

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 17 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>6 - 14 Mandeville Place, London, W1</b>		
<b>Proposal</b>	Extension and reconfiguration of ground and lower ground floors of the Hotel to create additional floorspace beneath a new atrium for conference and event purposes; creation of a new retail unit and a reconfiguration of existing restaurant facing Marylebone Lane with alterations to the ground floor facades; amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized residential unit. Use of ground and lower ground floors of No.4 Mandeville Place as Class D1.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Mandeville Court Limited		
<b>Registered Number</b>	16/10598/FULL	<b>Date amended/ completed</b>	17 November 2016
<b>Date Application Received</b>	4 November 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Harley Street		

## 1. RECOMMENDATION

Grant conditional permission subject to a deed of modification to the original legal agreement dated 2 July 1982 to enable the ground and lower ground floors of 6 Mandeville Place to be used for hotel purposes.

## 2. SUMMARY

This application relates to the Mandeville Hotel, a 142 bedroomed hotel located at the junction of Mandeville Place and Hinde Street. The proposals for this site involve alterations and extensions to create additional floorspace for conference and event purposes, the creation of a new retail unit and reconfiguration of an existing restaurant facing Marylebone Lane. The proposals also include the amalgamation of two flats at 4-6 Mandeville Place and use of the ground and lower ground floors of No. 6 as hotel accommodation.

The key issues are:

\* The impact of the proposals in land use terms.

\* The impact of the external alterations on the character and appearance of the Harley Street

Conservation Area.

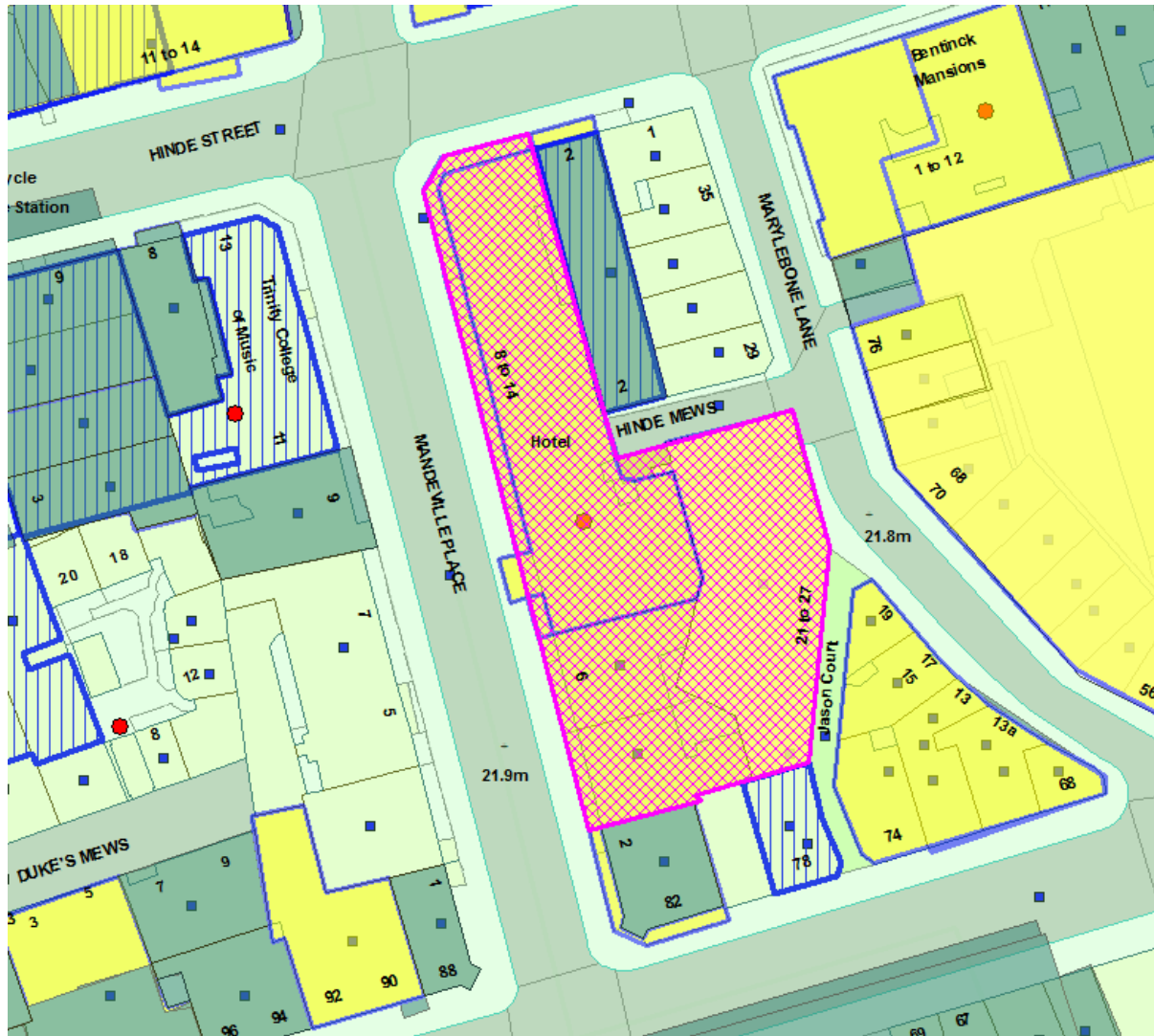
\* The impact of the proposed conference use and the relocated restaurant use on neighbouring residential amenity

The relocation of the existing restaurant and the principle of additional space for functions and events in this area of the CAZ is considered acceptable, and subject to conditions controlling the operation and management of the event space and the restaurant, it is considered that these elements of the proposal would neither adversely impact on the character and function of the area, the surrounding road network, residential amenity, or the character and appearance of the Harley Street Conservation Area.

The amalgamation of two flats in 4-6 Mandeville Place to create a single family dwelling complies with policy and although the loss of two flats at ground and lower ground floors of 6 Mandeville Place would ordinarily be contentious in land use terms, these floors have been in long term hotel use since the 1980's and with the uplift of residential at first floor, and the other benefits of the scheme, it is not considered that the application could be refused on the grounds of loss of residential floorspace. Use of these floors for hotel purposes will require a deed of modification to a 1982 legal agreement.

The application is considered to accord with land use, design, amenity and highways policies and is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

No objections raised.

### HIGHWAYS PLANNING

Objects to the loss of the off-street servicing facility, requests an updated Servicing Management Plan and updated Operational Management Plan (to include procedures for managing coaches and taxis) and requests that further cycle parking provision and waste storage for the retail units is secured by condition.

### ENVIRONMENTAL HEALTH

No objections raised.

### CLEANSING

No objections raised.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 182; No. of replies: 0

### PRESS ADVERTISEMENT / SITE NOTICE

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application relates to the Mandeville Hotel, a 142-bedroomed hotel, located at the junction of Mandeville Place and Hinde Street. The main part of the hotel is accommodated in converted and interlinked 19<sup>th</sup> century properties on the eastern side of Mandeville Place. The hotel was extended in the 1960s to incorporate a rear annex which fronts onto Marylebone Lane. The rear annex comprises an eight storey tower and a two storey podium element which sits over a ground floor retail unit running from Hinde Mews through to Jason Court. The tower element lies directly over the hotel's small rear servicing area off Hinde Mews.

Mandeville Place is predominantly commercial in character, although there are 17 flats within the adjoining property to the south, No. 2-6 Mandeville Place. At the rear, the majority of the properties fronting Marylebone Lane are within retail use at basement and ground floors with flats above.

The site lies within the Core Central Activities Zone (CAZ) and is located within the Harley Street conservation area.

### 6.2 Recent Relevant History

In July 2015 planning permission was granted for alterations and extensions to the rear annexe building comprising two storey infill extension at ground and mezzanine levels,

two storey extension at the podium element, front and side extensions to tower element and a ninth floor roof extension to provide 38 additional bedrooms at upper floor levels (Class C1) and a flexible commercial unit (Use Class A1/A2/A3) at ground and mezzanine floor level. Relocation of plant to podium and tower roof. This application has yet to be implemented.

In February 1999 planning permission was granted for the use of the ground and lower ground floors of 4 Mandeville Place as a physical exercise and rehabilitation studio (Class D1). This application has been implemented.

In December 1980 planning permission was granted (as part of a land use swap with 78/80 Wigmore Street) for the use of the basement and ground floors of 6 Mandeville Place as two flats. This permission was subject to a legal agreement requiring these floors to be retained in residential use. In October 1990 planning permission was subsequently refused for the continued use of the ground floor of No. 6 as offices ancillary to the hotel on the grounds of loss of residential accommodation.

## 7. THE PROPOSAL

The proposals involve the following works:

- A single storey extension within the central courtyard of the hotel and reconfiguration of the ground and lower ground floors to create additional floorspace for conference and event purposes. The proposed event space incorporates the rear part of a former pilates studio (Class D1) at lower ground floor level at 4 Mandeville Place and;
- The creation of a new retail unit and reconfiguration of the existing restaurant facing Marylebone Lane with alterations to the ground floor facades;
- Amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized unit.
- Use of ground and lower ground floors of No.6 Mandeville Place as hotel space (Class C1.)

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposals involve the following alterations in floorspace:

Use		Existing	Proposed	Change
<b>C3 Residential</b>	6 Mandeville Place	189	0	<b>-144</b>
	1 <sup>st</sup> floor 4-6 Mandeville Place	230	275	
<b>A1 Retail</b>		0	233	<b>233</b>
<b>C1 Hotel</b>		1,715	1,954	<b>+239</b>
<b>A2 Printing shop</b>		362	362	<b>-362</b>
<b>A3 Restaurant</b>		505	500	<b>-5</b>
<b>D1 Pilates studio</b>		324	287	<b>-37</b>

### **8.1.1 Hotel extension**

The hotel currently provides space at basement and ground floor levels for meetings, receptions and events ancillary to the hotel. The proposal involves the reconfiguration of this space together with the creation of an additional 239 sqm for events, conferences and functions.

Policies UDP TACE 4 and Westminster's City Plan Policy S23 are relevant. Policy S23 states that new conference facilities will be directed to the Core Central Activities Zone. It also states that proposals to improve the quality and range of (existing hotels) will be encouraged but acknowledges that conference facilities are only appropriate in those areas that are very commercial in character as they generate significant activity. TACE 4 of the Unitary Development Plan (UDP) is similarly worded, however, it also refers to the fact that planning permission for conference and related facilities will only be granted where such proposals would not have any adverse effects on residential amenity or the character and function of residential areas.

The site lies within the Core Central Activities Zone (CAZ), and whilst there are residential properties at the rear of the site, the main entrance to the hotel is onto Mandeville Place which does not have a predominantly residential character. The principal of additional space for functions and events is considered to be in accordance with adopted policy subject to amenity considerations which are detailed below.

The policy also recognises that new conference facilities provided within existing hotels can generate large increases in traffic. The transport impacts of the extended hotel are also set out below.

### **8.1.2 Relocation of existing restaurant**

The site contains an existing restaurant which is located at basement level and accessed from Jason Court. The existing restaurant is 505sqm but is located in a discrete location entirely at basement level and some distance from the nearest residential accommodation. It is currently occupied by Levant and operates with late night opening hours until 02:00 Mondays to Saturdays and 01:00 on Sundays.

Adopted UPD Policy TACE 10 applies to proposals for entertainment uses in the city and states that permission will be granted for proposals only in exceptional circumstances where they exceed 500sqm. Policy S24 is similarly worded.

The proposals seek to reconfigure the existing restaurant and locate some 145sqm of restaurant floorspace to ground floor level directly opposite residential accommodation in Marylebone Lane. The remainder of the restaurant floorspace would remain at basement level retaining both the kitchen, and the full height extract ducting, in their current locations. Whilst locating a large restaurant close to residential accommodation would ordinarily be contentious, in this instance the reconfigured restaurant would, at 500 sqm, be smaller in size than that existing, and in addition, the applicant has agreed to conditions that would reduce the hours of opening until midnight Mondays to Saturdays and until 23:00 on Sundays.

In addition, conditions are proposed to ensure that the restaurant would essentially be a sit-down restaurant with any ancillary bar limited to a small part of the premises (i.e. 15%) to be used only by diners before, during and after meals. Entrance doors would be required to be self-closing to minimise noise escape. An operational management statement (OMS) has been submitted and this will be secured by condition to ensure that the impact of the restaurant use is minimised. With these conditions in place, it is considered that there is no conflict with Policies TACE 10 and S24.

### **8.1.3 New Retail unit**

Policy SS4 (UDP) requires development schemes in existing shopping frontages to include 'shop type premises' at street level. Policy S21 of the City Plan directs new retail floorspace to the designated shopping centres. At present the site includes a large ground floor Class A2 unit at No.21-27 Marylebone Lane which has a mezzanine level across the majority of the unit. This unit is occupied by the commercial printers 'Hobs'. Policy S21 protects existing non-A1 uses from changing to uses that do not serve visiting members of the public. In this case, the printing use is replaced with a restaurant, as set out above, and a new retail unit facing Marylebone Lane and Jason Court and therefore these new uses would accord with Policy S21. This new retail unit provides 150sqm (GEA) of floorspace.

The proposed retail unit is in addition to the small retail unit proposed as part of the consented scheme at ground and mezzanine level under the existing void beneath the tower facing Marylebone Lane. This unit provides 83sqm (GEA) of Class A1/A3 restaurant floorspace. The drawings again show this unit to be re-provided, and it is again considered to remain acceptable against the adopted policy framework.

Taking both together, the development site will bring forward a total of 233sqm (GEA) of new retail floorspace in Marylebone Lane. It is considered that, this proposal will activate the existing blank frontage and provide an appropriate street level frontage that would attract visiting members of the public and enliven this part of Marylebone Lane.

### **8.1.4 Amalgamation of residential units**

The proposal also involves the amalgamation of two flats at first floor at 4 and 6 Mandeville Place. The flat at No. 6 is a one-bed unit and that at No. 4 is a two-bed unit. The proposals would provide a single three-bed unit. The amalgamated flat would also be extended to provide an additional 45 sqm of residential floorspace.

Policy S14 of the City Plan states that all residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- the council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- a converted house is being returned to a family-sized dwelling or dwellings; or
- two flats are being joined to create a family-sized dwelling.

The proposal complies with Policy S14 as the proposed amalgamation of the two flats will create a family sized unit (3+ bedrooms).



### **8.1.5 Loss of residential accommodation**

The application also involves the use of the basement and ground floor levels of 6 Mandeville Place for hotel purposes, comprising some 189 sqm in floor area. In 1982, these floors were subject to a land use swap with former residential accommodation at 78/80 Wigmore Street and are subject to a legal agreement that require these floors to be used only for residential use. However, it would appear that the land use swap never took place and the applicant claims that these floors have been in hotel use since at least 1989. This appears to be the case, as in 1990 planning permission was refused for the use of the ground floor of No.6 for office purposes ancillary to the hotel. The application was refused on the grounds of loss of residential floorspace but it appears that enforcement action was never pursued against the loss of this accommodation.

Whilst the loss of residential floorspace is contentious in land use terms, given the length of time that these floors have been in hotel use, the uplift of 45 sqm of residential now proposed at first floor, and the other benefits of the scheme, it is considered that it would be difficult to insist that the clauses within the 1982 legal agreement should now be complied with.

A deed of modification is required to remove these clauses within the legal agreement that require these floors to be used only for residential purposes.

### **8.1.6 Loss of D1 floorspace**

The proposals involve the loss of part of the rear basement level of 4 Mandeville Place which was last used as a pilates studio, a Class D1 community use. Some 37sqm of this unit would be incorporated into the new conference facility and therefore the application needs to be considered under Policy SOC1 of the UDP and S34 of the City Plan which protect existing social and community facilities.

Policy S34 states that all social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being re-located in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential.

The ground and lower ground floors of No. 4 are now empty and the former pilates studio have relocated. The space in question that is to be removed is a rear basement office, but some 287sqm of D1 space would be retained. The applicant has submitted a supporting statement from commercial property consultants who conclude that the loss of a small portion of the basement level is not significant to the overall attractiveness of the unit particularly as the ground floor space is unaffected. Whilst the loss of 37sqm of Class D1 floorspace is contrary to Policy S34, given the very minor loss involved, and the amount of D1 space retained, the loss in this case is considered acceptable.

## 8.2 Townscape and Design

The hotel podium and tower are post-war structures of no design merit, totally out of character with the scale and appearance of the surrounding streets and conservation area and highly obtrusive in views along Marylebone Lane. Consequently, the Harley Street Conservation Area Audit designates the building as a negative feature.

The application involves new shopfronts onto Marylebone Lane and recladding the podium in brickwork. These elements of the scheme are similar to the extant permission and once again are considered acceptable.

There is also no objection in design and heritage asset terms to the proposed glazed rooflight over the internal yard or the extension to the first floor flat. The detailed design of the rooflight accords with the style and period of the building and it will maintain the character and appearance of the surrounding conservation area when seen in private views from neighbouring properties. This accords with UDP policies DES 1, DES 5 and DES 9.

## 8.3 Residential Amenity

### 8.3.1 Sunlight and Daylight

UDP Policy ENV 13 aims to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Part (E) of the policy aims to resist new developments that would materially worsen sunlighting and daylighting levels for residential occupiers. Principally, the policy seeks to ensure good lighting levels for habitable rooms, which are bedsits, living rooms, studies and kitchens (if they include dining space and are more than 12.6m<sup>2</sup>). In implementing Policy ENV 13 the lighting levels advised in publications by the Building Research Establishment (BRE) with regard to natural lighting values are used.

The closest residential properties to this site are the 17 flats within 2-6 Mandeville Place which overlook the internal lightwell and face the podium at the rear. The applicant has submitted a detailed daylight and sunlight report by Delva Patman Redler Surveyors which assesses the impact of the development on these surrounding properties.

The infilling of the internal lightwell and the extension to the first floor flat would have no demonstrable impact on daylight or sunlight levels to the adjoining and adjacent flats in 2-6 Mandeville Place.

### 8.3.2 Impact of extended conference use

Policy TACE 4 recognises that Central London has the largest demand for conference and related facilities and anticipates an increase in demand. The policy identifies environmental problems associated with large numbers of people arriving and leaving together.

Policy S 29 of the City Plan states that the Council will resist proposals that result in an unacceptable material loss of residential amenity Policy S 32 states that the City Council will work to reduce noise pollution. Policy ENV 6 of the UDP states that the City Council

will require operational measures to minimise and contain noise from developments to protect noise sensitive properties.

The hotel already operates with a small conference facility at basement level which can accommodate between 20 to 40 people which operates until midnight daily. The reconfiguration of this space together with the creation of an additional 239 sqm would accommodate up to 140 people and operate until midnight Sundays to Thursdays and until 01:00 on Fridays and Saturdays. The applicant envisages that the space would be used on Mondays to Thursdays for meetings and conferences and on Fridays to Sundays for evening dinner parties, weddings and similar events with one to two events each weekend. The application therefore has the potential of the arrival and departure of larger volumes of people and it is therefore necessary to ensure that the activities associated with the use would not cause unreasonable disturbance for local residents due to the comings and goings of guests, or from activity taking place within the building, especially in the later evening and at weekends. Activity resulting from social events, can often be accompanied by loud voices, and noise from car and taxi pick-ups (horns, doors slamming, idling engines etc) which are a source of unacceptable disturbance for residents, particularly at quieter times.

In support of their application, the applicants have provided an Operational Management Statement (OMS) that sets out how the space will be used and managed.

- Each guest will be greeted by the reception team at the Mandeville Place entrance and taken through to the event space upon confirmation of their reservation.
- For each event a member of the reception team will be employed to control guests whilst they exit and enter the hotel.
- Conference and meeting style events held in the event space will be accessed via the Mandeville Place entrance.
- The entrance to Jason Court will only be utilised in the event that two separate, smaller events make use of the conference facility at the same time or in the event that a private dinner or party is hosted by the hotel.
- In the event that the Jason Court access is used to serve the Event Space, a member of staff will control and direct guests towards Wigmore Street for the purpose of leaving the area.
- The applicant operates a taxi ordering service that would collect guests directly either from the main entrance on Mandeville Place or from Wigmore Street. There would be no need for guests to congregate on the pavement to hail taxis.
- The hotel does not market itself to coach parties. In the unlikely event that a coach party does arrive, the coach will be instructed to drop off and collect guests from the single yellow outside of the main hotel entrance.
- All deliveries will be kept to a minimum, also to a specific time and date to minimize disruptions that may occur.
- No rubbish including bottles will be moved, crushed, removed or placed in outside area prior to collection.
- The Owner shall provide local residents living within 100 metres with a telephone hotline available when events are being held.

The hotel currently operates with a late night licence until 01:00 and whilst the Council's 24 Hour Noise Team have received complaints over the years regarding disposal of waste, noisy air conditioning equipment and noise from bottle crushing and refuse compressors, no complaints have been received regarding noise from customers leaving the venue or from noise from events or from parties visiting the hotel's restaurant and bar. The current application has not attracted any letters of objection. To address the concerns raised previously to the Noise Team, the application now proposes a dedicated internal waste store, in place of the external wheelie bins that the hotel currently use, and the OMS has been updated to limit the hours that staff access the waste store.

The applicant has also submitted an acoustic report that assesses the potential noise break-out from the proposed atrium. The report sets out that the atrium could be used for events with either soft/background music or live music/dancing using a PA system. As the nearest residential windows to the new atrium are the flats at first floor at 6 Mandeville Place overlooking the atrium a sealed triple glazed unit is proposed to limit noise break-out. Environmental Health consider that even with events with live music/dancing that the requirements of the Council's standard condition that restricts noise from internal activity to be 10dB below the minimum external background levels can be met.

Environmental Health have also requested conditions requiring the bedrooms from the proposed first floor flat to be relocated away from the proposed atrium, and conditions limiting hours when deliveries, servicing and bottle crushing can take place. It is considered that, subject to these conditions, and to operational conditions restricting operating hours and capacity; a requirement for the atrium roof to be fixed shut, and preventing noise outbreak from the premises that the proposals would not have an adverse impact upon the amenities of local residents.

### **8.3.3 Plant**

The relocated restaurant would be served by the existing full height extract duct that terminates at roof level on the tower building. The enlarged event space would be served by the existing hotel kitchen and therefore no new extract ducting is required to serve the event space. Environmental Health officers are satisfied that the proposals would not result in any adverse odours or amenity impact on adjoining residential occupiers.

The application is therefore considered to comply with Policies S29, S32, ENV13, ENV6 and ENV7.

## **8.4 Transportation/Parking**

The existing hotel has 142 rooms and provides on-site hotel restaurant and bar facilities. No parking facilities are provided for the hotel and the applicant has indicated that the majority of patrons arrive by public transport. An NCP car park is located on Welbeck Street and three taxi drop-off points are located on Mandeville place immediately outside the hotel. Servicing for the hotel is currently via a small service area on Hinde Mews (under the undercroft to the tower building). Servicing also currently takes place from Marylebone Lane (for refuse and linen collections) and from Hinde Street (for food and drink deliveries).

Strategic Plan Policy S41 and TRANS 20 of the UDP require off-street servicing for new developments, and the existing off-street servicing area currently provides access for small vehicles and vans. As part of the 2015 permission this servicing area was to be partly infilled beneath the undercroft to the tower building. Whilst the Highways Planning Manager has once again objected to the loss of the off-street servicing facility, this part of the application is identical to the approved scheme.

The Highways Planning Manager also initially raised concerns on the basis that the submitted Servicing Management Plan (SMP) was inadequate and did not indicate how processes or deliveries will be managed. The SMP has however since been revised and now sets out how deliveries and servicing requirements will be managed including timings of deliveries. This will be secured by condition.

There is no requirement for off-street parking provision for the proposed hotel extension, however, TACE 2 ordinarily requires space for coach parking where significant amounts of new visitor accommodation are proposed. Whilst no facilities are proposed for coach parking, the applicant indicates that the hotel does not market itself to coach parties, and do not actively encourage them. The applicants consider that this will not change in the future as a result of the application proposals. Cycle parking is also required under UDP Policy TRANS10. The application has been amended and now provides 12 cycle spaces, but 4 of these spaces are uncovered Sheffield stands within Hinde Mews and outside the application site. The Highways Planning Manager has been re-consulted on these revisions and his comments on the acceptability of these spaces will be reported verbally at the committee meeting.

## **8.5 Economic Considerations**

The economic benefits of the application are welcomed.

## **8.6 Access**

The proposed development has been designed to meet the requirements of Part M of the Building Regulations and incorporates the principles of inclusive design. All building entrances on the site are level with the public pavement.

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

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice

[Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### **Refuse /Recycling**

A dedicated waste storage area is provided within Hinde Mews which provides adequate facilities for waste and recycling facilities for the enlarged hotel and relocated restaurant. These facilities will be secured through condition

### **Sustainability**

The application is supported by way of an Energy Statement which demonstrates that features can be incorporated into the building design. In total the development can achieve a 24.2 % reduction in CO2 emissions. As the proposals seek to alter an existing building and propose a small uplift in floorspace overall, the opportunities for savings are limited and in this respect the savings made are considered reasonable.

## **8.8 London Plan**

The proposal accords with London Plan policies to provide additional visitor accommodation and convention facilities and the provision of entertainment and retail uses which are valuable parts of London's economy.

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

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

## **8.10 Planning Obligations**

The applicant is seeking to vary a 1982 legal agreement that requires the ground and basement floors of 6 Mandeville Place to be used for residential purposes. The proposed variation is considered acceptable for the reasons set out in 8.1.5 above.

The applicant estimates the Westminster CIL payment at £41,925 and the Mayoral CIL at £10,225.

## **8.11 Environmental Impact Assessment**

The application is not a sufficient scale to require an Environmental Impact Assessment.

## **8.12 Other Issues**

None relevant

## **9. BACKGROUND PAPERS**

1. Application form
2. Letter from Marylebone Association dated 19 December 2016

3. Memorandum from Highways Planning Manager dated 7 December 2016
4. Memorandum from Cleansing Manager dated 20 December 2016
5. Memorandum from Environmental Health dated 21 December 2016

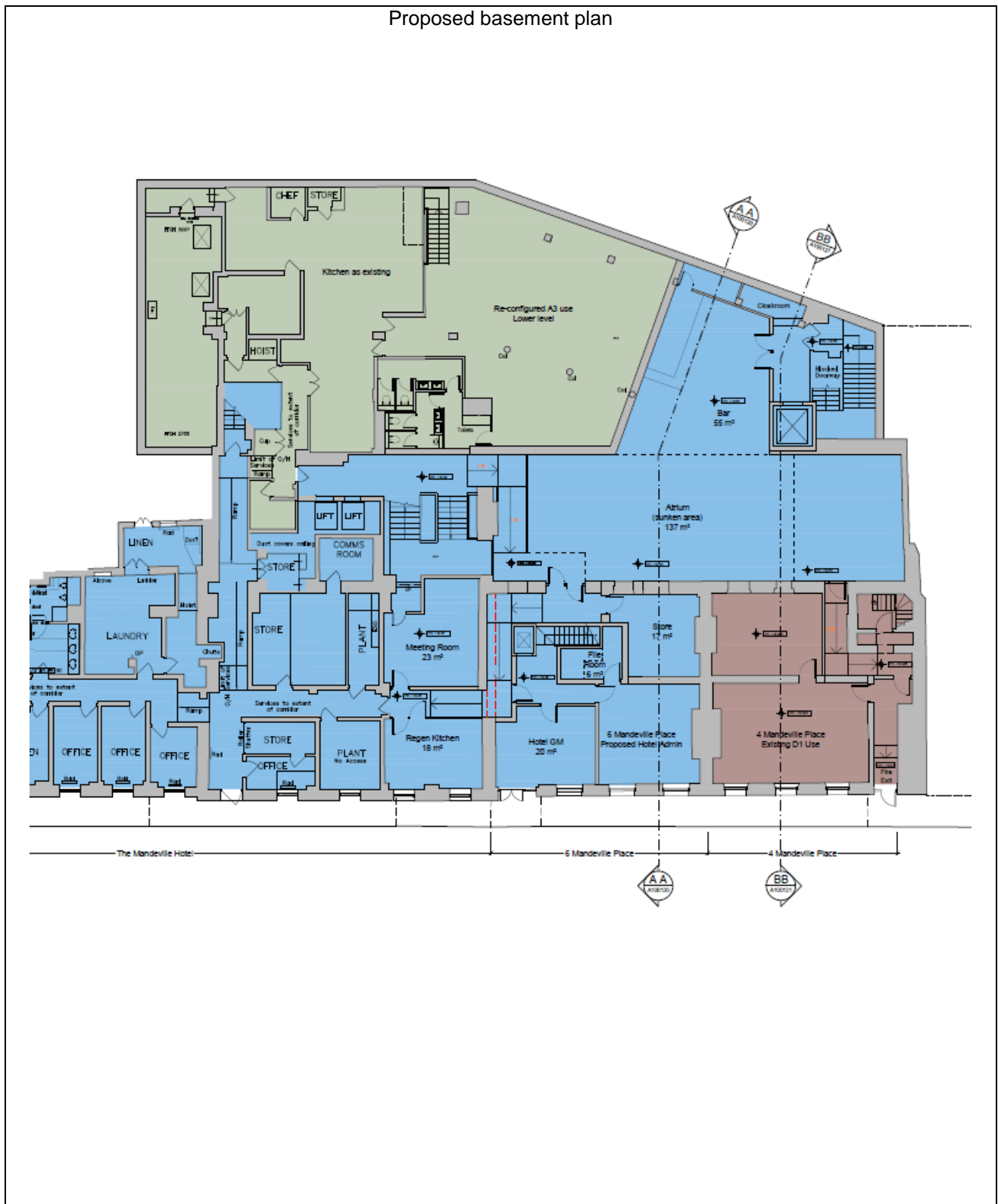
**Selected relevant drawings**

(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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

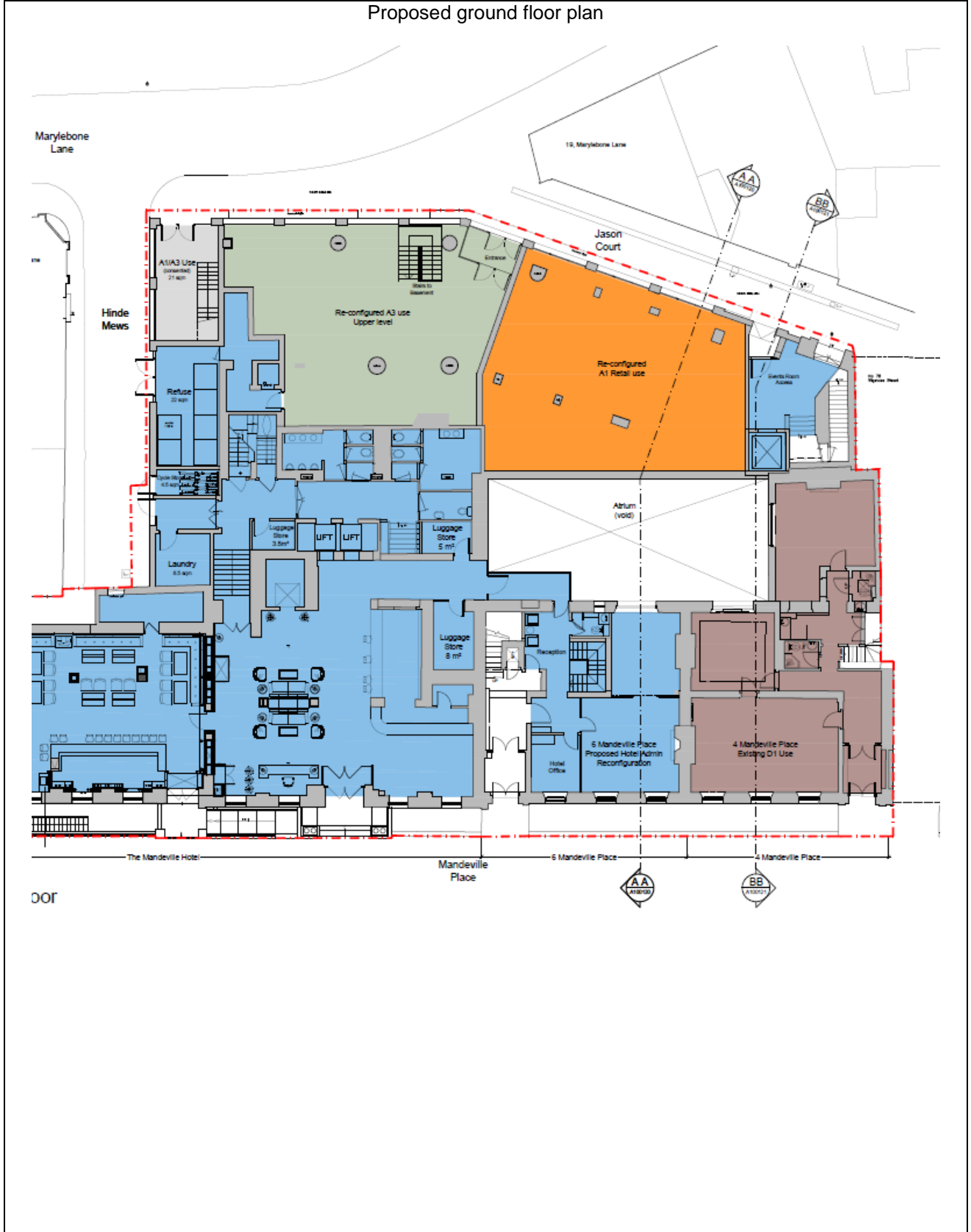
10. KEY DRAWINGS

Proposed basement plan

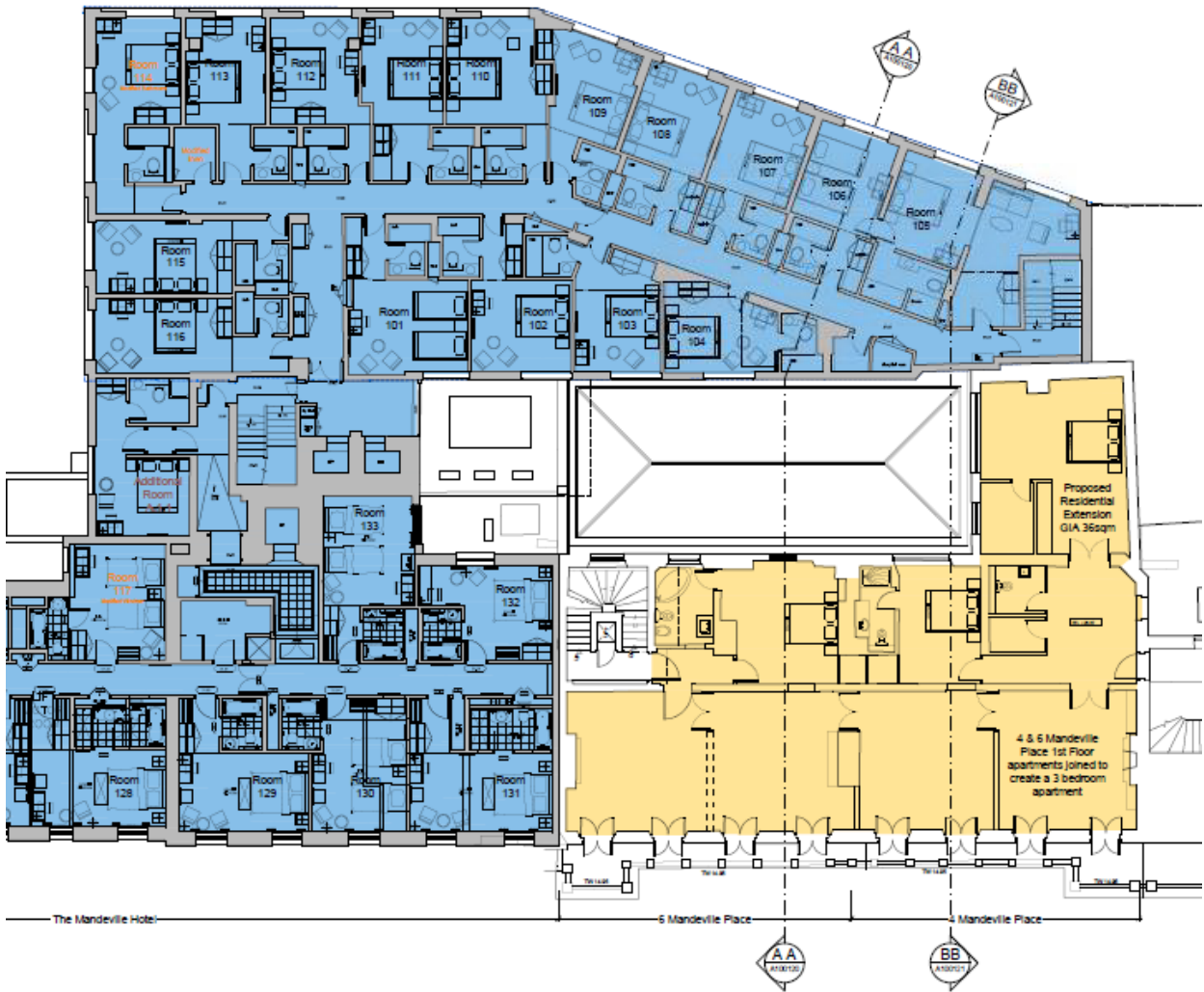




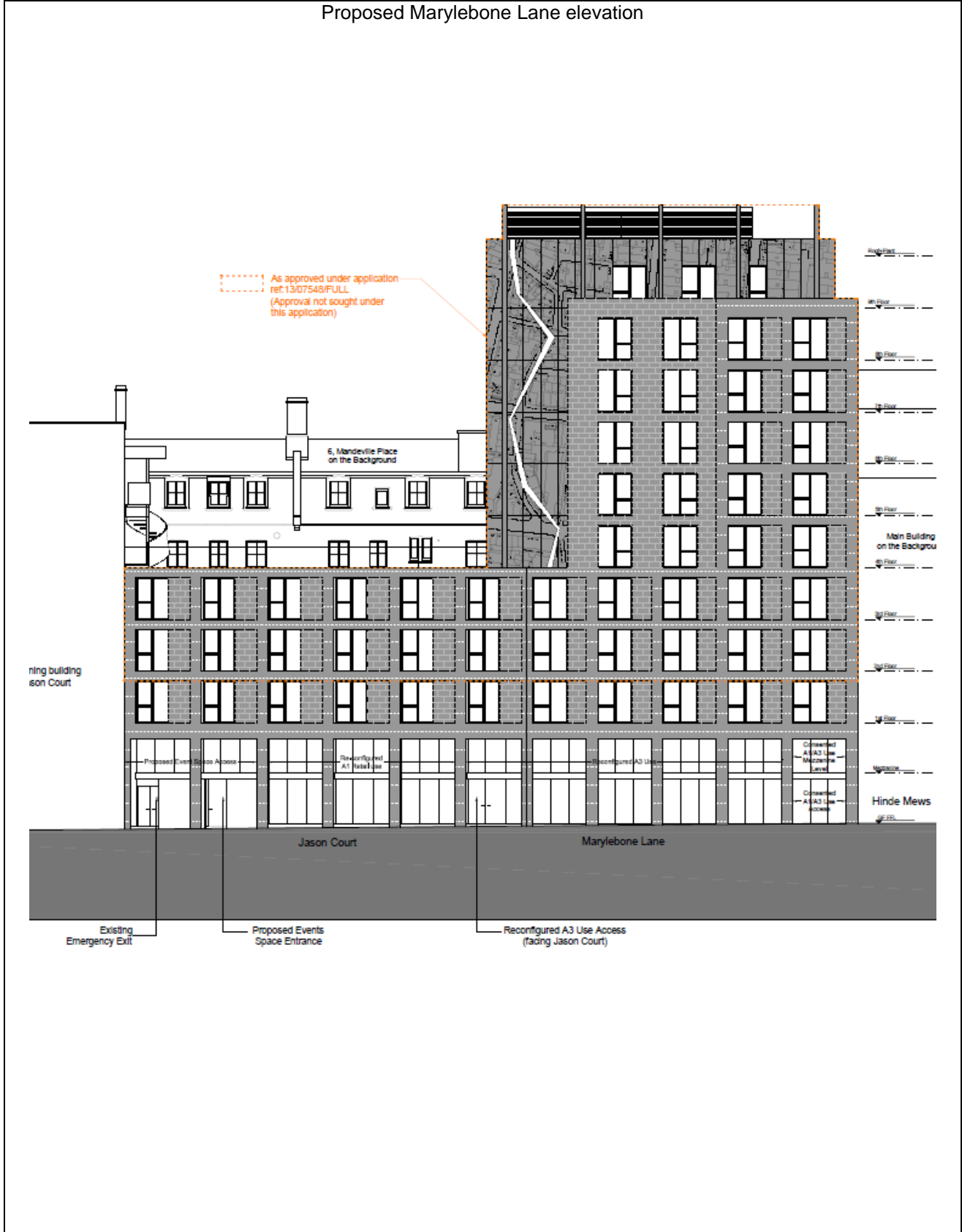
Proposed ground floor plan



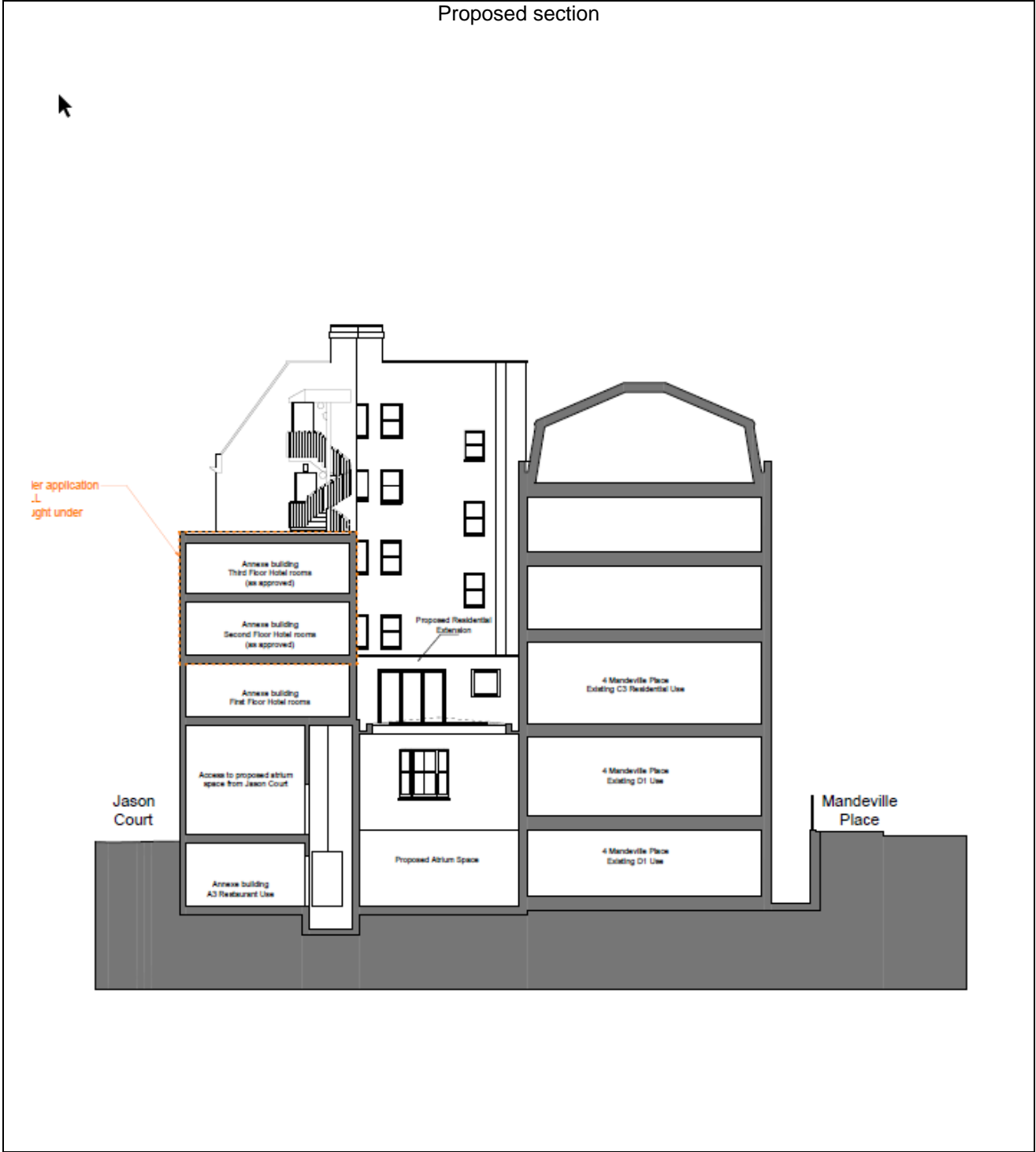
Proposed first floor plan



Proposed Marylebone Lane elevation



Proposed section



**DRAFT DECISION LETTER**

**Address:** 6 - 14 Mandeville Place, London, W1U 2BE,

**Proposal:** Extension and reconfiguration of ground and lower ground floors of the Hotel to create additional floorspace beneath a new atrium for conference and event purposes; creation of new retail unit and a reconfiguration of existing restaurant facing Marylebone Lane with alterations to the ground floor facades; amalgamation of a 1 and 2 bed residential unit at first floor level of No 4 & No 6 Mandeville Place and a rear first floor extension to create a family sized residential unit. Use of ground and lower ground floors of No.4 Mandeville Place as Class D1.

**Reference:** 16/10598/FULL

**Plan Nos:** 1190 A 100 001 P0, 002 P2, 003 P1, 004 P0, 110 P0, 120 P1, 121 P1, A 200 001 P0, 002 P0, Existing restaurant kitchen ventilation extract location drawing dated December 2016.

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641 2723

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

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

Reason:

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

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

\*between 08.00 and 18.00 Monday to Friday;

\*between 08.00 and 13.00 on Saturday; and

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

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

\*between 08.00 and 18.00 Monday to Friday; and

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

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

- 3 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

appearance of this part of the Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5 or 1:1 where appropriate) of the following parts of the development:
1. New windows,
  2. Shopfront,

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

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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roofs, 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 Notwithstanding the details shown on the approved plans, you must apply to us for approval of detailed drawings in plan at a scale of 1:50 of the layout of the proposed first floor flat. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To ensure that the accommodation provided meets the City Council's normal standards and provides a high quality of amenity to future occupiers in accordance with S29 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 7 You must provide the waste store shown on drawing 1190 A 200 001 P0 before you use the relocated restaurant or event space. You must clearly mark it and make it available at all times to everyone using the hotel, restaurant and retail units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 8 You must provide the waste store shown on drawing 1190 A 200 002 P0 before you use the flat at first floor level. You must clearly mark it and make it available at all times to everyone using the hotel, restaurant and retail units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

## Reason:

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

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

## Reason:

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

- 10 All servicing shall be undertaken in accordance with the Servicing Management Plan dated 16.12.16 unless otherwise agreed in writing by the local planning authority.

## Reason:

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

- 11 You must carry out the development and provide all the energy saving and sustainability measures as detailed in the approved Energy Statement dated 4.11.16. You must not remove any of these features, unless we have given you our permission in writing.

## Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 12 You must only occupy the reconfigured Class A3 restaurant, with the retained full height extract duct shown on your restaurant kitchen ventilation extract location drawing dated December 2016.

## Reason:

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

- 13 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors at ground floor level onto Jason Court. You must not leave these doors open except in an emergency or to carry out maintenance. (C13MA)

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 14 You must carry out the measures included in your management plan dated 16 November 2016 at all

times that the relocated restaurant at 27 Marylebone Lane is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 15 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the relocated A3 use. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 16 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the hours 08.00 to midnight Monday to Saturday and 10.00 - 23.00 on Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 17 You must carry out the measures included in your management plan dated 16 November 2016 at all times that the event space in the hotel is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 4 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 18 You must not open the event space hereby approved to customers, and you must not allow customers on the premises, outside the hours 08.00 to 01:00 Thursday to Saturday and 08.00 - midnight on Sundays to Wednesday

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 19 You must apply to us for approval of details of a strategy to mitigate light pollution of neighbouring sensitive properties prior to the use of the atrium commencing. Once these details have been approved the use must operate in accordance with the approved strategy for as long as the atrium is in use.

Reason:

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



- 20 (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 conference/event use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the conference/event use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 24 All servicing must take place between 07:00 and 19:00 hours only. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, placing rubbish in external refuse areas and/or crushing bottles.

Reason:

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

- 25 The acoustic attenuation measures as outlined in the acoustic report by RBA Acoustics, dated 4th November 2016 reference 7618/AAR\_2 shall be installed prior to commencement of the use of the atrium and restaurant.

Reason:

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

- 26 No live music shall take place or PA systems utilised in the restaurant area.

Reason:

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

- 27 The proposed atrium rooflight shall be non-openable and fixed shut at all times.

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, Phone: 020 7641 2000, Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

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