

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 May 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	39 Brook Street and 22 Avery Row, London, W1K 4JE,		
Proposal	Use of a building as restaurant and private members club (Sui generis), and internal and external alterations including erection of new lift at rear from basement to second floor level, replacement windows, new shopfronts, erection of high level extract duct at the rear and air conditioning units at basement and roof levels.		
Agent	Gerald Eve		
On behalf of	C/O Agent		
Registered Number	18/00806/FULL 18/00807/LBC	Date amended/ completed	1 February 2018
Date Application Received	1 February 2018		
Historic Building Grade	Grade 2 *		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

The application premises is a vacant grade 2 * listed building comprising basement ground and three upper floors within the Mayfair Conservation Area and the Core CAZ. The building was occupied by Colefax and Fowler interior designers as showroom and offices (Sui Generis) from the 1940's until 2016.

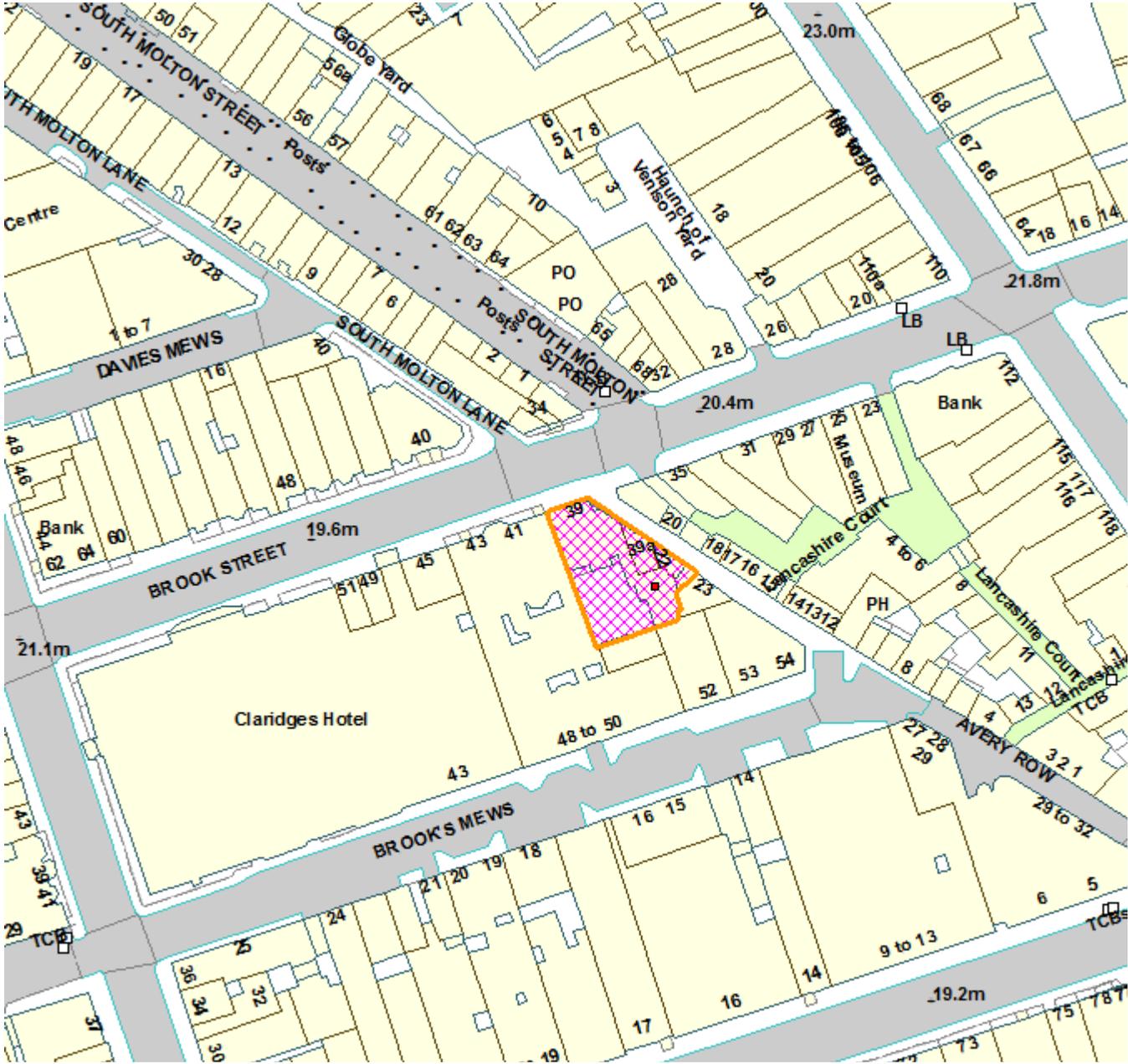
Permission is sought for use of the premises as a restaurant and private members club. The intention being that the ground floor and rear courtyard would be open to the public, the 1st to 3rd floors would only be accessible to those holding a club membership. The scheme includes internal and external alterations including an extension within the courtyard to provide a new lift and a full height extract duct.

The key issues for consideration are :

- The land use implications to the character and function of the area
- The impact on residential amenity
- The impact on the Grade 2 * listed building

Re- use of the vacant listed building is welcomed the works will not be harmful to the heritage asset. Subject to appropriate conditions which will control operational activities the proposed use is considered acceptable in land use and amenity terms. The application accords with adopted City Plan and Unitary Development Plan policies accordingly the applications are recommended for approval.

3. LOCATION PLAN



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Item No.

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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally

HISTORIC ENGLAND

Authorisation received

HIGHWAYS PLANNING MANAGER

No objection subject to appropriate conditions

CLEANSING

Objection; details of proposed refuse storage is not shown on the application drawings

ENVIRONMENTAL HEALTH

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 165

Total No. of replies: 1

1 objection that air conditioning units at roof level would be visible from a residential flat opposite. Request that they are relocated to avoid any noise and visual disruption.

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the southern side of Brook Street at its junction with Avery Row. It is located within the Core Central Activities Zone but outside the West End Special Retail Policy Area and the West End Stress Area.

The building comprises two linked parts which reflect the historic use. No 39 Brook Street dates from the 1770's comprising basement ground and three upper floors which was originally built as a townhouse. No 39 Brook Street is linked to 22 Avery Row which was added as a two storey separate wing in the 1820's. The building is a grade II* listed within the Mayfair Conservation Area.

Until December 2016 the building was occupied by Colefax Group Plc an international designer and distributor of luxury furnishings fabrics and wallpapers. The use comprised headquarter office function as well as some retailing and showroom space and storage (Sui Generis).

The basement was used primarily for storage of fabrics as well as some office space and staff welfare areas. Ground and first floors were partially accessible to visiting members of the public with deliveries/ despatch room on Avery Row. The spaces were primarily used to display and showcase Colefax and Fowlers products for both retail sale

and as a showroom. The 2nd and 3rd floors were used as offices for the business, and were not accessible to the public. .

6.2 Recent Relevant History

None directly relevant

7. PROPOSAL

Permission and listed building consent are sought for alterations in connection with the use of the premises as a restaurant and private members club (Sui Generis). The application has been submitted on behalf of Grosvenor West End properties. They advise that they intend to develop the premises to a shell and core specification with the internal fit out by the tenant. It is anticipated that the building would be occupied and operated by a single tenant.

The restaurant will be located on the ground floor and rear courtyard, with a Members only club on the upper floors. The main restaurant will be accessed from Brook Street with a more informal café on Avery Row. Kitchens, toilets and back of house space are located at basement level, with dining areas at ground, first and second floors and informal lounge and bar areas on the 3rd floor. The courtyard also has dining space.

The proposed opening hours are:

Ground floor restaurant and courtyard 08.00 – 00.00 Monday to Saturday and 08.00 – 23.00 Sundays and Bank Holidays.

1st to 3rd floors private Members club 07.30-01.00 Monday to Saturday and 07.30 – 23.00 Sundays and Bank Holidays.

External works

A new shopfront is proposed on Brook Street. The proposed kitchen extract is to be routed along the back wall of the courtyard running horizontally and would rise vertically on the blank flank wall of No 41 Brook Street. The proposal includes the provision of a lift in the rear courtyard running from basement to 2nd floor levels. The scheme includes replacement of rear 3rd floor dormer windows.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of existing use

The site lies within the Core CAZ where City Plan policy S1 promotes a mix of uses consistent with its vitality, function and character. The historic lawful use of the premises as a headquarter office for Colefax Group Plc with some retail and showroom functions (Sui Generis) was an appropriate one for Mayfair and the Core CAZ. It is understood that the business has relocated to Belgravia (showroom) and Grosvenor Hill (offices). There are no specific policies to protect the former use, the loss is therefore considered acceptable in land use terms.

Proposed restaurant/ private members club

The proposed use needs to be assessed against the relevant entertainment policies in the UDP and City Plan. Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m² (GEA), will not generally be appropriate within Westminster.

Policy TACE 8-10 of the UDP deal with entertainment uses. The policies are on a sliding scale in which where TACE 8 is applicable the development will generally be permissible through to TACE 10 (500m²) in which permission will only be granted in exceptional circumstances'.

In this case the total floorspace is 967 m² with 196 covers. The restaurant/ café element has 97 covers (32 internal + 65 in the courtyard), the Members club has 99 covers. The proposal use is therefore defined as being a large-scale entertainment use, and the land use policy presumption is that permission would only be granted in exceptional circumstances. There are however considered to be compelling reasons why the proposed use is considered to be an appropriate one which are discussed below.

The building is a well preserved Grade 2 * listed building. The impact of the proposed works on the listed building are discussed in section 8.2 (Townscape and Design) of this report. The proposed use avoids significant intervention into the listed building. Partitions walls on the principal floors will be retained, maintaining the integrity of the building. The building lends itself well to use as small dining rooms and lounges as proposed. Re- use of the listed building by providing a use which will in part (ground floor) serve visiting members of the public is welcomed.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses. Brook Street comprises primarily offices. Avery Row, and Lancashire Court to the south comprise retail and restaurants with primarily offices above. There are some residential flats in the vicinity. The closest being on the top floor of 37 Brook Street and within Brooks Mews to the rear.

In response to neighbour consultations no objections have been received to the principle of the use. An Operational Management Statement (OMS) has been submitted. Some of the key points covered in the OMS are:

- Management and staffing; hours of operation; public entrance and exit strategy; staff access/ egress strategy; number of covers/ capacity; extraction and maintenance; security and neighbour liaison; servicing arrangements; and waste storage and recycling.

The number of covers in the building and courtyard is 196. The premises has four entrances, two on Brook Street and two on Avery Row. The main public entrance to the restaurant would be via the two entrances on Brook Street with a secondary entrance to the café' on Avery Row. A waiting area is provided internally. As already stated the restaurant would be open from 8am (for breakfast) until 00.00 midnight, except on Sundays and Bank Holidays when the closing time would be 23.00. It is proposed that the private members club is open ½ an hour earlier in the mornings at 07.30 and has an hour later closing 01.00 the following morning on Monday to Saturday with the same terminal hour of 23.00 on Sunday.

Given the character of the area, the proposed hours are considered to be acceptable, with the exception of the rear courtyard. The proposal is that the courtyard would be quite intensively used accommodating 65 covers. As there are residential flats on the upper floors of Brook Mews overlooking this area it is considered appropriate to restrict the use of the courtyard to 22.00 hours. It is recommended that the hours of operation are controlled by condition.

The proposed use would result in a greater number of people visiting the site late into the evening than the former historic use by the design company. However the is not within a designated stress area and although there are some residential premises in close proximity the area is primarily commercial in character. On the basis that the use is effectively managed which can be secured by requiring the operational activities to adhere to a robust OMS, it is considered an appropriate use to this part of Mayfair. In the circumstances the proposed restaurant/ members club is considered acceptable as it would be neither harmful to resident's amenities or the character and function of the area.

8.2 Townscape and Design

This is a grade 2 star listed building in the Mayfair Conservation Area, to which it makes a positive contribution. The building dates from 1720 and contains much original historic fabric from that date. It was extended in the 1770's and then substantially altered in the 1820's by Jeffery Wyatt, architect, who then used it as his office. These alterations, like the original elements, are of high architectural and historic interest (heritage significance). Other alterations were carried out in the first half of the Twentieth Century but these are of lesser importance. In the 1940's the building was used by the decorator John Fowler who carried out more changes, which are also of some importance. The proposed use as a members club with restaurant on the ground floor requires some interventions which affect the special architectural and historic interest of the building.

a. Alterations in the rear courtyard

The installation of a lift in the courtyard is arguably the most contentious aspect of the proposals in listed building terms. This requires alterations to windows on the rear façade and the demolition of an early twentieth century link at ground floor level. The alterations to the plan form and appearance of the rear façade cause less than substantial harm to the special interest of the rear of the building; the loss of the link is considered less contentious because this part of the building does not make such an important contribution to its special architectural and historic interest. The lift shaft is to be brick faced, but with a decorative timber trelliswork applied to it to, to soften its impact and give it a 'garden' like quality.

The lift will provide access to the basement to 2nd floors. If one accepts the need for the lift it is considered that there is no less harmful location for it. If it were to be located within the building it would cause much greater harm to the special interest, by affecting important rooms and their historic fabric.

The central bay window, dating from the early twentieth century, is to be removed, recreating the flat façade of the original building. This is beneficial. The courtyard lightwells are retained but the walls and railings are to be replaced with new, of a more appropriate design. These works are beneficial. The three windows at the western end are to be altered by replacing the central one with a door and lowering the cills of the windows either side. Their modification is considered acceptable. A large and ugly external fire escape at the western end of the façade is to be removed, which is also of significant benefit to the appearance of the rear façade.

b. Internal works

The most significant internal works are at ground floor level. All the existing principal rooms are retained in their current plan form but there are new openings to improve circulation.

There is some adjustment of floor heights in some areas at basement and ground floor levels. The floors in the Avery Row (south) wing of the building at ground floor level are to be lowered by 360 mm and 410 mm. The existing timbers will be retained and reused. This is considered acceptable, subject to the approval of a detailed methodology for carrying out this work.

The staircase from ground floor to basement, under the main stair is also to be dismantled and reused. This is also considered acceptable subject to further details.

The historic interiors are generally respected. Original historic fabric is retained and missing elements will be reinstated as appropriate. This is all welcomed.

c. Roof level

The dormers at the rear of the main building are to be replaced with more appropriately designed dormers. This improves the appearance of the roof and is beneficial.

The ducting from the kitchen is taken around the south and west walls of the garden at low level, thereby avoiding the listed building. It then rises up the party wall, in a masonry structure with decorative trellis attached. This is an acceptable solution which does not harm the building or its setting.

d. Front façade alterations

On Brook Street a new Gothic style shopfront, similar to that on Avery Row, and a new entrance door on the corner are to be installed, replacing the existing modern door. The shopfront on Avery Row (installed in the 1920's) is to be retained, but the window sills are to be lowered. These works improve the appearance of the frontages and are beneficial.

Design conclusion

The proposals involve some aspects that are harmful to the listed building but these are outweighed by the alterations which are beneficial to its special interest. Overall it is considered that the proposals are acceptable in urban design and conservation terms. They will preserve the special interest of the listed building and will not harm the character and appearance of the Mayfair Conservation Area. The proposals comply with the City Council's urban design and

conservation policies including City Plan policies S25 and Unitary Development Plan policies DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

Sunlight and Daylight

Policy ENV13 seeks to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Principally, the policy seeks to ensure good lighting levels for habitable rooms in existing premises. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Policy S29 of the City Plan is similarly worded.

The closest residential to the site is at 37 Brook Street on the opposite side of Avery Row at the front of the premises and at 50 Brooks Mews to the rear. The proposed extensions housing a lift and extract duct in the rear courtyard are set well away from the sites boundary and would have no material impact on daylight sunlight or sense of enclosure to any neighbouring residential properties. The proposed extensions are considered acceptable in amenity terms.

Privacy

No new terraces are proposed. The proposed changes to windows would not result in any adverse overlooking.

Noise

As already stated in section 8.1 (Land Use) of this report it is recommended that the hours of opening including restricting use of the courtyard to 22.00 hours and controlled by condition. Subject to this condition it is not considered that activity associated with the use would result in noise nuisance.

8.4 Transportation/Parking

Car parking

No off- street car parking is provided. It is however considered that whilst the development may result in some limited on-street parking this is unlikely to be significant and would not have an adverse impact on the highway.

Cycle parking

The London Plan states that for Sui Generis developments a provision as per most relevant other standard should be provided. On the basis that the use is akin to a restaurant (Class A3) and bar (Class A4) the proposed floorspace generates a requirement to provide 6 cycle spaces. The Highways Planning Manager advises that the cycle spaces should be secured by condition. However the property is a grade 2 * listed building it is considered that there is not the opportunity to provide cycle parking without causing harm to the building.

Site servicing

A servicing and delivery strategy has been submitted as part of the application. This states that servicing will take place from Brook Street or Brooks Mews. Vehicles will arrive between 7am and 11am and approximately 4 or 5 deliveries per day could be expected. Waste and recycling storage facilities will be provided at lower ground floor level.

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”.

The Highways Planning Manager advises that as no off street servicing is provided to ensure that the increase in trips can be accommodated and limit any adverse impact on the public highway a Servicing Management Plan should be provided. It is recommended that an SMP is secured by condition.

Hatch

The proposal includes a new pavement hatch on Brook Street. The proposed hatch is located within an area of public highway directly adjacent to the application site. UDP policy TRANS 3 states that the City Council in considering developments will aim to secure an improved environment for pedestrians. Policy S41 states that all developments will prioritise pedestrian movement. New or enlarged hatches on the highway are considered unacceptable in principle as they can be detrimental to safe and efficient pedestrian movement contrary to policies TRANS 3, S41 and Westminster Way. A condition is recommended requiring the hatch to be removed.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The provision of a lift which will serve the basement to second floors is welcomed.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposal includes the provision of plant in the basement and at roof level, and an extract duct that runs around the courtyard and vertically on the flank wall with No 41 Brook Street. An acoustic report has been submitted by Clarke Saunders acoustics which identifies background noise levels at the nearest noise sensitive properties. Conditions are recommended to ensure that the plant operates in accordance with the noise criteria as set out in policies ENV& and ENV13 of the UDP and policy S29 of the City Plan.

An objection has been received from a resident at 37 A Brook Street on the eastern side of Avery Row that plant at roof level will be visible from the flats living room windows. The objector requests that the plant should be relocated to avoid any noise and visual disruption. The proposed plant will be located on the rear section of the roof. It will not be visible from any street level views. A condition is however recommended that requires the equipment to be screened. On this basis it is considered acceptable in design terms and it would be unreasonable to

request for the plant to be relocated. As stated conditions are recommended controlling noise levels of the equipment.

Refuse /Recycling

The Cleansing Manager has objected that details of refuse storage have not been provided. There is space in the basement to successfully to provide refuse. A condition is recommended requiring details of refuse provision to be provided prior to the use commencing.

8.8 London Plan

The 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

Not applicable

8.11 Environmental Impact Assessment

Not applicable

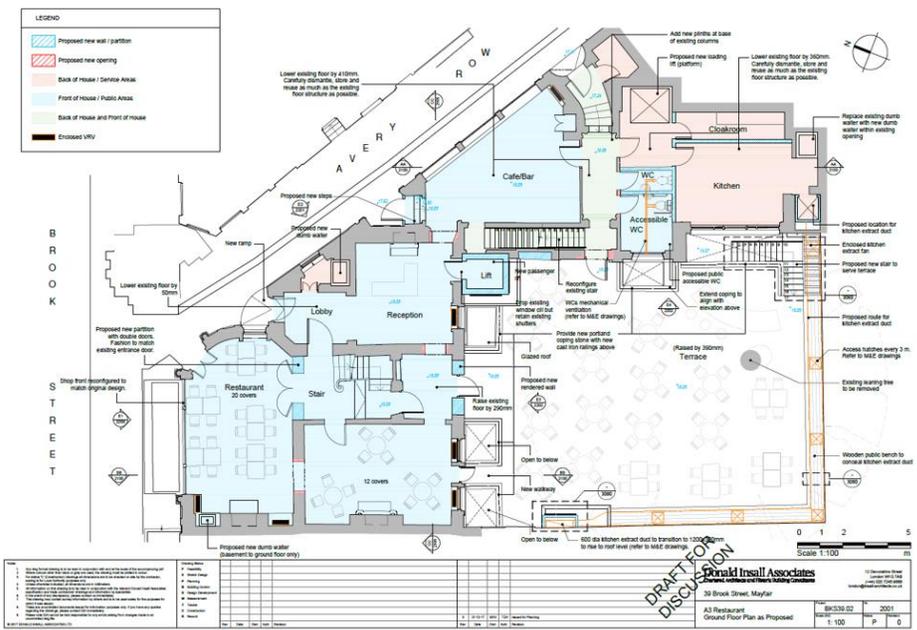
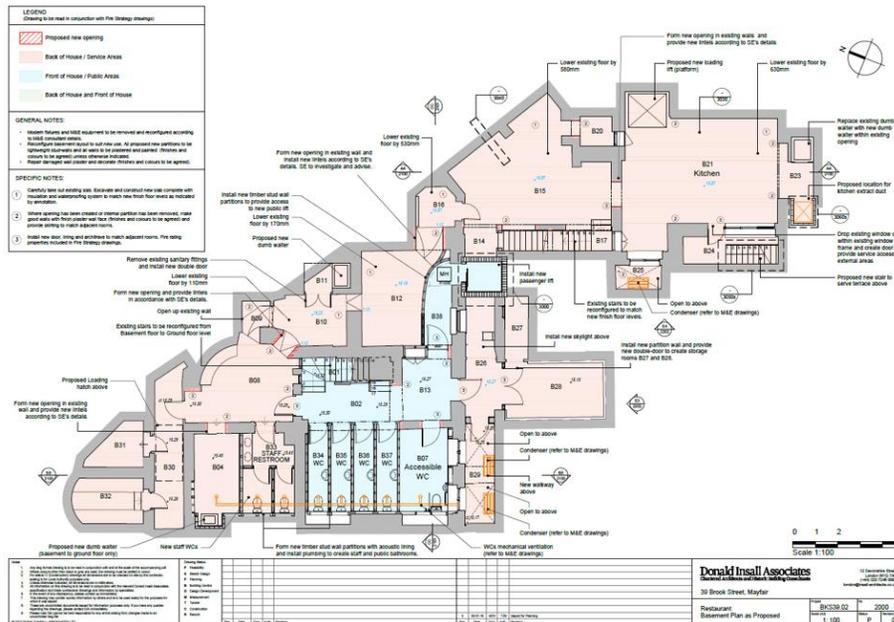
9. BACKGROUND PAPERS

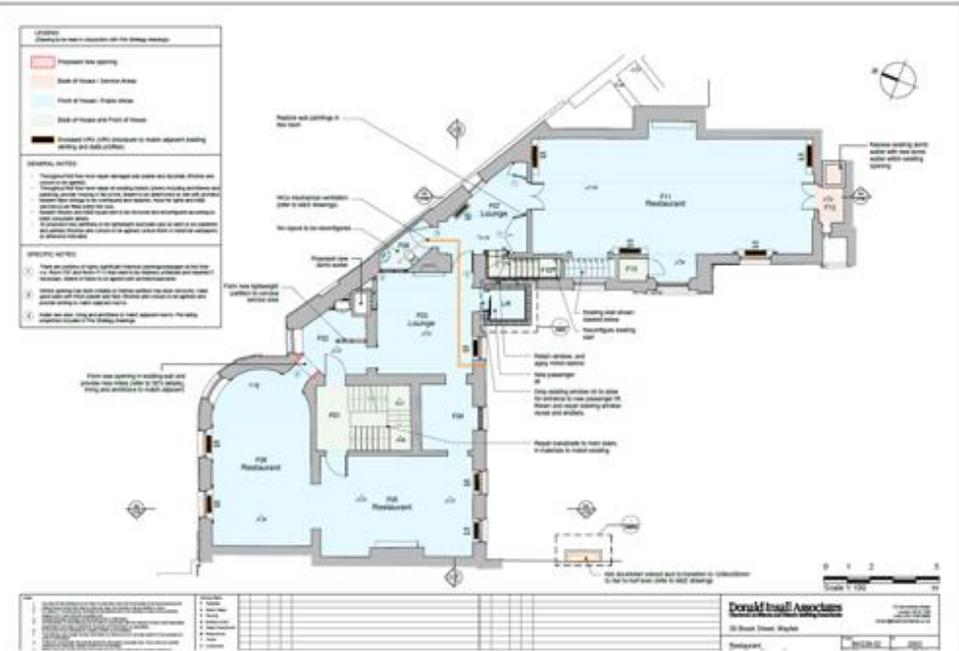
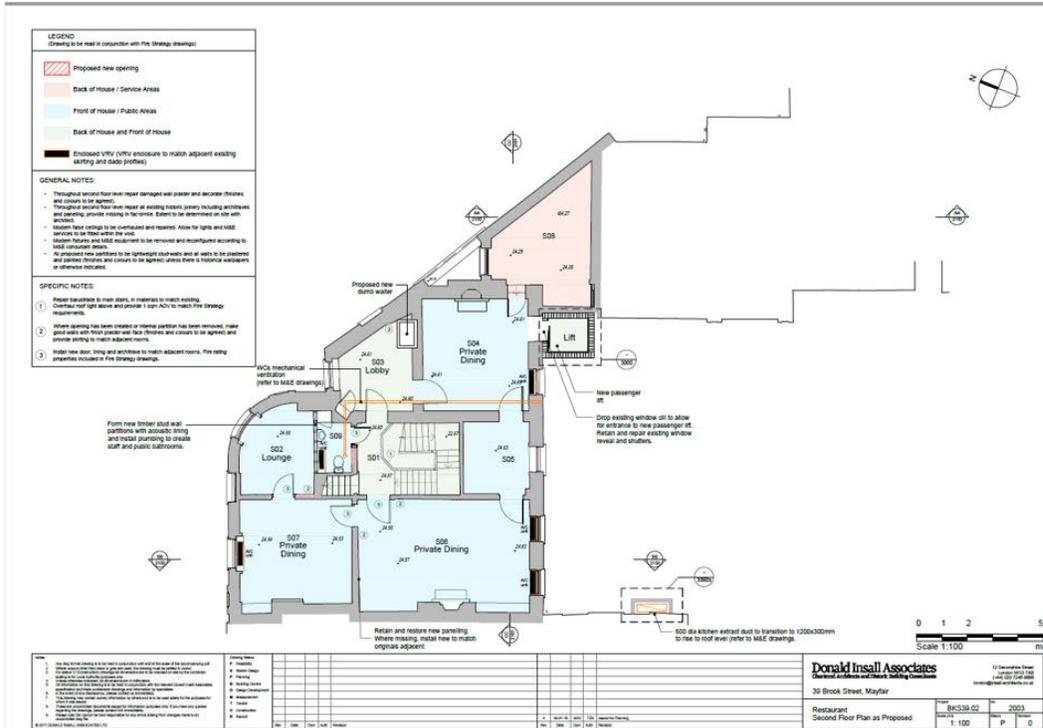
1. Application form
2. Letter from Historic England dated 19 April 2018
3. Memorandum from Cleansing dated 5 April 2018
4. Memorandum from Highways Planning Manager dated 23 March 2018
5. E mail from owner/ occupier 37A Brook Street dated 9 April 2018

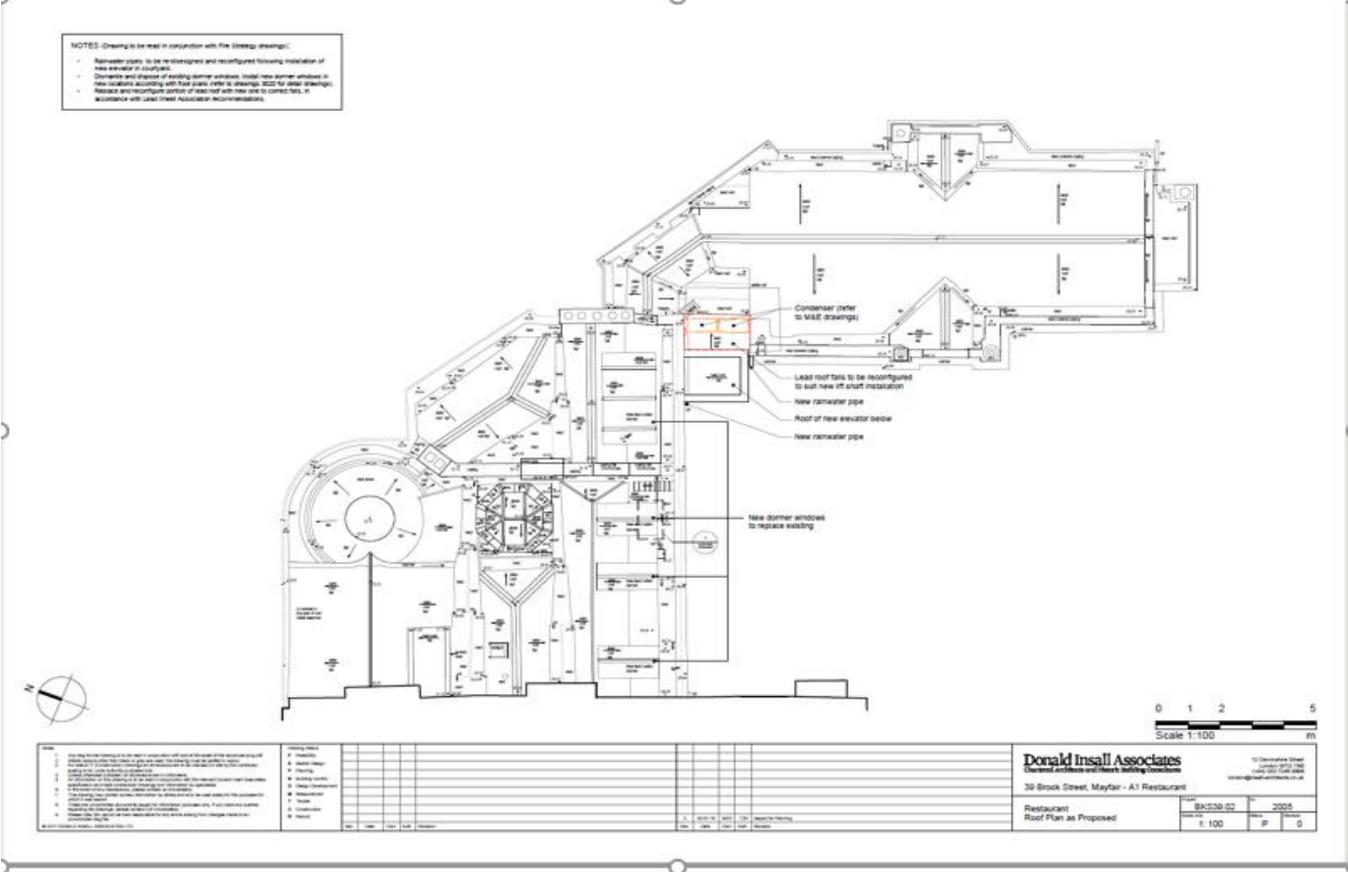
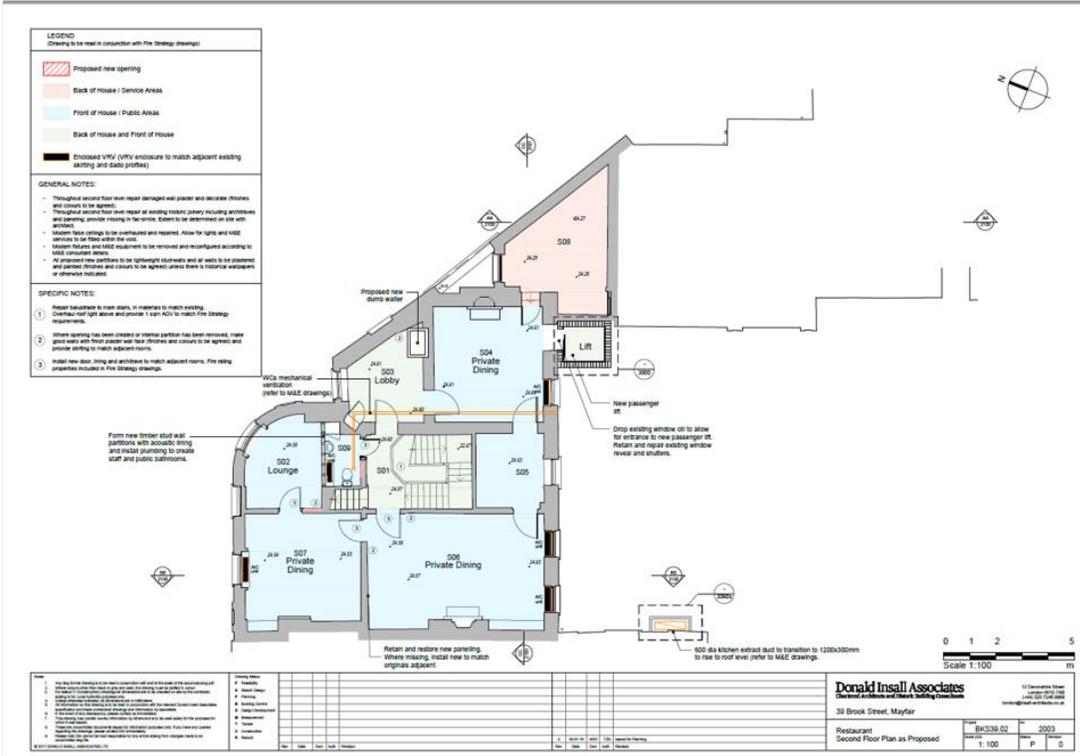
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS







DRAFT DECISION LETTER

Address: 39 Brook Street, Mayfair, London, W1K 4JE,

Proposal: Use of a building as restaurant and private members club (Sui generis), and internal and external alterations including erection of new lift at rear from basement to second floor level, replacement windows, new entrance doors, erection of high level extract duct at rear and air conditioning units at basement and roof levels. Linked to 18/00807/LBC

Reference: 18/00806/FULL

Plan Nos: BKS39.02 2100/P,
2102/P,200/P,3030/P,2103/P,2101/P,3050/P,3051/P,3020/P,2001/P,3010,P,3066/P,
,3061/P,3062/P,3000/P,2200/P,2201/P,2005/P,2003/P,2202/P,2004/P,4000/P,

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

DRAFT

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 4 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development. , 1. Shopfronts - new shopfront and alterations to existing , 2. External doors , 3. Windows including dormers , 4. Lift shaft , 5. Railings , You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme All roof level plant / condenser units to be screened. 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 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 , onot 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)

- 7 You must not allow more than 169 customers into the property at any one time.

Reason:

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

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

Reason:

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

- 9 (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.

- 10 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.

- 11 You must apply to us for approval of a Servicing Management Plan (SMP). The use hereby permitted shall be carried out in accordance with the approved servicing management plan.

Reason:

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

- 12 You must not allow more than 169 customers into the premises at any one time.

Reason:

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

- 13 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary restaurant/ members club use (Sui Generis).

Reason:

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

- 14 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant/ private members club (Sui Generis) use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant/ private members club (Sui Generis) is in use. (C05JB)

Reason:

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

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 Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 3 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 5 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)
- 6 Conditions 9 and 10 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)

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.

DRAFT DECISION LETTER

Address: 39 Brook Street, Mayfair, London, W1K 4JE,

Proposal: Internal and external alterations including erection of new lift at rear from basement to second floor level, replacement windows, new entrance doors, erection of high level extract duct at rear and air conditioning units at basement and roof levels.

Reference: 18/00807/LBC

Plan Nos: Demolition drawings , BKS39.02,
5100/P,5000/P,5002/P,5001/P,5200/P,5201/P,5005/P,5003/P,5202/P,5004/P.,
Proposed drawings , BKS39.02 2100/P,
2102/P,200/P,3030/P,2103/P,2101/P,3050/P,3051/P,3020/P,2001/P,3010,P,3066/P
,3061/P,3062/P,3000/P,2200/P,2201/P,2005/P,2003/P,2202/P,2004/P,4000/P,

Case Officer: Mike Walton

Direct Tel. No. 020 7641 2521

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

DRAFT

The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

- 4 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development. , 1. Shopfronts - new shopfront and alterations to existing , 2. External doors , 3. Windows including dormers , 4. Lift shaft , 5. Railings , You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 5 You must apply to us for approval of method statement and/or detailed drawings (scales 1:20 and 1:5) of the following parts of the development. , 1. Alterations to existing floor structure (retaining and reusing existing historic fabric) , 2. Alterations to basement stair (below main staircase) (retaining and reusing existing historic fabric) , 3. New internal openings, You must not start any work on these parts of the development until we have approved what you have sent us., You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 Despite the information shown on the drawings hereby approved, the windows in the rear wall of the western ground floor rear room, either side of the proposed door, shall be retained in their current form.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme All roof level plant / condenser units to be screened. 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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