

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	39 South Audley Street, London, W1K 2PP		
Proposal	Use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the light well and associated works.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties		
Registered Numbers	18/01694/FULL and 18/01695/LBC	Date amended/ completed	28 February 2018
Date Applications Received	28 February 2018		
Historic Building Grade	39 South Audley Street is Grade II listed. The part of the building fronting Adam's Row is unlisted.		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises basement and ground floors. The site is in the Core Central Activities Zone (Core CAZ) but outside of the Mayfair Special Policy Area. The property fronting South Audley Street comprises basement, ground and four upper floors and is Grade II listed while the unlisted property fronting Adam's Row comprises of basement, ground and three upper floors. The basement is office (Class B1 use) and the ground floor is in retail (Class A1) use. Permission is sought for the use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts and the installation of plant within the lightwell and associated works.

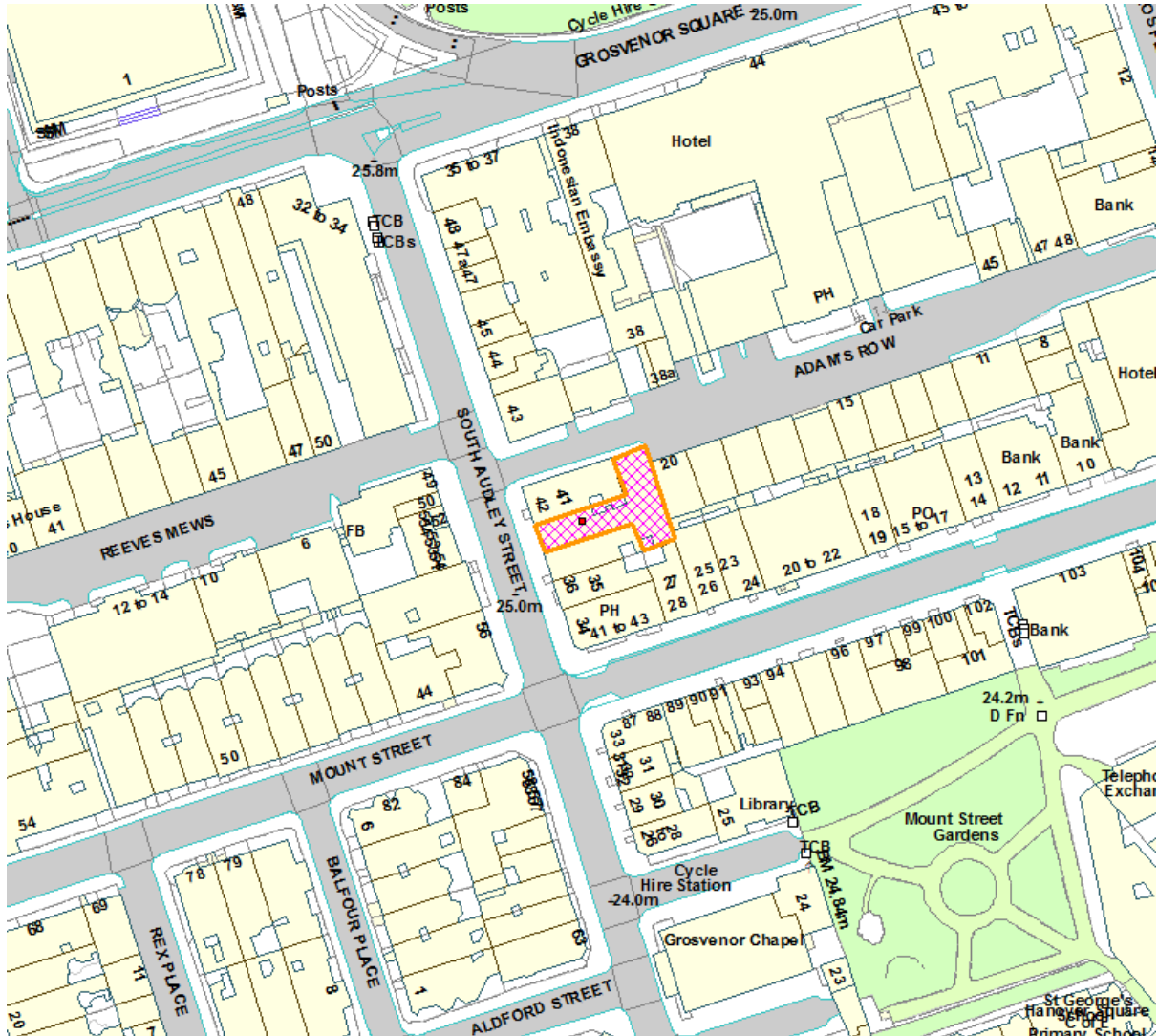
The key issues for consideration are:

- The loss of the retail floorspace on the character and function of the area;
- The impact of the proposed spa on the amenity of the surrounding area; and

- The impact of the proposals on the special interest of the listed buildings and the character and appearance of the Mayfair conservation area.

The loss of the retail floorspace, while not desirable, is acceptable in this instance given that a retail unit is retained (albeit substantially reduced in size) and that the proposed spa will complement the retail offer on South Audley Street. It is not considered the proposed spa use would negatively impact on residential amenity nor detract from the character and function of the area. Following revisions to the internal work, the proposed works are not considered to harm the special interest of the listed building or the character and appearance of the conservation area. The scheme is therefore recommended for approval and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS

South Audley Street Frontage



Adam's Row Frontage



5. CONSULTATIONS

RESIDENT'S SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection subject to conditions

CLEANSING

Objection - waste details provided not sufficient

ENVIRONMENTAL HEALTH

No objection subject to conditions

HISTORIC ENGLAND

Consider it not necessary to notify Historic England of the application for listed building consent.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 30

No. responded: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located within the Mayfair Conservation Area and Core Central Activities Zone (Core CAZ), with frontages on to South Audley Street to the west and Adam's Row to the north.

The site comprises of ground and basement levels which run throughout two properties which meet at the rear. Only the ground and basement floors are connected and the upper parts of the buildings are separated by a gap.

The building fronting South Audley Street (No. 39) is a grade II listed building comprising basement, ground and four upper floors. These upper floors and the basement are all in use as office (Class B1) and are connected by the main stairs. The ground floor is in retail (Class A1) use. The abutting building which fronts onto Adam's Row is unlisted and comprises of basement, ground and three upper floors. The basement and ground floors are in the same use as at No.39 South Audley Street, while the upper floors of this building are in residential (Class C3) use.

6.2 Recent Relevant History

An application for the change of use of the ground floor from a car showroom to an antiques gallery (Class A1) was deemed as being 'permitted development' by the City Council on 29 July 1997 (RN: 97/05158/FULL).

7. THE PROPOSAL

Planning permission and listed building consent are sought to allow the use of the basement and part ground floor level (fronting Adam's Row) as a spa (Class D2), the installation of new shopfronts at the South Audley Street and Adam's Row frontages, the installation of plant within the lightwell and associated works.

The existing and proposed floorspace figures for the proposal are shown in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	239	88	-151
Office (Class B1)	240	0	-240
Spa (Class D2)	0	394	+394
Total	479	482	+3.1

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of Office Floorspace

City Plan Policy S20 seeks to protect office floorspace within the Core CAZ when the proposed use is as residential (Class C3). The proposed replacement use of the existing basement office floorspace in this application is another commercial use (a spa (Class D2)). The loss of office floorspace is therefore considered acceptable with regards to Policy S20.

Loss of Retail Floorspace

UDP Policy SS5 protects A1 uses at ground, basement and first floors in the Core CAZ. City Plan Policy S21 protects existing A1 retail throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

The retail unit is currently occupied by an antiques dealer (the Mayfair Gallery). The unit is therefore clearly not 'long term vacant' for the purposes of City Plan Policy S21.

The proposal will result in a significant reduction in A1 floorspace as a result of the proposed spa use at the rear ground floor, fronting Adam's Row. The proposal will see a reduction of 151sqm in retail floorspace (58.2% of the existing unit) and leave a unit measuring 88sqm fronting South Audley Street at ground floor level. This reduction in floorspace and the smaller retail unit remaining is of concern. In response to this concern, the applicant has provided a letter from a retail letting agent outlining that they consider the smaller unit could still be of interest to retailers in the current market. However, it is considered difficult to assess if this would be true and the unit would remain as an attractive unit in the long-term through economic cycles.

However, given that the proposed use will diversify the offer available to this busy shopping street and would be a complimentary use to South Audley Street, as well as retaining a retail unit on the principal frontage facing South Audley Street (Adam’s Row would not be considered to be characterised by retail use), it is considered that the loss of retail floorspace is considered acceptable in this instance.

Proposed Spa (Class D2) Use

Policies SOC1 of the UDP and S34 of the City Plan both encourages the provision of new social and community infrastructure throughout the city at appropriate sites and where they do not harm residential amenity. The proposals will provide a spa (Class D2) at part ground and all of basement level measuring 394.1sqm GIA.

UDP Policy SS5 seeks an appropriate balance of town centre uses in the Core CAZ. Parts (B) and (C) of the Policy state that permission for the introduction of non-A1 town centre uses at basement, ground and first floors will only be granted where the proposal would not be detrimental to the character and function of an area. The policy also states that non-A1 uses must not lead to, or add to, a concentration of three or more consecutive non-A1 uses or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area.

Despite an end user for the proposed spa not yet being identified, an Operational Management Statement (OMS) has been submitted with the application outlining how the proposed Spa use will likely operate. The key aspects within this are detailed in the table below:

Intended Opening Hours	09:00-22:00 Monday – Friday, 10:00-20:00 Saturday and Sunday
Estimated Number of Visitors	20 visitors an hour (approx. 200 visitors a day)
Intended Servicing	Between 06:00-09:00 daily from Adam’s Row

The nature of a spa use is considered to have less impact on amenity than other uses within Class D2, such as a gym. As such it would not be considered that the residential flats located above this use are likely to be negatively impacted by its operation. A condition is recommended to ensure that the use is restricted to a spa and no other use within Class D2.

The above detailed hours and capacity are considered to be acceptable. Once an end user has been identified, it is recommended that a full Operating Management Statement be secured by condition to ensure that the operation of the spa does not result in harm to residential amenity.

Subject to the above conditions, it is considered that the spa is unlikely to have a detrimental impact on the amenity of nearby residents.

8.2 Townscape and Design

The main design implications of the proposals involve the replacement of the existing shopfronts, installation of plant in the existing courtyard and internal alterations including the addition of a new staircase and reorganisation of the internal plan form.

The existing shopfronts to both frontages are modern and of limited design merit; their removal is supported in design terms. The proposed design includes a traditional panelled stallriser with arched timber mullions which matches the design of other shopfronts in this part of Mayfair. The proposed replacement shopfronts therefore represent an improvement in design terms and are recommended for approval.

Heat pump condensers are also proposed in the rear courtyard, which is entirely enclosed. The plant is modestly sized and will not be visible from any public vantage points. Private views will be very limited. This proposal is therefore considered acceptable in design terms.

Internally, consent is sought for the removal of existing modern partitions at ground floor level, which is uncontentious, and the addition of new subdivisions within the existing T shaped plan. A new wall is proposed to separate the South Audley Street part of the building from the Adam's Row part, creating two units. Although dividing the ground floor in this way will affect the original plan form to some degree, the wall is positioned in a discreet position at the junction between the two parts of the site and is a fully reversible alteration. This proposal will therefore have a neutral impact on the special interest of the listed building and is considered acceptable. The internal works have been subject to negotiations and an original proposal to create a fire escape corridor within the Adam's Row unit was resisted in design terms. This is because it would cut across the decorative detail of the ceiling and adversely affect the plan form of this room. This aspect of the proposals has subsequently been omitted from the scheme. The imposition of a condition to ensure the decorative ceiling mouldings are retained, with partitions scribed around them, is recommended.

The interior at lower ground floor level is of lesser interest than that at ground floor; a number of unsympathetic suspended ceilings, modern partitions and poorly detailed internal doors have been installed. The proposals involve the removal of a number of modern partitions, which is supported. New partitions are proposed throughout this level and small sections of original structural walls are to be removed. However, given that the historic plan form has already been altered to some degree at this level and that the special interest of this part of the interior is limited, this reorganisation will not cause harm to the special interest of the building. The original submission sought to remove an existing studded metal door at basement level. Whilst it is unclear whether this is original to the building or not, it is of some interest and the applicant has agreed to retain it. The imposition of a condition to this effect is recommended.

A new staircase is proposed to link the ground and lower ground floor levels at the rear of the site within the Adam's Row unit, with the original staircases retained. The addition of this staircase will result in the loss of some of the original floor structure and create a new circulation route which is not in keeping with the original plan form. However, given that the staircase is to be located in a discreet position at the rear of the site in an area of lesser interest, the impact on the overall special interest and plan form of the listed

building is considered minor. The imposition of a condition to secure design details of the new staircase is recommended, to ensure the staircase is of an appropriately traditional and discreet detailed design.

Overall, the revised proposals are considered compliant with DES 5, DES 9 and DES 10 of the UDP and are recommended for conditional approval.

8.3 Residential Amenity

Impacts on residential amenity concerns have been assessed in Section 8.1 of this report.

8.4 Transportation/Parking

The Highways Planning Manager has assessed the application and advised that the retail unit which would remain would not require any cycle storage provision by virtue of being below the size threshold of 100sqm, as set out in The London Plan.

The London Plan standards are such that a Class D2 use should have 1 space per 8 staff and 1 space per 100sqm floorspace, which would therefore require some 7 cycle parking spaces. 1 cycle space is shown on the proposed floorplans for the spa use, located in the lightwell at lower ground floor. The Highways Planning Manager has raised an objection on these grounds. Given the substantial floorspace that the proposed D2 use will occupy, it is considered to be reasonable for the applicant to provide the required number of cycle spaces. It is recommended that these spaces be secured by condition.

Concern was originally raised by the Highways Planning Manager regarding a door being shown to open out over the highway. This would have been unacceptable in highways safety terms. This element has been removed from the proposals following revisions and has overcome the concern.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the retail unit at ground floor will continue to be from South Audley Street while access to the proposed Spa unit will be from Adam's Row. The applicant has confirmed that the new doorway on Adam's Row will measure in excess of the required width of 750mm (the proposed door measures 780mm) to provide disabled access to the Spa unit.

8.7 Other UDP/Westminster Policy Considerations

Plant

An acoustic report has been submitted in support of the proposed plant at basement level, which has been assessed by Environmental Health. They have confirmed that the

proposed installation is likely to comply with the relevant criterion within UDP Policy ENV 7. No further mitigation to reduce the noise levels (such as screening or limiting hours of operation) are required to enable this. Subject to the Council's standard noise and vibration conditions. The application is considered acceptable in amenity terms.

Refuse /Recycling

The Cleansing officer has objected on the grounds that the proposed waste storage details for the spa use are not in line with Council guidance and that no details of waste storage for the retained retail use have been provided. These details can be secured by condition so it would be unreasonable to withhold permission on these grounds.

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.

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

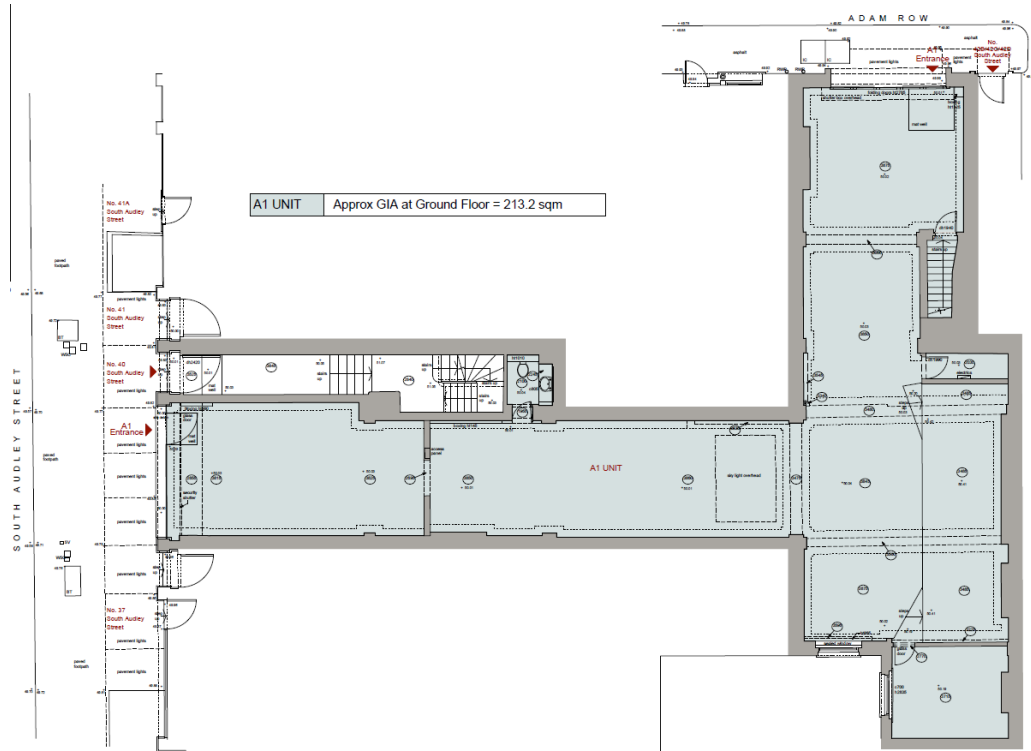
Not applicable

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

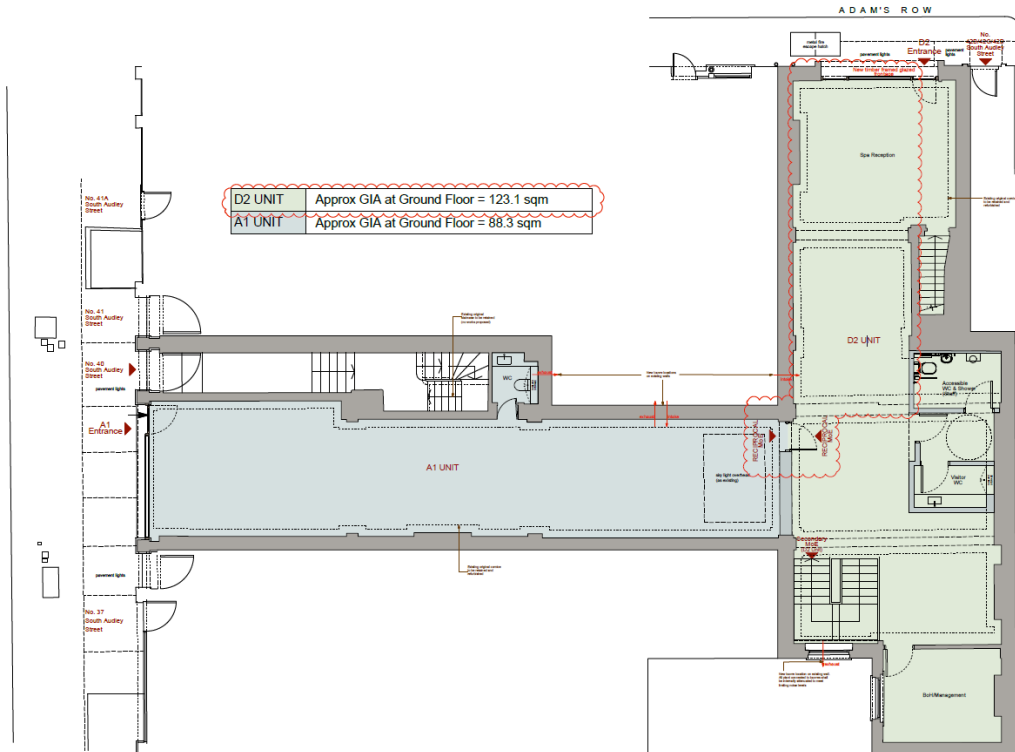
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

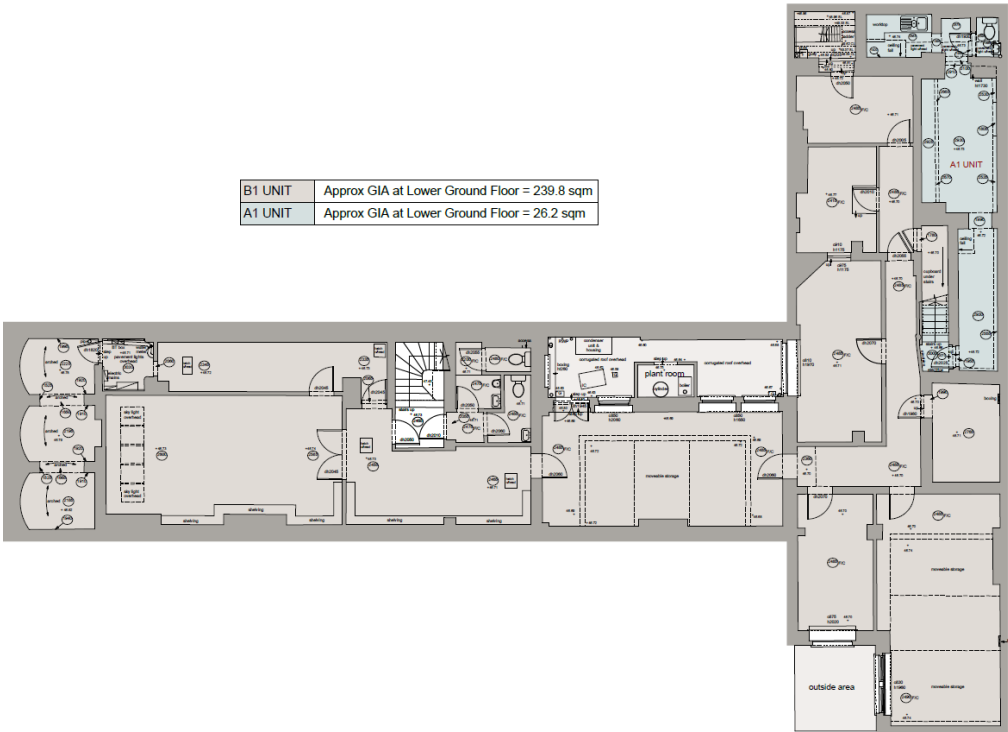
Existing Ground Floor Plan



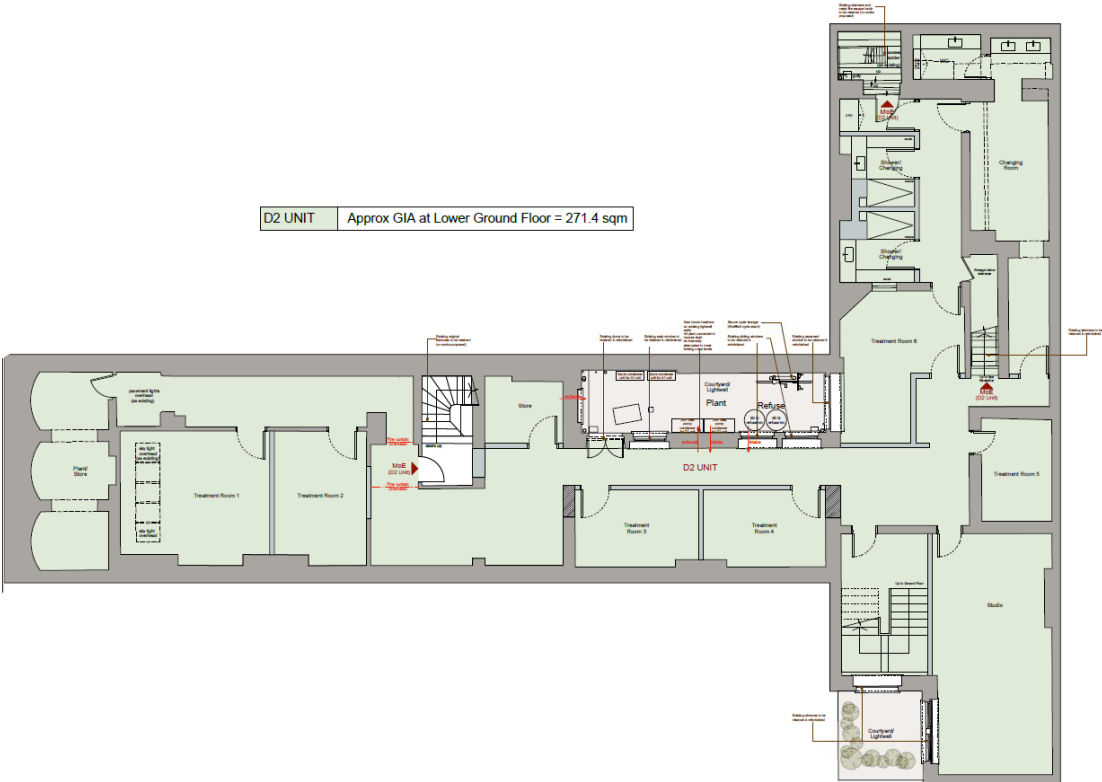
Proposed Ground Floor Plan



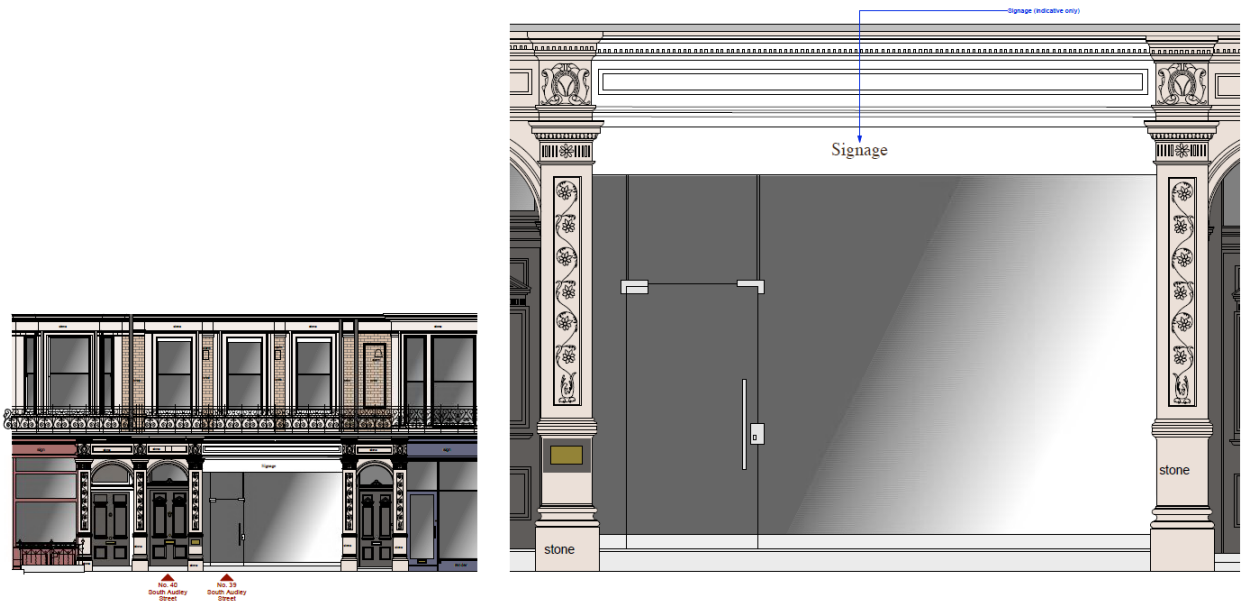
Existing Basement Plan



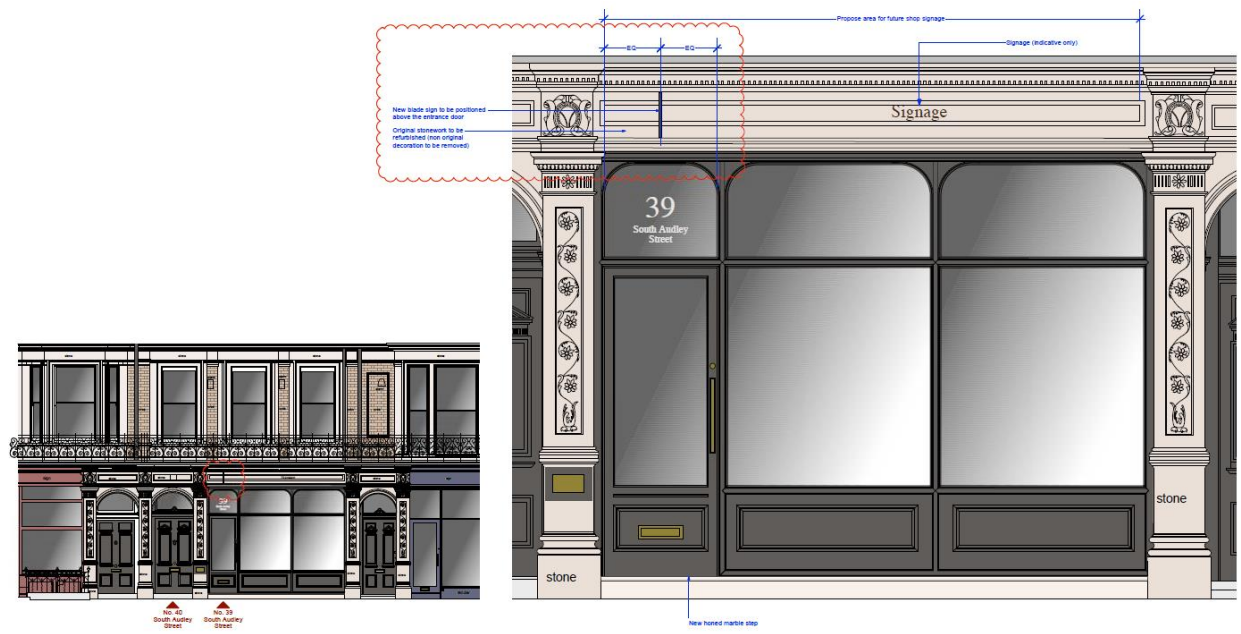
Proposed Basement Plan



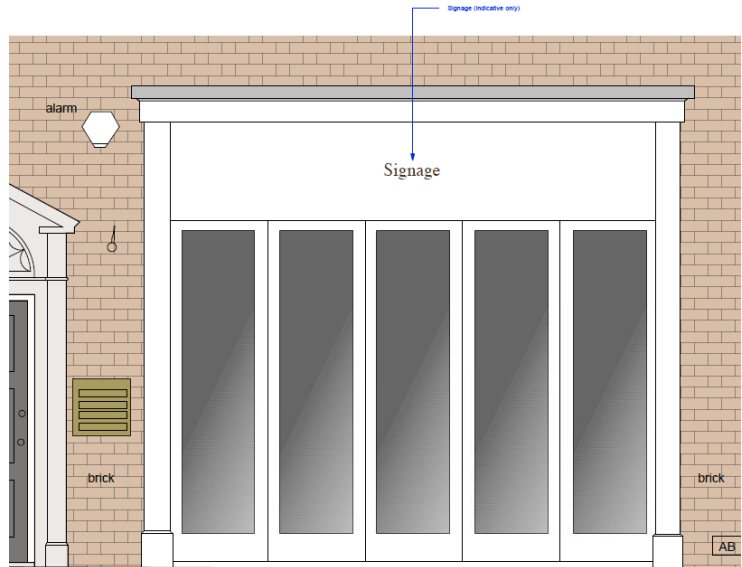
Existing South Audley Street Elevation



Proposed South Audley Street Elevation



Existing Adam's Row Elevation



Proposed Adam's Row Elevation



DRAFT DECISION LETTER FOR 18/01694/FULL

Address: 39 South Audley Street, London, W1K 2PP

Proposal: Use of basement and part ground floor level fronting Adam's Row as spa (Class D2), installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the lightwell and associated works. (Linked to 18/01695/LBC)

Reference: 18/01694/FULL

Plan Nos: Demolition Drawings:
DEM.001 ; DEM.002

Proposed Drawings:
PR.201 ; PR.111 ; PR.211 ; PR.001 ; DET.003 ; PR.102 ; PR.112 ; DET.001 ;
PR.002 Rev. A ; PR.101 Rev. A

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when

background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 6 You must apply to us for approval of details of 7 secure cycle storage spaces for the Spa (Class D2) use. You must not commence the D2 use 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.

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

Reason:

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

- 8 You must apply to us for approval of details of how waste and recycling is going to be stored on the site for the spa (Class D2) hereby approved. You must not commence the spa use until we

have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the spa (Class D2). You must not use the waste store for any other purpose.

Reason:

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

- 9 You must only use the area labelled as "D2 Unit" on approved drawings PR.001 and PR.002 Rev. A only as a spa. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class D2 as we need to ensure that the precise use would have no harmful environmental or amenity impact

- 10 Prior to the use of the basement and part ground floor as a spa (Class D2) commencing, an Operational Management Plan shall be submitted to and approved in writing by the City Council. The plan shall cover the number of customers, and address how the leisure use (Class D2) will be managed, including how people arriving at and leaving the premises would not cause an adverse effect on neighbouring amenity. The approved Operational Management Plan shall thereafter be adhered to in full.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC 1 of our Unitary Development Plan that we adopted in January 2007.

- 11 Customers shall not be permitted within the spa (Class D2) premises outside of the following times:

09:00-22:00 Monday - Friday,
10:00-20:00 Saturday and Sunday

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and SOC1 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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 advertisement consent is required for the proposed fascia signs and projecting signs, if they are to be illuminated.
- 3 Conditions 4 and 5 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)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 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)
- 6 The term 'clearly mark' in condition 8 means marked by a permanent wall notice or floor markings, or both.

For further advice on council recycling and waste storage requirements, please refer to the City Council Recycling and Waste Storage Requirements, sections 2.3.1 and 3.1. This is available at the following link:

<https://www.westminster.gov.uk/waste-storage-planning-advice>

- 7 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

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

DRAFT DECISION LETTER FOR 18/01695/LBC

Address: 39 South Audley Street, London, W1K 2PP,

Proposal: Installation of new shopfronts at the South Audley Street and Adam's Row frontages, installation of plant within the lightwell and associated works, internal alterations to basement and ground floor. (Linked to 18/01694/FULL)

Plan Nos: Demolition Drawings:
DEM.001 ; DEM.002

Proposed Drawings:
PR.201 ; PR.111 ; PR.211 ; PR.001 ; DET.003 ; PR.102 ; PR.112 ; DET.001 ;
PR.002 Rev. A ; PR.101 Rev. A

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

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

- 1 The works 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)

- 3 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our

Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 4 You must not disturb existing original cornices, joinery and decorative ceiling mouldings unless changes are shown on the approved drawings. (C27MA)

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 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

1. New staircase (1:5 and 1:20)
2. Projecting blade signs (1:5 and 1:20)

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 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 Notwithstanding the approved drawings, the existing metal door at basement level in room

labelled 'Treatment Room 5' shall be retained in situ.

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 of our Unitary Development Plan that we adopted in January 2007, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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.

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.