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CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	Carlton Court, 120 Maida Vale, London, W9 1QA,		
Proposal	Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.		
Agent	Mr Alex Cotterill		
On behalf of	Honosa Ltd		
Registered Number	16/12165/FULL	Date amended/ completed	22 June 2016
Date Application Received	21 December 2016		
Historic Building Grade	Unlisted (but adjacent to grade II listed buildings to the south)		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grand conditional permission.

2. SUMMARY

Carlton Court is a mid twentieth century building, which is currently in use as serviced apartments (Use Class C1) located in the St Johns Wood Conservation Area. The building comprises of two parts, a five storey building which fronts onto Maida Vale and a thinner three storey building which extends back into the application site. To the rear of the site there are existing garage structures, some of which have been converted to ancillary storage and office space for the hotel. There are currently two access routes down either side of the building. The rear area is currently all hard standing and used for parking.

The building and outbuildings are unlisted however the buildings to the south are Grade II Listed. The site is located outside of the Central Activities Zone (CAZ) and is not on a CAZ frontage or within a special policy area.

There have been three recent planning applications for redevelopments of different scale and form at

the site, all of which were withdrawn as they were not acceptable on various grounds. Permission is again sought for the demolition of the existing building and outbuildings and erection of a replacement part five, part three storey building to be used as serviced apartments with ancillary restaurant, bar and lounge at ground floor level. A basement is also to be excavated, both under the main building and out under the rear garden to provide a pool and spa facilities. The rear garden is to be re-landscaped and will feature a single storey extension, which provides light and access down to the basement facilities.

The key issues with this application are:

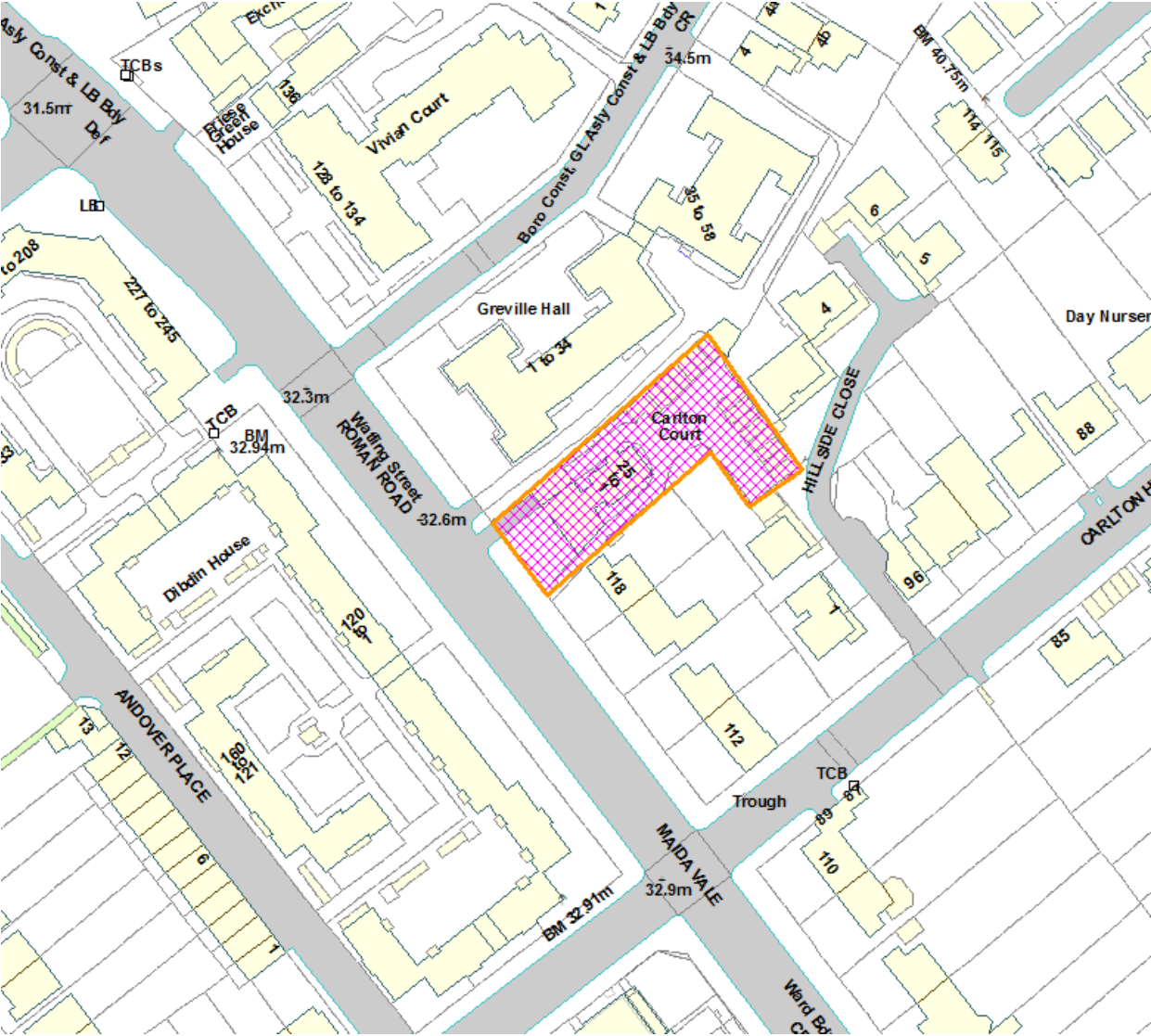
- * The impact of the redevelopment on the character and appearance of the conservation area and adjacent listed buildings.
- * The land use implications of a hotel redevelopment in this location.
- * The environmental impact of the redevelopment including the impact on amenity of nearby residents.
- * The impact of the redevelopment on trees.

Objections have been received on the grounds of loss of amenity, loss of parking and in relation to disturbance and potential harm to adjacent residences as a result of the excavation and construction works.

During the course of the application amendments were made to the drawings to fix drafting errors, updated acoustic information and updated north elevation to reduce overlooking to neighbours. Neighbours were re-consulted to advise them of these revisions.

The submitted drawings do still include some inconsistencies, however subject to conditions as set out on the draft decision letter appended to the report, the redevelopment proposals are considered to comply with the relevant land use, design, conservation, amenity and transportation policies in Westminster's City Plan (City Plan) adopted November 2016 and the Unitary Development Plan (UDP) adopted January 2007. As such the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation above; rear yard below





rear elevation above



view from rear of northern side of buildings adjacent to Greville Hall

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5. CONSULTATIONS

RESPONSES TO ORIGINAL CONSULTATIONS:

LONDON BOROUGH OF CAMDEN:

No objection.

TRANSPORT FOR LONDON (TfL):

No objection.

HISTORIC ENGLAND:

No comment, application should be determined in line with national and local policy guidance.

ENVIRONMENT AGENCY:

Any response to be reported verbally.

THAMES WATER:

Recommendations in relation to waste and water conditions and informatives.

ST JOHNS WOOD SOCIETY:

Any response to be reported verbally.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY:

No objection. Neighbours' views should be taken into consideration.

ENVIRONMENTAL HEALTH:

No objection subject to standard noise conditions and acoustic screening in relation to the proposed plant.

BUILDING CONTROL:

The submitted structural information is acceptable. Comment that the layout of the building does not appear to comply with Building Regulations.

ARBORICULTURAL OFFICER:

Query if sufficient undeveloped land is provided. Suggest that additional soil depth is provided above the basement. However, subject to conditions and informatives no objection raised.

GO GREEN OFFICER:

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection.

CLEANSING MANAGER:

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 200

No. of replies: 10 letters of objection raising some or all of the following points:

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Land Use:

- It is unclear who the proposed restaurant is for and will not survive as not enough residents to sustain it. Plenty of other restaurants within the vicinity.

Amenity:

- Increased noise and disturbance as a result of the rear area being used as a terrace/restaurant, particularly given previous erection of a marquee and use as a Shisha bar.
- The rear flat roof at third floor level could be used as a terrace which would cause noise issues.
- Disturbance from new restaurant and associated cooking smells.
- Loss of light as a result of the development.
- Concerns in relation to noise from plant equipment on adjacent occupiers.
- Concerns that plant equipment will over time become noisier and cause disturbance.
- The extension to the building will result in loss of privacy to neighbouring residents.

Design:

- Overdevelopment
- Negative impact on street scene.

Highways:

- Query as to what parking is provided following the removal of the existing parking facilities.

Other matters:

- Concerns in relation to building works and their impact on adjacent residential building, their occupants and their services.
- Concerns that basement of adjacent Greville Hall will become more water logged than existing. Comments from Thames Water are alarming.
- The demolition of the garages will disturb existing waste facilities for adjacent residents.
- Concerns in relation to subsidence and rising damp.
- Noise, dirt and disturbance from building works.
- Building works will have a negative impact on proposed external redecoration works to Greville Hall adjacent.
- Cockroaches live underground in the area and the new basement is likely to find them a problem.
- Online application documents are incomplete.
- Concerns that the proposed pool access within the garden will result in a security risk.

ADVERTISEMENT / SITE NOTICE:

Yes

RESPONSE FROM NEIGHBOURS FOLLOWING REVISED DRAWINGS:

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 200

No. of replies: 2 objections raising the following points:

- Proposals will attract non-residents which will have a negative impact on the area in terms of traffic, noise and smell.
- As commented previously, no parking for provided for visitors or employees.

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- Comments in relation to the distance of the site from a tube station being a long walk, or on busy buses.
- Concerns in relation to cockroaches.
- Concerns in relation to competency of planning application due to inconsistencies and any future building contractors.

6. BACKGROUND INFORMATION

6.1 The Application Site

Carlton Court is located on the eastern side of Maida Vale in the St John's Wood Conservation Area. It is currently occupied by a mid 20th century hotel building which is set over ground and four upper levels at the front and three storeys high at the rear. There is also a plant room at fifth floor roof level. To the rear of the site there are existing garage structures, some of which have been converted to ancillary storage and office space for the hotel. There are currently two access routes to the rear down either side of the building. The rear area is currently all hard standing and used for parking. The site is located outside of the Central Activities Zone (CAZ) and is not on a CAZ frontage or within a special policy area.

The buildings themselves are unlisted however the buildings to the south are Grade II Listed. To the north of the property on Maida Vale is a residential block of flats called Greville Hall, which face onto both Maida Vale and Greville Place, which runs between the application site and Greville Hall. To the east on Maida Vale are large two and three-storey residential dwellings, within a private development called Hillside Close.

6.2 Recent Relevant History

A lawful development certificate was granted on 13 August 2009, which established the lawful use of the building as a hotel (Class C1). It is considered that this remains to be the lawful use.

Records indicate that enforcement action was taken in 2012 in relation to a marquee which was erected to the rear of the site, used for shisha smoking. The marquis and associated activities stopped prior to the issuing of a formal enforcement notice.

Three applications have recently been submitted, one in 2014, 2015 and 2016, which each included the demolition of the existing building and redevelopment, to provide a mixture of serviced apartments and new residential dwellings. All the applications were withdrawn following comments from officers that they were unacceptable on various grounds including design, amenity, affordable housing, substandard accommodation, tree works and on sustainability grounds. The three applications were for the following works:

Application withdrawn 23 December 2014 for “Demolition of existing five storey hotel (Class C1) on Maida Vale and single storey ancillary buildings to the rear, to provide a new building of five storeys plus double basement level comprising 11 serviced apartments on Maida Vale and three two storey plus double basement houses detached family dwelling houses to the rear (Class C3) set within a landscaped amenity area, together with basement leisure facilities, 13 car parking spaces, 34 cycle stands and plant.”

Application withdrawn 2 December 2015 for “Demolition of existing five storey hotel (Use Class C1) on Maida Vale and single storey ancillary buildings to the rear, to provide a five storey building with single

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storey basement comprising 9 serviced apartments (TSA) on Maida Vale and one detached family dwelling to the rear (Use Class C3) set within a landscaped amenity area, together with 10 car parking spaces, 26 cycle stands and plant.”

Application withdrawn 05 September 2016 for “Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.”

7. THE PROPOSAL

Planning permission is sought in relation to the demolition of the existing five storey hotel (Class C1) and single storey ancillary garage buildings to the rear and to erect a part five and part three storey serviced apartment hotel building (Class C1) with associated restaurant and spa facilities in newly excavated basement. It is also proposed to erect a single storey structure in rear garden to provide an alternative access to the basement.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals are for the re-provision of an aparthotel on the site. Similar to the existing use, the rooms are to be in the form of 12 serviced apartments and 8 studios, whereby each room has its own cooking facilities. The development will result in a net increase of 655sqm floorspace (from 1139sqm to 1794sqm).

Policies TACE 1 of the UDP and S23 of The City Plan seek to protect existing hotels where they do not have significant adverse effects on residential amenity. As there are no reported issues in relation to the existing hotel (since the ceasing of the shisha smoking in 2012), the retention of a hotel is considered to be in accordance with these policies.

Policy TACE 2 of the UDP relates to new hotels and extensions to existing hotels and states that outside the CAZ, CAZ Frontages and special policy areas, planning permission for new hotels would not be granted. The policy does allow for extensions to existing hotels, where they are appropriate in design terms, where facilities to non-residents are not lost, where the extension would not result in intensification of use of facilities by non-residents, where there would be no adverse effects on residential amenity and no loss of permanent residential accommodation. As discussed below, the proposals are considered to accord with these requirements, therefore in land use terms the proposals are considered acceptable.

Pool and Spa:

The proposals include the provision of a basement pool and spa facilities. In order to comply with UDP policy TACE 2 (C), a condition is recommended to ensure that these facilities are not available to non-residents of the hotel to confirm that that the use is not intensified.

New restaurant and bar:

The proposals result in the creation of a new restaurant/bar and lobby area at ground floor level. There is an existing restaurant area in the current hotel, which is not restricted by conditions as it formed part of

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the certificate of lawful existing use. The existing restaurant is small, with around 24 covers and a small kitchen located towards the rear of the building. It appears to largely just provide breakfast to hotel guests and tea and coffee making facilities. The proposals result in the provision of a much larger ground floor restaurant, lounge and bar area with around 72 covers in the restaurant (which is 8 more than the number of covers required should the hotel be at full capacity), 5 in the bar and a further 18 in the lounge.

The supporting documentation confirms that the restaurant would not be operated as a stand-alone facility, and would therefore be ancillary to the primary hotel use (Class C1), despite this the impact of the restaurant needs to be assessed against the City Council's entertainment policies.

In this instance, the proposal involves the provision of a restaurant measuring approximately 123sqm, which increases to 338sqm if you include the lounge / entrance area and therefore policy TACE 9 of the UDP applies. The existing restaurant measures approximately 65sqm. Similarly to policy TACE 2, Policy TACE 9 states that permission will only be granted for restaurant uses (between 150m2 and 500m2) where the City Council is satisfied that there is no adverse effect on residential amenity or local environmental quality, and no adverse effect on the character or function of the area. In reaching decisions, the City Council will have particular regard to factors including the number of people on the premises, the opening hours, servicing and arrangements to safeguard amenity (such as means of extraction/ventilation etc). Policy S24 in The City Plan is similarly worded.

Therefore, in order to satisfy these policies, the proposals need to demonstrate that they would not have a negative impact on the character of the area or have a negative impact on the amenities of neighbours.

There are currently no conditions which would limit the use of the rear area of hard standing for ancillary hotel uses, however the current layout of the hotel does not lend itself to such activity, with the rear used for parking, with access out to the rear via a side exit. The new restaurant is located towards the rear of the building, adjacent to the re-landscaped garden. The plans indicate that doors are proposed from the rear of the restaurant onto this outdoor area, which will inevitably result in the gardens being used more intensively than existing, and would therefore have an impact on the amenities of surrounding residents in terms of noise from general activity.

Given the location of hotel bedrooms on the upper levels, it would be in the interests of the hotel operator to ensure that the restaurant and rear garden are properly managed. A condition is therefore recommended to ensure that the restaurant and bar are only used by hotel guests in order to protect both the character of the area and the amenity of neighbours. Allowing an unrestricted use would likely give rise to an increase in activity from non-residents coming and going from the site and in providing a more intensively used restaurant, to the detriment of the area. Conditions are also recommended to ensure that the rear garden is not accessed after 10pm and for the submission of an operational management plan to show how guests will be managed in order to protect the amenity of surrounding residents.

In summary, despite the location of the site, which is not characterised by hotels or restaurants, given that the proposal involves the relocation of an existing restaurant from within the same site, and subject to the aforementioned conditions, it is not considered that the proposed ancillary ground floor facilities would have a significant adverse effect on the character or function of the area.

The ventilation and plant requirements for the hotel and its facilities are discussed in section 8.7 of this report.

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8.2 Townscape and Design

The application site is located on the east side of Maida Vale and is included within the St John's Wood Conservation Area. The existing main hotel building is located towards the western end of this relatively elongated E-W site and dates from the mid-20th century. The building covers five storeys with a smaller three storey rear extension behind, and towards the rear of the site are two single storey blocks containing garages, and also storage and ancillary offices.

The building itself is not listed, though the 19th century villa buildings located to the immediate south of the application site are Grade II listed. The existing main building is noted in the St John's Wood Conservation Area Audit as having a neutral contribution to the conservation area. Whilst of limited design quality in itself, it does at least incorporate yellow stock brickwork as the principal facing material, with use of stucco to highlight particular features - most notably the base to the composition at ground floor level, and in this regard, the general use of materials sits reasonably comfortably with the character of the surrounding area where brick and stucco are the dominant facing materials and commonly have ground floors picked out in white painted stucco with exposed brickwork above. The windows are arranged in horizontal openings, though with the windows having a distinct vertical rhythm of white coloured framing to the glazing. Overall, the block is not of high design quality, however it sits not uncomfortably in the context of Maida Vale. Its demolition would be considered acceptable in principle subject to a suitable replacement building. The single storey blocks to the rear of the site have no design interest, and their demolition is uncontentious.

Whilst it is noted that some of the drawings which have been submitted to accompany this application are inconsistent in terms of how they represent the size and detailing of window openings, the design approach proposed to be taken is understood in terms of the height, bulk, form, footprint, impression of the detailing intended and the materials proposed. From a consideration of the submission as represented in the application, the proposals represent a new building of appropriate design quality for the townscape context, and one of improved design quality as compared to the existing building on site.

In terms of the footprint of the building, it is noted that the existing front elevation is in line with the front elevation of the listed buildings to the south side of the site, whereas in the proposed scheme the front elevation line projects approximately 0.6m further forward to the south end of the front elevation, albeit that this projection is less to the northern end as the building proposed slightly angles back to the northern end of the front elevation. Whilst this step forward is somewhat regrettable, it is also noted that this is a freestanding building with significant tree cover to the front gardens and street in the vicinity of the site, and as such it is not considered that the step forward proposed would be so significant as to warrant a refusal of permission. The width of the front elevation is shorter than existing, principally by being pulled away from its current position flush with the northern boundary of the site to provide a gap at that point giving the development a more freestanding appearance on the site, and giving it a frontage shorter than both the paired villa building to the south and mansion block to the north, which is welcomed in itself in townscape terms.

The overall height of the main body of the building fronting Maida Vale is slightly lower than at present, albeit the bulk appreciated from street level would slightly increase as the proposed building rises sheer for its five floor levels, whereas the existing top floor is a recessed mansard style structure. In addition, the large stair/lift core projection which significantly clutters the rear roof of the building is not reproduced in the current scheme, which is welcome in design terms. Taken as a whole, including the rear wing to the proposed building which though with slightly greater bulk than at present is roughly comparable to the existing rear wing, the bulk and massing are considered acceptable. The

development of only the frontage block to the site, and creation of a particularly large garden with the basement access structure as the only built form to the rear could be argued to represent a sub-optimum development of the site however other schemes which take up more of the site have been unsuccessful in gaining consent, therefore this is not considered as a reason for refusal in itself and will provide an attractive landscaped rear garden ground.

With regards to the architectural quality of the building proposed, this is generally interpretable from the submitted information, though it is disappointing that there are inaccuracies in the submitted information, notably that the plan, elevation and section drawings, and the visuals submitted, are not consistent in terms of how they reflect the size and detailing of the window openings. The basic design approach for the building is for each elevation to comprise a grid of window openings set into a brick framework to each elevation. To the front elevation, and to a lesser extent the rear, this grid is designed with a rhythm of window openings incorporating narrower and wider windows arranged in vertical bays giving some visual interest to the composition. The ground floor front has a subtly projecting base to give some grounding to the composition, and incorporates an entrance canopy structure to define the main entrance, details of which will be secured by condition.

The wider window openings incorporate a design detail whereby the central element projects forward as an oriel style window which appears a design of attractive character in itself and appear relatively well integrated into the design of the building.

It is characteristic of traditional buildings in the surrounding area having generally solid side elevations, as distinct from the consistent fenestration pattern to their front and rear elevations. Seen in this context, the scale of the windows openings set into the main brickwork elevations is relatively large at 1.9m x 1.9m, however to the front elevation the significantly fenestrated approach is considered appropriate to this prominent street elevation, and to the side elevations the central oriel window element will incorporate obscure glazing, and beneath and to the sides of the oriel the opening will incorporate timber cladding of a colour which will harmonise appropriately with the brickwork. The overall appearance therefore will be one of some appropriate solidity to the side elevations. With regards to the oriel windows, the extent of projection is not fully consistent across the submitted drawings, however this would be secured by condition adopting the approach that they should not project forward of the elevation line to side elevations to help give them an appropriately less heavily modelled design approach.

There is little clarity provided as to the particular choice of brick or how it would be detailed, albeit that the several coloured visuals submitted reflect a yellow stock brickwork facing which would sit comfortably in the surrounding townscape where most of the traditional buildings are faced in yellow stock brickwork. Samples and appropriate detailing will be secured by condition, with an informative advising of the preferred choice of brickwork and advising of the strong preference for a more textured detailing of brickwork at ground floor level to give an appropriate visually solid base to the composition.

One further area of concern relates to the front boundary to the site. The existing building has a run of black railings rising from a brick base flanking the pavement to Maida Vale, and whilst these are not of notably high design quality they at least provide some physical separation between the public realm of the pavement and the private realm of the front forecourt to the building. Strong boundary frontages are a notable feature of the surrounding area. The application seeks permission for a frontage comprising no structures but instead with greenery flanking the pavement. Such greenery would not provide the physical separation between pavement and front forecourt, and maintenance of vegetation may not be possible to be secured appropriately in the long term by planning condition. As such, and

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given the importance of solid boundary walls to the character of the area, an amending condition is recommended requiring revised drawings showing a brick wall, railings or combination of the two.

The incorporation of green roofs to main roof level is welcomed in itself, with these likely visible from the upper floors of the larger Dibdin House to the west side of Maida Vale, and these are considered to appropriately screen the plant equipment underneath the green roof panels.

It is recognised that the existing building on site is of relatively limited architectural quality, and that notwithstanding the issues above regarding drawing accuracy and some aspects of the detailing, overall the application proposes a new building of appropriate architectural quality with detailing of some distinct interest to the window openings, brick facing, attractive proportioning and it would integrate acceptably into the Maida Vale townscape and including integrating into the setting of the listed buildings adjacent to the south. As such, the proposals are considered contrary to policies DES 1, 7, 9 and 10 in our Unitary Development Plan, and policies S25 and S28 in our City Plan.

8.3 Residential Amenity

Policy ENV13 of the UDP and Policy S29 of the City Plan seek to protect the amenities of neighbouring occupiers. Concerns have been raised by neighbours in respect of the impact of the proposed development on their light, outlook and privacy.

Loss of Light and sense of enclosure:

The proposed main street facing part of the building is of a similar height to the existing building however the bulk has been reduced by removing a plant/lift over run at fifth floor level. The street facing part of the building has been pulled in from the boundary with Greville Hall by approximately 1.5m. The new building retains the same stepped nature as the existing building with the main street facing part of the building being wider and taller than the three storey building which extends out to the rear. However, the main front section is deeper than the existing building, with a depth of 14.6m compared to the existing building which is 9.1m deep. The three storey rear extension is also slightly wider than existing, measuring 11.8m wide rather than 9.8m as existing.

The additional bulk, particularly at ground to third floor level where the floorplate is being widened, will have an impact on the amenity of neighbouring residents, particularly Greville Hall to the north which has windows looking onto the site. Objections have been received from residents within this block.

The extended flank wall would be clearly visible from the windows in the side of Greville Hall and the windows of the one-bedroom flats that occupy the south west corner which are approximately 8m away. The daylight and sunlight report carried out by GL Hearn and submitted as part of the application identifies that there are 4 windows (3 at ground and 1 at first floor level) which fail the tests in relation to Vertical Sky Component (VSC) as set out by the Building Research Establishment (BRE) guidance. These windows appear to serve bedrooms and bathrooms, with the main living space for the flats located at the western end of the building, which have dual aspect. These windows only marginally fail, receiving circa 0.75 times their former values but this is largely due to the windows have a poor existing VSC figure, which disproportionately affects the results. The BRE sets out that rooms which receive less than 27% and less than 0.8m times its former value will notice a reduction in the amount of skylight. It also notes that bedrooms and bathrooms are afforded less protection than rooms such as living rooms. Given the use of these most affected rooms not being the main habitable spaces to the flats, and as the breach is only marginal, it is not considered that refusal on these grounds could be sustained.

In relation to sense of enclosure the proposed development will have a slightly different bulk from the existing with the front section of the building being pulled away from the boundary with Greville Hall and the rear section of the building being widened. Overall it is considered that the replacement building will appear slightly more bulky than the existing and will have a material impact on the amenity of Greville Hall to the north. Despite this, as the overall height of the building is not to be increased (with the exception that the depth of the front part of the building is being widened), and the stepped nature of the replacement building, it is not considered that the impact would be so significant as to justify refusal.

Overlooking:

Objections have been received on the grounds of noise and general disturbance. Comments in relation to the use of the rear garden by hotel guests are addressed within the Land Use section of this report (Section 8.1).

The plans submitted with the application indicate that the rear flat roof at third floor level is not to be used as a terrace and is to feature a green roof. No railings have been shown around this roof. In order to ensure that this roof, or indeed the roof of the main building is not used as a terrace, a condition would have been recommended to limit access for emergency use only should the proposals have been considered acceptable in other terms.

There are currently no windows in the northern or southern sides of the main street facing building. The proposed development has a large number of windows in order to provide daylight to the new accommodation. In order to minimise overlooking it is proposed for the windows in the side elevation to be opaque glazed in the central section and timber clad in the window surrounds. A condition is recommended to ensure that these measures are provided to help to protect the amenities of the residents to the north. A condition is also recommended in relation to the detailed design of these windows and how they will be formed.

8.4 Transportation/Parking

Currently parking is provided on the existing hard standing to the rear of the site. The garages which surround the end of the site are no longer used for the parking of vehicles. An objection has been received in relation to the lack of parking proposed. Policy TRANS 22 of the UDP states that car parking facilities would not normally be permitted for hotels. The plans provided with the application indicate the removal of car parking on site, with the rear hard standing re-landscaped and the garages removed to provide a hotel garden area, which is welcomed.

In relation to cycle parking, the Transport Statement and ground floor plan indicate that 10 cycle parking spaces will be provided within the rear garden area. The Highways Planning Manager has confirmed that 10 spaces is welcomed, however recommend a condition for further details to be submitted to confirm that these spaces are secure and covered, which is considered reasonable.

8.5 Economic Considerations

Economic considerations are not required for a development of this scale.

8.6 Access

The site benefits from a forecourt, which allows for off street vehicle access and servicing. There is also currently access down either side of the building, providing access to the parking to the rear of the site. Only one of these access points is retained to the southern side of the site, which is due to this section of

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land being under separate ownership. The private forecourt to the front is being retained which is welcomed.

8.7 Other UDP/Westminster Policy Considerations

Basement:

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advises that the structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

A flood risk assessment has been provided as part of the structural statement. Objections have been received from residents within Greville Hall that their existing basement suffers from flooding and therefore the provision of a basement is likely to make this worse, it may also result in issues for the proposed basement. The submitted report notes that the site is located within a low risk flooding area and it is also noted that the area is not within a flooding hotspot. While the concerns of the adjacent residents is noted, given the location of the site outside of a high risk flooding area, it is not considered that withholding permission on these grounds could be sustained.

Part A. 5 & 6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council also adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place

and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is located within the Watling Street Area of Archaeological Priority. As the application was submitted prior to this new priority area being adopted by Historic England no archaeology report has been submitted. However Historic England has agreed that this can be protected with appropriately worded conditions as set out on the draft decision letter.

Part B. 1&2

There are trees within both the rear garden and adjacent gardens. The arboricultural officer has not raised objection to the proposals, subject to conditions to secure a landscaping scheme and suitable tree protection measures during construction.

Part B. 3

The application has been submitted within an energy statement and an overheating analysis report. The proposals meet with London Plan requirements in relation to carbon emissions and no objection has been raised by Environmental Health, the proposals are therefore considered to be acceptable.

Part B. 4 & 7

The basement has been set in from the boundaries within the garden to provide drainage around the subterranean structure. Informatives are recommended to ensure that the development proposals meet the requirement of Thames Water.

Part B. 5&6

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

Part C. 1

The proposals extend under part of the garden. It does not extend under more than 50% of this garden area.

A margin of undeveloped garden land is retained around the proposed basement. The arboricultural officer has queried if sufficient land is left clear once piling takes place. In excess of 0.5m is left clear, which is considered to be acceptable. This part of the policy is therefore considered to have been met.

Part C. 2

One metre of soil depth and 200mm drainage layer is provided over the proposed basement which is compliant with this part of the policy. The arboricultural officer has requested a minimum of 1.5m, however given that the development proposals will far improve the existing greening to the rear of the site (which is currently all hard standing), and as the majority of the rear garden is not taken up by a basement and will therefore be capable of sustaining larger shrubs, the proposed 1.2m is considered adequate.

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Part C. 3

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

Plant equipment and ventilation:

The applicant has submitted a noise survey as part of the application. Plant equipment is proposed to provide heating / cooling and ventilation to a kitchen at basement level. The noise report indicates that the equipment is likely to be inaudible at the nearest residential premises subject to the provision of noise mitigation measures as set out within the report. Environmental Health has no objections to the proposal subject to standard City Council noise conditions and conditions to ensure that the mitigation measures are implemented. Subject to these conditions it is considered the proposals will not result in a loss of residential amenity.

Refuse /Recycling:

The Cleansing Manager has received revised proposals in relation to the provision of waste storage during the course of the application. No objection has been raised subject to a condition to secure these details.

Biodiversity:

The proposals include the provision of green roofs above the main building and the rear three storey building which are welcomed. The rear garden is also to be landscaped. Conditions are recommended to secure the green roof and details of the landscaping.

Sustainability:

The scheme is required to achieve a 40% carbon reduction above Part L of the 2010 Building Regulations to meet policy 5.2 of the London Plan. The proposal would deliver a 37.9% carbon reduction when measured against Part L of the 2013 Building Regulations. The Go Green Officer confirmed on the previous applications that a 35% reduction against the 2013 regulations is the comparable to a 40% reduction against the 2010 regulations. The 37.9% reduction is therefore considered to comply with the requirements of policy 5.2 of the London Plan. A condition is recommended to ensure that this is provided.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

The proposals result in the creation of 655sqm of additional commercial floorspace, in a fringe location, a CIL payment of approximately £32,750 for both the Mayor and Westminster will be required (totalling £65,500).

8.11 Environmental Impact Assessment (EIA)

The application is of insufficient scale to trigger the requirement of an EIA.

8.12 Other Issues

An objection has been received on the grounds that the proposed demolition of the garages to the rear of the site would impact on a waste store located on the other side at a neighbouring property. The wall to the rear of the garages would be retained, and therefore would have no impact on the waste store.

It has been noted that there is a cockroach problem for the adjacent building at Greville Hall at basement level and in other surrounding buildings. Concerns are raised that this will be worsened also be a problem for the new development. Such concerns are not planning considerations to which permission could be withheld.

Concerns have been raised that the proposed pool access stair within the garden will result in a security risk. It is not clear how this would be the case, however the hotel operator will need to ensure that sufficient security is in place to adequately manage this feature.

9. BACKGROUND PAPERS

1. Application form
2. Response from Camden Council, dated 22 March 2017
3. Response from TfL, dated 16 March 2017
4. Response from Historic England, dated 6 March 2017
5. Response from Historic England Archaeology, dated 5 July 2017
6. Response from Thames Water, dated 7 March 2017
7. Response from the Paddington Waterways & Maida Vale Society, dated 13 March 2017
8. Response from Environmental Health, dated 20 March 2017
9. Response from Building Control, dated 15 March 2017
10. Response from the Highways Planning Manager, dated 5 May 2017
11. Response from the Cleansing Manager, dated 27 June 2017
12. Response from the Arboricultural Manager, dated 29 June 2017
13. Three letters from the occupier of Flat 21, Greville Hall, dated 15 March, 10 May & 11 May 2017
14. Letter from occupier of Flat 30 Greville Hall, dated 16 March 2017
15. Letter from occupier of 12 Greville hall, dated 17 March 2017
16. Letter from occupier of Parkgate Aspen, Wilberforce House, Station Road, dated 17 March 2017
17. Letter from occupier of 17 Greville Hall, dated 17 March 2017
18. Letter from occupier of 31 Greville Hall, dated 19 March 2017
19. Letter from occupier of Hillside Close, dated 20 March 2017
20. Letter from occupier of 3 Hillside Close, 22 March 2017

21. Letters from occupier of 2 Hillside Close, dated 22 March & 21 May 2017
22. Letter from occupier of 26 Greville Hall, dated 22 March 2017
23. Letters from occupier of Flat 21, Greville Hall, dated 15 March 2017

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

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

10. KEY DRAWINGS

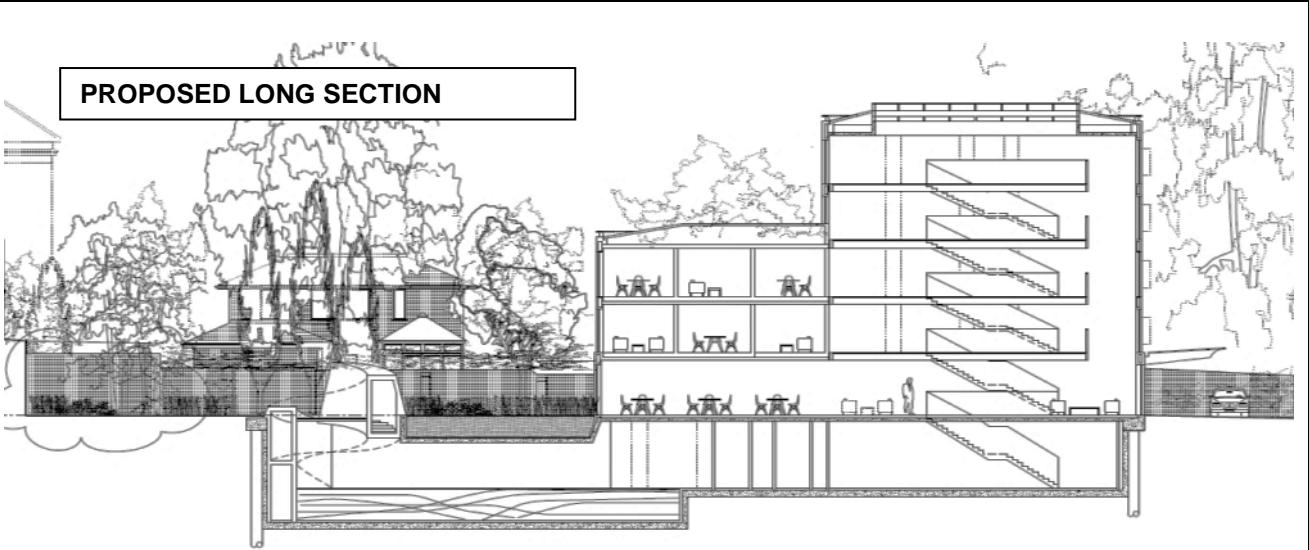


EXISTING MAIDA VALE ELEVATION

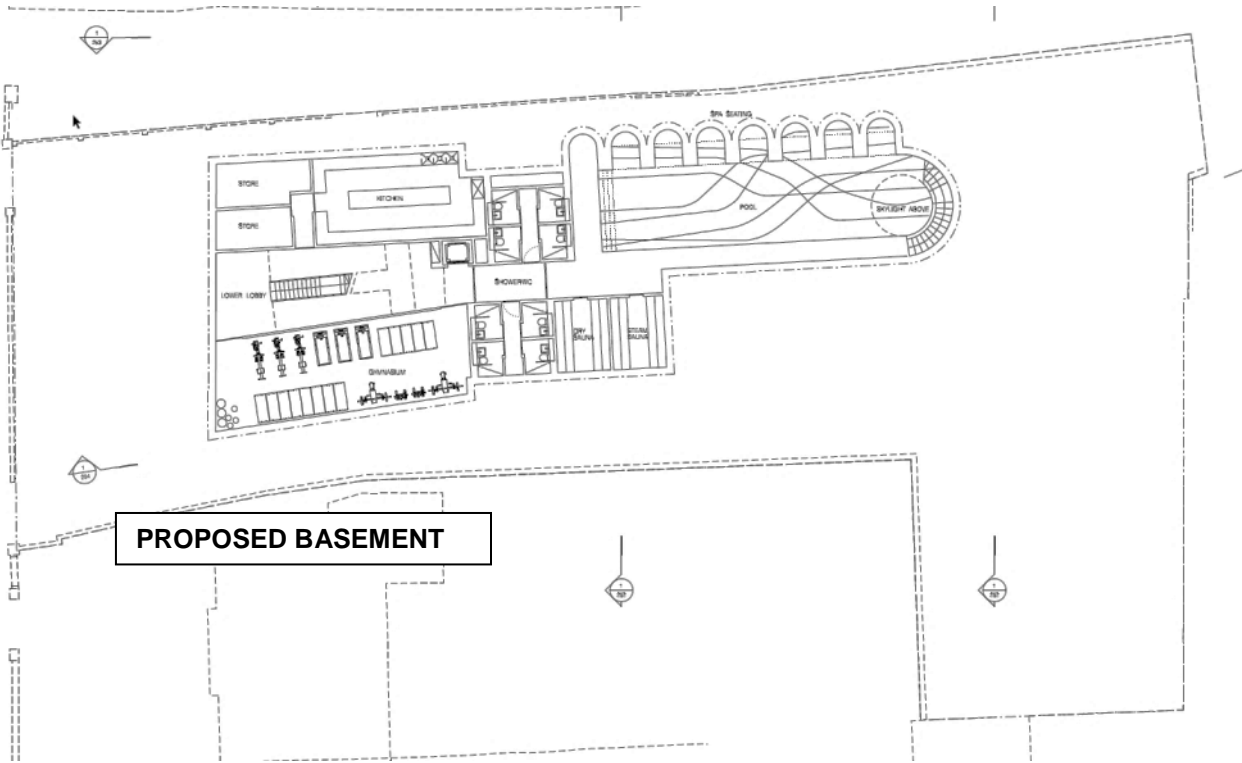


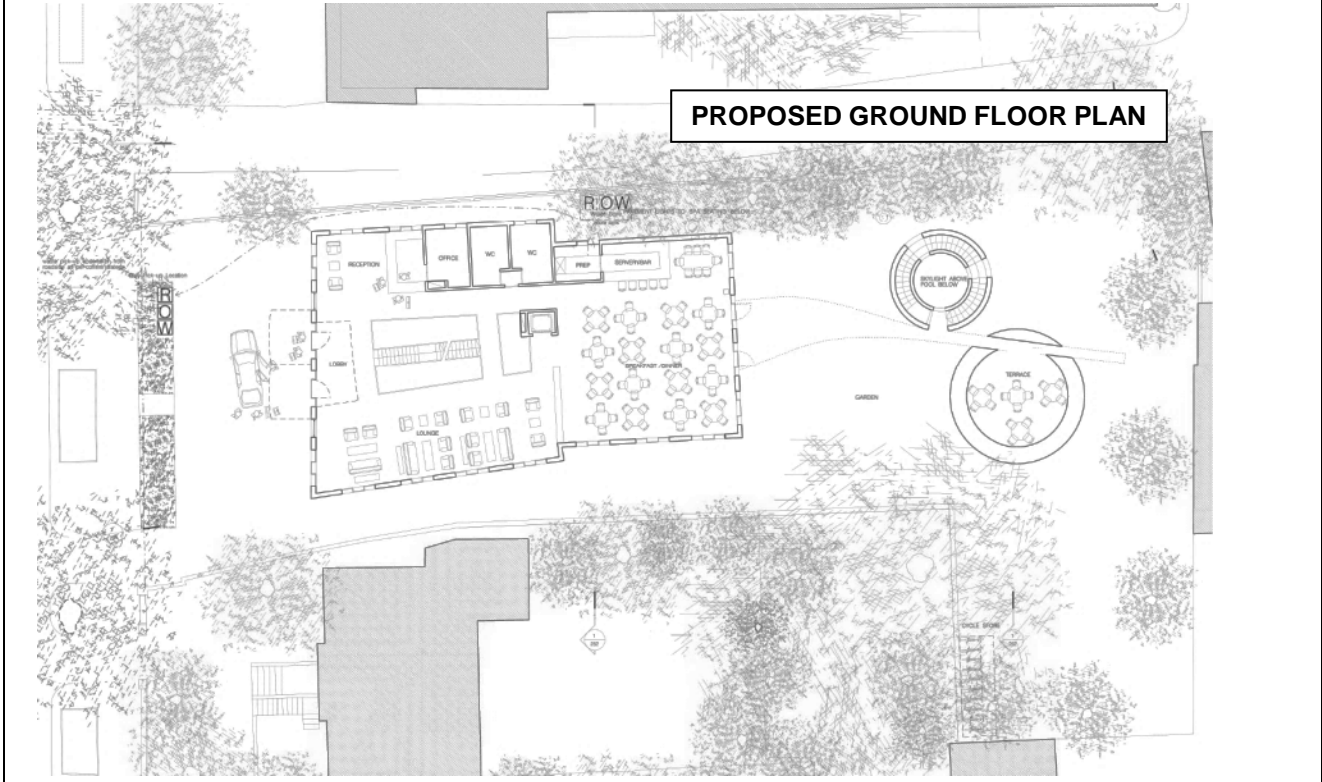
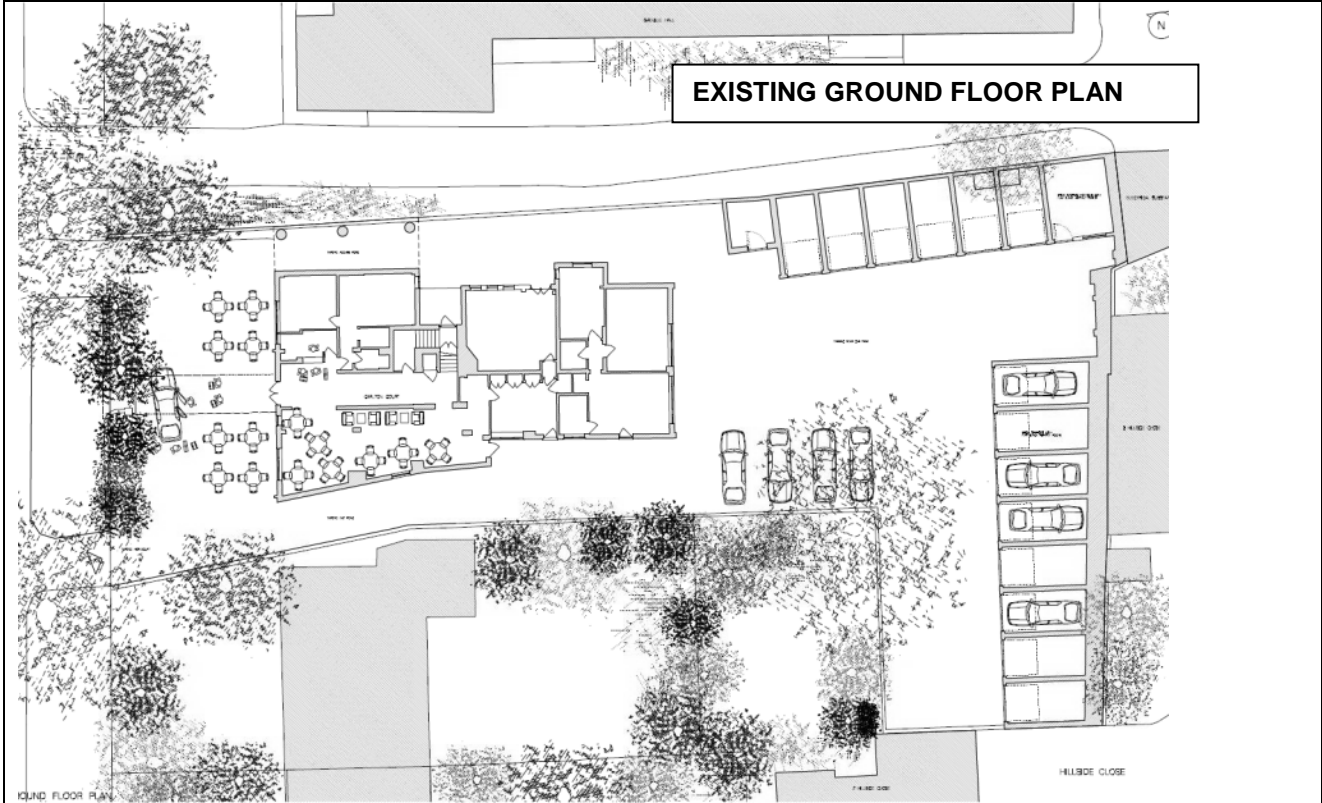
PROPOSED MAIDA VALE ELEVATION

PROPOSED LONG SECTION

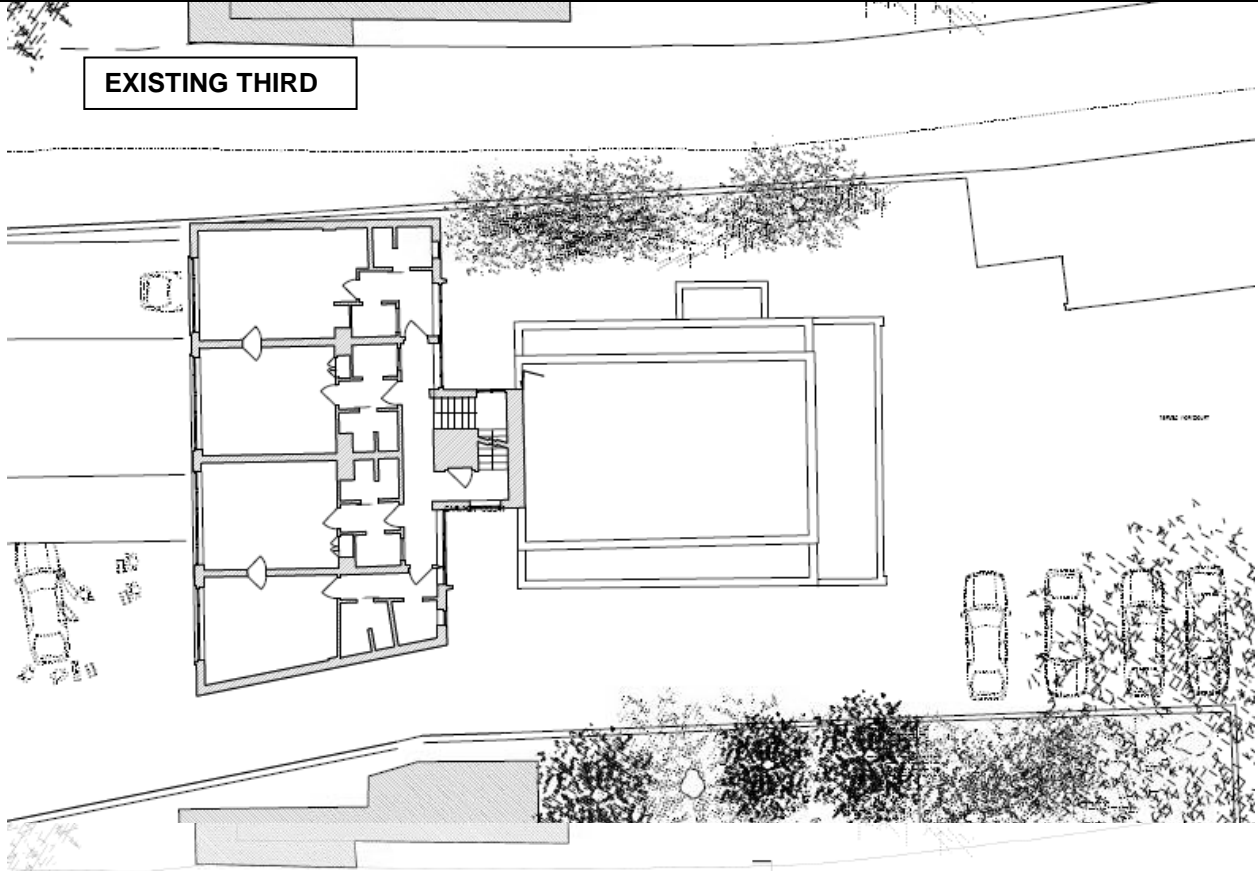


PROPOSED BASEMENT

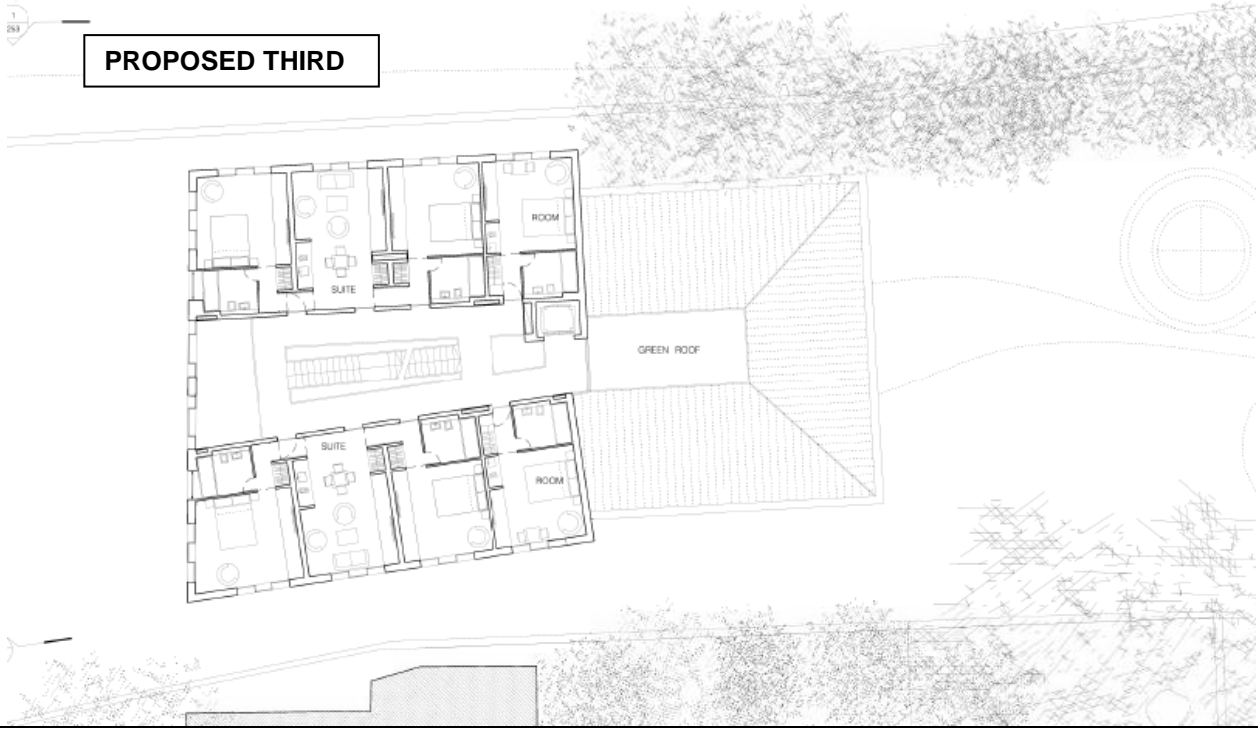




EXISTING THIRD



PROPOSED THIRD



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DRAFT DECISION LETTER

Address: Carlton Court , 120 Maida Vale, London, W9 1QA

Proposal: Demolition of existing five storey building and out buildings and erection of a part five and part three storey serviced apartment hotel building (Use Class C1) with restaurant and spa facilities in newly excavated basement and erection of single storey stair structure in rear garden to provide access to the basement.

Plan Nos: 000A; 001; 050 C; 052 C; 053 C; 054 C; 055 C; 100 C; 101 C; 102 C; 103 C; 151 C; 202 F; 203 H; 204 D; 205 D; 206 D; 207 D; 208 D; 210 C; 211 B; 212 B; 213 A; 214 A; 215 A; 255 D; 256 B; 257 B; 258 B; 259 B; 300 E; 301 F; 900 300; Design and access statement dated December 2016; Energy Assessment by eight associates Issue number 2; overheating analysis by eight associates issue number 2; transport statement by Honosa Ltd; Daylight and Sunlight Assessment by GL Hearn dated 3 November 2016; Arboricultural Impact Assessment by Oisin Kelly dated 25 October 2016; Optigreen Pitched green roof details; details of Max bespoke air handling units; Plant Noise Assessment by RBA Acoustics dated 17 March 2017.

For information only: SK01; Structural Engineering Report by Fluid Structures; Suggested sequent of construction by Fluid structures.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

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

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Reason:

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

- 3 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St John's Wood Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 4 You must not paint any elements of the outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

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

- 5 You must apply to us for approval of 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 St John's Wood 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 The brick facing material shall be formed of complete bricks and not brick slips or other panelised brick cladding system

Reason:

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

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January 2007. (R26BE)

- 7 You must apply to us for approval of two sample panels of brickwork which show the colour, texture, face bond and pointing. One panel shall show the brickwork to ground floor level, and one shall show the brickwork to an example area of the upper floor levels. 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 the approved sample. (C27DB)

Reason:

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

- 8 You must apply to us for approval of elevation drawings and/or other clarification statement to show the brick bond proposed to each element of the exterior of the building. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings/clarification statements. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in 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 not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street, or solar panels to the main roof level, unless they are shown on drawings we have approved. (C26MA)

Reason:

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

- 10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:-

Front boundary to the site shown with boundary wall comprising a structure formed of brick or railings or a combination of the two

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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Reason:

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

- 11 You must apply to us for approval of detailed plan, section and elevation drawings (annotated to show materials) of the following parts of the development:-

- Front entrance canopy to ground floor level

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

Reason:

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

- 12 The roof finishes, including skylight and green roofs, as shown to the application drawings shall be installed prior to the use of the plant equipment at roof level, and shall be retained in situ thereafter

Reason:

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

- 13 You must apply to us for approval of elevation drawings (annotated to show materials) of the new bin store to the front forecourt area at ground floor level. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

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

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- 14 You must apply to us for approval of plan, elevation and section drawings showing the following alteration(s) to the scheme:

- Drawings for each floor level showing the size/width of window openings, and including the size/width of the central 'oriel window' element to each window, and also the extent of projection of the 'oriel window' to each window.

These drawings shall not show the oriel window element projecting forward of the line of either of the side elevations. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.
(C26UB)

Reason:

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

- 15 You must apply to us for approval of detailed elevation and section drawings of the skylight structure within the rear garden of the site. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 16 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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)

- 17 The glass that you put in the windows in the north and south elevation of the building must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out

in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 18 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

green roofs

You must not remove any of these features. (C43FA)

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)

- 19 (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;

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(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.

- 20 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.

- 21 The following plant/machinery hereby permitted (as referred to in the acoustic report by RBA Acoustics dated 19 January) shall not be operated except between the hours:

1 Air handling unit (HRU.01): 09:00 - 21:00 daily

Kitchen Extract Fan (KEF.01): 07:00 - 23:00 daily

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in 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.

- 22 The plant equipment must not operate until the mitigation measures specified in Part 5.6 of the Plant Noise Assessment by RBA acoustics dated 17 March 2017 have been installed and shall be retained for as long as the air conditioning unit remains in use.

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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.

- 23 You must apply to us for approval of details of secure cycle storage (location and how it will look) for the hotel use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015. And to make sure that its appearance is suitable and contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 24 You must provide the waste store shown on drawing 208-203 I before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. 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)

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

Reason:

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

- 26 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

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- i) identification of individual responsibilities and key personnel.
- ii) induction and personnel awareness of arboricultural matters.
- iii) supervision schedule, indicating frequency and methods of site visiting and record keeping
- iv) procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included. You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 27 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing).

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

Reason:

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

28 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse

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Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 29 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 30 Before the use is commenced, you must provide an Operational Management Plan to include the following details:

- i) how guests arriving and departing from the site will be managed;
- ii) how guests using the rear garden will be managed.

The use must then operate in accordance with the approved statement.

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 TACE2, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 31 No live or recorded music shall be played that is audible outside of the building.

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)

- 32 You must not use the rear or side garden for sitting out or for any other purpose after 10pm daily. You can however use the garden to escape in an emergency. (C21AA)

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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)

- 33 The spa/pool/fitness facilities at basement level and bar/lounge/breakfast room/restaurant at ground floor level, shall only be used as an ancillary part of the hotel use and must only be used by hotel guests.

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 TACE2, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 34 You must provide the environmental sustainability features (environmentally friendly features) as outlined within the Energy Assessment prior to the occupation of the building and must be retained thereafter.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the expectation with regards to condition 5 is that samples will be submitted demonstrating that the building is faced in yellow stock brickwork, or brickwork of similar quality and tone.
- 3 You are advised that condition 13 of this decision is intended to secure both an accurate and consistent set of drawings, and to secure an arrangement of window detailing considered appropriate to the site. You are advised that the plan, section and elevation drawings submitted with the application were not consistent with regards to the size and proportioning of the window openings (including the extent to which the central section projected forward).

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- 4 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)

- 5 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

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

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

- 7 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties

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suffering blocked drains, sewage flooding and pollution to local watercourses.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developers Cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services Contact Centre on 0800 009 3921 for further information.

- 8 Conditions 19-22 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 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

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**

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CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 10 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 11 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 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)
- 14 Condition 25 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

* the order of work on the site, including demolition, site clearance and building work;

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- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;
- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

15 Some of the trees on/ adjacent to the site the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 7761 or 020 7641 2922.