are likely to drop off/pick up in Aldford Street/Park Street, including from the taxi rank immediately to the north of the site. The area is characterised by large Park Lane hotels, with associated vehicular activity at the rear of hotel buildings, on Park Street and in the smaller side streets. In this context, and subject to measures to prevent hotel bookings from customers arriving/departing by coach, it is not considered that vehicular activity associated with the proposed 66-bed hotel would have a material impact upon the character of the area or the amenity of neighbouring properties or local environmental quality.

Site servicing would take place from Mount Street with waste transfers via the former servicing vehicle ramp and goods transfers/laundry etc using the former commercial car lift (that was used by the car showroom). To ensure that deliveries/servicing is undertaken from Mount Street, as proposed, the final SMP/OMP will address this as part of the full details of servicing. The proposed servicing arrangements, including the revised servicing hours, are considered to strike an acceptable balance between ensuring that the hotel can be adequately serviced and safeguarding the amenity of neighbouring occupiers.

One objector notes that the draft OMP states that it would be reviewed annually, for the first five years after completion of the hotel. They have requested that neighbouring

residents should be consulted in respect of these annual reviews to ensure that their amenities are adequately safeguarded and that any noise or nuisance issues can be appropriately addressed and have requested that this review and consultation process is secured by condition. It is not the Council's practice to require the submission of annual reviews of OMPs on the basis that any finalised OMP should be robust in terms of proposed measures to safeguard neighbours' amenity and procedures for responding to any complaints received. Any reported failure of the hotel operator to comply with measures in the approved OMP (and SMP) would be investigated by the Council's enforcement officers.

In view of the above, the proposed use is considered acceptable in land use terms, in terms of its impact upon the character and function of the area and upon the amenity of neighbouring occupiers and local environmental quality.

9.2 Environment & Sustainability

Sustainable Design

City Plan policy 38 requires all new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture. Policy 38D requires developments to extend the lifetime of buildings and to respond to the consequences of climate change by incorporating principles of sustainable design including the use of high-quality durable materials; the provision of flexible high quality floorspace, the optimisation of resource and water efficiency; enabling the incorporation of, or connection to, future services or facilities; and minimising the need for plant and machinery. Policy 38E requires applicants to demonstrate how sustainable design principles and measures have been incorporated into designs by using recognised environmental performance standards, and, in the case of non-domestic developments of 500 sqm of floorspace (GIA) or above, achieving at least BREEAM "Excellent", or equivalent standard.

The application is supported by a Sustainable Design Statement which confirms that the development will place a strong focus on sustainability and durability when considering construction profiles and building materials. High Green Guide ratings will be achieved wherever possible and materials will be assessed for suitability with regards to Whole Life Costs. Insulating materials will be specified to maximise thermal performance and the environmental impact of the materials used.

Responsible sourcing will also be pursued. All timber used on site during the construction phase and within the building will be from FSC sources or equivalent. Other materials, including insulation, will be sourced from manufacturers who employ recognised environmental management systems. Where possible, materials will be sourced locally.

The scheme is designed to minimise water consumption with specifications for sanitary fittings designed to meet water consumption targets.

The Assessment confirms that the development is designed to achieve a BREEAM 'Excellent' rating. This is welcomed and would comply with the requirements of policy 38.

Energy

City Plan policy 36 expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. All development should follow the principles of the Mayor of London's energy hierarchy 'Be Lean, Be Clean, Be Green' – reduced energy demand, efficient energy supply and the use of renewable energy. The policy also requires all development to be designed in accordance with the Mayor's heating hierarchy and to be designed and operated to minimise the risk of internal overheating.

Policy MES4.1 of the MNP requires all new non-domestic developments to be Zero Carbon (which it defines as a 100% improvement over the Target Emission Rate outlined in the national Building Regulations). Additionally, policy MES4.2 requires all new development to demonstrate that measures will be put in place to manage energy use, ensuring that developments meet their energy performance commitments when in operation. It is noted that there is a conflict between MNP policy MES4 (which requires all new non-domestic development to be zero carbon) and Policy 36 (of the City Plan and policy SI 2 of the London Plan which, under which zero carbon targets relate to major developments.). However, as the City Plan and London Plan were adopted after the MNP, those Plan policies take precedence.

The application is supported by an energy statement. As a change of use, the proposal does not constitute a major development, although the submitted energy report references London Plan requirements for major developments which require the submission of a detailed strategy to demonstrate how net zero carbon will be achieved and sets a target for a minimum on-site reduction of at least 35% beyond Building Regulations, with non-residential development aiming to achieve a minimum 15% reduction through energy efficient measures. It is acknowledged that there are very limited options to reduce energy consumption through the introduction of passive design measures as part of the refurbishment of the basement accommodation. The basement will be served by new mechanical ventilation systems and will be assessed for air tightness to ensure that the air balance within the basement accommodation can be fully controlled. The scheme will employ a centralised ventilation system with heat recovery and variable refrigerant flow heat pumps to provide heating and cooling and hot water. A low energy LED lighting system, with reactive lighting switches and absence detectors, will aid low energy consumption. The building fabric will be insulated to achieve values exceeding targets within the Building Regulations

The energy report confirms that the development would achieve an overall improvement in emissions over Part L of the Building Regulations, of 64.49%, through the adoption of the above the proposed energy efficiency measures would reduce carbon emissions

from the development by 30.60%, with a reduction of 24.23% from passive design measures. The improvements to energy savings are welcomed and accord with policy 36 of the City Plan.

Circular Economy

City Plan policy 37 promotes the Circular Economy. The applicants have submitted a Circular Economy Statement although this application is not referable to the Mayor. The proposals would retain and refurbish the basement car park to provide new hotel accommodation. The hotel would be created with minimal intervention, with new partitioning which could be readily moved, demounted and re-used should future business requirements dictate. Central building services are designed to offer the required heat, cooling and ventilation to any alternate use; again, readily demountable to enable relocation/re-use within their operational lifespan.

Waste management during the very limited enabling works will be kept to an absolute minimum via BREEAM compliant procurement strategies. Domestic waste will be sorted, stored and disposed of in line with Westminster collection policies, with the arrangements already in place within the host building and the proposed development is considered to be fully aligned with the principles of the Circular Economy designed to reduce the amount of waste produced and to ensure that more materials are reused and recycled.

Air Quality

City Plan policy 32 sets out the Council's commitment to improving air quality in the city and its expectation that development will reduce exposure to poor air quality and maximise opportunities to improve it locally, without detriment of air quality in other areas. Air Quality Assessments will be required in specified circumstances including for proposals that include potentially air pollution generating uses or combustion technology or incorporating sensitive uses. The supporting text (paragraph 32.9) confirms that proposals including potential air pollution generating uses could include those uses which 'generate extensive traffic such as from deliveries or customer arrivals and departures. The City Plan does not consider hotel uses to be a 'sensitive' form of development which should seek to avoid exposure to poor air quality for users. However, GLA guidance (London Local Air Quality Management (LLAQM), Technical Guidance 2019 (LLAQM.TG (19)), GLA, 2019.) considers hotels to be 'locations of relevant exposure for short term AQOs,(Air quality Objectives) where maximum ambient pollutant concentrations should not be exceeded.

Policy MES1 of the MNP also requires that, where new development proposes the inclusion of either a combustion plant or standby generator, an appropriate air quality assessment must be undertaken. Policy MES1.2 requires all development proposals to demonstrate that building and transport emissions would be at least air quality neutral (better or no worse than existing). However, this policy requirement is superseded by City Plan policy 32.

The application is supported by an AQA on the basis that the development has the potential to cause air quality impacts at sensitive locations during the operational phase, particularly a result of traffic exhaust emissions associated with vehicles travelling to and from the hotel. Objections have been received on the grounds that vehicles associated with the proposed hotel use would result in unacceptable air pollution. However, based upon analysis of baseline conditions and the relevant screening criteria, the AQA concludes that the road traffic impact would not be significant.

The air quality impact on future occupants has also been considered and the AQA concludes that, as ventilation intakes would be positioned away from the Park Lane frontage, and given the open nature of Park Lane would encourage the dispersal of pollutants away from the development, that the pollutant concentrations are likely to be below the relevant benchmark in this location.

The air quality report has been updated to refer to proposals for a diesel generator which would serve the dual-purpose visitor/evacuation lifts. This generator would only be used in an emergency and during weekly testing, where the duration and hours of testing (and noise levels) would be controlled by condition. The generator would be served by an existing full height flue within the building lightwell and there would be no external building alterations and no external alterations are proposed in association with the installation of this equipment.

The updated report confirms that the proposed development would be air quality neutral and would not exceed the maximum allowable emissions of NO_x and Particulate Matter based on the size and nature of the proposed development). The Council's Environmental Sciences Officer has reviewed the application and has raised no objection to the proposals which are considered acceptable under policy 32.

Flood Risk & Sustainable Drainage

City Plan policy 35 requires all developments to be safe from the risk of flooding complying with the council's Strategic Flood Risk Assessment (SFRA), Surface Water Management Plan (SWMP), Local Flood Risk Management Strategy (LFRMS) and the Mayor of London's Regional Flood Risk Appraisal (RFRA). Given the size of the application site and its location, a specific Flood Risk Assessment is not required. The site is not located within a Surface Water Flood Risk Hotspot but is within a Critical Drainage Area as designated in the Council's Surface Water Management Plan.

City Plan policy 35J requires new development to incorporate Sustainable Drainage Systems (SuDS). Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken. The applicants have submitted a Flood Risk Assessment and SUDs report. These confirm that there is a low risk of flooding associated with the development as there will be no change in the building footprint or the extent of permeable surfaces and the rate of surface water run-off will remain as existing. There is no history of flooding associated

with the site. as the proposal is for internal refurbishment, the hotel would utilise the existing drainage systems. The development is considered to comply with the requirements of Policy 35.

9.3 Biodiversity & Greening

City Plan policy 34 encourages the inclusion of greening measures within new developments to encourage biodiversity. However, given the nature of the application, it is accepted that such measures could not be accommodated.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Policies 38, 39 and 40 of the City Plan consider the design of new developments and developments within conservation areas. Policy MD of the MNP requires proposals to consider their impact on the character and appearance of Mayfair conservation area. Where applications include provision for external electrical wires, aerials, plant and equipment such as air conditioning units, these should be hidden from view or their visual impact minimised.

Fountain House is an unlisted building in the Mayfair Conservation Area to which it makes a positive contribution. It was designed by Sir Giles Gilbert Scott and constructed in 1935-38 and is one of several neo-Georgian buildings facing Hyde Park of a scale distinctly different to most buildings in the surrounding residential streets of Mayfair.

The proposed external alterations are minor in nature comprising alterations to a doorway on Aldford Street and the installation of new doors and louvred gates to Mount Street. An objection has been received in heritage asset terms, on the grounds that the applicant’s heritage appraisal views the impact of the proposed external alterations ‘too narrowly’ and fails to take account of the change in circulation patterns, bringing visitors to a side entrance (with its associated amenity impact).

The objector considers that the changes will undermine the role that the property plays, facing Park Lane, and will diminish its contribution to the character of the conservation area., causing 'less than substantial harm' to the conservation area., without and convincing justification for that harm. However, it is considered that the proposed alterations have no detrimental impact in terms of their appearance, and, in heritage asset terms, this objection cannot be supported. The building already has side entrances, on Aldford Street and Mount Street which are, according to signs on the doors the "Service and Tradesmans" (sic) entrances. The main entrance is via an elaborate archway on Park Street and the Park Lane frontage is mostly commercial, with a discreet secondary entrance/exit to the upper floors next to the petrol filling station. In this context of multiple entry/exit points of various scales and grandeur, it is considered that the proposals cause no harm to the building's circulation patterns or to its contribution to the character and appearance of the surrounding conservation area and this objection cannot be supported and that the proposals complies with polices 39 and 39 and 40 of the City Plan and relevant polices within the MNP.

Fire safety

One respondent has requested that the acceptability of the proposals be considered in relation to Planning Gateway One and referred to the Health and Safety Executive (HSE).

The application is supported by a fire statement which confirms that the development will be designed to comply with Fire Safety requirements in accordance with policy D12 of the London Plan. Building evacuation in the case of fire would include the use of stairs linking the basement and ground floors and the use of new evacuation lifts. The hotel will share escape stair 2 with the residents' car park at LG floor level and escape stair 1 with the retained ground floor car showroom.

Both the applicant and the HSE originally advised that they did not consider the site to be a relevant building for the purposes of Gateway One, but following discussions with officers, concerning the height of the building and the residential use on the upper floors, the HSE subsequently reconsidered their position.

The HSE originally expressed 'concern' regarding the proposals and requested further information regarding fire performance classifications of external wall systems, sprinkler systems, means of escape, and fire service access and facilities. In response, the applicants submitted additional information from their Fire Consultant. On reviewing this, together with the original application, the HSE has confirmed that they are 'content' with 'the fire safety design to the extent that it affects land use planning'.

The response provides further comments in the Supplementary Information section regarding means of escape, the design of external wall systems, sprinklers and fire and rescue facilities but notes that these comments 'should not be used for the purpose of

decision making by the local planning authority' and that these matters will be subject to consideration at later regulatory stages.

9.5 Residential Amenity

Noise & Vibration

City Plan policy 33 requires new development to prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to minimising noise from plant machinery and internal activities.

Noise from plant and hotel activities

The development would be served by internal plant at basement level and plant at ground floor level which is set behind new acoustic louvred doors at the top of the existing vehicle access ramp on Mount Street. The basement plant proposals include an emergency generator, which would be served by an existing full height flue.

Comments have been submitted regarding the methodology of the submitted noise report, querying why an additional noise receptor location was not included for flats located above the new louvred doors, which serve plant located within the former vehicle access ramp. The Council's Environmental Sciences Officers has assessed the submitted noise report, which identifies a receptor located above the high-level louvre at ground floor level and has raised no objection to the proposals. All new external plant or internal plant served by external louvres/grilles, will be required to meet the standard noise condition. This requires the plant to operate at 10dB below background noise levels at a point 1m from the window to the nearest noise sensitive receptor. As the plant the pant behind the new louvred doors would be located at ground level, and some distance inside the building at the top of the former access ramp, it is considered that the receptor point selected is acceptable for the purposes of the noise assessment. (Should any additional form of attenuation be required to ensure that the plant meets operational noise requirements, this could be provided within the building without affecting its external appearance).

The objector has also requested that conditions be imposed requiring all plant to operate at least 15 dB below the lowest background noise level and that the plant louvres are constructed to mitigate the noise impacts. They have also requested that the submission of a supplementary noise report to demonstrate compliance with the relevant standards. Whilst the objectors' concerns regarding potential disturbance from plant operation are noted, the more onerous controls suggested could not be justified. The plant installation would need to be carried out in such a manner to ensure that sufficient attenuation is provided to meet the standard noise condition and further conditions could not be justified.

The proposals also include the provision of an emergency generator to power the

evacuation lifts. This plant would also be required to comply with the plant noise requirements. The hours of testing of the emergency generator would be controlled in accordance with the Council's normal requirements.

Given that activities internal activities associated with the development would largely take place at basement level, separated from the residential parts of the building, with the exception of the occasion use of the lifts, it is not considered that there level of internal activity associated with the proposed use would have a material impact upon residents' amenity when compared with activities associated with the previous use as a car showroom, including the delivery and transfer of vehicles.

Another objector has requested that a condition is imposed requiring the submission of a noise management strategy, outlining the procedures which the applicant would adopt in the event of noise arising from the development, from either the plant operation, noise from servicing activities or noise from patrons. They also request that measures are put in place to ensure that noise from deliveries and servicing vehicles is reduced, managed and secured by condition, including all measures outlined in the SMP. Proposed measures to ameliorate the potential noise impact of the use, including noise from servicing activities, are included within the draft hotel OMP and SMP. The submission of updated documents would be secured by condition to include updated of measures to ameliorate noise disturbance from hotel activities and hotel guests, including an updated complaints policy and measures to respond to any noise complaints received. The finalised SMP would also include details of measures to minimise potential noise disturbance from servicing activity. Any hotel operator would be required to comply with the requirements of a finalised OMP and SMP. It is considered that such measures would be sufficient to safeguard the amenity of neighbouring occupiers and that a specific noise management policy, which would be likely to include the same information as contained within the OMP and SMP, is not considered necessary. Any reports of failure to comply with measures within the approved OMP and SMP would be investigated.

In view of the above, the proposals would comply with policies 7 and 33 of the City Plan.

9.6 Transportation, Accessibility & Servicing

The site provides excellent transport links ((PTAL rating of 6a/6b) being located between Marble Arch and Hyde Park Underground Station and close to Green Park Underground Station and Victoria Station Terminus. It is also close to main bus routes (Park Lane and Marble Arch) and to several cycle hire docking stations. The site is also within easy walking distance of Oxford Street and close to many tourist attractions. There is a taxi rank (for approximately 10 vehicles) located immediately to north, on Park Street, at the rear of the Grosvenor House Hotel.

Parking

No parking is proposed in association with the development, which accords with City

plan policy 27. Staff and guests will be encouraged not to visit the site using private motor vehicles. However, the site is located within a Controlled Parking Zone and anyone who does drive to the site will be subject to those local parking restrictions. In these circumstances, it is considered that the impact of the proposed use upon the level of parking demand in the area would be minimal.

The survey plan has been amended to show the location of two basement parking spaces. The applicants have confirmed that they have been used in association with the corner petrol filling station. As City Plan policies do not protect commercial parking spaces, the Highways Planning Officer has raised no objection to the loss of these spaces.

Cycling & Cycle Storage

Policy 25 of the City Plan requires development to provide adequate storage in accordance with cycle parking standards set out in the London Plan.

Based upon the proposed use, London Plan standards require a minimum of 3 long stay and 1 short stay cycle spaces to be provided. Separate cycle storage (12 spaces – 8 for staff and 4 for guests) for hotel staff and guests is shown at basement level, accessed via the existing vehicular access ramp on Mount Street. This level of provision is welcomed and would be secured by condition.

Trip generation

It is accepted that the majority of trips associated with the site (excluding any servicing activity or coach and taxi activity) will be via public transport or other sustainable modes i.e., walking or cycling and this will not have any significant impact upon the safety or operation of the highway network.

Taxis and coaches

Policy 28 of the City Plan states that Policy 28 (D) of the City Plan states that new development likely to attract large visitor numbers should ensure that 'proportionate' (author's underlining) provision is made for taxis, coaches and other tourist vehicles, where necessary, particularly where it is in close proximity to major tourist destinations and transport hubs. The supporting text (paragraph 28.6) confirms that that such provision could include dedicated parking, layovers, pick up and set down points, minicab offices, and taxi ranks but notes that the benefits of provision should be balanced against the need to protect residential amenity (given potential noise disturbance and impacts on air quality) and to allow sufficient parking and circulation space for other vehicles.

Policy 27 sets out the Council's parking policies and includes policies relating to new parking facilities, including for coaches. However, the supporting text (paragraph 27.16) acknowledges that hotels, and other uses, can increase demand for coaches,

minibuses or taxis, and parking facilities but confirms that 'meeting the needs of these vehicles should be considered although parking should only be provided where it is needed for the essential operation of the use'.

It is noted that there are coach parking facilities outside the Grosvenor House Hotel (less than 170m from the hotel entrance) where two coach parking spaces are available with a 1-hour maximum stay.

Objections have been received on the grounds that the scheme does not include any provision for taxis or coaches, or assess their likely impact, and that the absence of such provision would result in highway congestion, in addition to the adverse impact on neighbours' amenity detailed above. One objector is concerned that the applicant's undertaking, that bookings would not be accepted from hotel guests arriving by coach would be unenforceable. Alternatively, they consider that even if the condition was enforceable, it would not prevent the use of coaches, but that the Council might simply be alerted to the use of coaches after the fact. Suggested amendments to the hotel OMP with regard to coach bookings are set out above. The obligations within an approved OMP would be enforceable. As is the case with all planning conditions, it would not be reasonable to refuse an application on the basis that a developer might not comply with conditions imposed. This is an approach adopted by the Council in relation to other recent hotel developments.,

In support of this aspect of the scheme, the applicant has provided details of an appeal decision relating to a 2016 application for an 117 bedroom hotel at 157 Edgware Road (16/11276/FULL) where the Inspector found a suggested condition to prevent coach parking to be a robust mechanism to prevent coach parking at the site' *stating 'I am satisfied that this would meet the 6 tests as set out in paragraph 206 of the Framework, and would provide an effective control against coach parties arriving/departing the hotel'*. Although this application was considered in the context of the Unitary Development Plan 2017, the policy wording of the relevant policy is largely the same as that within policy 28 of the City Plan. The Council has adopted in a similar approach in relation to more recent applications including a 2022 permission for a 400-bed hotel room at the Criterion Building, Piccadilly (which includes conditions to prevent the hotel from taking coach bookings and requires the submission of an Operational Management Plan to demonstrate how this would be enforced and advertised) and in relation to hotel development at the Trocadero and at the former 'In and Out' club on Piccadilly .

The Council's Highways Officer, although acknowledging that the applicant's proposals to prevent coach bookings, has expressed concern that the focus of the proposed hotel could change over time, attracting a different type of customer, with a potential increase in coach traffic, which might obstruct through-traffic in the area and that there is no additional on-street space to accommodate coaches. Consequently, they have requested that the OMP be updated to include details of arrangements to confirm how coaches (and guests and their luggage) would be managed, given concerns that the movement of hotel guests and their luggage has the potential to disrupt pedestrians and

other highway users. In the absence of details of the process for dealing with coach arrivals, including the transfer of guests from the coach to identified drop off locations, and the transfer of luggage, the Highways Officer considers that the proposals would not be consistent with policies 27 and 28. However, the obligations within any finalised OMP and SMP, or restrictions imposed by condition would apply to the hotel use. Should the proposed hotel operator, or any future hotel operator, wish to change the nature of the use, they would need to submit an alternative SMP and OMP for approval and would have to apply to remove or vary the suggested condition. The implications of the proposed changes for the operation of the highway and the safety of pedestrians would be considered at that stage.

The applicants, in responding to the Highway's Officer's comments, contend that the proposed 66-bedroom hotel would not attract the 'large visitor numbers' envisaged under policy 28, that would normally require the provision of dedicated coach parking facilities. They consider that the hotel, due to its size and underground location, would never be attractive to the type of operator who would take bookings from coach parties, even if the occupier was to change in the future. They also confirm that 'Zedwell' already operate a successful 740-room hotel at the Trocadero in Piccadilly, which does not take coach business and encourages guests to use public transport or walk/cycle from transport hubs.

The Highways Officer has reviewed the supplementary Transport Statement. While they welcome the applicants' comments precluding coach bookings, they consider that the OMP should be updated to refer to other coaches and tourist vehicles e.g. those that might arrive at or depart from the hotel outside of this arrangement. The applicants have indicated their willingness to include a further obligation within the finalised OMP to restrict group hotel bookings to a maximum of 8 guests. This would be restricted through the hotel's on-line booking system and on third party websites and advertised on the hotel website. This additional commitment is welcomed.

In relation to taxi traffic, the submitted draft OMP confirms that taxis could be called for departing guests by hotel staff in the manned entrance lobby. The applicants also note that there is a large taxi rank immediately to the north of the site, approximately one minute's walk from the hotel entrance. One objector considers the presence of a large taxi rank (at the rear of the adjacent Grosvenor House Hotel) to be of no consequence on the basis that hotel visitors are likely to be dropped off and picked up by the hotel entrance and will not walk to the adjacent taxi rank, although it is unclear why objectors believe that hotel customers would not be prepared use this facility.

The Highways Officer, in reviewing the original application, noted that with limited kerbside availability, taxis dropping off/picking-up hotel guests or waiting in the area are likely to result in localised congestion. Consequently, they requested that the OMP be updated to include details confirming how arrivals and departures from taxis would be managed. In response, the applicants have stressed that the nature of the proposed hotel is likely to appeal to cost-conscious customers, who are more likely to use public transport and/or to walk/cycle. They contend that given the site's excellent transport

links, taxis do not need to be relied upon to visit the hotel. Additionally, given the limited number of hotel rooms, and based upon the more general use of public transport, they consider that the number of taxi arrivals/departures is likely to be limited. They also note that, in approving separate applications for hotel developments at the Criterion Building, Piccadilly (permissions separate for 402 or 444 rooms) , the City Council did not require the creation of dedicated taxi drop off points but that the use of existing neighbouring taxi ranks was deemed acceptable and from that guests of the proposed hotel would be directed to the Park Street taxi rank. Finally, the applicants note that the previous use of the site as a car showroom would have attracted a number of vehicle movements associated with vehicle deliveries and customer visits.

The Highways Officer, whilst acknowledging the applicant's comments, initially maintained their concerns about potential congestion from taxi traffic and consider that the OMP should be updated to consider the management of taxis arriving/departing via other arrangements (e.g., website bookings via other taxi platforms). The applicants acknowledge that taxis booked using websites may not use the adjacent taxi rank for pick-ups or drop offs but consider that any taxis operating in the area could utilise single yellow lines outside of the CPZ hours restrictions (8.30 to 18.30 hours) and that any unauthorized use of the SYL by taxis would be subject to parking enforcement.

Notwithstanding the Highway Officer's concerns, it is acknowledged that this is a small budget-type hotel, and that taxis are already likely to be present on the local highway network. Additionally, guests will not arrive en-masse, in the same way that coach parties would. It is accepted that many customers are likely to use public transport or other sustainable forms of transport. The hotel is within walking distance of the many attractions, including restaurant and bars, in the West End. Any taxis visiting the site are likely to arrive/depart swiftly.

The Highways Officer's concerns about the potential impact of the movement of hotel guests and their luggage on pedestrians and other highways users is noted. However, this would be expected in association with any new hotel development, which is acceptable in principle in this location in land use terms. Additionally, Park Lane/Park Street appear to be subject to relatively light pedestrian flows and the highway adjacent to the hotel entrance is pedestrianised.

In conclusion, given that policy 28 requires the 'proportionate' facilities for coaches . taxis and other tourist vehicles where developments are likely to attract significant visitor numbers and given the size and nature of the hotel use and the suggested restrictions proposed within the OMP, it is not considered that the application could justifiably be recommended for refusal on the basis that the absence of such facilities for coaches and taxis would have an adverse impact upon the operation of the highway and the safety of highway users.

Servicing and Waste and Recycling

Policy 29 B of the City Plan states that the servicing, collection and delivery needs of the development should be fully met within a development site and requires applicants to produce Delivery and Servicing Plans which encourage provision for low-emission, consolidation and last mile delivery modes. Further, policy 29C requires provision for serving collection and deliveries to be provided off street and to be appropriate ' in size, type and anticipated frequency of deliveries.

Where it is not possible to fully meet servicing, collection and delivery requirements within a development site, Policy 29D requires proposals for site servicing to be minimise any adverse effects on other highway and public realm users, and other residential or commercial activity. The supporting text (Paragraph 29.7 and 8) states that servicing demands should be met on site, with vehicles able to access servicing facilities without detriment to the operation of the highway. Where alternative servicing arrangements can be fully justified, and servicing is to be undertaken on-street, it must be demonstrated that this must have adverse safety implications for pedestrians or other highway users or obstruct traffic. (One respondent has highlighted that the supporting text (paragraph 29.8) states that the consideration of site serving requirements is 'particularly important in mixed-use developments including residential uses where adequate areas for servicing must be designed in a way which does not conflict or cause adverse amenity impacts. Therefore, servicing should be integrated into the development at the early design formulation stages and not after the scheme has been designed'. However, the current proposal is for the change of use of use of commercial areas of an existing building, which already contains a mixture of commercial and residential uses, rather than for a (new) mixed use development.

Policy MSD1 of the MNP (Servicing and Deliveries) requires all new commercial development of 'significant scale' to demonstrate how steps have been taken to provide improved waste and servicing arrangements including, where appropriate, consolidating waste and servicing arrangements in the immediate area, providing sufficient food waste storage and the use of electric servicing vehicles or other zero-carbon measures. Policy MSD2 requires all new development of a 'significant scale' to demonstrate that the proposed waste and servicing arrangements will not adversely impact the amenity of neighbouring occupiers.

At the western end of the roadway, close to its junction with Park Lane, there is a shared loading bay/disabled bay (with a maximum stay of 20 minutes for loading and a maximum stay of 3 hours for disabled parking). Loading and unloading can occur on single yellow lines, (for a maximum of 20 minutes between 11.00 and 18.30, with no restriction outside of these hours) except where a loading ban is in place. The south side of Mount Street is characterised by single yellow lines which are subject to 'no loading' restrictions between 8:30am-6.30pm Monday to Friday and between 8.30am-1.30pm on Saturdays. Aldford Street is a no-through road for vehicles, characterised by single and double yellow lines.

It was originally proposed in the Servicing and Delivery Management Plan (SMP) that the site would be serviced from the top of the vehicle access ramp, using the two-lane petrol filling station and utilising the shared loading bay/disabled parking bay on the north side of Mount Street and from single yellow lines which are subject to 'no loading' restriction detailed above. However, the SMP also states that deliveries/collections will be scheduled to avoid delivery conflicts and will take place between 09.00 and 17.00 hours.

The SMP originally anticipated that the majority of servicing trips would be undertaken by smaller vehicles, with shorter dwell times, which could be readily accommodated within the 'off-street layby'. The SMP includes a swept-path analysis based on the use of a 7.5T medium box van and a 4.6T light goods van and confirms that the use would generate between 1 and 7 deliveries a day including private waste collections (weekly); a daily linen delivery/collection; a monthly stationery delivery, a monthly delivery of guest supplies; daily post/parcel deliveries (likely to be consolidated); and ad hoc visits from maintenance vehicles which would use pay and display bays in the vicinity. However, the estimated dwell time for the daily linen delivery/collection, at 30 minutes, is beyond the permitted maximum loading time for the delivery bay and single yellow lines, and the proposed servicing hours are at times when servicing is not permitted from single yellow lines.

The SMP also includes a Management Strategy for deliveries and collections. This confirms that suppliers will be informed that deliveries should be undertaken in LGVs (apart from refuse) and that no deliveries should take place in HGVs. A staff member and a banksman will supervise all deliveries to ensure the safety of other highway users and hotel staff will be fully trained to ensure that site servicing is carried out efficiently and quietly. Fixed delivery schedules will be agreed with suppliers to avoid servicing conflicts and deliveries will be scheduled to account for potential traffic delays etc. The use of use of electric vehicles is also encouraged, with vehicles required to meet the highest (best) emission standards. Delivery companies will be instructed to reduce potential noise impact by seeking to use newer/quieter vehicles and equipment, making sure that all equipment is properly maintained, switching off engines/vehicle tannoy /cab radios; giving the hotel operator advance notice of vehicle arrivals and minimising noise from goods transfers. The operator will also be encouraged to award delivery and servicing contracts to companies who are signed up to a recognised best practice scheme, which will create opportunities for linked trips to be developed.

The Highways Officer reviewed the original SMP. Whilst it contains many overarching principles of how servicing could be managed, it includes limited detail with regard to the specific processes which would be followed. (An SMP should be an instruction manual for the occupants which clearly outlines how day to day servicing will take place and must identify the process, storage locations and the management of delivery vehicles/delivery size). The SMP does not identify any clear proposals to consolidate site deliveries. Additionally, the Highways Officer anticipates that the hotel would be serviced by larger vehicles 10m vehicles, such as refuse vehicles and those used by laundry companies. Given the potential vehicle dwell times indicated (maximum 30

minutes) they also expressed concern that site servicing would result in localised congestion, affecting the operation of the highway and highway users, including pedestrians. However, their assessment is based upon the potential for six deliveries per day, although this would be only occur if all the estimated daily/weekly/monthly deliveries occurred on the same day, which is considered to be extremely unlikely.

They also note that the swept path analysis indicates only a large car using the petrol filling station lane and a box van parked on the entrance to the basement ramp. This van would have either to reverse on to the ramp or exit in reverse gear. Even with a banksman in attendance, this would still have the potential to cause delays. The Highway officer concluded by advising that an updated SMP would be unlikely to address the identified issues relating to site servicing without associated changes to the proposed layout including the allocation of ground floor space within the development to accommodate deliveries.

As site servicing relied on the use of the operational petrol station forecourt, which was also beyond the application site, and as the applicants later confirmed that there was insufficient headroom for servicing vehicles at the top of the vehicle access ramp (head height is also restricted by the petrol station forecourt canopy) the application was revised to omit proposals involving limited off-street servicing. A Supplementary Transport Statement also addresses the Highways Officers comments regarding site servicing. It notes that the Highways Officer's assessment is based upon 6 deliveries a day but the Criterion Hospitality Team estimates that there would be an absolute maximum of three deliveries a day (but more typically 1-2 per day), which would be limited to linen servicing, waste servicing, cleaning items and toiletries, and that deliveries would not all take place on the same day and would be scheduled to avoid servicing conflicts. In the absence of a detailed delivery schedule the maximum number of potential daily deliveries is unclear. However, it is accepted that the maximum number of daily deliveries is unlikely to be significant and would be much less intensive than for a larger hotel with a food and beverage offer.

Given the site constraints, it is confirmed that all servicing will take place from the delivery bay and single yellow lines on Mount Street. General deliveries would be made to the staff entrance on Mount Street, and transported via the goods lift to back of house. The applicants now estimate that the dwell time for the linen/delivery collection would be 10 minutes (two cages of linen replaced daily), meaning that all proposed vehicle dwell times would be within the maximum stay limits. They also confirm that the (smaller) vehicle delivery sizes set out in the original SMP would be agreed with servicing contractors. Finally, they note that policy 29 accepts the principle of off-street servicing where this can be managed to minimise its impact on the operation of the highway, other highway users and other residential and commercial activity. Given the small number of estimated deliveries and vehicle dwell times, the applicants consider that the effects of site servicing would be minimal.

The Highways Officer has reviewed the servicing information within the Supplementary Transport Statement. While they have re-stated their concern regarding the principle of

off-site servicing, on the basis of the confirmation of the maximum number of daily deliveries and the fact that deliveries would be scheduled to avoid servicing conflicts, and given the site constraints, they have requested a condition requiring the submission of an finalised SMP which includes all of the information detailed within the supplementary Transport Statement, in order to confirm that the development would be managed in such a way to minimise the impact on other highway users. This should include a basic flow chart mapping the process accompanied by a plan highlighting activity location that includes maximum of 3 deliveries a day, area for deliveries, times, dwell times etc.

If the unrestricted Mount Street loading bay is occupied, servicing would necessarily take place from the single yellow lines. As the servicing hours originally proposed are outside permitted servicing hours from these locations, the applicants have confirmed that servicing would take place between 07.30 and 08.30 hours and between 18.30 and 21.00 hours. The hotel operator has confirmed that these proposed servicing hours are acceptable/workable, and they would be controlled by condition.

Objectors are concerned that the proposals rely on servicing from Mount Street using a single loading bay (over which the applicant has no direct control) and/or single yellow lines (over which the applicant has no control). As the availability of these spaces cannot be guaranteed, they consider that the proposed arrangements will lead to the 'inappropriate' parking of servicing vehicles, when there is no available space, and would lead to vehicles 'circling' until the space becomes available. They also consider that the proposals do not include a 'realistic mechanism' for controlling the timing and nature of deliveries etc. They have also objected on the grounds that the application does not demonstrate that servicing requirements cannot be met within the development, as required by City Plan policy 29, and that the proposed arrangements are inadequate bearing in mind the nature of the property and surrounding area. It is accepted that site constraints, including the limited headroom at the top of the vehicular ramp, and the building's layout and relationship of the proposed hotel with other uses would make on-site servicing unviable for the reasons outlined above.

The objector is also concerned that the use of the Mount Street loading area (on the north side of the street), requiring deliveries to be transported across a street, which does not benefit from a designated crossing point, would have an unacceptable impact upon the safety of other highway users, including pedestrians, and would be impractical and unsafe. However, it is not unusual for delivery bays to be located on the opposite side of the highway from premises where goods are to be delivered. Given the limited number of estimated deliveries, and as Mount Street is relatively narrow, with a 20-mph speed limit, it is not considered that the transferring of goods across the highway, as part of a managed delivery process, would have an unacceptable impact on highways and pedestrian safety.

A further objection has been received on the basis that the submitted information regarding the frequency and duration of servicing activities is unclear/contradictory, but these arrangements have now been clarified.

Objectors are also concerned that no provision has been made for the use of low emission vehicles, the consolidation of deliveries/collections and/or more appropriate last mile delivery modes and that the development does not accord with the sustainability objectives in policy MSD1 of the MNP. However, the SMP confirms that deliveries will be undertaken in low emission vehicles. The operator will endeavour to use contractors who are part of recognised freight delivery scheme, which may provide opportunities for the consolidation of future deliveries. The applicants anticipate that these commitments would form part of the finalised SMP. Given the nature of the development and the limited servicing requirements this is considered acceptable.

Based on original SMP, one respondent has requested that the hours of delivery (between 09:00-17:00) and the applicant's commitment to using smaller delivery vehicles be controlled by condition. The issue of vehicle size is set out above (no HGVs) and would be confirmed within the finalised SMP. As detailed above, given the number of deliveries proposed, the revised delivery hours are considered to be sufficiently restrictive to safeguard neighbours' amenity, and would be controlled by condition.

In view of the above, and subject to conditions requiring the submission of a finalised SMP (together with an updated OMP which is consistent with the operational and transport details within the revised documents), the scheme is considered acceptable in highways terms.

Waste and recycling

City Plan policy 37 requires developments to provide adequate facilities for the storage of waste and recyclable materials. The Council's published guidance 'Recycling and Waste Storage Requirements' (2023) states that "...Hotels without restaurant/banqueting facilities should propose reasonable storage capacities for residual waste and recyclable materials. Each application will be assessed depending on the frequency of use and the size of the hotel."

Policy MES2.2 of the MNP requires all new development to provide an off-street waste collection point, unless there are exceptional circumstances which preclude it. Where no feasible solution can be found for the provision of a suitable off-street waste collection point, the developer must demonstrate how the hand-over of waste between the premises and their waste contractor is to be managed in order to minimise the time that is spent with waste on the street.

The applicants have confirmed that waste collection will be undertaken using a private waste contractor. Waste bins will be transferred from the basement, via the servicing ramp, using an electric tug-vehicle and collected from Mount Street and would be collected on a weekly basis. One respondent has requested clarification of the frequency of waste collections. The SMP confirms that collections for waste and recycling would be undertaken weekly.

Objectors are concerned that the scheme has been designed (and the SMP produced) on the basis that the hotel use would not include a food and beverage offer. They consider that refuse facilities should be provided to take account of the fact that a future hotel operator, could occupy the space without the need to apply for permission and may choose to provide a food and beverage offer, in which case the proposed refuse storage facilities would be inadequate. A condition has also been requested to prevent waste bins being stored on the pavement before and after waste collection to ensure that the amenity of the area is preserved and that there is no obstruction of the highway.

Given the nature of the hotel use proposed, and to address these concerns, a condition is recommended to prevent the use including drinking/dining facilities. As detailed above, it is also considered that the OMP should be updated to include a commitment to prevent hotel guests ordering food from on-line delivery platforms and to prevent any food deliveries from being taken into the hotel. Any future applications to remove these restrictions would need to be accompanied by revised drawings showing an appropriate level of refuse and recycling storage. This approach has been adopted for similar applications for room only hotels. As Council guidance accepts that hotels without dining and conference facilities need only provide a commensurate level of waste storage (for residual waste and recycling), the provision of additional waste storage facilities could not reasonably be required. The plans have been amended to include details of waste storage provision at the request of the Council's Waste Project Officer. The revised details are acceptable and would be secured by a condition which would also prevent the storage of waste /waste bins on the highway. The draft OMP confirms that bins would be presented at the top of the access ramp immediately prior to collection and removed immediately afterwards. In these circumstances, the proposals are considered to comply with policy 37 of the City Plan.

9.7 Economy including Employment & Skills

As the proposal involves a change of use of (2,324 sqm) of commercial floorspace to hotel use it does not trigger a requirement to make a financial contribution towards initiatives that provide employment, training and skills development for local residents or require the submission of an Employment and Skills Plan under the Council's Inclusive Local Economy & Employment Plan (November 2021). A financial contribution would only be triggered in the case of a 'net uplift of 1,000 Sqm or more of hotel floorspace' and an Employment and Skills Plan in the case of 10,000 sqm or more (net additional floorspace and/or changes of use to a new commercial use). However, the applicants have submitted an Employment, Staffing and Training Plan. This confirms that, initially, all jobs associated with the proposed development will be advertised locally, with a target of 20% local employment, and apprentices recruited through a named scheme. Staff training will be provided by the Criterion Hospitality Group and the employment and training monitored and the Plan targets the subject of a quarterly report. The ESP confirms that the hotel, once operational, would be staffed by 21 full time employees, including an operations manager, housekeeping staff; nine reception/security staff (with

24-hour staff schedules) and maintenance staff., with the potential to provide local employment. These commitments to local employment and training are welcome.

An objection has been received to the loss of the car showroom and the resulting loss of employment. The proposals would replace a basement car storage area with a hotel use which, based on the information outlined above, is likely to provide increased employment opportunities when compared with the previous use (particularly in conjunction with any future use of the accommodation at ground floor level).

The proposed hotel would contribute positively to the local economy during the construction phase, through the generation of increased opportunities for local employment, procurement and spending in existing nearby shops and services and, once operational, would also support the local economy through increased local spending, thereby supporting local employment and services,

9.8 Other Considerations

Security

City Plan policy 38C requires all development to include introduce measures that reduce the opportunity for crime and antisocial behaviour, ensuring a good standard of amenity for existing and future occupiers. Additionally, policy 44 requires developments to provide an integrated approach to the security of the site including buildings, and any associated public or private spaces although this policy is more concerned with building resilience against the threat of terrorism and security measures in the public realm).

Some objectors have expressed concerns that the proposals would facilitate access to the upper parts of the building, via the fire exits, affecting the security of existing flats within Fountain House. and residents' safety. They consider that this risk would be exacerbated by the nature of the hotel use on the basis that on-site activities are unlikely to be adequately monitored. Whilst reference has been made to criminal behaviour that has previously taken place within the building, this appears to relate to historic activity associated with the occupation of the flats and is not relevant to the current proposals.

Objectors have requested that any planning permission should include a condition to that the site is appropriately secured at all times with a 24-hours staff/security presence and CCTV in suitable locations, with controlled access to the hotel.

The applicant has confirmed that they have undertaken consultations with the Metropolitan Police's Designing Out Crime Officer and that the detailed design for the proposed development will comply with the requirements of 'Secured by Design' providing:

- One main entrance for guests (one way in and out).
- Good level of illumination at the site entrance.

- CCTV cameras giving reception staff a clear view of entrance and corridors.
- Alarm to fire escape stair on Mount Street.
- Controlled access (card swipes) to the service ramp and to the lobby located at the bottom of the service ramp.
- Compartmentalisation of the hotel rooms through access controlled cross corridor doors.

The applicants have confirmed that there will be no links to any part of the building which are in any other (non-hotel) use. All hotel fire escape doors will be fitted with electronically activated locks that only open in the event of fire alarm/break glass being triggered. The two stair cores (exiting onto Mount Street and Aldford Street) would only lead from the hotel to the street level exits. Any doors on the Mount Street stair from the hotel to the residents' garage will be fitted with locks to prevent any unauthorised access in the event that a fire alarm is triggered.

In addition, the submitted draft OMP confirms that the premises will be fully staffed at all times, and CCTV installed to all exits and a Street Management Policy put into operation. As detailed above, it is recommended that a finalised OMP be submitted for approval. Any future hotel operator would be required to comply with the approved OMP.

The application has been reviewed by the Metropolitan Police Designing Out Crime Officer (DOCO). They note that, due to the layout of the proposed hotel, there is no natural surveillance from the hotel reception desk. In these circumstances, they have suggested that additional security mitigation measures be adopted including the use of the Aldford Street access as the main entrance (as proposed) with controlled access and full surveillance of the entrance and secured fob access for guests who have previously checked in. They have also requested that the two lobbies, stair and lift core have a secured fob access door to the hotel reception and that glass be incorporated within the lobby doors to aid surveillance. They also requested that separate cycle stores be provided for hotel staff and guests.

In response, the plans have been amended to provide separate cycle stores. The applicants have confirmed that the requirement to provide the requested fob access controls will be incorporated within a finalised OMP, which would be secured by condition, and that glass will be incorporated within the lobby doors.

As the DOCO's list of comments is not exhaustive, they have requested that a condition is imposed requiring the hotel development to achieve a Secured By Design accreditation, prior to its occupation. Subject to this condition, and commitments in the draft OMP to a 24-hour staffing and security presence and the formulation of a Street Management Policy, it is considered that the proposals would provide include adequate measures to ensure the safety and security of occupants of neighbouring buildings, including the flats on the upper floors, and of hotel guests and staff.

Construction impact

Policy MRU4 of the MNP requires any new development proposals in Mayfair of a scale and type that will be likely to generate significant construction traffic movements within Mayfair, to demonstrate (through a construction management plan or otherwise) how the impact on traffic and residential amenity will be mitigated such that the development will have minor temporary effects at most. In addition, the assessment must comply with the Council's Code of Construction Practice, consider cumulative impacts with other developments in the vicinity, and be undertaken in consultation with the Mayfair worker and resident community in the vicinity.

The application is supported by completed Appendix A under the Code of Construction Practice (CoCP), whereby the applicant has committed to carrying out the development in accordance with these procedures. The published CoCP guidance sets out the various types of development to which the Code applies. This includes larger development and other developments (level3) may be 'upgraded' to Level 2 projects due to the sensitivity of the local environment, which can include proximity of noise sensitive receptors or cumulative impacts and the nature of the proposed works for example developments that involve significant high impact structural work and/or substantial refurbishments over a period of 12 months .

Due to the location and nature of the proposed development and its relationship with neighbouring residential properties, it is not considered that the developer would be required to sign up to the COCP.

A condition is recommended to restrict the hours of noisy building works.

Subject to the above measures, it is considered that the impact of the construction works would be mitigated as far as possible,

Consultation/Notification

One respondent has expressed concern that the applicants did not serve the required notice to owners of the building. Following discussions with the applicants, the application form was revised, and the appropriate notices served (under Certificate B), including to the owners of flats within Fountain House and of the two basement parking spaces (petrol filling station).

Objectors have expressed concern that the applicants did not undertake any pre-application consultation with neighbouring occupiers. In response, the applicants have referred to the extent of pre-application public consultation detailed in the Statement of Community Involvement. While letters were sent to 109 surrounding addresses, they confirm that letters were not sent to properties in Park Street, where the closest property is located circa 28m from the proposed guest entrance and circa 40m from the staff and servicing entrance.

Objectors have also expressed concern that residents of Fountain House did not receive notification of the planning application. In addition to Certificate B notices subsequently served on the building owners by the applicants (see above), records show that 188 individual consultation letters were sent to neighbouring occupiers, including to the residents of Fountain House and to properties in Park Street. The application was also advertised by way of a press notice and site notice. This accords with the Council's unusual consultation procedures.

Objections also consider that the proposals would have an adverse impact upon this impact on 'prestigious' building, affecting the appeal of the property to existing residents and affecting property values. The impact of the proposed use upon the character of the area and the amenity of neighbouring residents is discussed elsewhere in the report. The impact of the development upon neighbouring property values is not a material planning consideration and could not justifiably form the basis of a recommendation for refusal.

One response has expressed concern that information relating to fire safety matters (the HSE substantive response) and the emergency generator and associated flue, is not publicly available, and that these matters should be fully resolved to ensure that there is no adverse impact on neighbouring occupiers. This information was uploaded onto the council's website on receipt and the matters raised are addressed elsewhere in this report.

One respondent has requested that the application be reported to the Planning Sub-Committee, which it is.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & CIL

To meet the statutory tests, any s106 planning obligation has to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. It is not considered that the scheme generated a requirement for any s106 planning obligations to make it acceptable.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) imposed restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. The Regulations also prevent "double dipping" where contributions for infrastructure works financed by CIL (which would previously have been financed using pooled public realm contributions) cannot also be financed through s106 contributions. The City Council introduced the Westminster CIL on 1 May 2016.

The Mayfair Neighbourhood Forum has, in conjunction with the Council and other stakeholders, developed a Mayfair Green Route – a project for the creation of a one-mile green corridor between Park Lane and Regent Street. In November 2021, the Council approved CIL funding for the creation of a pocket garden at the entrance to the Aldford Street subway entrance, adjacent to the application site. The MNF have questioned whether the applicants ‘might be persuaded’ to make a contribution, secured as part of a s106 legal agreement, towards this project as the CIL funding does not meet its cost. Whilst the applicant may wish to make a direct contribution towards the scheme, the proposal is for a change of use only and does not trigger either a Westminster or Mayoral CIL payment. In these circumstances, such a payment cannot reasonably be required in planning terms.

10. Conclusion

The proposal is not considered to result in any harm to designated heritage assets as such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

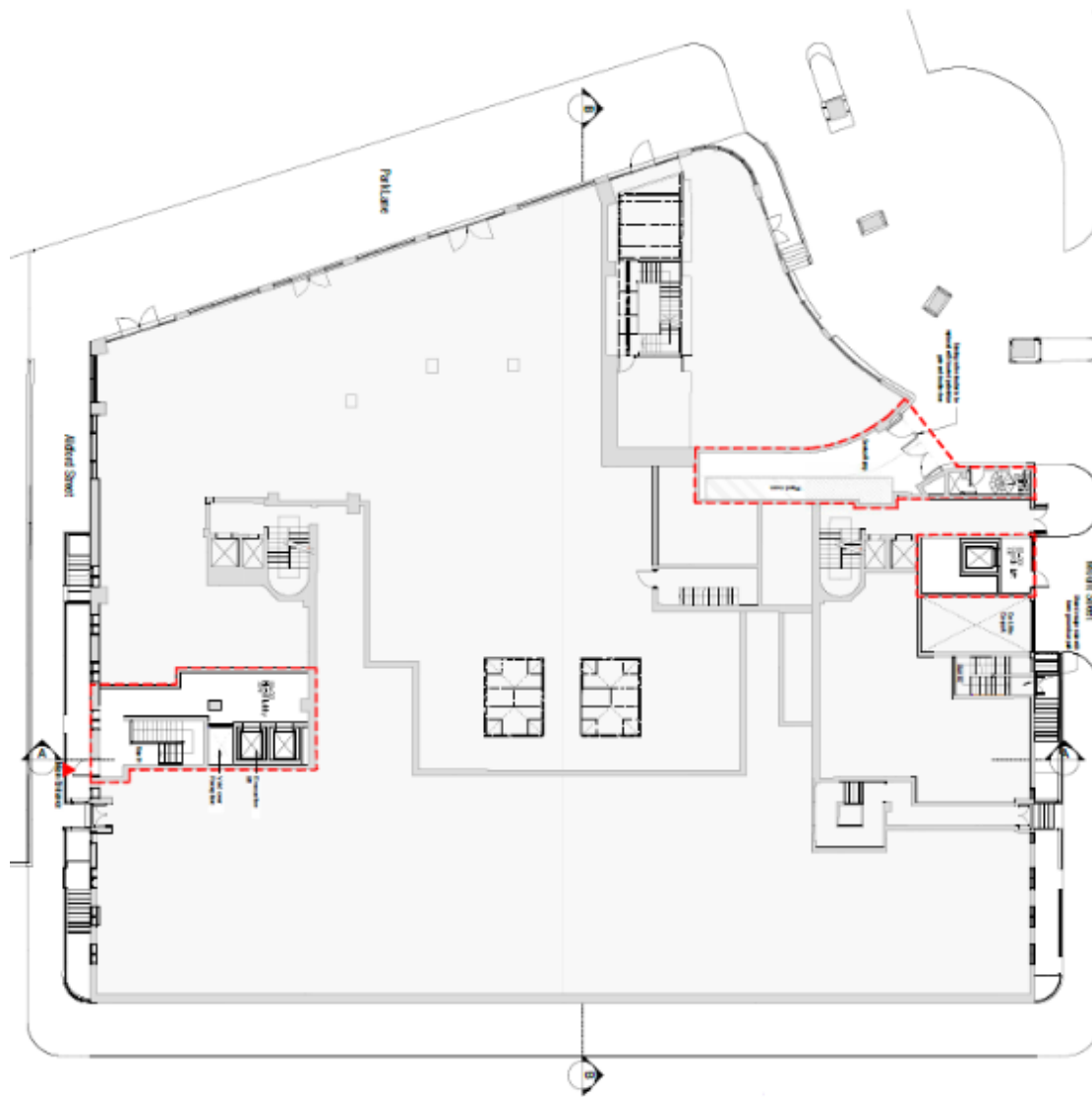
The proposal is acceptable in land use terms and, subject to appropriate conditions, is considered acceptable in terms of its impact upon the amenity of neighbouring occupiers and local environmental quality. The application is therefore recommended for approval.

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

KEY DRAWINGS

Proposed Ground Floor



LEGEND
--- EXISTING
--- PROPOSED
--- CRITERION
--- CRITERION

Scale: 1:500

North Arrow

CRITERION CAPITAL

Ortel London Investments Ltd

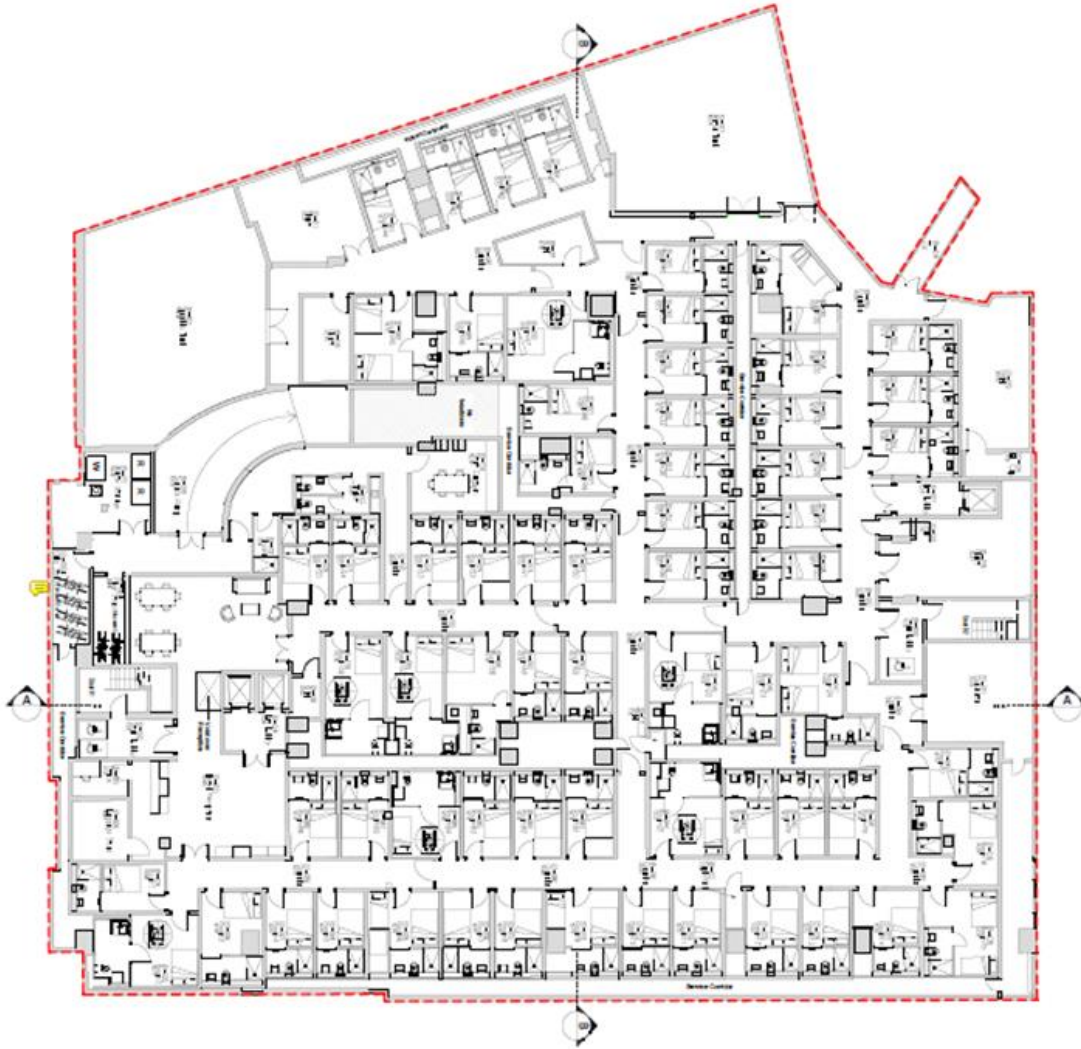
22nd Floor, 100 Broad Street, London, W1A 2PU

Proposed Ground Floor Plan

Change of use to Retail

22nd Floor, 100 Broad Street, London, W1A 2PU

Proposed Basement



CRITERION CAPITAL

Proposed Basement Floor Plan

Change of use to HMO

Rev A/Am

2ND 02-01-01-01-01-15 PM

CRITERION CAPITAL

CRITERION CAPITAL

CRITERION CAPITAL



DRAFT DECISION LETTER

Address: 77 Park Lane, London, W1K 7TP

Proposal: Use of part-ground floor, part-lower ground floor and basement to hotel use (C1), replacement of roller shutter with louvred pedestrian gate and double door external alterations and installation of plant at ground and basement floors

Reference: 22/05437/FULL

Plan Nos: 2202-CCL-B1-B1-DR-A-A-0815-P04; 2202 CCL-B1-M1-DR-A-0816 P02;
2202 CCL-B1-00-DR-A-0817 P02

Case Officer: Sara Spurrier

Direct Tel. No. 07866 039795

Recommended Condition(s) and Reason(s)

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

Reason:

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

2 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

3 You must provide the waste store shown on drawing 2202-CCL-B1-B1-DR-A-A-0815-P04 before occupation of the hotel (Class C1) hereby approved. You must clearly mark it and make it available at all times to everyone using the hotel. No waste or waste bins shall be stored on the highway. 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 and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

4 No deliveries or collections, including of waste and recyclable materials, shall be received at or despatched from the hotel except between 07.30 and 08.30 hours and 18.30 and 21.00 hours.

Reason:

In accordance with the submitted application and to protect neighbouring occupiers from noise nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021)

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 hotel 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 in writing 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 hotel 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 in writing 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 written 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. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in

noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

6 You must apply to us for approval of a Servicing Management Plan which must identify process, internal storage locations, scheduling of deliveries, maximum number of daily deliveries and staffing measures to demonstrate that the hotel can be serviced without detriment to the safe operation of the highway It must also confirm that no hotel bookings will be taken from hotel guests arriving in coaches (including confirmation of how this restriction will be advertised to hotel guests and enforced) and must confirm that the maximum number of customers accepted within any group booking will be limited to 8.

You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the Servicing Management Plan at all times that the hotel is in use.

Reason:

In accordance with the submitted application and in the interests of public safety, to ensure that the hotel does not generate any coach traffic and to avoid blocking the road as set out in Policies 24, 25 and 28 of the City Plan 2019 - 2040 (April 2021).

7 You must apply to us for approval of an Operational Management Plan (including as an appendix a Street Management Policy) for the hotel to show how day-to day hotel operations will be managed to ameliorate noise disturbance, including from site servicing, how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings and how you will prevent guests from arriving at the hotel by coach and how this restriction will be advertised and enforced.

You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the Operational Management Plan at all times that the hotel is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area and to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 7, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

8 No drinking and dining facilities for hotel customers or members of the general public, shall be provided within the hotel (other than vending machines for hotel guests only).

Reason:

In accordance with the submitted application and because the provision of drinking and drinking facilities, and kitchen extract facilities associated with such use, would need to be assessed in relation to land use, amenity, servicing, air quality and waste storage policies as set out in policies 7, 16, 29, 32, 33 and 37 of the City Plan 2019-2040.

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 on 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

10 (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 in writing 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 in writing 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 written approval by the City Council. Your submission of a noise report must include:

(a) A schedule of all plant and equipment that formed part of this application;

(b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing LA90, 15 mins measurement recorded under (f) above;

- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

11 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

12 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

13 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the building, 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

14 The emergency plant and generators hereby approved shall only be used for the purpose of

public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

- (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

15 Prior to the occupation of the hotel use hereby approved, you should provide written evidence that the development has achieved a Secured By Design accreditation.

Reason:

To demonstrate that the proposed hotel will include appropriate measures to reduce in opportunity for crime and anti-social behaviour to safeguard the safety and amenity of future occupants and occupants of neighbouring uses. in accordance with policy 38 of City Plan 2019 - 2040 (April 2021).

16 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

17 You must provide and maintain the areas shown for the servicing of the development, including internal corridors/access routes on the approved plans only for those purposes.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

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 the City Plan

2019 – 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

3 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)

4 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)

5 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

6 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

7 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 or visit www.ccscheme.org.uk.

8 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:

Considerate Group
2 Eastbourne Terrace,
London
W2 6LG
E-mail: jk@considerategroup.com
Phone: 020 3865 2052

9 Conditions on this permission control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly.

10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

11 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

12 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

13 You should ensure that the Servicing and Delivery Management Plan and Hotel Operational Management Plans submitted to discharge conditions 6 and 7 of this permission include the additional and updated measures and obligations detailed with the associated committee report.

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.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 June 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Regent's Park	
Subject of Report	Basement And Ground Floor, 124-126 St John's Wood High Street, London, NW8 7SG		
Proposal	Erection of a new 3 storey dwelling to the rear of 124-126 St John's Wood High Street, with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun, fencing and installation of heat pump. Formation of opening in rear of ground floor retail unit. Installation of solar panels at roof level.		
Agent	Mr Simon Martland		
On behalf of	Mr Adam Buckley		
Registered Number	22/03542/FULL	Date amended/ completed	10 August 2022
Date Application Received	27 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

124-126 St John's Wood High Street are not listed building, but are located within the St John's Wood Conservation Area. The buildings are currently in use as retail (Class E) on the basement and ground floor levels, with residential flats on the upper floors.

The main part of the application relates to the land and buildings located to the rear of the main

buildings which front onto St John's Wood High Street, which have access from Charles Lane. The site is formed of a strip of land which is used as a parking space adjacent to 2 Charles Lane and a single storey out building and yard area used for the retail use. Two existing metal stairs provide access from Charles Lane up to the residential flats on the upper levels of the building.

Planning permission is sought to erect a new residential dwelling over first and second floor levels, with associated terrace to side at first floor level. At ground floor level cycle and car parking is provided along with access arrangements to both the new residential unit and to the existing flats above.

Objections have been received from the local amenity society and surrounding residents in relation to access arrangements, amenity and overdevelopment.

The key considerations in this case are:

- The acceptability of the proposed alterations in design terms.
- The impact of the proposed alterations on the character and appearance of the St Johns Wood Conservation Area.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.
- The acceptability of the energy performance of the proposed building.
- The acceptability of the quantum of car parking proposed.

Notwithstanding the objections received, the proposed development is considered to be acceptable and in accordance with policies in Westminster's City Plan 2019-2040 and is therefore recommended for approval subject to the conditions as set out on the draft decision letter.

4. PHOTOGRAPHS



View south east: St Johns Wood High Street on the right



View south west: Charles Lane to right, Allitsen Road on the left



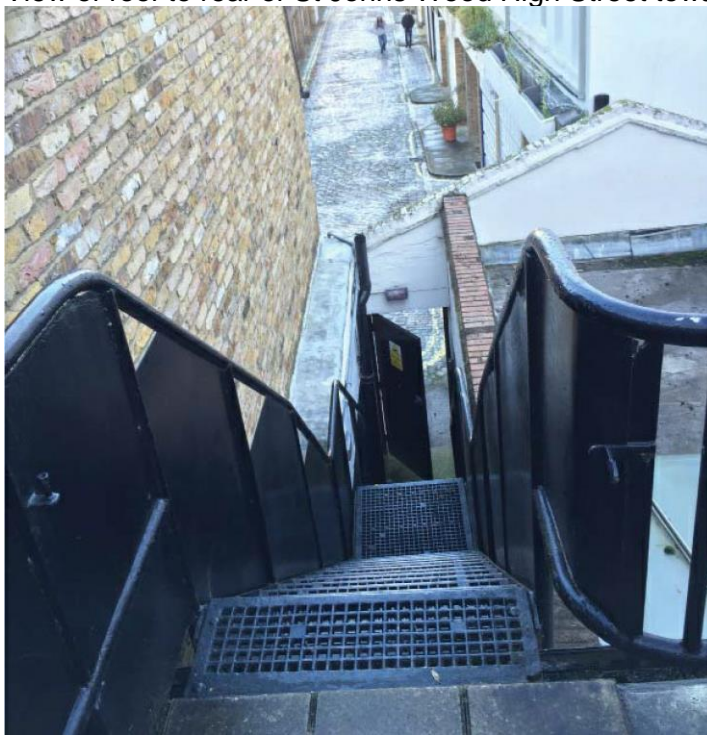
View from Charles Lane



View along St Johns Wood High Street with entrance to Charles Lane on left and the application site currently occupied by boots.



View of roof to rear of St Johns Wood High Street towards Charles Lane



Access from flats to Charles Lane

5. CONSULTATIONS

5.1 Application Consultations

CLLR RIGBY

Wish to be kept informed about the application.

ST JOHNS WOOD SOCIETY

Objections ignored in 2016 and 2019. Same concerns as previously, namely:

- Significant overdevelopment of this site.
- Access for existing properties will be compromised, having a negative impact on their amenity.
- Health and safety concerns and request EH is consulted.
- Increased sense of enclosure to neighbours.
- Concerns in relation to construction management along a narrow mews. The consultation as part of the construction management plan is not extensive enough.
- Due to constrained nature of site, development should not occur on Saturdays

HIGHWAYS PLANNING

- No objection to alterations to shopfront.
- One existing car parking space is retained and one created. The site is PTAL 5, so the development should have no on-site parking. The created parking space should be removed. Should the space be retained it should include electric charging.
- 2 cycle parking spaces should be provided for the new unit.
- Waste storage should be secured by condition.

WASTE PROJECTS OFFICER

Objection, as the proposals are not in accordance with waste storage guidance.

BUILDING CONTROL

No objection.

ENVIRONMENTAL SCIENCES

- No objection in noise terms from the proposed plant equipment subject to standard Westminster conditions.
- Recommend that the adjacent Class E use is conditioned so that it does not include any amplified music.
- Notes that the residential space is designed to comply with London Plan and Building Regulations, therefore no objection in relation to overheating or housing standards.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 53

No. of objections: 8 on behalf of 7 properties raising the following concerns:

Design and heritage:

- Impact on the character of Charles Lane

Amenity:

- Loss of light to surrounding properties

- The daylight report incorrectly illustrates the affected properties
- Increased overlooking
- Noise from air condensing unit

Highways

- Inadequate parking
- Impact on deliveries and ambulances, particularly during construction

Other:

- Impact on access to flats above, including fire exits.
- Removal of part of terrace and car park
- Unclear how garage accessed
- Concerns about access during buildings works.
- Impact of noise, dust and vermin during construction and on mental health.
- No benefit to local community
- Query if there be compensation during building works?
- Have not been consulted
- Existing water and drainage infrastructure will not be sufficient to service the new house.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

No details of any public engagement has been provide. While applicants are always recommended to consult with neighbours and stakeholders in relation to development proposals, this is not a requirement. It is also appreciated that permission has been granted on previous occasions, which similarly raised objections from surrounding residents.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

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

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

124-126 St John's Wood High Street are not listed but are located within the St John's Wood Conservation Area. The buildings are currently in use as retail (Class E) on the basement and ground floor levels, with residential flats on the upper floors.

This application mainly relates to the land and buildings located to the rear of the site which have access from Charles Lane. There is currently a strip of land which is used as a parking space adjacent to 2 Charles Lane. There are also out buildings used for storage and a yard for the retail use. Two existing metal stairs provide access from Charles Lane up to the residential flats on the upper levels of the building.

7.2 Recent Relevant History

19/02489/FULL

Erection of a new 3 storey dwelling with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun and fencing. Formation of opening in rear of ground floor retail unit.

Application Permitted 13 September 2019

18/03653/FULL

Variation of Conditions 1 and 4 of planning permission dated 16 June 2016 (RN: 16/01126/FULL) for the Erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. NAMELY, alterations to ground floor entrance, the addition of ground floor service cupboard, provision of lift and lift overrun with associated raising of a section of terrace above, change to roof material, alteration to the stair enclosure to provide a rooflight and relocation of door, erection of fence and gate between existing roof terraces, formation of new opening in the rear façade of ground floor retail unit.

Application Permitted 24 July 2018

18/03648/ADFULL

Details of waste and recycling and plans, sections and elevations of the new garage doors pursuant to conditions 8 and 10 of planning permission dated 16 June 2016

(RN:16/01126).

Application Permitted 29 May 2018

17/01911/FULL

Variation of conditions 1 and 4 of planning permission dated 16 June 2016 (RN 16/01126) for the erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. NAMELY to vary the approved drawings to amend the entrance arrangement at ground floor and to change the roofing material for the flat roofs.

Application Permitted 27 April 2017

16/09095/ADFULL

Details of waste and recycling storage pursuant to Condition 8 of planning permission dated 16 June 2016 (RN: 16/01126).

Application Permitted 4 October 2016

16/01126/FULL

Erection of a new 3 storey dwelling with terrace accessed from Charles Lane including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level.

Application Permitted 16 June 2016

8. THE PROPOSAL

Permission is sought for minor alterations to the retail unit on St Johns Wood High Street, namely to amend the internal stair arrangement down to the basement, and to provide a lift at the rear. Minor alterations are also proposed to the shop frontage. A small amount of retail floorspace is lost through the alterations to the rear onto Charles Lane.

The Charles Lane frontage of the site is tucked away at the corner of the street, and currently has an open air car parking space (for a resident), back of house space, and an external yard for the retail unit and two sets of stairs which lead up to a roof deck, for access to the flats located on the upper levels of the main building on St Johns Wood High Street.

The proposals are to infill this space onto Charles Lane to provide: A new access core up to the roof deck; providing a new access to the upper level flats; to re-provide a small area of yard for the retail unit; for a new garage and a secure bike store; a new residential unit over first and second floor levels also accessed from the ground floor is also proposed. The new unit shall have three bedrooms and a terrace to the side above the garage at first floor level. A heat pump is proposed to serve the new unit, installed on the terrace, in addition to photovoltaic panels on the roof.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
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Retail	499	434.8	-64.24
Residential	0	114	+114
Total	499	548.8	+49.76

9. DETAILED CONSIDERATIONS

9.1 Land Use

9.1.1 Commercial Uses

The site is within the St Johns Wood District Centre. Policy 14 relates to units within Town Centres and seeks to ensure that uses enhance and diversify their offer as places to shop, work and spend time.

The current retail unit facing onto St Johns Wood High Street is considered to be Class E, currently in use as a Boots pharmacy. No change of use is proposed. The proposals do however result in a reduction in the amount of retail floorspace through alterations to the back of house space in association with the works to the rear on the Charles Lane frontage. In addition, the proposals are for an internal reorganisation, with stairs moved to the rear of the unit and the provision of a lift. This internal re-arrangement will allow the unit to have a better layout, with more usable floorspace to the front and will allow for better use of the current largely unused and ancillary space at basement level, largely used as storage currently. Through this internal reorganization, the proposals will improve the functional space of the unit, and therefore the small reduction in floorspace is considered acceptable.

The Environmental Sciences Officer (ESO) has requested restrictions in relation to the use to limit noise, however as no change of use is proposed, these are considered to be unreasonable.

9.1.2 Residential Use

The proposals include the provision of a new 3 bedroom residential unit. This is in accordance with Policy 8, which seeks to promote housing delivery within the borough. The new unit is dual aspect and is 115sqm, which is in accordance with the technical housing standards for a unit of this size. It is considered to have suitable outlook and windows to provide an acceptable level of light and air. As requested by the ESO a condition is recommended to ensure that sufficient insulation is installed to mitigate any noise transfer within the building.

The development is of insufficient scale to require the provision of any affordable housing.

9.2 Environment & Sustainability

The application is supported by a sustainability statement which confirms that the development will be constructed with a high level of insulation and air tightness. It will be heated through the use of a high performance air source heat pump and will gain energy from solar panels fitted to the roof. Further, it will be fitted with water efficiency

measures to reduce its water consumption. It is recommended that these features are secured by condition.

9.3 Biodiversity & Greening

There is limited scope for a green roof to the development, with the main roof of the building being used for solar panels, and any meaningful greenery would require an upstand to be built around the main roof to allow for suitable substrate, which would have design implications. There is however a small area of flat roof to the new stair access structure, which is considered to be more suitable for a green roof, a condition is therefore recommended for details of a biodiverse roof to this area to help meet the councils requirements for green infrastructure as set out in Policy 34.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Considerations

Objections have been received on the grounds of the impact of the development on the Character of Charles Lane and overdevelopment of the site.

The existing structures on site are quite cluttered and unattractive and have no positive contribution to the site or St John's Wood Conservation Area. The new building presents a generally traditional appearance to the street. The north facing aspect includes timber garage doors with exposed brick piers and rendered lintel above to the ground floor, rendered first floor with windows and doors inset into the elevation, and mansarded second floor, and in these respects it integrates relatively closely to the design approach of the terrace of mews buildings to the immediate east of the site.

As with previous approvals for the site, the building does not turn the corner of this

section of the mews but instead continues projecting back into the site with the area above ground floor level to the west end of this main section of the mews given over to a roof terrace. In arranging the building in this manner the house is able to achieve some outdoor amenity space for the dwelling. The rear is more simply detailed, though does not detract from the surroundings. The air source heat pump proposed is welcomed in sustainability terms and is appropriately discreet to the terrace adjoining the adjacent party wall and set behind a screen. The solar panels to main roof level are low profile and though add a small degree of clutter to this roof capable of being looked down upon from surrounding properties, however the small degree of less than substantial harm which this could give rise to considered solely in itself as a proposal is considerably outweighed by its more careful integration into this new development and by the public benefits of the sustainability benefit of the panels. The planters to the new terrace are welcomed in themselves and allow for the potential for incorporation of greening, in line with City Plan policies 7 and 34. Details are sought to be provided by condition to ensure appropriateness.

Overall, the building will improve on the existing appearance of the site, and it is faced in traditional materials with traditional detailing which will integrate into the area successfully. The new building is considered in line with relevant policy and guidance in relation to conservation and design quality.

The proposals also include a new shopfront to St John's Wood High Street, which is considered an improvement upon the existing. Overall, the scheme is considered acceptable, and the recommendation in line with the statutory duties set out in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Fire Safety

The development is of insufficient scale to require either a fire safety form as required by the Health and Safety Executive, or to require a London Plan Fire Statement. Concerns have however been raised in relation to the impact of the development on how residents would escape in a fire. As existing there are metal stairs which provide access to the flats above, both stairs run over the application site and exit onto Charles Lane. The proposal includes a new stair core which will also exit onto Charles Lane. The applicant has confirmed that the development proposals were developed to RIBA stage 04. As part of this design development the applicant appointed an approved inspector and they reviewed the design. They provided a plan check report and consulted with the London Fire Brigade. Both were happy that the scheme presented was acceptable in terms of fire egress.

An informative is recommended that the development proposals will need to ensure they provide suitable arrangements for escape for both new and existing occupiers and to meet building regulations.

9.5 Residential Amenity

Policies 7, 33 and 38 (C) seek to protect and enhance the amenity and environment for Westminster's people.

9.5.1 Light and sense of enclosure

Objections have been received from the local amenity society and local residents on the

grounds of loss of light and increased sense of enclosure. Given the location of the site, tucked at the top of the lane, adjacent to existing buildings of a similar scale to the infill proposed, it is not considered that the properties on Charles Lane would see a significant loss of amenity as a result of the proposed works, with the most affected properties being located to the rear of the site on Allitsen Road and the rear windows of the residential units above the application site on St Johns Wood High Street.

31-40 Avenue House, Allitsen Road:

This property is located to the rear of the new dwelling to the south east of the site. No objection has been received from these occupiers, and it was understood from an adjacent resident with a previous application that these most affected windows serve flats used as hospital staff accommodation.

A daylight and sunlight report has been submitted with the application, which confirms that all windows except for two pass the requirements as set out within the Building Research Establishment (BRE) Guidelines. The two windows which fail are located at lower ground floor level. Both windows have relatively low levels of light as existing with one window's Vertical Sky Component (VSC) reduced from 6.6 to 5.1 (22.7% loss) and the other window reducing from 10.5 to 7.8 (25.7% loss). Due to this existing low level of light, any additional loss will result in a high percentage change. The BRE guide notes that typically a good VSC value would be in excess of 27%, however this is a national suggestion and doesn't take note that levels will be much lower in more dense urban environments such as here. It is apparent that the existing levels are well below this level, and that while a breach of the guidance is indicated, it is considered that the actual loss of daylight is not so severe to warrant withholding permission, given the constrained nature and the existing low level of light. In addition the outlook from the remainder of the blocks is similar to as proposed, with windows in close proximity to the rear building line of Charles Lane, which is to be extended, replicating this relationship.

In terms of increased sense of enclosure, the nearest windows already have quite a limited outlook directly onto the rear of 2 Charles Lane, however they do have oblique views over the existing application site, which is currently relatively unobstructed, with the exception of a ground floor retaining wall. The next most affected windows which look out obliquely across the application site are slightly further set back and appear to have opaque glazing and will therefore be less affected. The remaining windows in properties to the rear of Allitsen Road, in the properties approaching the junction with St John's Wood High Street are further set back, and divided from the application site, by existing single storey extensions at lower ground floor level. In summary, given the most affected windows have limited existing outlook, it is not considered that the impact would be so significant to warrant withholding permission.

124-126 St John's Wood High Street:

The existing windows look out onto the rear first floor flat roof and the flank wall of No. 2 Charles Lane beyond. As a result of the development, this flank wall will be brought forward and closer to these existing rear windows. There will also be an access enclosure located in front of this flank wall.

The applicants daylight and sunlight report states that all windows will meet the requirements as set out within the BRE guide as a result of the proposed development. In terms of sense of enclosure, while the new building will bring additional bulk, it is

considered to be sufficiently separated as to be considered acceptable in these terms.

9.5.2 Privacy

A new terrace is proposed at first floor level, which will look down Charles Lane. The provision of this terrace is welcomed, providing amenity space for the new dwelling. Due to level of the terrace, it will not result in a loss of amenity to the occupiers of properties on St John's Wood High Street, and is sufficiently set away from the properties on Charles Lane to be considered acceptable in amenity terms.

The existing flat roofs to the rear of St Johns Wood High Street, provide access to the flats above and could be used as a terrace by residents. The size of this terrace is being reduced in size slightly by the new access enclosure. A fence is also proposed to divide the roof centrally and will feature a gate allowing access to the new access enclosure. Given that the roof could be used as a terrace as existing, it is not considered that these alterations will have any significant impact in amenity terms.

9.5.3 Noise & Vibration

The proposals include the provision of a heat pump on the new first floor terrace. A noise report has been submitted in support of the application, which has been assessed by the councils Environmental Sciences Team, who consider that the unit is satisfactory subject to standard Westminster noise conditions being imposed.

9.6 Transportation, Accessibility & Servicing

The proposals originally included two car parking spaces in two different locations, both located at ground floor level and accessed from Charles Lane. Following officer comments, the proposals have been amended during the course of the application to remove one of the parking spaces. One of the parking bays has been converted from a car parking bay to an area for 10 secure cycle parking bays for the existing flats located above and the retail unit, this is welcomed and will help to promote active travel.

In relation to the retained car parking space, while the council would encourage a reduction in parking, as the proposals no longer result in an increase in car parking provision, it is not considered that refusal on these grounds could be sustained. As requested by the Highways Planning Manager, the electric vehicle charger shown on the plans shall be secured by condition.

Servicing and Waste & Recycling Storage

No change to existing arrangements with the retail unit serviced from St Johns Wood High Street are proposed.

A condition is recommended for additional details of waste and recycle storage to be provided for the new residential unit.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and

spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Objections in relation to lack of consultation have been received, however it is considered that suitable neighbours have been consulted with letters sent to adjacent occupiers. In addition, a notice has been displayed on the street and an advert placed within the press. As such, the council has met its statutory requirements in terms of consultation.

Construction Impacts

Concerns have been raised by residents in relation to the impact of the proposed development from noise, dust vermin and if any compensation will be given to impacted occupiers.

This development is considered to be a level 3 development and therefore is not subject to a requirement for the applicant to sign up to comply with the Councils Code of Construction Practice guidance. The guidance does note that developments can be upgraded to level 2 development and thereby require a construction contract when they impact on 'sensitive receptors'. It states that "*sensitive receptors' can include, but are not restricted to, schools, care homes, hospitals and GP surgeries, community facilities, and residential areas where there are higher than average levels of health indicators that could be exacerbated by construction and development, such as Chronic obstructive pulmonary disease (COPD) or asthma prevalence*". While constrained, it is not considered that the development is so sensitive as to meet these criteria.

While it may not be considered to require a CoCP to be entered, the councils standard condition in relation to working hours is recommended, and an informative is recommended that the applicant signs up to the Considerate Constructors Scheme. A further restriction has been requested by the local amenity society that no construction work on Saturdays should be imposed. It is however not considered that this development has such significant impacts as to warrant such a requirement as it would elongate the development period of the project and be working to Environmental Health legislation.

The council cannot require compensation payments to affected residents in relation to development proposals and therefore the objection requesting this cannot be sustained.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

The estimated Westminster CIL payment is: 82,134.69

No pre-commencement conditions are recommended.

10. Conclusion

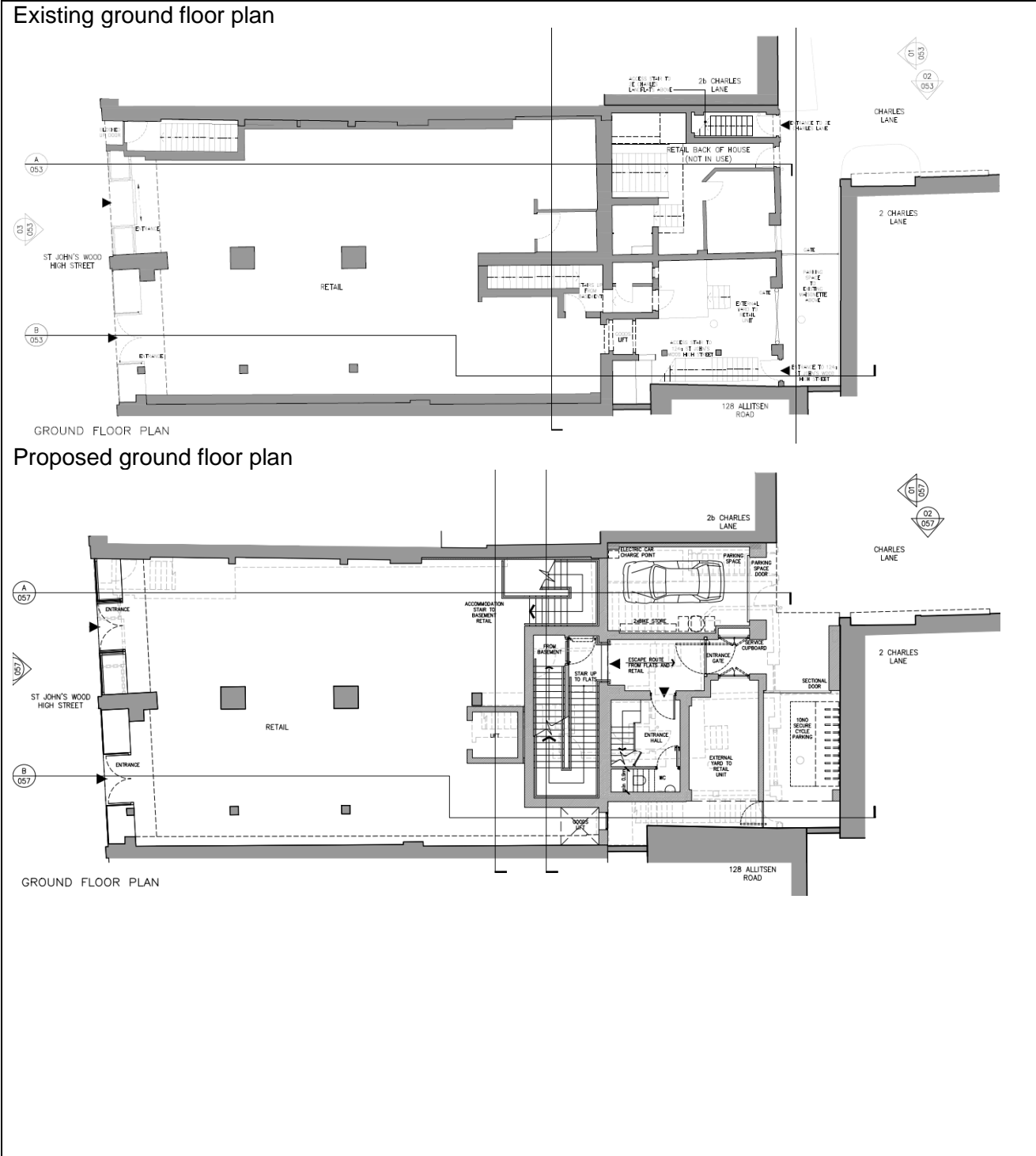
While the site is constrained, it is considered that the proposed new building suitably ties into the character of the area and will provide a new dwelling, which will help to meet the councils housing targets. The development includes the provision of environmentally friendly features such as solar panels, efficient heating system and water efficiency measures, which will help it reduce its impact on the environment.

As such, whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which comprise a new dwelling and environmental features, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore recommended for approval.

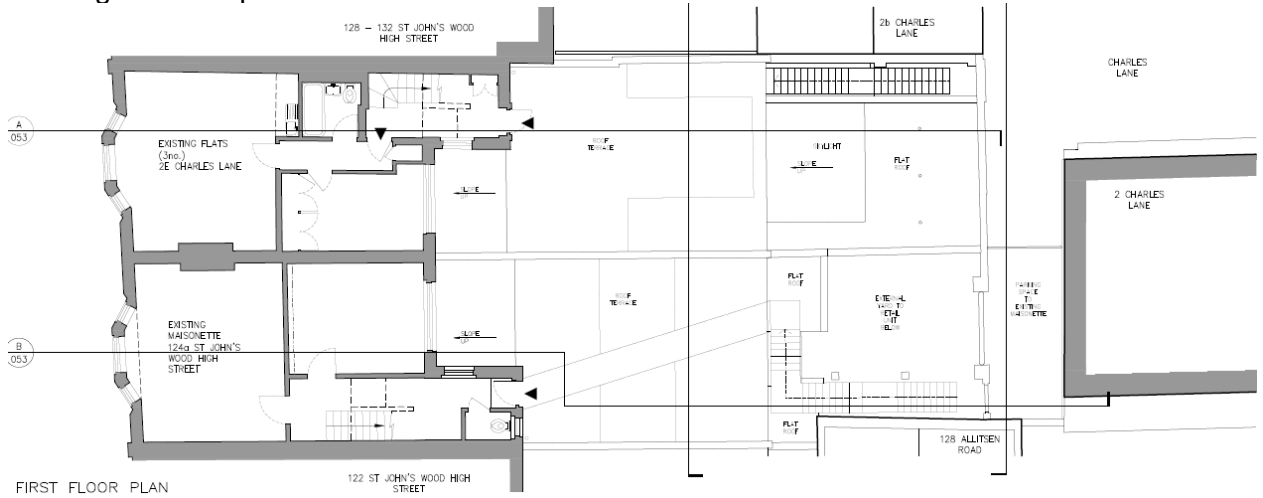
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE
PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

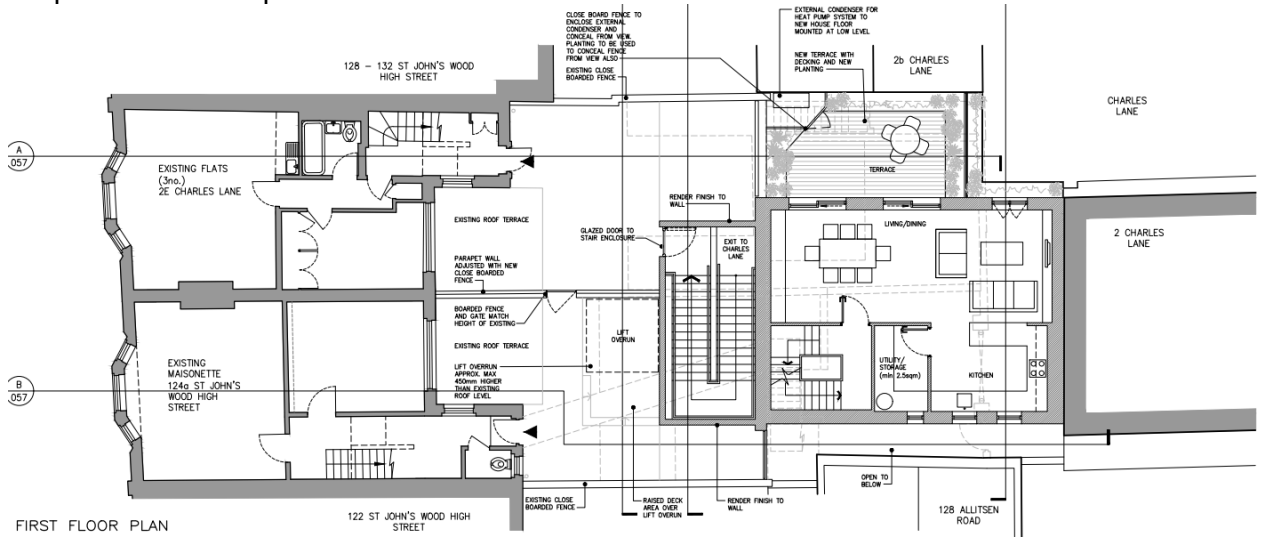
11. KEY DRAWINGS



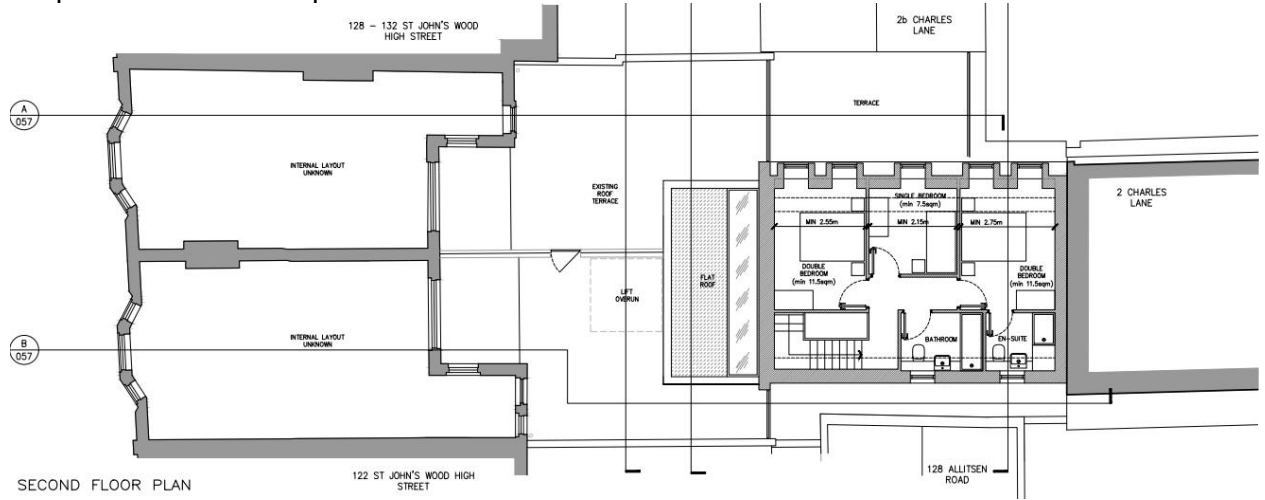
Existing first floor plan



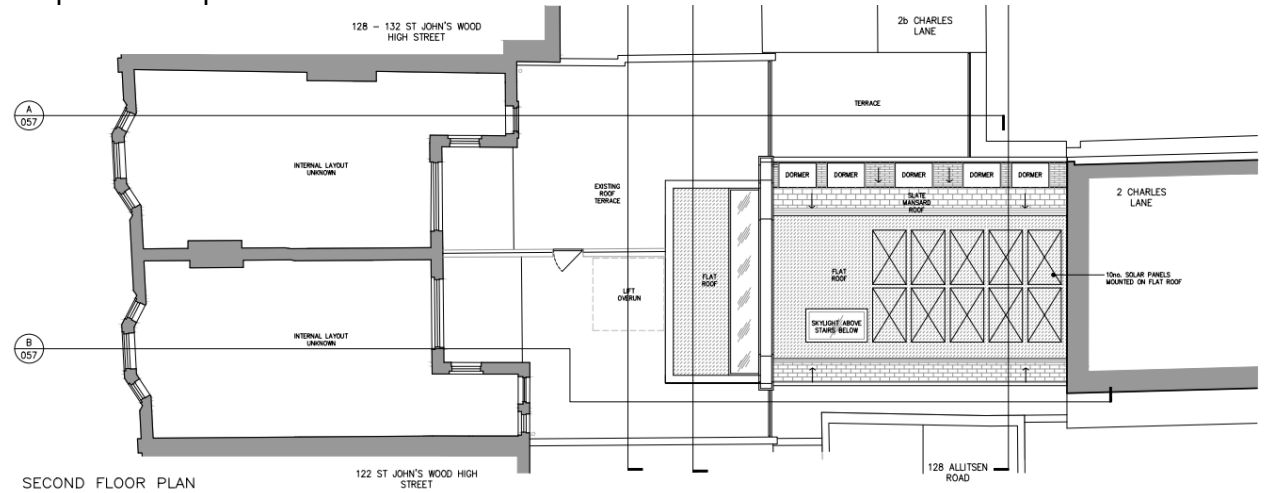
Proposed first floor plan



Proposed second floor plan



Proposed roof plan

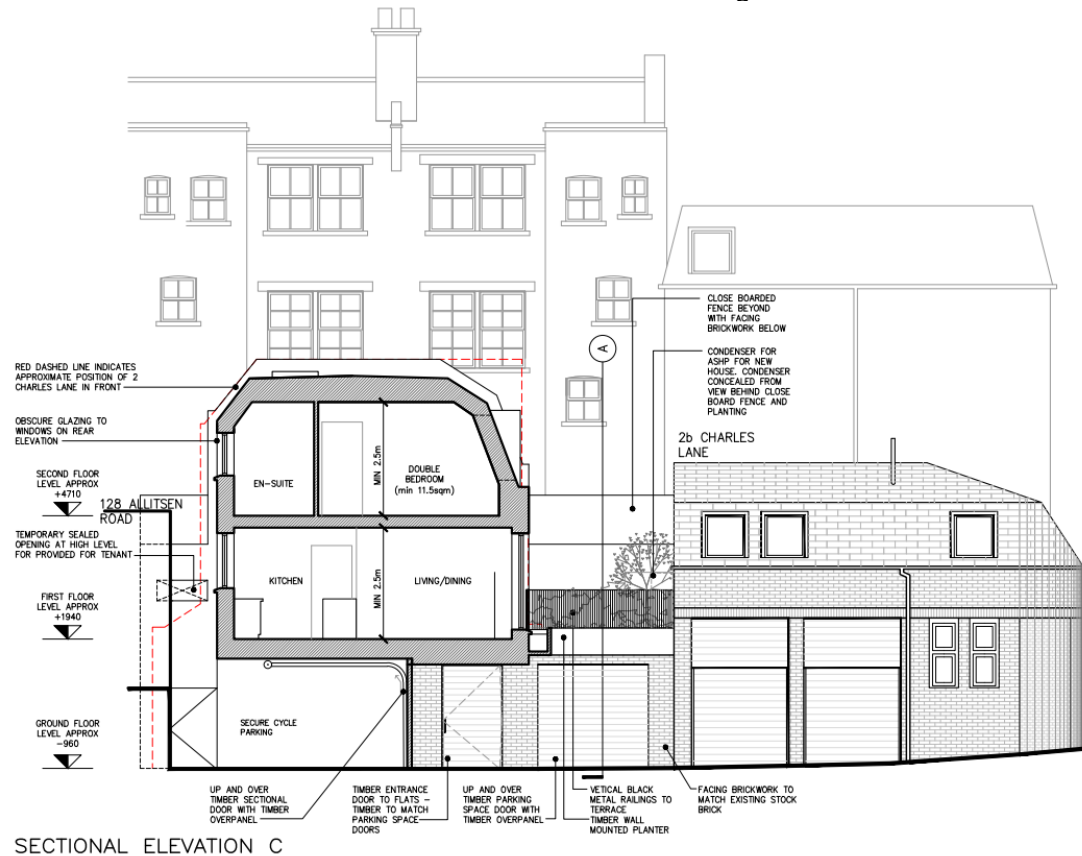


Proposed Charles Lane elevation



ELEVATION 02

Section / elevation towards the rear of St Johns Wood High Street



DRAFT DECISION LETTER

Address: Basement And Ground Floor, 124-126 St John's Wood High Street, London, NW8 7SG

Proposal: Erection of a new 3 storey dwelling to the rear of 124-126 St John's Wood High Street, with terrace (accessed from Charles Lane) including the rearrangement of the existing rear access to the flats above 124-126 St John's Wood High Street and the retail space at ground and basement level. Alterations to roof terraces including new lift overrun, fencing and installation of ASHP. Formation of opening in rear of ground floor retail unit. Installation of solar panels at roof level.

Plan Nos: 1181-050 A; 1181-051 A; 1181-052 B; 1181-053 A; 1181-056 Q; 1181-057 O; 1181-060 C; 1181-061 D; Plant Noise Assessment Report 29 July 2022;

For information: Design, Access and Heritage Statement April 2023; Daylight and sunlight report by CHP; Letter from Savills dated 26 May 2022.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Johns Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The pitched roof structure to second floor level shall be clad in natural slates to pitched roof slopes, grey coloured membrane or grey coloured bituminous finish to flat roofs, and with dormers clad in lead to sides, cheeks and roofs

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 John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The new railings to the first floor roof terrace shall be formed in black metal

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 John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

- Air source heat pump
- Solar panels
- water efficiency measures

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 7 You must apply to us for approval of a photograph of a sample of the colour to stain the timber fencing. 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 the colour sample. (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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must install the acoustic attenuation measures as shown on the approved drawings and in accordance with the requirements set out within part 5 of the Plant Noise Assessment Report, before you use the air source heat pump. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and 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 John's Wood Conservation Area. This is as set out in Policies 7 and 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 9 Notwithstanding the submitted drawing, you must apply to us for approval of elevation and section drawings (and clarifications of materials) for the upper part of ground floor level on the front elevation, including showing the relationship of any planters to the building. 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 drawings and clarifications. (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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must apply to us for approval of details of how waste is to be stored on 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 in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the house. (C14ED)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 12 You must provide the electric vehicle charging point shown on the approved drawings prior to occupation of the development. Thereafter the electric vehicle charging point must be retained

and maintained. (C22FC)

Reason:

To provide electric vehicle charging for people using the development in accordance with Policy 27 of the City Plan 2019 - 2040 (April 2021).

- 13 (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 in writing 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 in writing 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 written approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 14 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 15 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 16 Prior to works on the relevant part of the development, you must apply to us for the following amendment to the scheme: The provision of a living roof to the flat roof of the new stair enclosure.

The details shall include detailed drawings and a bio-diversity management plan in relation to the construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase greening and the biodiversity of the scheme, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 17 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 written permission. This is despite the provisions of Classes A, AA, B, C, D, E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EC)

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 Johns Wood Conservation Area, to prevent an overdevelopment of the site and to protect the environment of people in neighbouring properties. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

- 2 With regards to condition 7, you are advised that the strong expectation is that the timber is stained a brown colour and in a toned down and restrained appearance seeking to minimise the visual impact of the fencing

- 3 HIGHWAYS LICENSING:

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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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 or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

Agenda Item 3

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 June 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	Ryder Court, 14 Ryder Street, London, SW1Y 6QB		
Proposal	Replacement of window with door, lowering of windowsills and installation of platform lift at upper ground floor level on Ryder Street; upgrade works to ground floor entrance including new lighting; extension of existing lift overrun at roof level; creation of roof terrace with planting, landscaping and pergola; installation of PVs; and associated works.		
Agent	Gerald Eve LLP		
On behalf of	M &G TS Ryder Limited		
Registered Number	22/08649/FULL	Date amended/ completed	22 December 2022
Date Application Received	22 December 2022		
Historic Building Grade	Unlisted		
Conservation Area	St. James's		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

<p>Ryder Court is a commercial office building dating from c1900 located within the St. James's Conservation Area and Central Activities Zone (CAZ). The building has frontages on to Bury Street to the west and Ryder Street to the south. It is in close proximity to the grade II* listed Economist Group Buildings immediately opposite the site on Bury Street, forming part of its setting. The building makes a positive contribution to the character and appearance of the conservation area and is identified as an unlisted building of merit in the adopted audit.</p>

The application proposes extensions and alterations including:

- Provision of a new level access from Ryder Street through the replacement of a window with a door, lowering of window sills and the installation of a platform lift.
- Upgrade works to the main ground floor entrance including new lighting; and
- Works at roof level to create a new roof garden with living green walls, a timber pergola, screening, new lighting, and photovoltaic (PV panels); and
- Extension of the lift to main roof level to provide level access to the external amenity space, allowing for full accessibility.

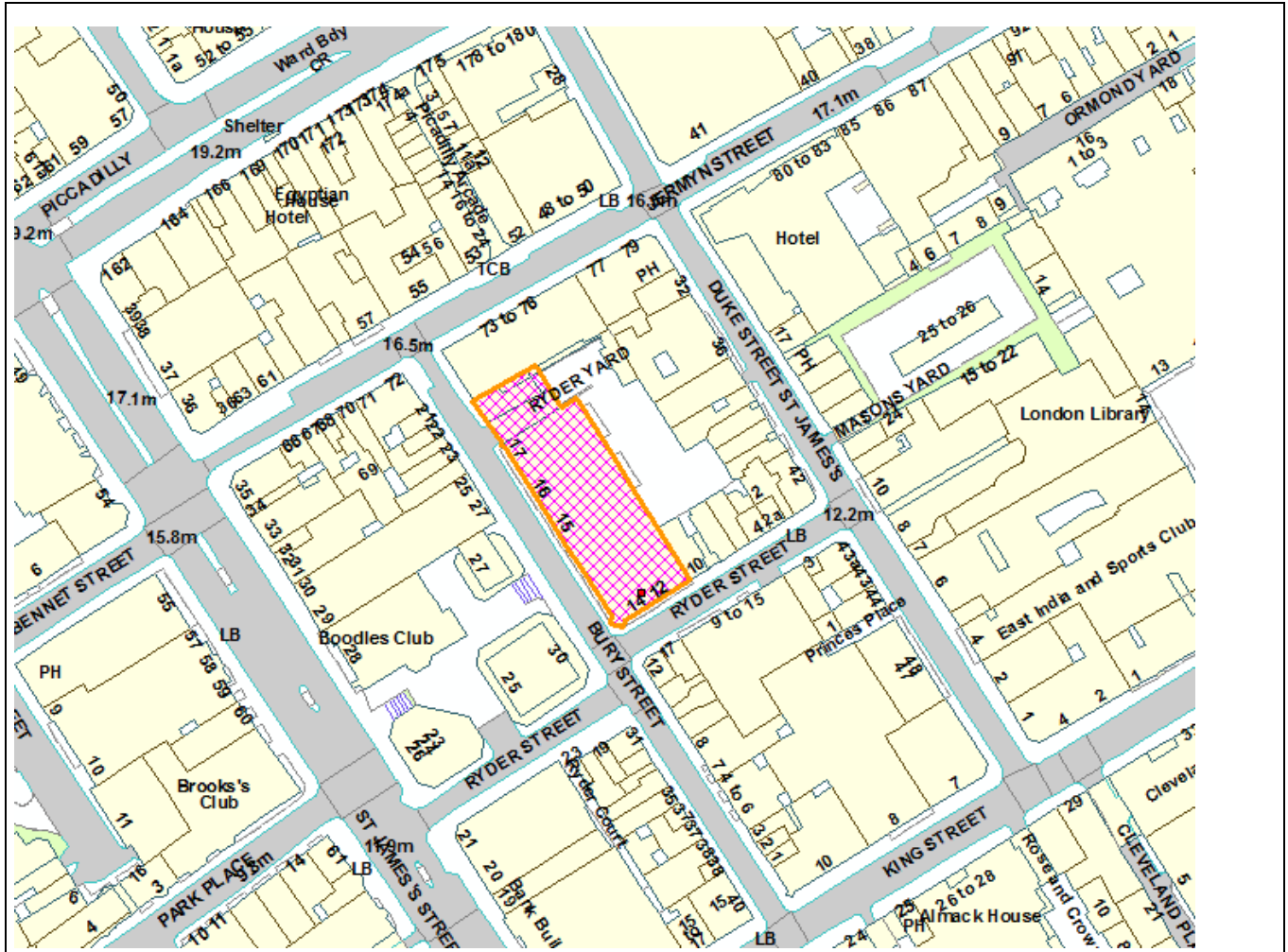
The key considerations in this case are:

- The impact of the proposed alterations upon the appearance of the building, the character and appearance of the St. James's Conservation Area, and the setting of other nearby designated heritage assets, such as the grade II listed Economist Building adjoining the site; and
- The impact on the amenity of neighbouring residential properties.

For the reasons set out in this report, the proposed development is considered to accord with the the relevant policies in Westminster's City Plan 2019-2040 (adopted April 2021). The provision of improved office facilities is welcomed in principle. The proposals would result in some minor harm to the appearance of the building, notably through the installation of the platform lift, but this is outweighed by the associated benefits of providing level access to the building. The new roof terrace is considered not to have a harmful impact on the amenity of neighbouring residents in terms of overlooking or noise and disturbance. The provision of green infrastructure on the roof terrace would improve its contribution to biodiversity and the local environment.

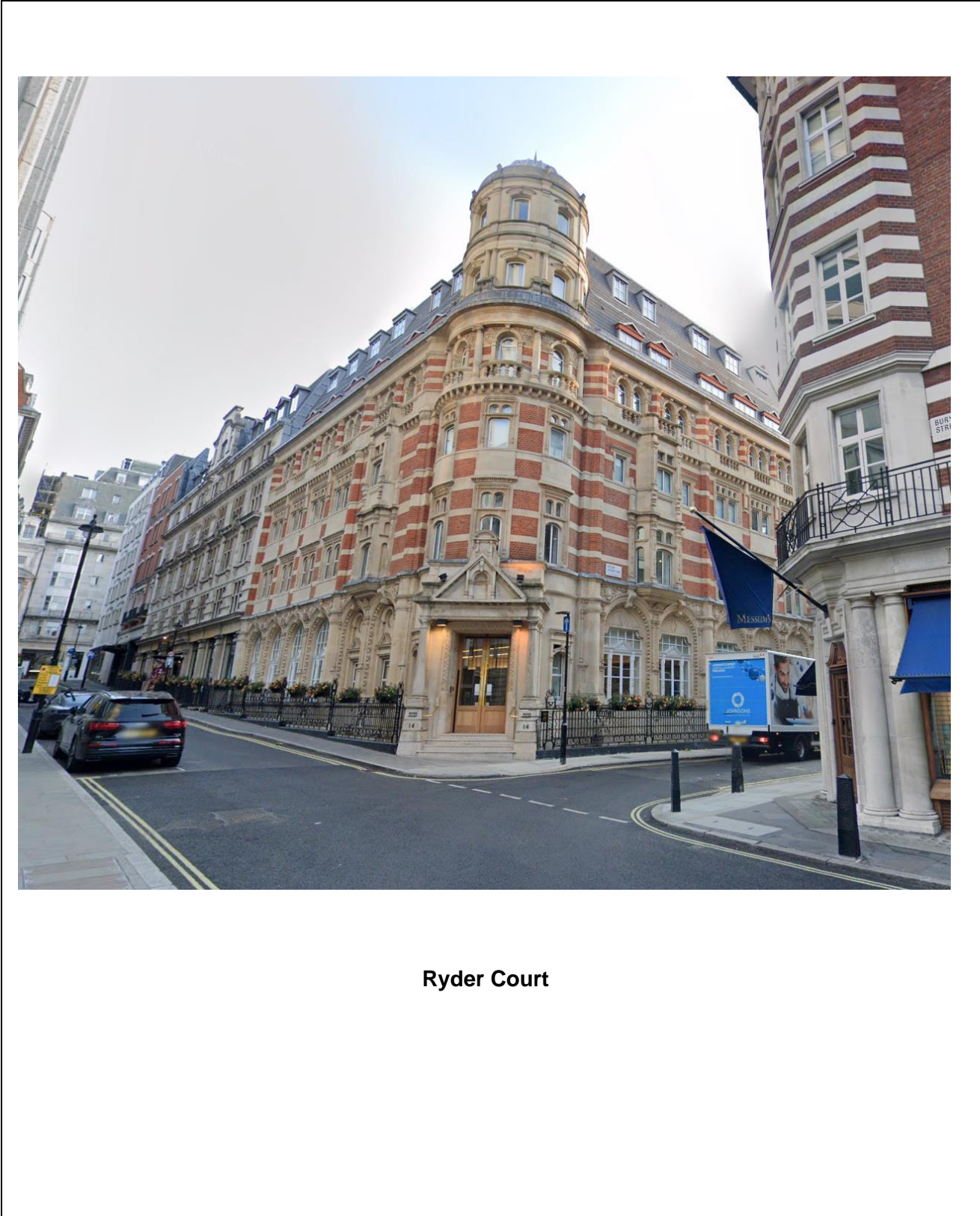
The application is considered acceptable in design, heritage, amenity, and environmental terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Ryder Court



Ryder Court Aerial View



Ryder Court Roof

5. CONSULTATIONS

5.1 Application Consultations

ST. JAMES'S CONSERVATION TRUST:

No response to date.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

No response to date.

ARBORICULTURAL OFFICER

No objection, subject to conditions relating to the roof terrace planting and management; and the pergola.

ENVIRONMENTAL SCIENCES:

No objection, subject to conditions to control hours of use.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS:

No. consulted: 42

No. of objections: 2

The objections are summarised as follows:

Amenity issues

Lack of engagement

- There has been no direct consultation with the residents who will overlook the proposed new rooftop leisure area.

Loss of privacy

- The amenity space on the roof terrace is only few metres from the nearest residential units which would cause loss of privacy from high degree of mutual overlooking

Noise

- Mass social gathering on the roof terrace would bring noise nuisance to the nearby residents.
- No mitigation measures on noise nuisance has been provided

Lighting

- The extensive lighting would cause light pollution.

Other matters

- A roof garden is unnecessary given the given the site's proximity to several public parks.

5.2 Applicant's Pre-Application Community Engagement

The application is supported by a Statement of Community Involvement (SCI) prepared by Kanda Consulting on behalf of the applicant, M&G Real Estate. The SCI sets out that the applicant sought to engage with the Local Planning Authority, elected Members, and the local community prior to the submission of this planning application. The applicant's approach to public consultation includes newsletters posted to the surrounding area, and hosting webinars for members of the local community to receive a briefing on the proposals. In addition, further meetings were held with local stakeholders including, The St. James's Conservation Trust, Ward Councillors, The Westminster Society, and The Residents Society of Mayfair and St. James. This level of engagement is welcomed and in accordance with the principles set out in the Early Community Engagement guidance.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

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

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

Ryder Court is a large commercial office building c1900 located within the St. James's Conservation Area and Central Activities Zone (CAZ). The building has frontages on to Bury Street to the west and Ryder Street to the south. It is located in close proximity to the grade II* listed Economist Group Buildings which is located immediately opposite the site on Bury Street, forming part of its setting. The building makes a positive contribution to the character and appearance of the conservation area and is identified as an unlisted building of merit in the adopted audit.

7.2 Recent Relevant History

29 March 2016:
Permission granted for 'Alterations to existing entrance steps' (ref. 15/11692/FULL).

9 February 2015:
Permission granted for 'Replacement of the existing entrance doors and numbering of property' (ref. 14/11530/FULL).

07 May 1987:
Permission granted for 'Demolition of building behind facades & erection of new office building including new 4th & 5th floor mansard roof accommodation - revised drawings' (ref. 86/04765/FULL).

22 November 1995:
Permission granted for 'Alteration to existing railings, removal of window and formation of new entrance to Bury Street elevation (ref. 95/03538/FULL)'.

8. THE PROPOSAL

The proposed development seeks to upgrade and improve the existing office building, improving its amenities and reception and create an accessible workplace.

The proposed development comprises ground floor façade works to facilitate the installation of a platform lift and the replacement of a window on Ryder Street with a power assisted double door to provide level access to the raised ground floor reception area. In association with these works, the remaining windows on the Ryder Street façade would be lowered to align with the proposed door to maintain existing building symmetry.

Also, at ground floor level it is proposed to upgrade the existing main building entrance through the reinstatement of traditional brass ironmongery, the installation of new signage above the entrance door, and the addition of wall lights.

At main roof level a landscaped roof terrace is proposed, comprising of a timber pergola, planting, and breakout areas, which will deliver amenity space to office occupiers. The existing plant enclosures will be re-screened, new lighting, and PV panels are also proposed.

9. DETAILED CONSIDERATIONS

9.1 Land Use

City Plan Policy 13 supports improved office floorspace in principle within parts of the CAZ with a commercial or mixed-used character. The proposals would upgrade the existing offices amenities and improve accessibility through the provision of a new level entrance, lift extension to roof level, and also with creation of a new roof terrace for use by office occupants. The proposals are acceptable in land use terms.

The existing offices fall within Use Class E which includes a wide range of uses such as restaurant use. A condition is recommended to ensure that the roof terrace approved can only be used by office occupants and not in connection with any other use within Class E of the Town and Country Planning (Use Classes) Order 1987.

9.2 Environment & Sustainability

Sustainable Design

Policy 38D of the City Plan seeks to ensure all development is designed to be durable, adaptable and limit long-term resource use, including water and energy consumption, with features to mitigate and adapt to climate change integrated in development design from the outset.

The roof garden can enhance biodiversity of the building and the area and the provision of PV panels can increase the amount of on-site renewable energy.

The Sustainability Statement states that the development would incorporate several sustainability measures to achieve energy saving, carbon reduction and circular economy. It confirms the development would adopt fabric first approach to optimise energy performance and improve U-values of the existing fabric and replace glazing in parts of the building. The new roof would be thermally upgraded in line with Building Regulations Part L2B guidance (Conservation of fuel and power in existing buildings) and the mechanical building services would be improved through replacement of the lighting system and the provision of PVs. All the measures are welcomed and supported in sustainability terms.

It is stated that the project is committed to achieving a minimum of 90% diversion of demolition, construction, and excavation waste from landfill. The reuse of the existing materials is welcomed in this case.

Light Pollution

Policy 33B of the City Plan, requires d to be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

An objector has raised the concern over extensive lighting of the proposed terrace. During the course of the application, the scheme was revised to remove most of the lighting from the area of roof beyond the pergola where the PV panels are sited. This area of roof, which is nearest to the residential flats at 76 Jermyn Street, is not to be used as a terrace but only for maintenance and emergency access only. A few lights in this area have been retained and are only to be uses for emergency and maintenance purposes only.

'Light Pollution' is addressed in the council's Environmental SPD (ESPD) where it advises that all external lighting will meet the criteria of the Institution of Lighting Professionals' (ILP) Guidance Notes for the Reduction of Obtrusive Light. An informative is added in this respect.

To prevent light pollution adversely affecting nearby residents, a condition is

recommended to ensure that the lighting can only be switched on when the terrace is in use (between 08:00 and 19:00 hours on Monday to Friday and not at all on Saturdays and Sundays).

9.3 Biodiversity & Greening

Policy 34 of the City Plan and the council's Environmental SPD (ESPD) seek to protect and enhance the city's green infrastructure to maximise its environmental, social, and economic value. The proposals incorporate soft landscaping including new planting, green walls and green roofing on the roof garden which is welcomed as it would provide new green infrastructure and would positively increase the biodiversity of the site.

The Arboricultural Manager has reviewed the landscaping details and advises that further detail is required of the roof terrace greening proposals in line with the council's Environmental SPD (ESPD). The concerns relate to soil volumes, method of proposed irrigation, the proposed green walls and pergola.

Conditions are recommended requiring further details of the roof terrace planting together with a management plan; detailed drawings of the pergola; and amendments to show an increase in green infrastructure features at roof level (for example rainwater harvesting, bird/ bat boxes etc.)

An objector queries the necessity of the roof garden given the site's proximity to St. James's Park and Green Park. This objection is not sustainable as the proposals would contribute to the further greening of the city.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Roof terrace

The proposals comprise the creation of a roof level terrace, with associated landscaping and trees. A new timber pergola structure is also proposed, which is located immediately

adjacent to the existing stair enclosure. Given its location concealed behind the stair enclosure, it will not be visible from any public vantage points. Some private high-level views will be available of the structure from buildings fronting on to Duke Street St. James's. However, the proposed structure is not considered harmful to these views of the 1980s rear elevation. A 2.5m tall living wall is also proposed which, given its orientation and location, will not be visible from street level and will serve to enhance private views of the roof when fully planted and maintained. A 2.5m high slatter timber screen is also proposed to mask the existing plant rooms, which will be visible from some public viewpoints.

The visuals provided in support of the application indicate that some elements of the roof terrace will be visible from Smithson Plaza and St. James Street. From Smithson Plaza, the 2.5m timber screen is clearly defined above the ridge level as well as some greenery. However, the overall extent of high-level clutter is reduced compared to the existing arrangement and the proposed visible elements are not considered harmful to the overall appreciation of this building from Smithson Plaza. Likewise, when viewed from St. James Street, the slatted timber screen will be visible but providing it is appropriately stained to a muted tone, it is not considered harmful to the appearance of the building. The imposition of a condition to secure details of facing materials is therefore recommended.

The existing passenger lift is to be extended up to roof level, resulting in minor additional high-level bulk. However, this will have a negligible impact on high level bulk which will not be visible from public views and is not considered harmful to the appearance of the building.

New PV panels are located on the north side of the roof, which are acceptable subject to securing further detail regarding their upstands and projection above roof level.

Platform lift

The proposal involves the installation of a platform lift to allow level access to the ground floor level. The drawings show that parts of the existing railings will be removed to form a gate opening and other elements are to be reused. The design of the new gate does not reflect the existing decorative metalwork and the imposition of an amending condition securing a more decorative design is recommended. The modifications proposed to the railings will result in the loss of some historic fabric and will disrupt the consistent rhythm of the railing design which is regrettable. However, the harm caused to the appearance of these townscape features is minor and is outweighed by the associated benefits of providing level access to the building, for which a double leaf gate is required. This is providing the detailing of the new gate blends in very discreetly with the existing railings, so the imposition of an amending condition is required as set out above.

The proposed platform lift is located immediately behind these gates and is to be positioned within the basement lightwell when not in use, which should be secured via condition. When in use, it will have a detrimental impact on the appearance of the building. However, this will be momentary before the lift is returned to its discreet resting position. Any minor harm for short periods is outweighed by the benefits associated with providing level access to the building.

Fenestration

To the Ryder Street elevation, permission is sought to lower the cill height of existing ground floor windows. Concerns have been raised by officers regarding the subsequent loss of voussoirs and decorative detail above three of the lower ground floor openings. However, it is acknowledged that the remaining lower ground floor openings have already been altered in several locations and the voussoirs affected are located in a secondary, low-level location which is reasonably hidden from public view.

Further, lowering these windows allows for a consistent cill height with the proposed level access door furthest to the west. Given that the lower ground floor area affected is not a principal part of the building, the impact on its appearance and its contribution to the conservation area is minor and refusal on these grounds would not be sustainable. The proposed ground floor window openings relate appropriately to the proportions and composition of the building. However, the imposition of a condition to secure details of the new windows is recommended to ensure they reflect the fine detailing of the existing windows on an exact like for like basis.

The proposed amendments to the main entrance door include reinstatement of combed brass ironmongery, new signage above the entrance door, and the addition of wall mounted façade lighting. The amendments to the main entrance door are also considered acceptable in design terms.

9.5 Residential Amenity

Policies 7 and 33 of the City Plan seek to protect residential amenity in terms of light, privacy, sense of enclosure and to encourage development, which enhances the residential environment of surrounding properties.

Two objections have been received from neighbouring residents on grounds that the new roof terrace would harm neighbouring residents in terms of overlooking, noise and disturbance, and increased light pollution.

Overlooking and privacy

The nearest residential units are located to the north of the site within 76 Jermyn Street, who have windows looking across the roof of the application site. The proposals include mitigations measures to reduce the impact of overlooking on these neighbours. The area of roof nearest to these residents would comprise of a sedum green roof with PV panels that is only to be accessed for maintenance or emergency purposes only. This area of the roof will therefore provide a buffer zone of approximately 13.5m between the users of the terrace and the neighbouring residential occupiers to the north. Tall screening, in the form of a planted pergola, is also provided to visually, and acoustically shield the building on Jermyn Street to the north from the central terrace area.

To the west, the roof terrace is considered to be sufficiently set back, circa 18m, from neighbours at 37 Duke Street. In this respect it is considered not to cause harm in terms of overlooking.

Noise

Objections have been made on grounds that the roof terrace would result in noise and disturbance for neighbouring residential occupiers.

The application is supported by a Noise Impact Assessment that aims to assess the potential noise impact on nearby receptors based on a viable set of scenarios for the rooftop terrace and noise data for human speech. There is no standard method for assessing the sound of activity on commercial rooftop terraces. The purpose of the acoustic report is to provide a robust demonstration of noise levels which might be expected based on the capacity of the terrace, proximity of nearest residential receptors and the current ambient noise climate.

Environmental Sciences have reviewed the acoustic report and consider that the proposed use of the terrace is unlikely to have an adverse impact on nearby sensitive receptors provided that the number of users and times of access to the terrace are controlled by condition. Conditions are recommended limiting the number of users to no more than 60; controlling the hours of use from between 8am – 7pm; and also preventing music from being played on the roof terrace.

The application is also supported by an Operational Management Plan (OMP) which sets out how the terrace would be managed when in operation with the aim of preventing users from causing nuisance to neighbours. The measures set out in the OMP are welcome and secured by condition.

9.6 Transport, Accessibility & Servicing

Accessibility

Policy 25 of the City Plan promotes sustainable transport by prioritising walking in the city. Policy 25B states that development must create step-free legible access and entrance points.

Policy 38 also seeks to encourage inclusive design. Supporting text 38.8 states that buildings and the spaces which adjoin them should be fully accessible and inclusive for all, including people of all ages and those with mobility and sensory impairment or other health concerns or disabilities.

The proposal involves the creation of a new access via a new platform lift to allow level access to the ground floor. The alterations would result in some minor harm to the appearance of the building but this is outweighed by the associated benefits of providing level access.

The extension of the lift over-run would also enable the lift to be extended to main roof level to provide level access to the new external amenity space/roof terrace, allowing for full accessibility.

9.7 Economy including Employment & Skills

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

9.8 Other Considerations

Lack of engagement

An objection is made on ground that there has been a lack of engagement with local residents. The application is supported by a Statement of Community Involvement (SCI) that details how the applicant sought to engage with the Local Planning Authority, elected Members, and the local community prior to the submission of this planning application. The applicant's approach to public consultation included newsletters posted to the surrounding area, and hosting webinars for members of the local community to receive a briefing on the proposals.

The council also carried out its own consultation exercise for this planning application as detailed in section 5.1 of this report.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

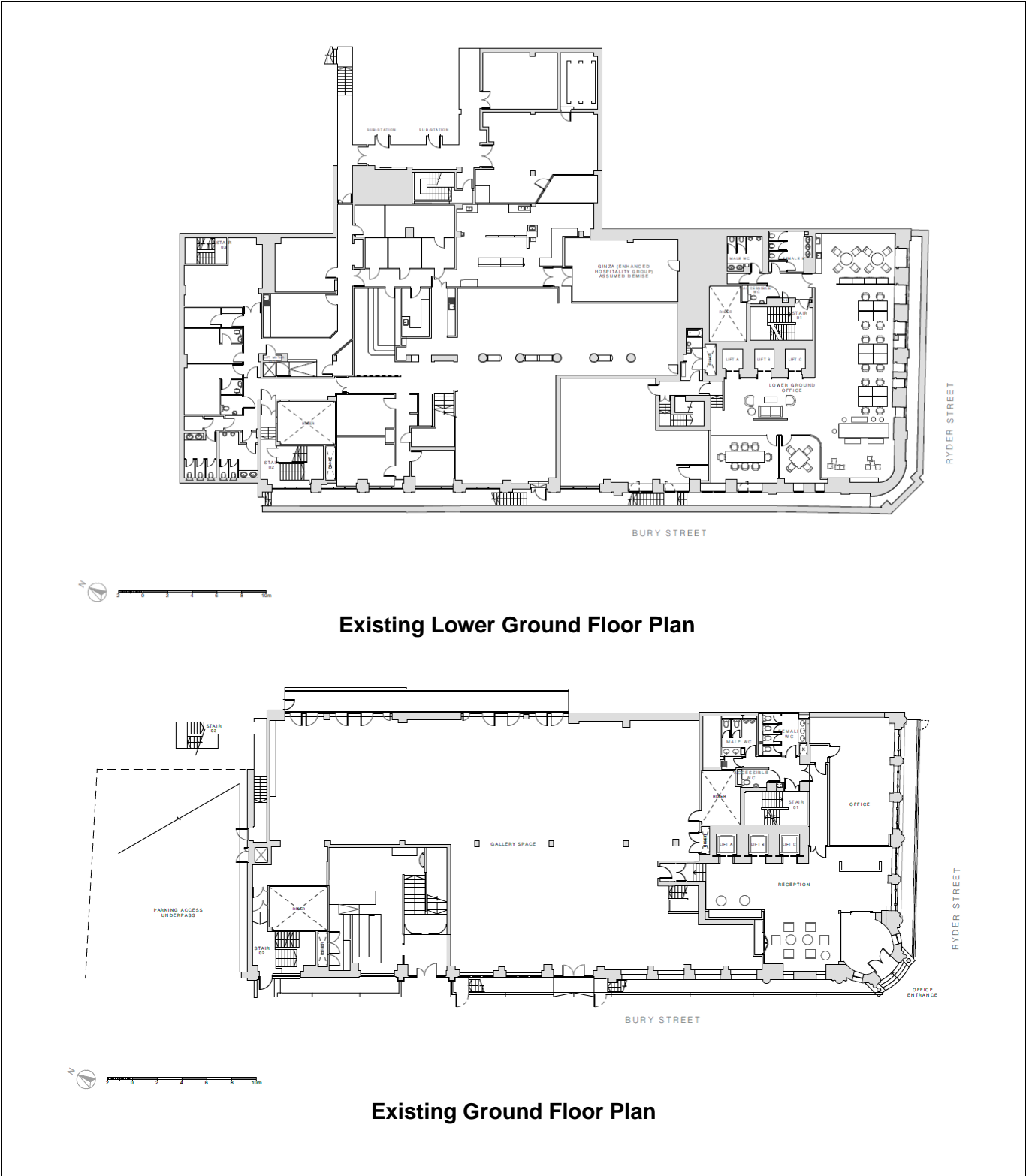
For the reasons set out in this report, the proposed development is considered to accord with the relevant policies in Westminster's City Plan 2019-2040 (adopted April 2021). The provision of improved office facilities is welcomed in principle. The proposals would result in some minor harm to the appearance of the building, notably through the installation of the platform lift, but this is outweighed by the associated benefits of providing level access to the building. The new roof terrace is considered not to have a harmful impact on the amenity of neighbouring residents in terms of overlooking or noise and disturbance. The provision of green infrastructure on the roof terrace would improve its contribution to biodiversity and the local environment.

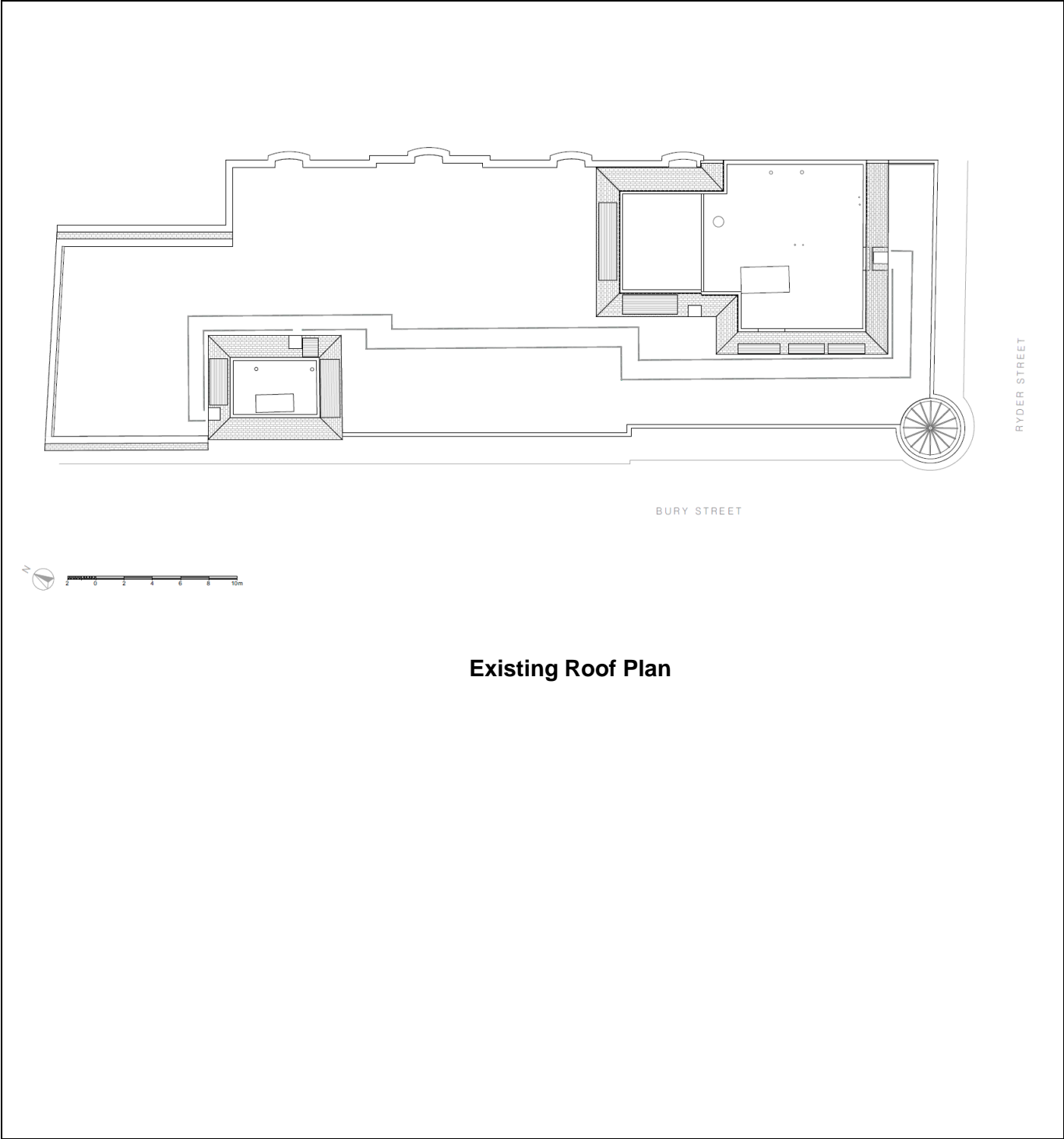
The application is considered acceptable in design, heritage, amenity, and environmental terms, and is recommended for approval subject to the conditions set out in the draft decision letter.

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

11. KEY DRAWINGS





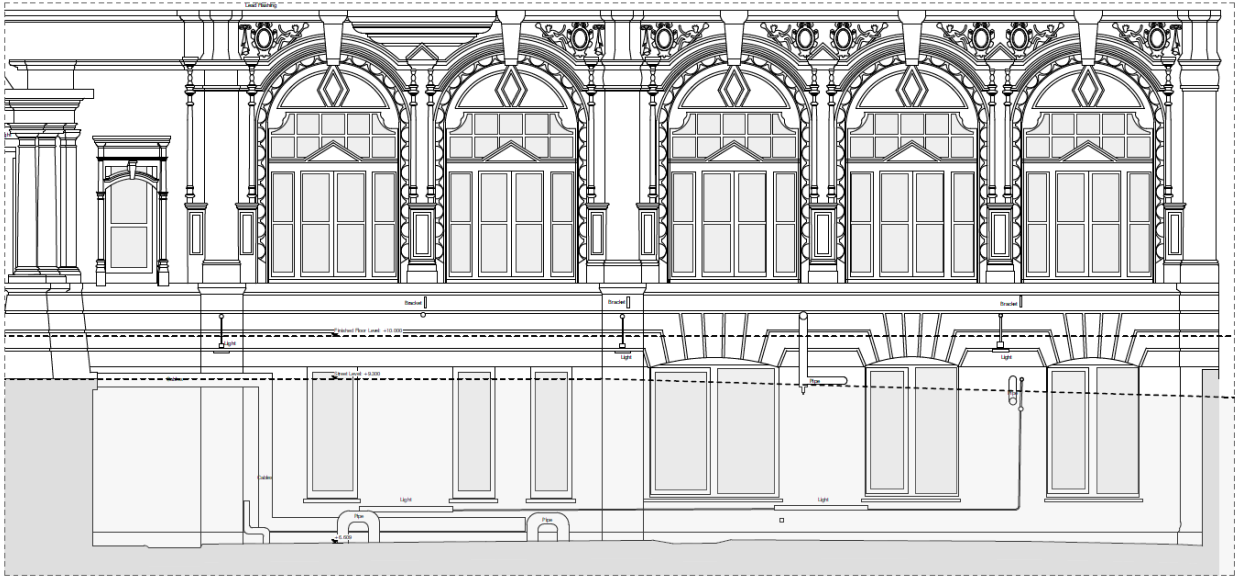
Existing Roof Plan



Existing Ryder Street Elevation



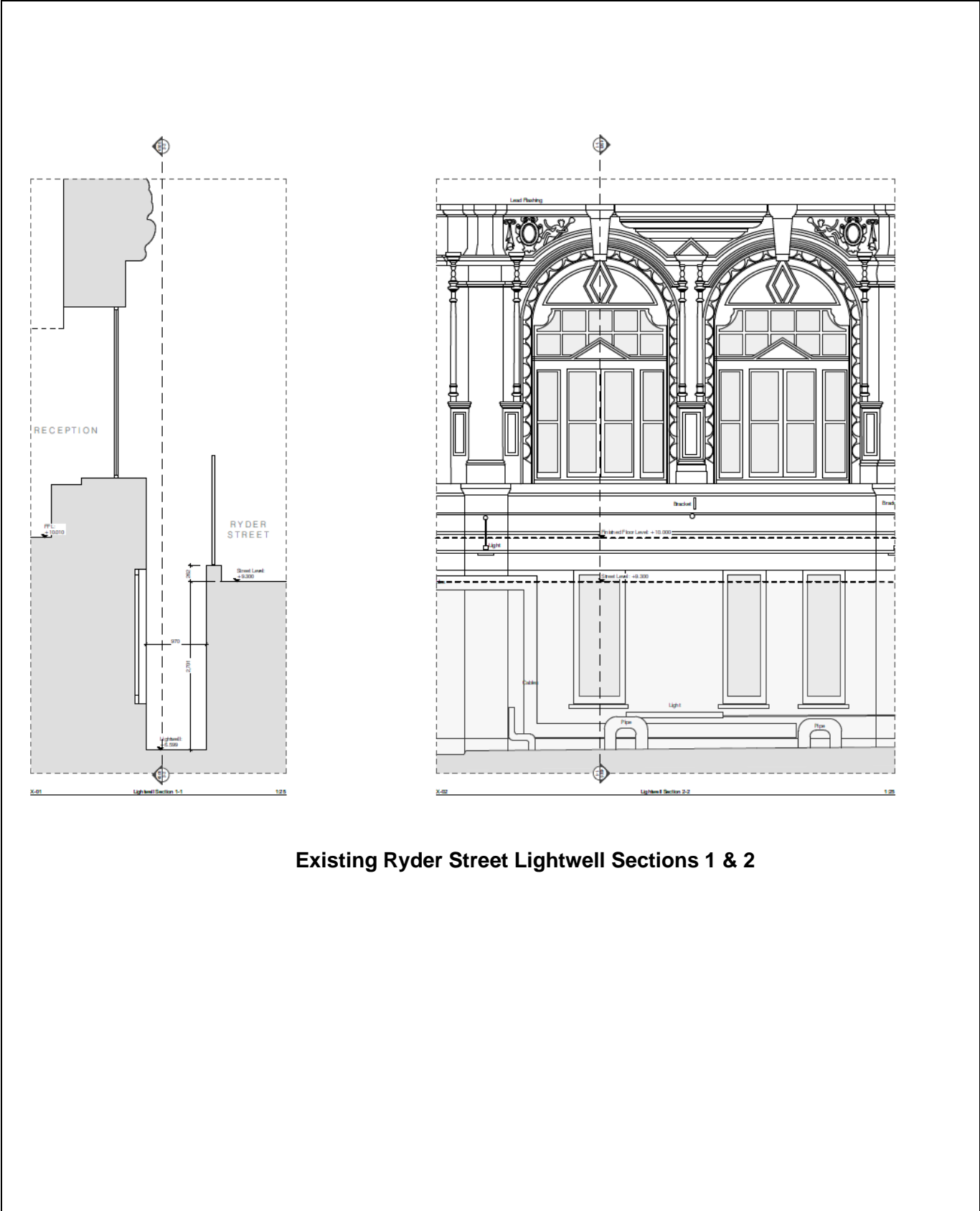
Existing Main Entrance



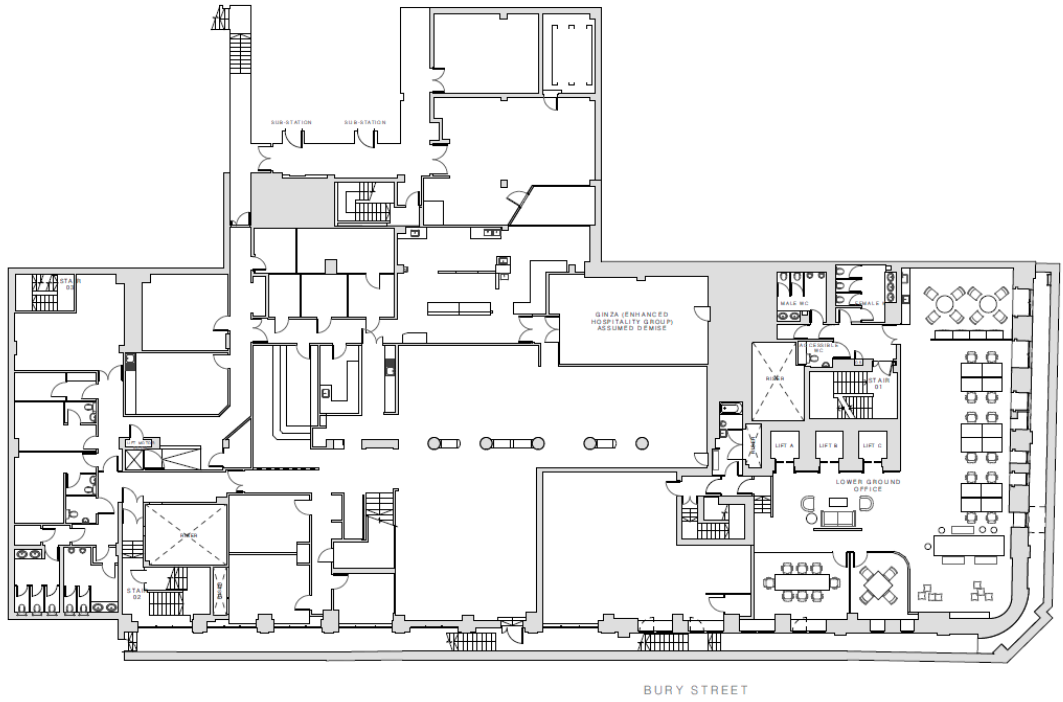
Existing Ryder Street Elevation



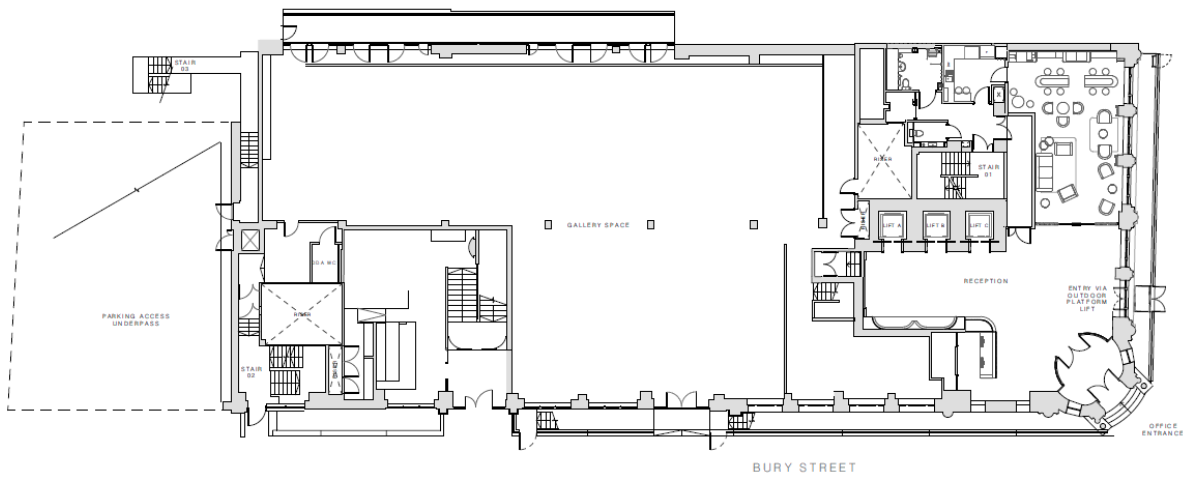
Existing Ryder Street Elevation incl. railings



Existing Ryder Street Lightwell Sections 1 & 2



Proposed Lower Ground Floor Plan



Proposed Ground Floor Plan



Proposed Ryder Street Elevation



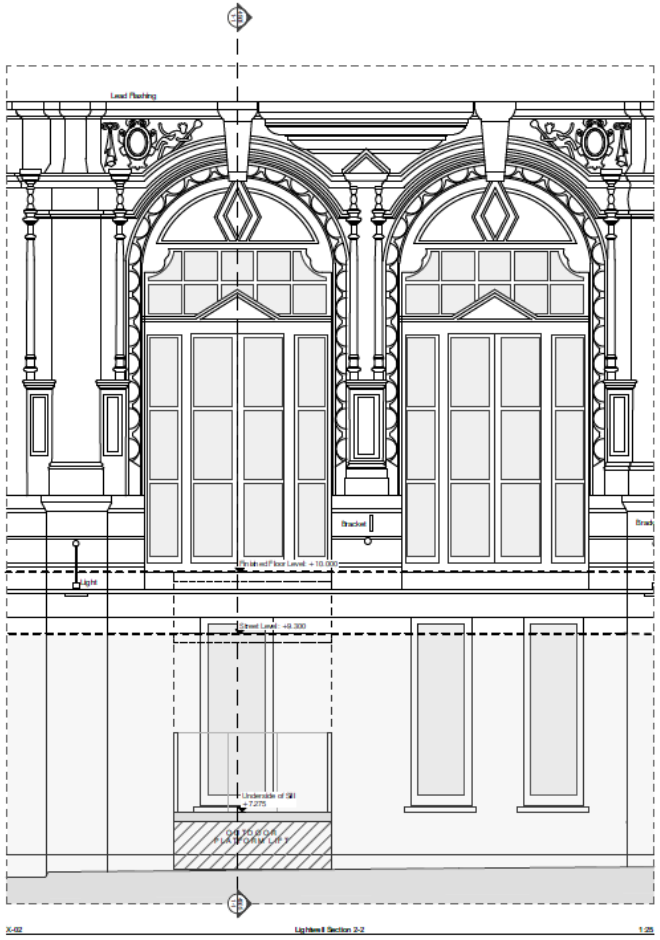
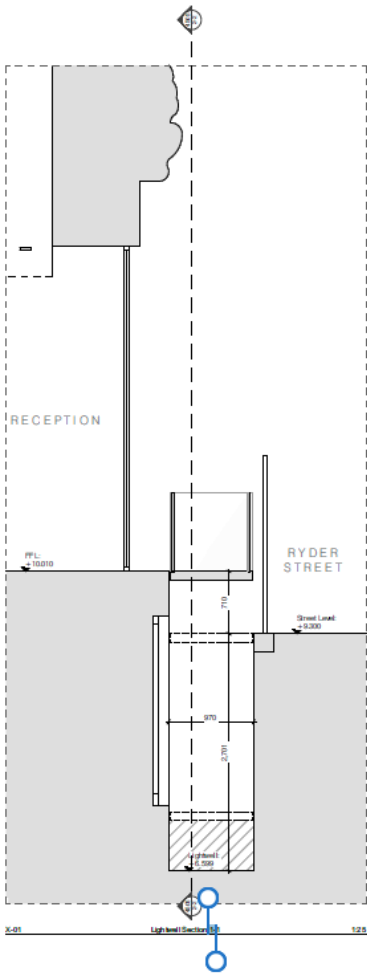
Proposed Main Entrance



Proposed Ryder Street Elevation



Proposed Ryder Street Elevation incl. railings



Proposed Ryder Street Lightwell Sections 1 & 2

Item No.
3

DRAFT DECISION LETTER

Address: Ryder Court, 14 Ryder Street, London, SW1Y 6QB

Proposal: Replacement of window with door, lowering of window sills and installation of platform lift at upper ground floor level on Ryder Street; upgrade works to ground floor entrance including new lighting; extension of existing lift overrun at roof level; creation of roof terrace with planting, landscaping and pergola; installation of PVs; and associated works.

Reference: 22/08649/FULL

Plan Nos: Existing drawings:
LGF-DR-A-2001, 00-DR-A-2002, 06-DR-A-2008, 06-DR-A-2009, ZZ-DR-A-3001, ZZ-DR-A-3002, ZZ-DR-A-3031, ZZ-DR-A-3011, ZZ-DR-A-3021, ZZ-DR-A-4305, ZZ-DR-A-4306;

Proposed drawings:
LGF-DR-A-2201, 00-DR-A-2202, 06-DR-A-2208, 063-101-7, 06-DR-A-2209, ZZ-DR-A-3201, ZZ-DR-A-3202, ZZ-DR-A-3231, ZZ-DR-A-3221, ZZ-DR-A-4305, ZZ-DR-A-4506, Elevation Study dated April 2023, Pergola and Roof Massing Visualisations dated April 2023; Operational Management Statement - Roof Terrace; Lighting statement (except the lighting plan), 06-DR-A-2208 (Proposed Roof Terrace with amended lighting plan), Planning Compliance Report dated 15 December 2022

Case Officer: Morgan Cheung

Direct Tel. No. 020 7641
07971092759

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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 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 St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

- a. New ground floor windows including 1:5 details of mouldings to match existing on like for like basis.
- b. Platform lift (1:20) showing relationship to existing railings.
- c. Gate at ground floor level on Ryder Street frontage (1:10)

- d. Control mechanisms for platform lift (1:5)
- e. PV panels (1:20) including details of upstands and relationship to finished roof level.
- f. External lights (1:10)
- g. Roof level balustrade (1:10)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 The platform lift hereby approved shall be positioned at the base of the lower ground floor lightwell in its resting position at all times when not in use and the gate at ground floor level must be closed. The lift shall only move upwards from this location when in use and shall return to its resting position at lower ground floor immediately after.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:
 - a. Design of new gate on Ryder Street frontage to be amended to reflect existing decorative metalwork pattern.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 The roof level balustrade hereby approved shall be painted black and maintained that colour.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must apply to us for approval of details showing the following alteration to the scheme:

- an increase in green infrastructure features at roof level.

You must provide, maintain and retain the green infrastructure features before you start to use any part of the roof terrace. You must not remove any of these features.

Reason:

To improve its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021).

- 11 You must apply to us for approval of detailed drawings and management plan in relation to the roof terrace planting to include construction method, layout, planting scheme which includes the number, size, species and position of trees and shrubs and other green infrastructure. You must not commence works on the roof terrace until we have approved in writing what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain it in accordance with the approved management plan.

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 12 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:

- Pergola at roof level, including hydroponic green wall.

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 improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 13 You must not play live or amplified music on the roof terrace.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 14 Other than in the case of emergency or for maintenance purposes, the roof terrace

hereby approved shall only be used between 08:00 and 19:00 hours on Monday to Friday and not at all on Saturdays and Sundays.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 15 You must not allow more than 60 people on the roof terrace at any one time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 16 You must install the Pergola, Hydroponic Green Wall and screening shown on the approved drawings before you allow anyone to use the roof terrace. You must then maintain the structures in the form shown for as long as the roof terrace remains in place. You must not allow anyone to enter the area where the PV panels are located (close to the boundary with 76 Jermyn Street), except in an emergency or for maintenance.

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 17 You must carry out the measures included in your 'Operational Management Statement - Roof Terrace' hereby approved at all times that the roof terrace is in use.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 18 Other than in the case of emergency or for maintenance purposes, the external roof terrace lighting hereby approved shall only be switched on between 08:00 and 19:00 hours on Monday to Friday and not at all on Saturdays and Sundays.

Reason:

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

- 19 Notwithstanding the provision within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any

order that may replace it, the terrace hereby approved may only be used by office occupants.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 **HIGHWAYS LICENSING:**
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 visit our website at www.westminster.gov.uk/guide-temporary-structures.
CONSIDERATE CONSTRUCTORS:, 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 or visit www.ccscheme.org.uk.
BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 In respect of condition 11 (roof terrace planting and management) you are advised to maximise soil depths and volumes to accommodate adequate tree and shrub planting and thereby limit the need for artificial irrigation and maximise the biodiversity potential of the roof terrace.

- 4 All external lighting will meet the criteria of the Institution of Lighting Professionals' (ILP) Guidance Notes for the Reduction of Obtrusive Light.

Item No.
3

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.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 June 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	18 - 19 St Christopher's Place, London, W1U 1NN		
Proposal	Use of the ground (including forecourt) and basement as a mixed-use wine shop/wine bar (sui generis)		
Agent	Rolfe Judd Planning Ltd		
On behalf of	SCP Estate Ltd		
Registered Number	23/01197/FULL	Date amended/ completed	23 February 2023
Date Application Received	23 February 2023		
Historic Building Grade	Unlisted		
Conservation Area	Stratford Place		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

The application relates to the basement and ground floor unit of 18-19 St Christopher Place (only 91 sqm in size), which is currently vacant having last been in use as retail accommodation. Planning permission is now sought for the use of the basement and ground floor (including forecourt) as a 'mixed-use wine shop/wine bar' (Sui Generis).

The key considerations in this case are:

- The acceptability of the proposed use on the character and function of the area, and
- The impact on the amenity of neighbouring residential properties.

For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use and amenity terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Marylebone Association) - Any response to be reported verbally.

ENVIRONMENTAL HEALTH - No objection subject to conditions.

PROJECT OFFICER FOR WASTE - No objection.

HIGHWAYS PLANNING MANAGER - No objection.

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 34

No. Replies: 1 Objection on the following grounds:

- Wine bar inappropriate and do not consider that the acoustic report sufficiently demonstrates that the use will not result in noise nuisance.
- Use of forecourt will further increase amenity issues include increase noise, litter, odour/smoke.
- The use of the shared entrance will intensify due to the increase storage of goods.
- Increased pest/rodent activity due to food being stored in a building.
- Hours of use are beyond opening hours of restaurants in the vicinity with operate from 08:00 and no later than 22:00

SITE & PRESS NOTICE - Yes.

5.2 Applicant's Pre-Application Community Engagement

The Applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the Applicant with the local community and key stakeholders in the area, prior to the submission of the planning application. However, the Early Community Engagement guidance only expects such engagement to take place where proposals of this nature may have a significant impact on residential amenity or other noise sensitive receptors, and it would not be expected for a small scale application like this one.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

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

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is an unlisted building located in the Stratford Place Conservation Area, the West End Retail and Leisure Special Policy Area (WERLSPA) and the CAZ Central Activities Zone (CAZ). It is located on the western side of the pedestrianised portion of St. Christopher Place and comprises of basement, ground and four upper floors. The basement and ground were last in use as a retail accommodation (Class E). The first to fourth floors accommodate a mixture of both permanent residential units and short term lets and are independent to the lower floors of the property with the exception of a secondary access route to the basement, although access through this area falls outside the Applicant's lease.

7.2 Recent Relevant History

Planning permission was granted on 3 July 1975 (A/TP/5811) for the "remodelling and additions to rear of existing building and interior, to improve existing shops at basement and ground floors, provide offices on first floor and residential flats on second, third and fourth floors including reinstating the access system at 15-20 St Christopher Place W1."

A certificate of lawfulness was issued on 11 October 2017 (RN: 17/07276) which confirmed that it would be lawful to use of the second to fourth floors of Greengarden House and St Christopher's House (neighbouring property) as 24 dwellinghouses (Class C3).

8. THE PROPOSAL

Permission is sought for the use of the basement and ground floor (including forecourt) as a 'mixed-use wine shop/wine bar' (Sui Generis) totalling 91 sqm GIA.

The unit is intended to be occupied by SCP Estate Limited under the name 'Angelique's Wine House'. They intended to provide the following:

- A premises to sell wine to consume off the premises or alternatively to consume

- wine on the premises along with food platters and light snacks.
- Sale of wine for consumption on the premises will be by waiter service only.
- Bottled wines for sale or consumption will be from a selection of some 120-150 bins of wine and champagne from across the globe including half bottles and magnums.
- Food platters will comprise artisanal cheese and charcuterie with warmed focaccia, a caprese salad, hummus and grilled haloumi and a bruschetta selection. From time to time and according to the season, platters will include Chorizo Al Vino, whole warmed Camembert and also freshly sliced Jamon Ibérica Bellota
- No primary cooking will take place on within the premises.

Such a use falls between a drinking establishment (also a Sui Generis use) and retail (Class E), offering elements of both of these uses.

The indicative layout plan provided by the applicant shows the ground floor containing seating for up to 32 customers and well as display cabinets and a W/C to the rear. The property also benefits from a private forecourt to the front of the property which the Applicant indicates has the capacity for a further 8 seated customers. There is a further storage area and a W/C at basement level.

An Operational Management Plan (included in the background papers) setting out the operational details has been submitted in support of this application. The key points are as follows:

- Maximum seated capacity of the premises 40 customers (including 8 customers seated externally);
- The proposed opening hours are from 11:00 to 23:00 Monday to Saturday and from 11:00 to 22:30 on Sundays;
- Tables and chairs will be on the forecourt from 12:00 until 21:00 daily.
- Guests will enter the venue via the front door during operating hours. A member of staff will greet them.
- Ashtrays for cigarettes outside the front entrance of the venue if our guests want to smoke.
- Only background music will be played within the unit. There will be no live music.
- Signage within the unit will request that patrons are quiet when leaving the premises.

A Premises Licence has been granted by the Council for the proposed use – a copy is included in the background papers.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy background

London Plan Policy SD4(E) provides general support for the proposed use in the CAZ, stating, 'The unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced'. Support for the evening and night-time economy within the WERLSPA can be found within City Plan

Policy 2(C) that set out as one of the priorities for the intensification of the WERLSPA is to deliver, 'A diverse evening and night-time economy and enhanced cultural offer', as well as within City Plan Policy 14(C)(ii) that states, 'The WERLSPA will provide a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy'.

London Plan Policy HC6(B) states that planning decisions should, 'Promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, and town centres where public transport such as the Night Tube and Night Buses are available', whilst at the same time, 'Address[ing] the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses, and seek ways to diversify and manage these areas'.

This balance of competing interests within the CAZ is underlined by City Plan Policy 1(A)(4) that states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City by, 'Balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods. City Plan Policy 7 seeks to protect and where appropriate enhance local environmental quality, whilst City Plan Policy 33(A) outlines how, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'.

City Plan Policy 16(A) states, 'Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre'.

Assessment

An objection has been submitted on behalf of the company who manages both the permanent and short term letting accommodation located within the second, third and fourth floors of Greengarden House (which the application site forms part of) and St Christopher's House (neighbouring property) on the basis that they consider that the use of the premises and forecourt as a wine bar is inappropriate. They consider that the proposal will increase amenity issues, and the cumulative impacts thereof, such as increased noise, litter, odour/smoke and vermin. They believe that the use of the shared entrance to their property will intensify due to the increased storage of goods and will exacerbate existing issues. They also consider that the hours of use proposed are inappropriate given that (in their opinion) they are beyond the opening hours of restaurants in the vicinity which operate from 08:00 to 22:00.

Given the proposed use would serve visiting members of the public, and there is no policy which specifically protects retail accommodation in this area, in broad land use policy terms the use is considered acceptable.

This area of Marylebone is commercial in character at street level; however, there is a large quantity of short-term lets and permanent residential accommodation in the vicinity of the site including the upper floors of the application site.

There are also other entertainment uses in the vicinity of the site including restaurants at Cote (6-8 St Christopher Place), Ristorante Olivelli (9 St Christopher Place) and Sofra (1 St Christopher Place).

The existing premises falls within Use Class E. As such, the unit could be used as a restaurant without the need for planning as this would no longer be considered development following the government's changes to the use class order.

Having regard to the small proportion of entertainment uses to other commercial units along this section of St Christopher Place and given the potential that the site could be used as a restaurant without any restrictive planning conditions, it is not considered that the proposal would lead to an overconcentration of entertainment uses nor would it be harmful to the character of the area.

During the daytime, this is a busy commercial area and there is therefore less potential that the use would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality than in other locations across the City. However, in order to quantify the potential noise breakout implications of the proposal, the Applicant has provided an acoustic report which predicts indicative maximum limits from the proposed use. They have also provided proposed separating details of the structure between the proposed unit and the first floor residential accommodation. Being mindful of the indicative noise levels anticipated, the assumption made to inform such noise levels and the proposed separating details, the Council's Environmental Health team has raised no objection to the proposed use, as they consider that the internal noise levels within the adjoining residential properties will meet the Council's standard noise conditions.

As set out in section 9.6 of this report, a condition has been recommended requiring details of waste storage, which is to be in place prior to the use being implemented. As such, it is not considered that it would be reasonable to refuse the application due to potential litter or vermin implications (especially given the limited provision of foodstuffs).

The existing forecourt and indeed the public highway beyond could be used for smoking purposes. It is not considered that it is reasonable to refuse the application due to the potential odour implications associated with people smoking, given the small number of customers.

The proposed opening hours are in line with those generally permissible in mixed commercial and residential areas. Whilst the objector is correct in saying that the entertainment uses at No.6-8 and No.9 St Christopher Place close at 22:00, licences and planning consents for tables and chairs outside both premises allow them to operate external seating areas until 23:00 daily. The entertainment use at 1 St Christopher Place and associated tables and chairs also operates until 23:00. Further, the use of the basement and ground floor unit at No. 22 St Christopher Place as either continued restaurant or as a public house was permitted in 2018 to operate with a capacity of up to 200 customers between 10:00 and 00:30 Mondays to Saturday and between 12:00 or after 00:00 on Sundays. This premises has a similar relationship to the residential properties on the upper floors as the application site. Although this permission was not implemented and the unit has subsequently been occupied for retail purposes, the pre-

existing restaurant license allowed it to operate to the permitted hours and there is no record of any noise complaints being received when it was as a restaurant . Given the above, the size of the proposed unit and the customer capacity, it is considered that the proposed hours are acceptable.

In light of the comment received regarding the shared entrance hall and deliveries/servicing to the new unit, the Applicant has produced their lease plan. The proposed tenant has no right of access over the ground entrance hall. There is a door off the back of the ground floor unit that the tenant will use to access the basement. Therefore, any existing issues with regard to the communal entrance will not be exacerbated as a result of the current proposal.

Having regard to the above, the use is considered to be acceptable as it would be neither harmful to residential amenities or the prevailing character and function of the area and the objection to the contrary cannot be supported subject to the following conditions:

- adherence to an Operational Management Plan;
- ensuring no music is played within the premises which is audible beyond the boundary of the site;
- preventing vertical drinking within the premises;
- restricting the hours of operation (i.e. from 11:00 to 23:00 Monday to Saturday and from 11:00 to 22:30 on Sundays with further restrictions ensuring that no tables and chairs will be outside with the exception of between 12:00 until 21:00 daily;
- limiting the capacity to 40 seated patrons at any one time;
- No primary cooking to take place within the premises;
- All servicing must take place between 07.00 and 19.00 daily;
- Access/egress to/from the basement must be achieved through the ground floor of the application premises only.

9.2 Environment & Sustainability

The application raises no significant environmental or sustainability issues.

9.3 Biodiversity & Greening

The application relates primarily to the use of the site with minimal works. There is no real scope for the incorporation of biodiversity features or greening.

9.4 Townscape, Design & Heritage Impact

No external alterations are proposed.

9.5 Residential Amenity

The local environmental impacts are detailed within Section 9.1 of this report.

9.6 Transportation, Accessibility & Servicing

The site is centrally located and well served by public transport including principal bus

routes and benefits from the highest public transport accessibility (PTAL) rating (6b). The impact upon the local highway network of the proposed drinking establishment with expanded food provision use compared to the previous retail use is not considered to be materially different.

Car Parking

No car parking is proposed, which is supported by City Plan Policy 27.

Cycle Parking

No cycle parking has been shown on the submitted drawings. Given the unit totals 91 sqm GIA (i.e. is less than 100 sqm), there is no requirement to provided cycle parking.

Servicing

The site does not benefit from direct access to the carriageway, goods are delivered to the site on trolleys from Wigmore Street or from the Barrett Street piazza outside hours of pedestrianisation. It is considered that arrivals and departures and servicing would be similar to the existing use and therefore no significant change will occur.

Waste

The project officer for waste has reviewed the proposal and considers that the proposed waste storage is in line with the Council's guidelines. A condition is recommended to ensure it is installed prior to the implementation of the proposed use.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by bringing a vacant unit back into use and by creating 5 new jobs (4 full time employees and 1 part-time employee).

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

Subject to appropriate conditions the proposal accords with development plan policies, specifically London Plan Policies SD4, HC6 and T5, Policies 1, 7, 13, 16, 27 and 33 of Westminster's City Plan. The application is therefore recommended for conditional approval.

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

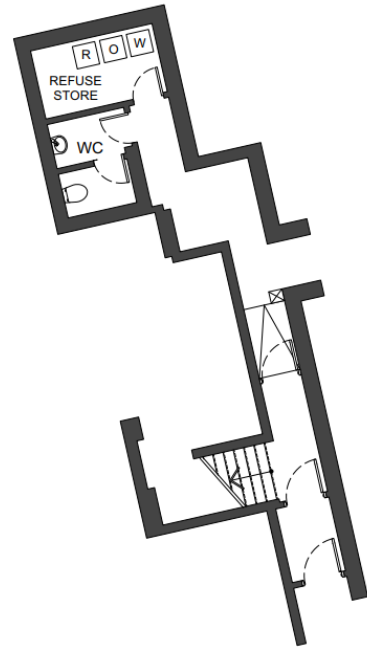
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK.

11. KEY DRAWINGS

Proposed Plans



01 18-19 St Christopher's Place - Proposed Ground Floor Plan
Scale 1:100@A3



02 18-19 St Christopher's Place - Proposed Basement Plan
Scale 1:100@A3

DRAFT DECISION LETTER

Address: 18 - 19 St Christopher's Place, London, W1U 1NN,

Proposal: Use of the ground (including forecourt) and basement as a mixed-use wine shop/wine bar (sui generis)

Plan Nos: (GA)01 Rev PL2

Drawing provided by Rolfe Judd on 30 January 2023 titled '18/19 St Christophers Place' on Page 3 of Technical Memorandum ref: HT: 30499/PTM1

Operational Management Plan (received 20 April 2023)

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 i) You must not allow more than 32 seated customers into the basement and ground floor wine shop/wine bar use hereby approved at any one time.
ii) You must not allow more than 8 seated customers at any one time within the forecourt to the front of the basement and ground floor wine shop/wine bar premises hereby approved.

Reason:

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

- 3 Customers shall not be permitted within the wine bar/wine shop premises before 11:00 or after 23:00 Monday to Saturday and before 11:00 or after 22:30 on Sundays.

Reason:

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

- 4 (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 wine shop/wine bar 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 in writing 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 wine shop/wine bar 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 in writing 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 written 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. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 5 The design and structure of the building 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. Inside bedrooms 45 dB L

Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 6 The measures set out within the Operational Management Plan (received 20 April 2023) shall be adhered to at all times.

Reason:

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

- 7 No vertical drinking shall take within the premises and service for customers wishing to consume products on site must be limited to waiter service only.

Reason:

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

- 8 No primary cooking shall be carried out within the premises.

Reason:

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

- 9 All windows must be closed from 21.00 each day, unless for emergency or maintenance.

Reason:

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

- 10 You can only put tables, chairs and any other furniture on the forecourt for use by customers between 12.00 and 21:00 daily. Outside these times all furniture must be removed from the forecourt and stored within the premises.

Reason:

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

- 11 All servicing must take place between 07.00 and 19.00 daily. Servicing includes loading and unloading goods from vehicles and the collection of waste and recyclable materials.

Reason:

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

- 12 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number (GA)01 Rev PL2 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the premises. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 13 Other than in an emergency, access and egress to/from the basement must be achieved through the ground floor of the application premises only.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 3 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must

also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 4 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public.

Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm

The following are available from the British Standards Institute - see shop.bsigroup.com/:

BS 6465-1:2009: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances

BS 6465-3:2009: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 June 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	34 Grosvenor Square, London, W1K 2HD		
Proposal	Variation of conditions 2 and 3 of planning permission dated 30th March 2022 (RN 21/07888/FULL) for the variation of conditions 3 and 4 on permission dated 24/11/2020 for alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with a restaurant (Class E) : NAMELY, to extend the temporary permission for the retention of the decking in the front lightwell with external dining for a further temporary period until May 2024. (Application made under Section 73 of the Act.)		
Agent	DP9		
On behalf of	Caprice Holdings Ltd		
Registered Number	23/01122/FULL	Date amended/ completed	21 February 2023
Date Application Received	21 February 2023		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

Refuse permission - design grounds

2. SUMMARY & KEY CONSIDERATIONS

34 Grosvenor Square is a mixed-use building comprising a restaurant on basement, ground and first floors with residential flats on the second to fifth floors. On 24 November 2020, permission was granted for the erection of a platform within a front lightwell for use as external dining area for the restaurant with 13 tables and 26 chairs for a temporary period of 1 year from the platform being installed. Subsequently on 30 March 2022 a further temporary permission was granted to retain the platform to be used for outside dining until 6 May 2023 and requiring the removal of the platform and

the reinstatement of railings by 16 June 2023.

The current application is for a further temporary permission seeking to retain the platform/decking in the front lightwell for outside dining for the restaurant for a further year until May 2024. The application is made under S73 of the Act and seeks to vary conditions on the last permission granted in March 2022.

The key issues for consideration are:

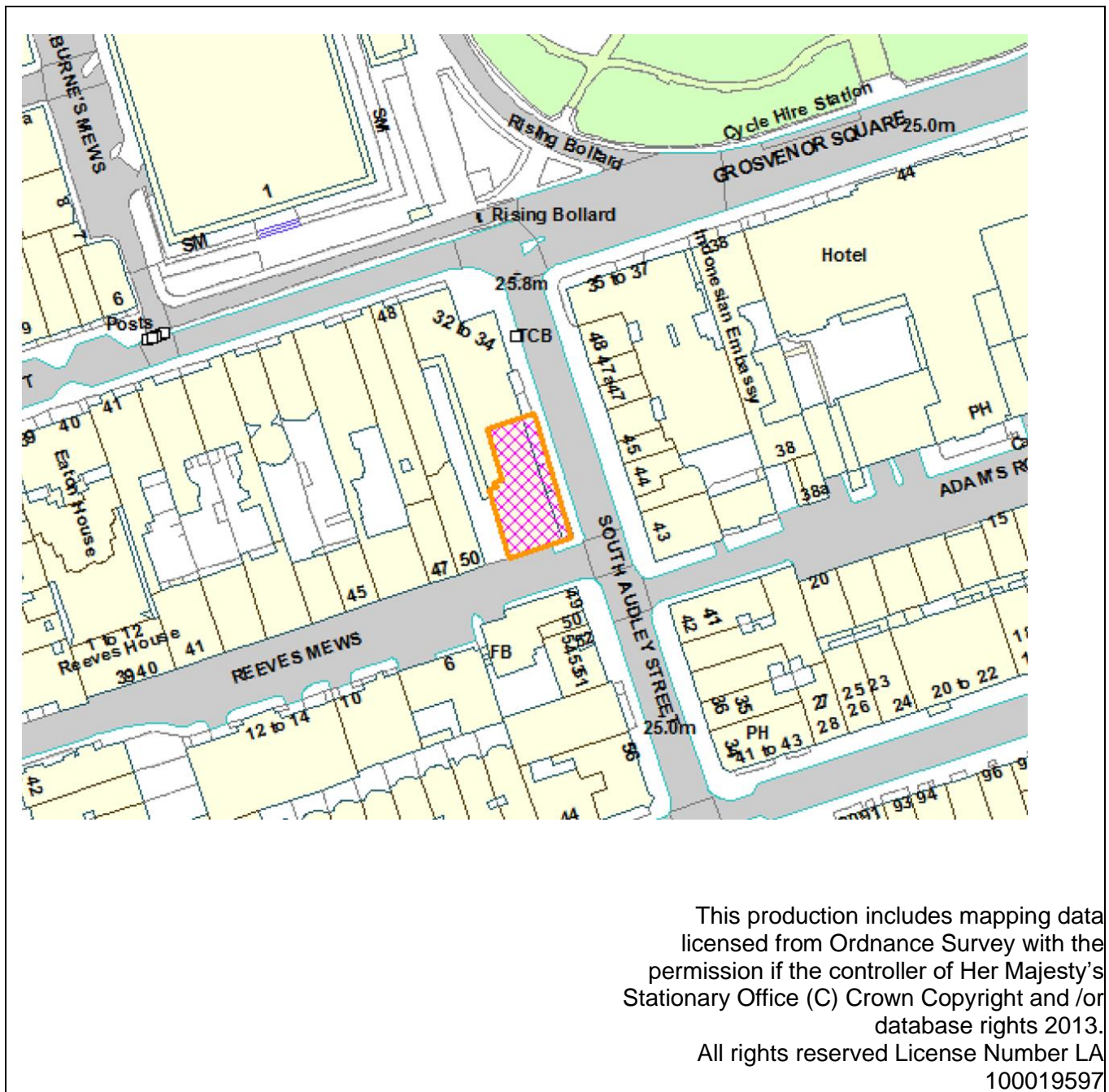
- The acceptability of permitting the lightwell structure, which is harmful to the appearance of the building and the Mayfair Conservation Area, for a further temporary period of 1 year.
- The impact of the external dining on neighbours' amenity

Front basement lightwells are a traditional feature, and an important characteristic, of many conservation areas, including the Mayfair Conservation Area, and the infilling of these lightwells is not normally considered acceptable. In granting the previous temporary permissions initially in November 2020 and subsequently in March 2022, the City Council recognised the difficulties faced by the hospitality industry during its recovery from the Covid 19 pandemic.

The current application is made on the basis that the external dining is a well-used facility which has become an important offer of the restaurant, supported by its clients. However, the special circumstances created by the pandemic are no longer applicable, and there are not the same extenuating circumstances which previously warranted a departure from the established design policies. Given the present circumstances this application for a further temporary permission is not supported for design reasons.

Had the application been considered acceptable in townscape and design terms conditions would have been recommended restricting the use of the dining area to between 8am and 10pm and requiring the use to operate in accordance with an Operational Management Plan (OMP) in order to ensure the amenity residents on the upper floors is protected.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MAYFAIR RESIDENTS GROUP

No response received.

MAYFAIR NEIGHBOURHOOD FORUM

No response received.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27

Total No. of replies: 6

No. of objections: 0

No. in support: 6

6 Letters of support raising some or all of the following points:

- A cold looking exterior has been transformed into a warm and vibrant façade;
- The external dining has significantly increased the feel good factor of the area;
- The restaurant is well managed and the terrace area is used responsibly;
- No change should be made to either the hours of use (10am to 10pm) or the number of covers (26).

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The applicant undertook a consultation with business owners in the area. A petition supporting the application with 25 signatures has been received. This comments as follows:

- Businesses in the local area support the proposed one-year extension to outdoor dining.
- Fellow businesses in the area understand the significant impact that the hospitality industry has faced over the past few years and the importance in adapting to changing circumstances in order to survive.
- The extension of the terrace at 34 will be crucial in supporting the continued success of its business and in turn contribute to the vibrancy of the local area.
- The restaurant has demonstrated responsible and considerate management of

their premises in the past.

- This application will encourage more footfall and economic activity in the area which in turn will help and support other businesses in the area.'

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

No. 34 Grosvenor Square is a building on basement ground and five upper floors, with frontages on South Audley Street and Reeves Mews. Part of the basement, ground and first floors are in restaurant use, accessed from South Audley Street, and the remainder of the building is occupied as flats. The site lies within the Central Activities Zone (CAZ) and the Mayfair Conservation Area,

The restaurant use commenced in November 2011, with 108 covers, occupying the basement, ground and a small area at first floor level. Permission was subsequently granted on appeal, on 26 March 2013, to extend the restaurant use to the entire first floor of the restaurant unit, providing an additional 60 covers. A further permission, granted on 24 November 2020, increased the total restaurant capacity to 194 covers, including a maximum of 26 covers on any permitted external dining terrace.

The restaurant opening hours are 08.00 to 01.00 (the following morning) on Monday to Saturday and 08.00 to 23.00 on Sundays.

The external tables and chairs were first used on 17 May 2021.

7.2 Recent Relevant History

On 2.09.2010 permission was granted for use of the lower ground, ground and part first floor as a restaurant (Class A3) and associated alterations including a full height extract duct (RN 10/00743/FULL).

On 26. 03.2013 permission was granted, on appeal, for use of the first floor as a restaurant in connection with an existing restaurant at basement and ground floors and for the installation of new plant at roof level (RN 12/01295/FULL/ Appeal Reference APP/X5990/A/12/2183693).

On 24.05.2013 an Operational Management Plan was approved pursuant to Condition 8 of planning permission dated 26 March 2013 (RN: 12/01295/FULL) 13/04008/ADFULL.

On 01.09.2015 permission was granted for the variation of Conditions 4 and 7 of planning permission granted on appeal dated 26 March 2013 (RN: 12/01295/FULL) to allow the restaurant opening hours and operation of plant as follows: 08.00 to 01.00 (the following morning) on Monday to Saturday and 08.00 to 23.00 on Sundays (RN 15/05750/FULL). Condition 2 on this permission restricted the capacity of the premises to a maximum of 168 covers including 60 covers on the first floor.

On 24 November 2020 permission was granted for 'Alterations including the construction of platform within lightwell fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3) RN 20/04702/FULL.

Also, on 24 November 2020 permission was granted for the Variation of Condition 2 of planning permission dated 01 September 2015 (RN: 15/05750/FULL) for, 'Use of first

floor as restaurant (Class A3) in connection with the existing restaurant at basement and ground floor and new plant at roof level'. NAMELY, to allow the increase the capacity of the restaurant from 168 to 194 (RN 20/04701/FULL). The amended condition limited the restaurant capacity to 194 persons, with no more than 108 covers at ground floor level , no more than 60 covers on the first floor and no more than 26 external dining spaces.

On expiry of any temporary permission for the external dining spaces the capacity of the restaurant will be limited to 168 customers (108 on the ground floor and 60 at first floor level).

On 30 March 2022 permission was granted for Variation of conditions 3 and 4 on permission dated 24/11/2020 for 'Alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3)' Namely to enable the platform to be used for dining until 16 May 2023 (condition 3) and requiring the removal of the platform and requiring the reinstatement of railings and plinth by 16 June 2023 (condition 4) Application made with Section 73 of the Act (RN 21/07888/FULL).

8. THE PROPOSAL

Permission is sought to extend the temporary permission granted in March 2022 (RN 21/07888/FULL) for the retention of decking and outside dining until May 2024.

No changes are proposed to either the permitted number of covers, which will remain 26 across 13 tables, or the hours of use which are restricted to between 08.00 and 22.00 hours daily.

The application is made under Section 73 of the Act seeking to vary conditions 2 (temporary time period for the decking and use of the tables and chairs) and 3 (date which the decking should be removed) on planning permission dated 30th March 2022 (RN 21/07888/FULL).

In addition to the decking and external dining, screening has been installed enclosing the decking and planters have been installed on the front railings. The screening and planters both require planning permission. This has previously been raised with the applicant. They are not however part of this application and this matter has not been pursued further given that the works were temporary and expected to be removed.

Retractable canopies have also been installed which provide shading to the dining area. The canopies are considered to be advertisements under the advertisement regulations and benefit from deemed advertisement consent, and again are not part of this application.

9. DETAILED CONSIDERATIONS

9.1 Land Use

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are 'neighbourly' by protecting and where appropriate enhancing local environmental quality. Policy 33 (Local Environmental Impacts) seeks to protect the

local environment from adverse impacts from developments including from noise pollution. The proposal to continue to use the decking as external dining for an additional year need to be assessed against these policies.

An Operational Management Plan (OMP) has been submitted as part of the application which details proposed arrangements for the management of the external dining area including:

- smoking will only be permitted on the western side of the terrace. The eastern side of the terrace is strictly non-smoking;
- all customers wishing to dine outside are clearly told about the 22.00 hour closing time;
- at 21.30 hours, staff will assess which customers need to move inside to ensure the permitted hours of use are adhered too.

There have been no objections to the application. One of the letters of support from a resident in the building is made on the basis that there is no change to the permitted hours of use for the dining. This letter refers to the permitted hours being 10am to 10pm. The OMP refers to the terrace being open to guests between 12.00pm and 10pm Monday to Fridays and 11.00am and 10pm on Saturday and Sundays. The hours on the previous permission are however earlier in the mornings. A condition restricts the use to 8am to 10pm to enable the restaurant to serve breakfast. The previously permitted hours are again considered to be acceptable.

The response to the City Council's normal consultation exercise and the applicant's consultation with businesses in the area support are summarised above in section 5 of this report. The letters of support comment that the dining is well managed by the restaurant ensuring that its use does not result in nuisance to the neighbouring residents and adds to the vibrancy of the area.

Had the application been considered acceptable in townscape and design terms (discussed in section 9.4 of this report below), conditions would have been recommended requiring compliance with the OMP and restricting the number of covers and hours of use as per the previous temporary permissions. Subject to adhering to these conditions it is considered that the proposal would not result in any significant disturbance to neighbouring residents and granting permission is acceptable in land use and amenity terms.

9.2 Environment & Sustainability

Not applicable

9.3 Biodiversity & Greening

Greening covers the front railings either side of the entrance to the restaurant, although this is not part of this application.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Policies 38, 39 and 40 of the 'City Plan 2019-2040' (adopted April 2021) and MD4 of the 'Mayfair Neighbourhood Plan 2018-2038' (adopted December 2019) are of relevance in this case.

Design

34 Grosvenor Square is an unlisted building located in the Mayfair Conservation Area. The ground floor is faced in stone with a fixed canopy over the principal entrance. While it dates from the twentieth century, the multi-paned sash windows, first floor keystones, lightwell and railings reflect details found elsewhere within the conservation area.

The application documents provide a floorplan only and no elevation or section to demonstrate how the platform will be installed and its height within the lightwell.

The proposals will result in the loss of the open area, the removal of two sections of railings and result in an unusual addition to the streetscape and fail to reflect the character of the street. Lightwells form a common feature within the conservation area and contribute to its character and appearance (significance). The loss of this lightwell will serve to dilute the legible grain of development within this part of townscape. This application fails to reflect the context and would cause less than substantial harm to the character (significance) of the Mayfair Conservation Area.

The proposals, therefore, contrary to policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and MD3 of the 'Mayfair Neighbourhood Plan 2018-2038'.

Paragraph 200 of the NPPF requires 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'

Furthermore, Paragraph 202 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

No Heritage benefits have been identified as part of this application.

9.5 Residential Amenity

The provision of the decking has no material impact on the amenity of the occupants of any nearby properties in terms of daylight, sunlight or sense of enclosure.

9.6 Transportation, Accessibility & Servicing

Not applicable

9.7 Economy including Employment & Skills

The ability of the proposal to assist in the economic recovery of the restaurant during the COVID-19 pandemic was previously given considerable weight. In accordance with Government advice the Council adopted pragmatic approach to support businesses through unprecedented times. Despite the clear design policy position that infilling the lightwell would be harmful to the appearance of the building and the character and appearance of the Mayfair Conservation Area, on the basis that this harm was temporary and reversible, it was considered that the proposal's contribution to the economic recovery was a clear public benefit which outweighed any temporary harm.

In granting temporary permission in March 2022 the applicant was advised by way of an informative on the decision notice that a further application for the retention of the dining platform would be unlikely to be granted given the clear harm to the appearance of the building and the wider Mayfair Conservation Area. The case that the proposal is required to aid economic recovery is no longer applicable.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

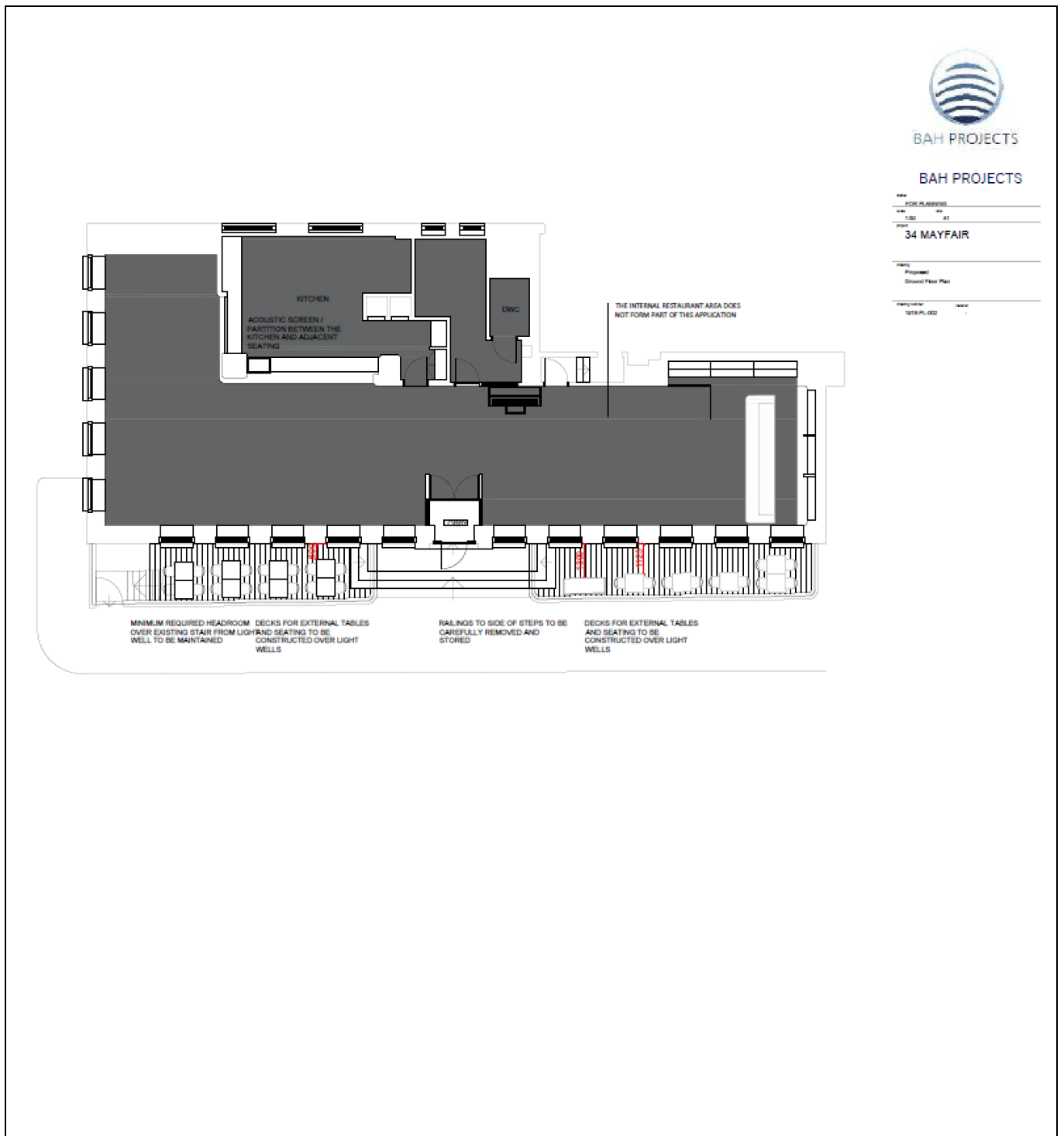
9.11 Conclusion

The proposed works which infill the front lightwell are considered to be detrimental to the appearance of the building and the wider Mayfair Conservation Area. This would result in less than substantial harm to the designated heritage asset. There are no public benefits arising from the application which would outweigh this harm. The application is contrary to adopted plan policies and accordingly is recommended for refusal.

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

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

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 34 Grosvenor Square, London, W1K 2HD

Proposal: Variation of conditions 2 and 3 of planning permission dated 30th March 2022 (RN 21/07888/FULL) for the Variation of conditions 3 and 4 on permission dated 24/11/2020 for alterations in connection with the construction of platform within lightwells fronting South Audley Street to provide space for tables and chairs for use in association with restaurant (Class A3) NAMELY, to extend the temporary permission for the retention of the decking in the front lightwell with external dining for a further temporary period until May 2024. (Application made under Section 73 of the Act.)

Reference: 23/01122/FULL

Plan Nos: 1918-PL-002

Case Officer: Mike Walton

Recommended Condition(s) and Reason(s)

Reason for refusal

The infilling of the lightwell would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

Informative

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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.