

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 24 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>33 Aybrook Street, London, W1U 4AP</b>		
<b>Proposal</b>	Erection of a rear single storey extension at first floor level, erection of a dormer window within rear roofslope to enable the conversion of the attic space to create a new fourth floor and use of enlarged building as a composite use comprising public house with associated dining and office facilities on basement, ground and part first floor together with guest accommodation over front first and second, third and new fourth floors ( <i>sui generis</i> ). Installation of replacement plant at rear ground floor level and installation of replacement full height extract duct to rear elevation.		
<b>Agent</b>	Stiff + Trevillion		
<b>On behalf of</b>	Oakwell Business Investment Ltd		
<b>Registered Number</b>	16/09845/FULL	<b>Date amended/ completed</b>	14 October 2016
<b>Date Application Received</b>	14 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

The application site is an unlisted building located in the Portman Estate Conservation Area. It comprises basement, ground and first to third floors. The site is currently in use as a public house, with basement beer cellar and storage, ground floor bar, front first floor function room, rear first floor ancillary office and storage and ancillary residential flat at second and third floor levels.

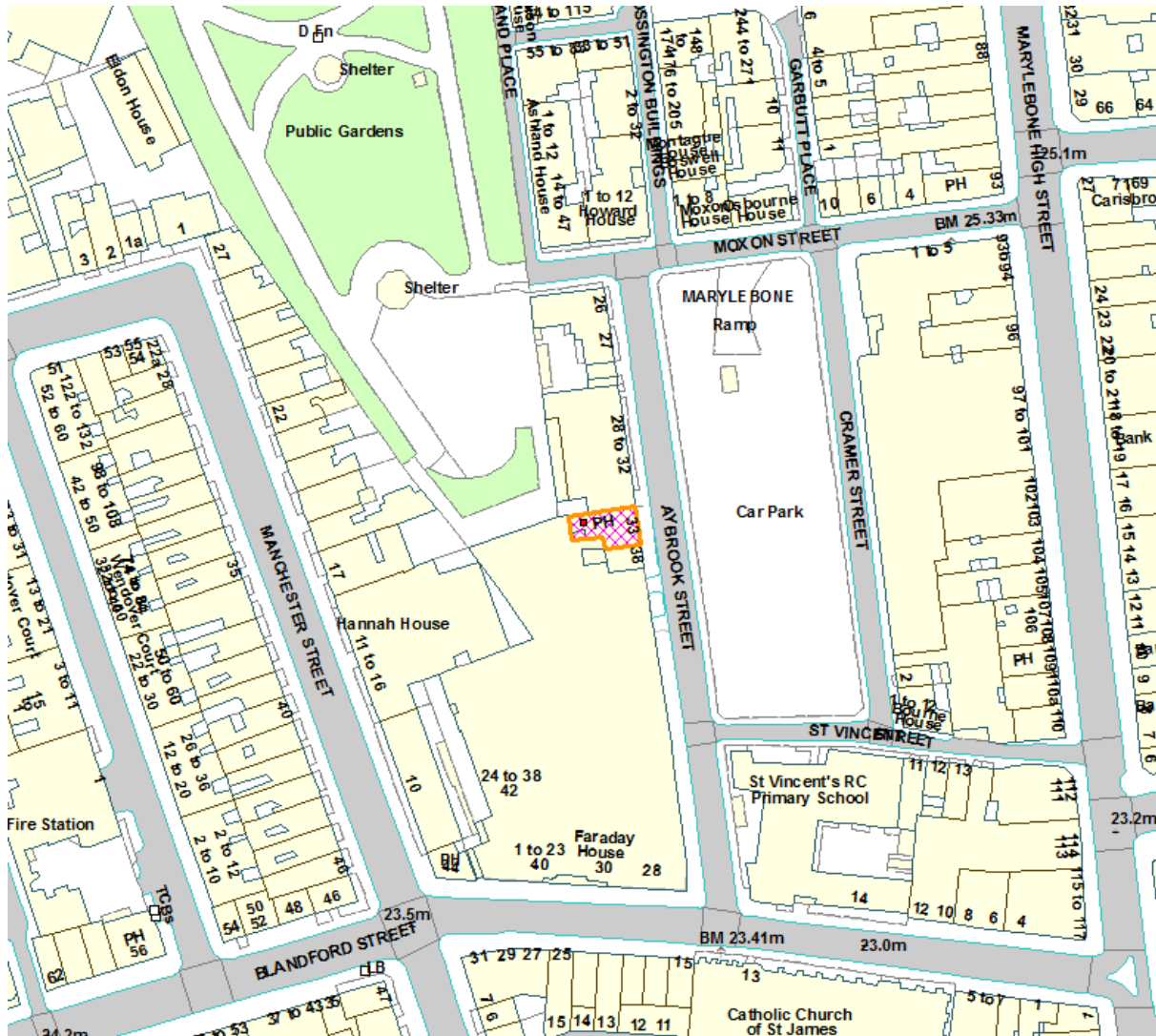
Planning permission is sought for the erection of a rear single storey extension at first floor level, erection of a dormer window within the rear roofslope to enable the conversion of the attic to create a new fourth floor, the replacement of existing plant at rear first floor level (including the replacement of a full-height extract duct), and the use of the building as a composite use comprising public house with associated dining and office facilities on basement, ground and part first floor together with guest accommodation over front first and second, third and new fourth floors (*sui generis*).

The key issues for consideration are:

- The acceptability of the loss of the ancillary residential accommodation at third floor level.
- The appropriateness of hotel-type accommodation located outside of the Core CAZ.
- The impact of the use, extensions and proposed replacement plant upon the amenities of neighbouring residential properties.
- The impact of the proposal upon both the appearance of the existing building and on the character and appearance of this part of the conservation area.

A neutral comment has been received on amenity grounds. However, for the reasons set out in the main body of the report, and subject to appropriate conditions, the proposals are considered to comply with relevant UDP and City Plan policies and the application is recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION:

No objection.

### HIGHWAYS PLANNING MANAGER:

Concern raised in respect to the lack of cycle parking and storage for waste.

### ENVIRONMENTAL HEALTH:

No objection to revised acoustic report.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 134

Total No. of replies: 1

No. of objections: 0

No. in support: 0

No. of neutral comments: 1

Neutral comment on the following grounds:

#### Amenity:

- No explanation in acoustic report of how additional sound reduction will be achieved.
- No explanation of how residents in neighbouring Faraday House will be safeguarded from construction work

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building which comprises basement, ground and first to third floors. It is located in the Portman Estate Conservation Area. The site falls outside the boundary of the Core CAZ but is located within the wider CAZ. The rear of the site is visible from Paddington Street Gardens.

The site is currently in use as a public house (Class A4). The basement is used as a beer cellar and for storage. The ground floor is the public bar. At front first floor level there is a function room and a kitchen is located at rear first floor level. The second floor is in use as an office and storage, whilst the third floor is in use as storage and for occasional overnight accommodation of staff. All of these uses are considered to be ancillary to the primary use of the building as a public house.

The site is to the west side of Moxon Street Car Park. This area of hardstanding was cleared of built development in 1966 and is now a single level open public car park bounded by roads on all four sides. Permission was granted on 12 January 2016 to erect a six storey mixed use building (plus three subterranean floors) for up to 79 residential units, retail shops, restaurants, multi-purpose community hall, community space and cycle and car parking.

The nearest residential properties are within Faraday House, 30 Blandford Street which are located to the west and south of the application site, to the north at 28-32 Aybrook Street and (in the future) the 79 flats approved within the new building on Moxon Street Car Park.

## **6.2 Recent Relevant History**

The City Council's planning records reveal that the site has a limited planning history. The oldest record appears to be an application for advertisement consent in 1996 submitted by the Bricklayers Arms (RN: 96/06525/ADV).

Of relevance, there are no planning applications in relation to the change of use to residential accommodation (Class C3) of the upper floors.

## **7. THE PROPOSAL**

The application is for alterations to the building including the erection of a single storey extension on the first floor rear flat roof, the erection of a dormer window within the rear roofslope and the conversion of the attic space to create a new fourth floor level, replacement of existing plant at rear first floor flat roof level and retention of existing high level flue on the rear elevation adapted to suit new internal configuration. Minor alterations are proposed at basement and ground floor level consisting of the infilling of existing lightwells to form internal space.

The ground floor would continue to provide a bar area and customer toilets. The newly refurbished basement would provide a dining area, kitchen and additional customer toilets. The pavement vaults would provide a replacement beer cellar. The front first and second, third and new fourth floor are proposed be used as overnight guest accommodation in the form of six en-suite double bedrooms. An ancillary office is proposed to be located at rear first floor level. The applicant has advised that the building will be run as a single planning unit and therefore such a use is considered to comprise a mixed use comprising elements of restaurant, public house and guest bedrooms.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### *Nature of Proposed Use*

It is well established that the primary uses of land often embrace one or more ancillary activities. Whether or not an activity is ancillary to a primary use is a matter of fact and degree, based on the individual circumstance of each case. Factors such as the floorspace dedicated to each use, the character of the planning unit and the sales / revenue derived from each element are taken into account when making such an assessment. An ancillary use is one that has a functional relationship with the primary use of land - and a relationship that is normally found. However, if there are two or more primary uses of land, then it is likely to be in a mixed use.

The applicant has advised that the public house, restaurant and guest bedrooms will operate as a single planning unit managed by the current owners of the public house. A new website will be created to provide information about the accommodation. It is anticipated that the majority of bookings will be made via the website. Telephone bookings will also be available. Guests will provide an estimated time of arrival when booking. Staff will be on-site to meet guests and show them to their rooms. Guests will check-in at the bar at ground floor level when they arrive at the premises. There is no dedicated check-in area on the upper floors. Staff will be on-site at all times within the office area at first floor level. A night porter will remain on the premises overnight and breakfast will be served within the restaurant at basement level or within the bar at ground floor level.

The proposed plans show one kitchen at the premises at basement level which means there would be no separate kitchen for guest bedrooms. There are no dining areas proposed on the upper floors. It can therefore be considered that the guest rooms are unlikely to be able to operate without the supporting facilities of the public house at basement and ground floor level. It is therefore considered that the guestrooms would be intrinsically linked to the public house.

Plans originally showed no internal access from the ground floor to the basement and upper floors. This raised concerns that the ground floor area could be operated as a separate planning unit from the basement and upper floors. Revised plans show internal access from the ground floor to the hallway area serving the stairs. It is considered that, as long as the ground floor has internal access to the basement and other floors, the use of the premises as one planning unit will not be compromised. The need for internal access between the floors will be secured by condition because this is considered vital to safeguarding the long-term viability of the public house element of the proposed use.

On the basis that the building is used as a single planning unit, what is being proposed is a use more akin to an 'inn' which traditionally provides overnight accommodation to

travellers, as well as a food and drink. Such a use falls outside any of the classes and is therefore a *sui generis* use. In addition to the external alterations and extensions, the application is therefore for this composite use.

### *Policy Context*

As the proposal involves the conversion of the upper floors to provide guest bedrooms, the policies most relevant to the proposals are those relating to new hotels and to existing public houses.

The application site is located just to the north of the Core CAZ (but still within the CAZ). UDP Policy SS 8 seeks to protect non-A1 retail uses (including public houses) outside the Core CAZ from changing to uses that do not serve visiting members of the public. Paragraph 7.98 states, “*Traditional public houses are generally considered to add to the character and function of a locality and their loss will only be acceptable if they have been vacant and marketed for at least eighteen months without success*”. City Plan Policy S21 protect existing non-A1 retail uses (which includes public houses) from changing to uses that do not serve visiting members of the public and that do not have active shopfronts.

The City Council published an informal booklet entitled, ‘*Food, Drink, Entertainment, Tourism Arts and Culture*’ in February 2014. That includes a proposed specific policy for the protection of public houses. Due to the very early stage in the development of this policy, however, it should be given no material weight in the determination of this application.

UDP Policy TACE 2 states that planning permission for new hotels outside the Core CAZ will not be granted.

### *Consideration of Proposed Use*

As set out above, there is a presumption with UDP Policy TACE 2 against the provision of new hotels outside of the Core CAZ. Given the small number of rooms proposed, their intrinsic link with an existing entertainment use, the potential for these rooms to ensure the long-term viability of the ground floor drinking establishment and the fact that planning permission would not be required to use the upper floors of the building as additional public house floorspace, it is considered that an exception to the City Council’s usual policy approach is appropriate in this instance. A condition restricting the use of the four upper floors of the premises to guest accommodation would effectively remove the potential of the public house to expand in the future which would be beneficial to the occupants of the residential properties in close proximity to the site.

With restrictive planning conditions it is considered that the proposed use could be beneficial to the local residential amenity and this justifies an exception to UDP Policy TACE 2 in this instance.



As described earlier, there are no planning permissions at this site for change of use to residential accommodation (Class C3) of any part of the site. Whilst the bedroom on the third floor appears 'lived in' with furnishings like a bed, duvet and lamp as would be expected in a bedroom, the applicant has advised that this room is only used for occasional overnight accommodation. Without evidence to the contrary, on the balance of probabilities, it is considered that this room is not lawfully a self-contained flat but is in use as ancillary floorspace to the public house.

On this basis, there is no policy objection to the loss of this staff accommodation as it could be used for any other purpose ancillary to the public house without requiring planning permission.

The existing first floor of the premises consist of a function room/dining space and a kitchen. As set out above, the City Council seeks to protect public houses. Therefore the loss of this dining room space at first floor level must not prejudice the long-term viability of the public house. It is considered that the dining area proposed at basement level will balance out the loss of the dining area at first floor level. The dining area floorspace of the public house will not be lost; it will just be relocated to basement level.

Whilst the proposed use of the building is proposed to change, the building will still contain a public bar and restaurant facilities. As such, the City Council's policies protecting public houses are considered to be met. The provision of guest accommodation is likely to protect the long-terms viability of the public house and is therefore acceptable despite the site's location outside of the Core CAZ.

## **8.2 Townscape and Design**

The building is a distinctive nineteenth century pub that retains much of its architectural character and strong contribution to the Portman Estate Conservation Area.

The proposed dormer window is larger than normally allowed. However, as it is located on the rear elevation and is appropriately detailed it is considered acceptable in this instance.

There is no objection to the proposed rear first floor extension as it is modest in size, largely contained within the parties walls and matches the host building in terms of materials and detailing.

The proposed plant is acceptable subject to conditions requiring the units to be housed within a suitable enclosure and for the replacement full height extract duct to be clad in brick slips or GRP to match the host building.

For these reasons, the proposed modifications are considered acceptable in design and conservation terms, in accordance with City Plan Policies S25 and S28 and UDP Policies DES 1, DES 5, DES 6 and DES 9.

### **8.3 Residential Amenity**

#### *Extensions*

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause loss of privacy. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of development.

The nearest residential properties are located to the rear of the application site within Faraday House, 30 Blandford Street.

The single storey extension at first floor level is not considered to have any harmful impacts on neighbouring residential properties. This is because the depth of the proposed extension will be approximately 3m from the existing building facade, leaving approximately 3m of flat roof area. Given this small increase in depth and the extension being single storey, it is not considered to have any impact on sense of enclosure or loss of sunlight to neighbouring properties. The proposed window to the rear elevation within the single storey extension is not considered to raise any concerns of overlooking or privacy due to its distance from the nearest residential windows.

The erection of a dormer window at fourth floor level is not considered to raise any concerns of overlooking or loss of privacy due to its distance from the nearest residential windows.

There are minor alterations at basement level and ground floor level consisting of the infilling of existing lightwells to form internal space. These infills are small in size and will not extend beyond the footprint of the building and are therefore considered acceptable. These infills serve to create a uniform building line at the rear of the property at basement and ground floor level. It is not considered that this will have any harmful impact on the amenity of occupiers of neighbouring properties.

A comment has been received on the grounds of disturbance from construction work on residential neighbours. It is considered that the standard condition restricting the hours of building works will be adequate to protect the environment of neighbouring occupiers. Therefore it is considered that this part of the comment cannot be supported.

### *Plant*

The plant is proposed at first floor rear flat roof level to replace existing plant. Environmental Health objected to the original acoustic report submitted with the application on the grounds that background noise levels were possibly not representative of the background noise levels at the adjacent flats within Faraday House.

Subsequently a revised acoustic report was submitted. Environmental Health has assessed the revised acoustic report and considers that the proposed plant is likely to comply with the City Council's noise Policy ENV 7 of the UDP. It is therefore considered that the proposals will not harm the amenity of neighbouring properties. The revised acoustic report and Environmental Health have referenced mitigation measures required to ensure that the proposed plant complies with the City Council's noise conditions. These mitigation methods will be secured by condition.

A comment has been received on the grounds of there being no explanation in the calculations of how additional sound reduction has been achieved. The comment makes reference to calculations in 'App 2' which are likely to mean 'Appendix B'. The calculations in 'Appendix B' in the revised acoustic report are updated from those in the acoustic report originally submitted. Given that Environmental Health have assessed the revised report and considered that the proposed plant is likely to comply with the City Council's noise conditions, this part of the comment cannot be supported.

## **8.4 Transportation/Parking**

Whilst the Council's Highways Planning Manager has not objected to the proposal given the availability of public transportation at this site, it has been requested that the proposal incorporates the provision of off-street cycle and waste storage. Whilst a condition is recommended seeking details of internal waste storage, it is not considered feasible to condition the provision of cycle storage in this instance. The constraints of the site result in limited space for internal cycle storage within the communal areas consisting of only the staircase and a small hallway at ground floor level.

No off-street servicing is available for the application site. The proposal is likely to represent an increase in the servicing requirement of the site. That said, the likely increase is expected to be minimal given the size and type of the proposal. The increase is not expected to have an adverse impact on the highway in the vicinity.

## **8.5 Economic Considerations**

The general economic benefits of the proposal are welcomed.

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

None.

## **8.7 London Plan**

This application raises no strategic issues.

## **8.8 National Policy/Guidance Considerations**

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

## **8.9 Planning Obligations**

The proposals are of insufficient scale to require a planning obligation.

## **8.10 Environmental Impact Assessment**

The proposals are of insufficient scale to provide opportunities for additional sustainability measures.

## **9. BACKGROUND PAPERS**

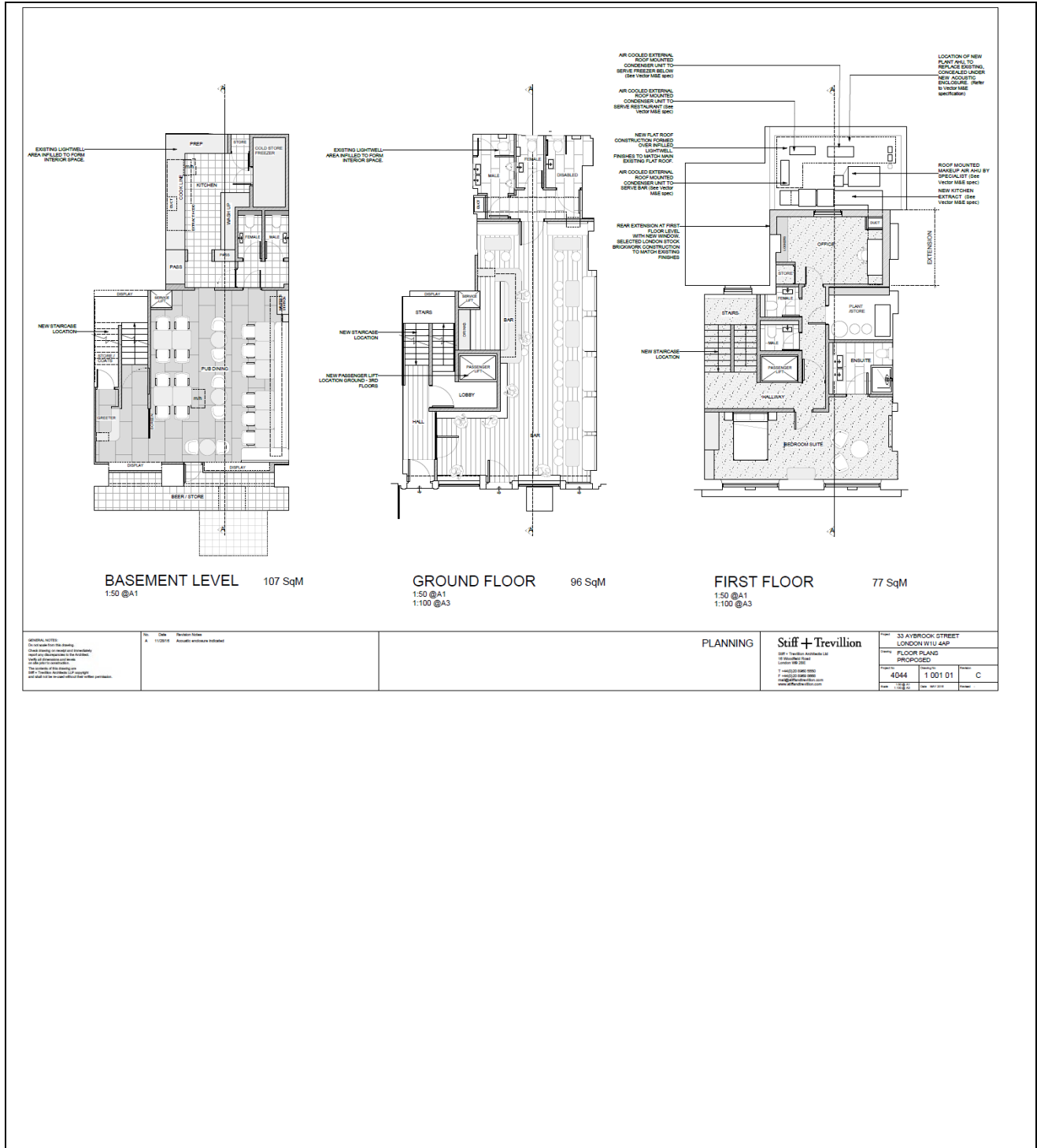
1. Application form
2. Response from Marylebone Association, dated 16 November 2016
3. Response from Environmental Health, dated 31 October 2016
4. Letter from occupier of Faraday Freehold Ltd, 62 Faraday House, 30 Blandford Street, dated 9 November 2016

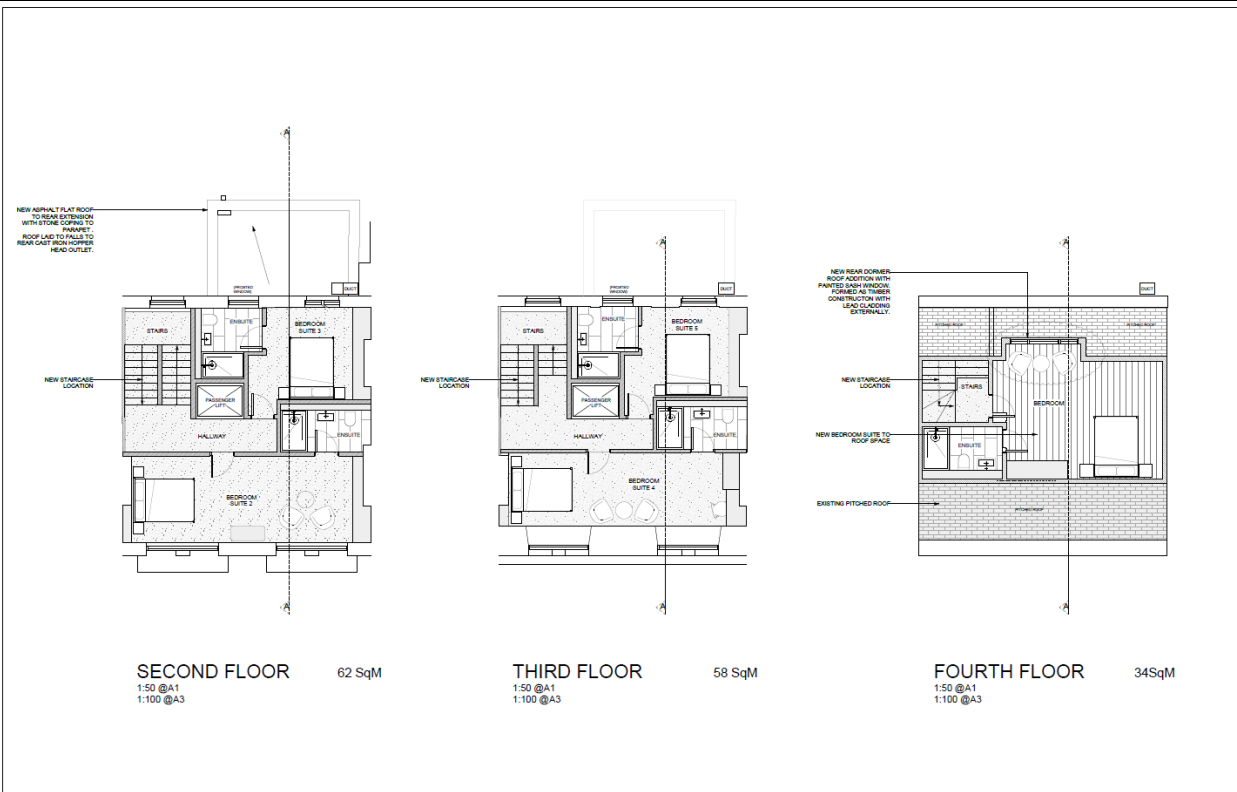
### **Selected relevant drawings**

(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: MARK HOLLINGTON BY EMAIL AT [MHOLLINGTON2@WESTMINSTER.GOV.UK](mailto:MHOLLINGTON2@WESTMINSTER.GOV.UK).

10. KEY DRAWINGS



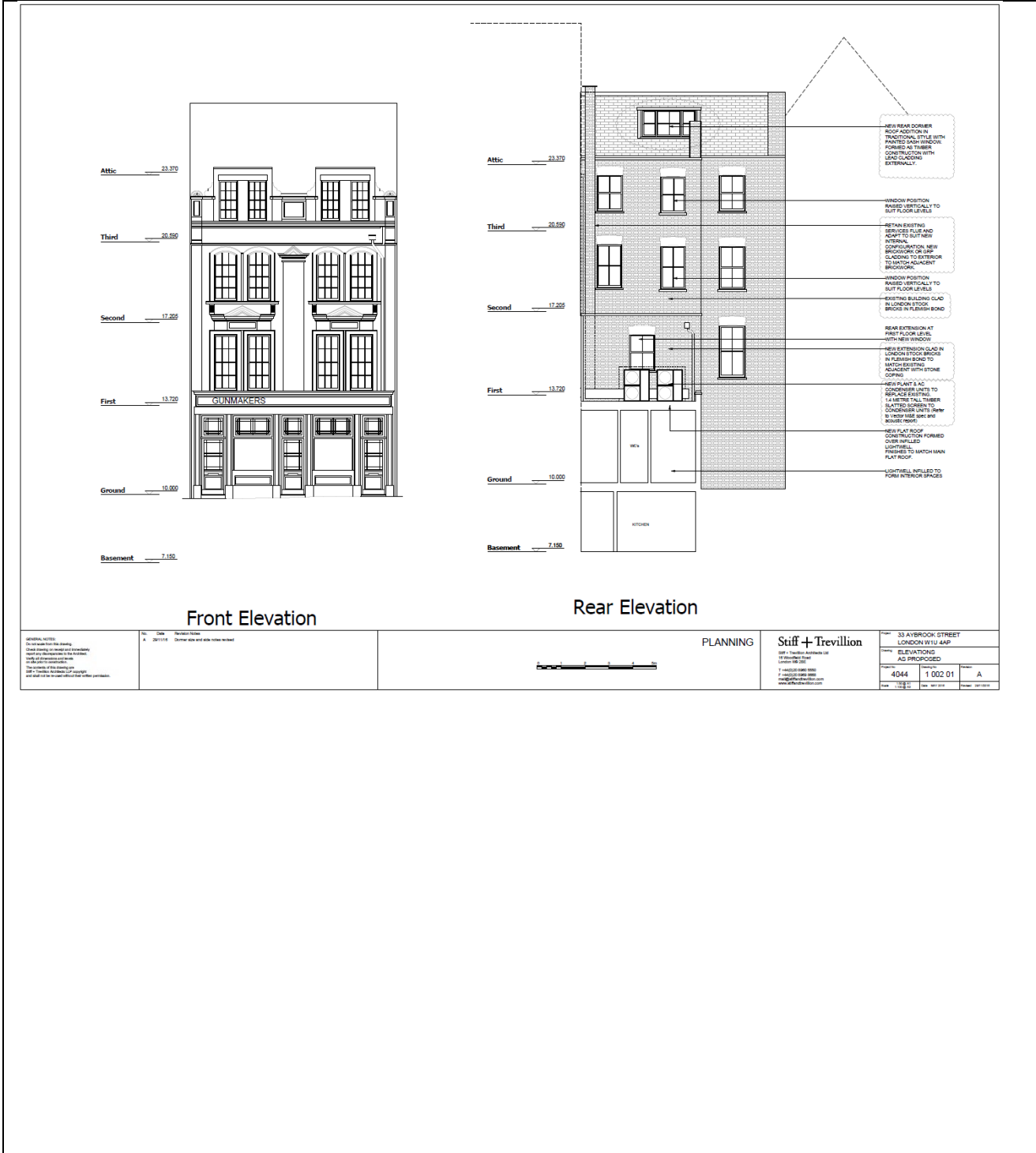


**SECOND FLOOR** 62 SqM  
1:50 @A1  
1:100 @A3

**THIRD FLOOR** 58 SqM  
1:50 @A1  
1:100 @A3

**FOURTH FLOOR** 34SqM  
1:50 @A1  
1:100 @A3

<p><b>GENERAL NOTES</b></p> <ul style="list-style-type: none"> <li>Do not scale from the drawing.</li> <li>Check existing and proposed boundaries.</li> <li>Refer any alterations to the architect.</li> <li>Check all dimensions on site.</li> <li>Check all levels on site.</li> <li>The architect is not responsible for any errors or omissions in the drawing.</li> <li>Check all dimensions on site.</li> <li>Check all levels on site.</li> <li>Check all dimensions on site.</li> </ul>	<p>No. Date Revision Notes</p> <p>A 20/11/18 Owner with reduced</p>		<p>PLANNING</p>	<p><b>Stiff + Trevillion</b></p> <p>2005 St. Trevillion Architects Ltd 100-100-100-100 London EC2A 4PU UK T +44(0)20 5463 0200 F +44(0)20 5463 0201 www.stiffandtrevillion.com</p>	<p>33 AYERBROOK STREET LONDON W1U 4AP</p> <p>FLOOR PLANS AS EXISTING</p> <table border="1"> <tr> <td>4044</td> <td>1 001 02</td> <td>A</td> </tr> </table>	4044	1 001 02	A
4044	1 001 02	A						



Attic 23.370  
Third 20.550  
Second 17.250  
First 13.720  
Ground 10.000  
Basement 7.150

Attic 23.370  
Third 20.550  
Second 17.250  
First 13.720  
Ground 10.000  
Basement 7.150

- NEW REAR DORMER ROOF ADDITION IN TRADITIONAL STYLE WITH PAINTED DARK WOOD FORMED AS TIMBER CONSTRUCTION WITH CLAD LANDING EXTERNALLY.
- WINDOW POSITION RAISED VERTICALLY TO SUIT FLOOR LEVELS
- SET IN EXISTING SERVICES AND ADAPT TO SUIT NEW INTERNAL CONSTRUCTION NEW BRICKWORK OR USE CLADDING TO EXTENDER TO MATCH ADJACENT BRICKWORK
- WINDOW POSITION RAISED VERTICALLY TO SUIT FLOOR LEVELS
- EXISTING BUILDING CLAD BUILDING WINDOW BRICK IN REAR
- REAR EXTENSION AT FIRST FLOOR LEVEL WITH NEW WINDOWS
- REAR EXTENSION CLAD IN LONDON STOCK BRICK IN REAR BRICK TO MATCH EXISTING ADJACENT REAR STONE CORNER
- NEW PLANT & AC CONDENSER UNITS TO BECAUSE EXISTING 1.4 METRE TALL TIMBER SHUTTER SCREEN TO BE REPLACED WITH NEW 2.1 METRE TALL BRICK SCREEN
- NEW FLAT ROOF OVER WIPLED OVER WIPLED LIGHTWELL FINISHED TO MATCH MAIN FLAT ROOF
- LIGHTWELL INFILLED TO FORM INTERIOR SPACES

Front Elevation

Rear Elevation

APPROVAL NOTICE  
Do not use for the building  
Check building control and conditions  
Apply for alterations to the building  
Check for any other requirements  
The validity of this drawing can  
only be verified against the original  
and used for no other than the stated purpose.

No. Date Revision Notes  
A 20/11/16 Other side and side notes revised



PLANNING

Stiff + Trevillion

33P - Trevillion Architects Ltd  
110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

33 AYBROOK STREET LONDON W1U 4AP		
ELEVATIONS AS PROPOSED		
4044	1 002 01	A
Scale: 1:50	Date: 20/11/16	Sheet: 04/0004

**DRAFT DECISION LETTER**

**Address:** 33 Aybrook Street, London, W1U 4AP

**Proposal:** Erection of a rear single storey extension at first floor level, erection of a dormer window at fourth floor level, use of the first to fourth floor as six guest bedrooms, replacement of existing plant at rear first floor level, installation of passenger lift, all in association with the existing public house (sui generis).

**Reference:** 16/09845/FULL

**Plan Nos:** 1 001 01 Rev C; 1 001 02 Rev A; 1 002 01 Rev A and drawing titled 'Existing Section - Section' on page 20 of planning application document dated 12.10.2016.

**Case Officer:** Alice Dunn

**Direct Tel. No.** 020 7641 7957

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

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

**Reason:**

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

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

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

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

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

**Reason:**

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on



the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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

Reason:

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

a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 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.

- 6 You must apply to us for approval of samples and specifications of the following parts of the development - all proposed external materials. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these approved samples and specifications. (C26CB)

Reason:

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

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

- i, proposed windows,
- ii, acoustic enclosure,
- iii, section through roof showing the existing ridge height retained and parapet relationship,
- iv, cladding to extract flue

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

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

**Reason:**

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

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

**Reason:**

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

**Reason:**

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

- 11 The site shall only operate as a single planning unit and internal access between all floors must be maintained for the lifetime of the development.

**Reason:**

To ensure that the long-term economic viability of the public house is maintained, as set out within Policy SS8 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

**Reason:**

To protect neighbouring residents from noise nuisance 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 Portman Estate Conservation Area. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 13 The ground floor bar area as shown on approved drawing 1 001 01 Rev. C shall be retained in this use for the life of the development.

Reason:

To protect the public house element of the proposed use, as required by Policy S21 of our City Plan that we adopted in November 2016 and by Policy SS8 of our Unitary Development Plan that we adopted in January 2007.

- 14 The replacement extract flue hereby approved shall be clad in brick slips or GRP.

Reason:

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

**Informative(s):**

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

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk)

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability

Discrimination Acts.

- 3 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.  
  
If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 The term 'clearly mark' in Condition 9 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 9 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Item No.
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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.