

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Site 1: West End Site 2: Knightsbridge And Belgravia	
Subject of Report	Site 1 - 11 Brick Street, London W1J 7DF Site 2 - 17 Belgrave Square and 17 Belgrave Mews West, London SW1X 8PG		
Proposal	Application 1: Use of the building as a private members' casino (<i>Sui Generis</i>) and external and internal alterations including replacement of roof level plant Application 2: Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses (Class C3).		
Agent	Application 1 - Montagu Evans LLP Application 2 - DP9		
On behalf of	Applications 1 and 2 - Fenton Whelan Ltd		
Registered Number	Application 1: 18/01322/FULL 18/01323/LBC Application 2: 18/01324/FULL and 18/01325/LBC	Date amended/ completed	14 February 2018
Date Application Received	14 February 2018		
Historic Building Grade	Site 1 – Grade II Site 2 – Grade I		
Conservation Area	Site 1 – Mayfair Site 2 - Belgravia		

1. RECOMMENDATION

Application 1: 11 Brick Street

1. Grant conditional permission subject to the completion of a legal agreement to secure the following:
 - a) Not to commence or permit to be commenced the use of the building as a casino (sui generis) until the buildings at 17 Belgrave Square and 17 Belgrave Mews West have been made ready for occupation for residential purposes pursuant to planning permission ref: 18/01324/FULL.
 - b) To prevent the use of the building as anything other than a casino (sui generis) and to restrict the layout/uses to those shown on the approved drawings.
 - c) Highways works in the vicinity of the building comprising of the removal of the existing vehicle crossover and its replacement with footway.
 - d) Costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice.

Application 2: 17 Belgrave Square and 17 Belgrave Mews West

1. Grant conditional permission subject to the completion of a legal agreement to secure the following:
 - a) A contribution to the City Council's Affordable Housing Fund of £1,427,000 (index linked and payable prior to the commencement of development); the contribution to be held in escrow until a specific date being 3 years following the grant of planning permission ref: 18/01322/FULL relating to 11 Brick Street, immediately after which date the contribution will be transferred from the escrow account to the City Council's Affordable Housing Fund, unless the building at 11 Brick Street is occupied as a casino (sui generis) pursuant to planning permission ref: 18/01322/FULL, in which case the contribution shall be reimbursed to the applicant).
 - b) Costs of monitoring the S106 agreement and costs associated with the escrow account.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permissions with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decisions under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permissions should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the applications and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree reasons for granting conditional listed building consent as set out in Informative 1 of draft decision notice.

2. SUMMARY

11 Brick Street is Grade II listed and is in lawful use as a single dwelling house. It is located within the Mayfair Conservation Area.

17 Belgrave Square is a vacant Grade I listed building located in the Belgravia Conservation Area. The building is in a 'nil' use. 17 Belgrave Mews West is unlisted, and is a separate vacant residential dwelling house.

Both sites are located within the Core Central Activities Zone (Core CAZ)

The two applications have been submitted as a land use package. Permission and listed building consent are sought for minor internal and external alterations to 11 Brick Street in connection with its use as a private members' casino, with ancillary drinking and dining facilities. The residential floorspace lost at 11 Brick Street is proposed to be re-provided through the proposed new extensions, excavations and alterations to both 17 Belgrave Square and 17 Belgrave Mews West in connection with the use of the two buildings as two dwelling houses.

The key issues in this case are:

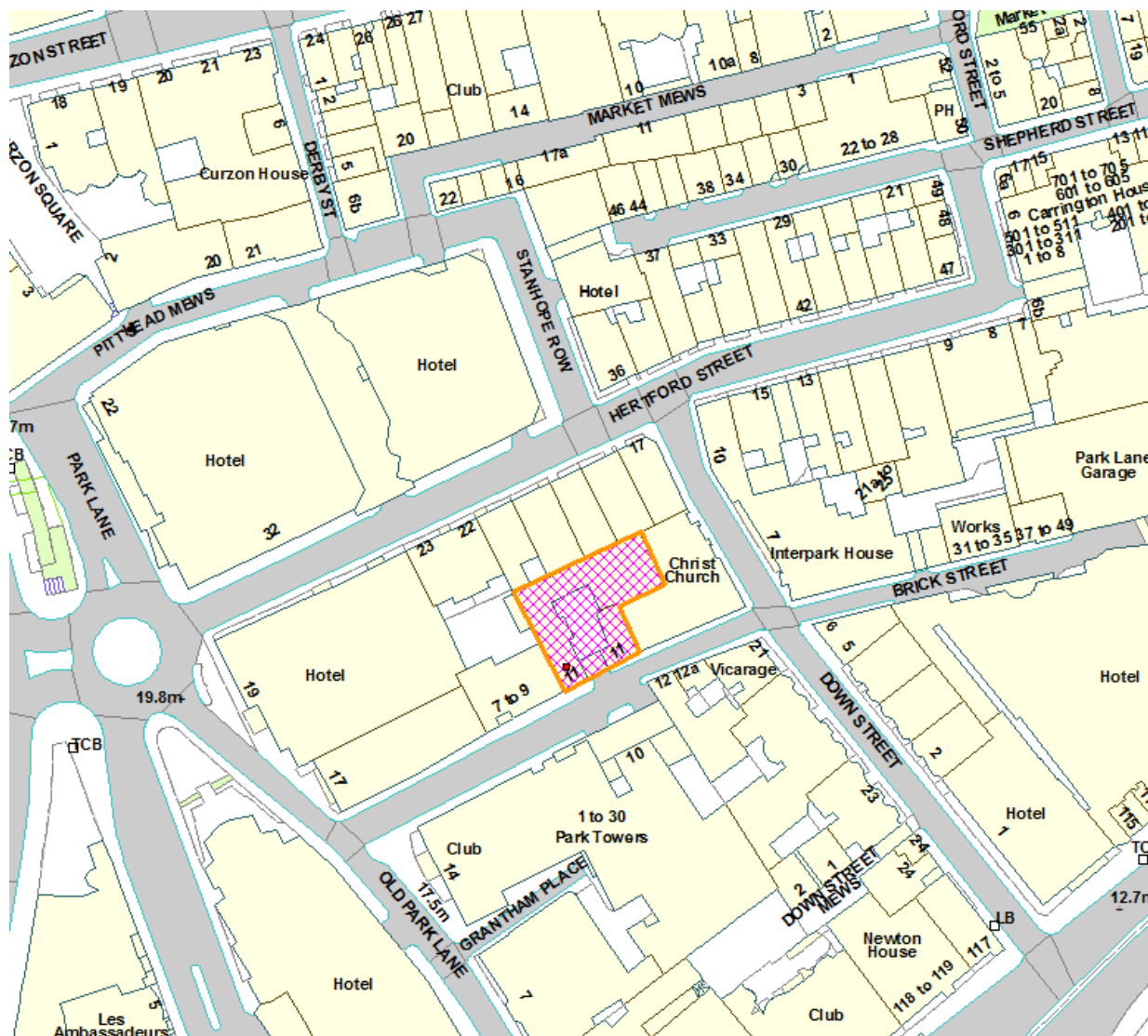
- The impact of the proposed new casino upon neighbours' amenity and local environmental quality;
- The impact of the alterations and extensions to the special interest of the two listed building and the impact upon the character and appearance of both the Belgravia Conservation Area and the Mayfair Conservation Area; and
- The acceptability of accepting a payment towards the City Council's Affordable Housing Fund in lieu of affordable housing provision, should 17 Belgrave Square be converted into a dwellinghouse without the conversion of 11 Brick Street into a casino taking place.

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As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design, heritage and amenity terms. This is subject the conditions as set out on the draft decision letters and the completion of a legal agreement securing a number of items but principally, to: (i) Prevent the commencement of the casino use at 11 Brick Street until buildings at 17 Belgrave Square and 17 Belgrave Mews West have been made ready for occupation for residential purposes; and (ii) Securing a policy-compliant payment in lieu of affordable housing provision, to be reimbursed should 11 Brick Street be converted to a private members' casino (sui generis).

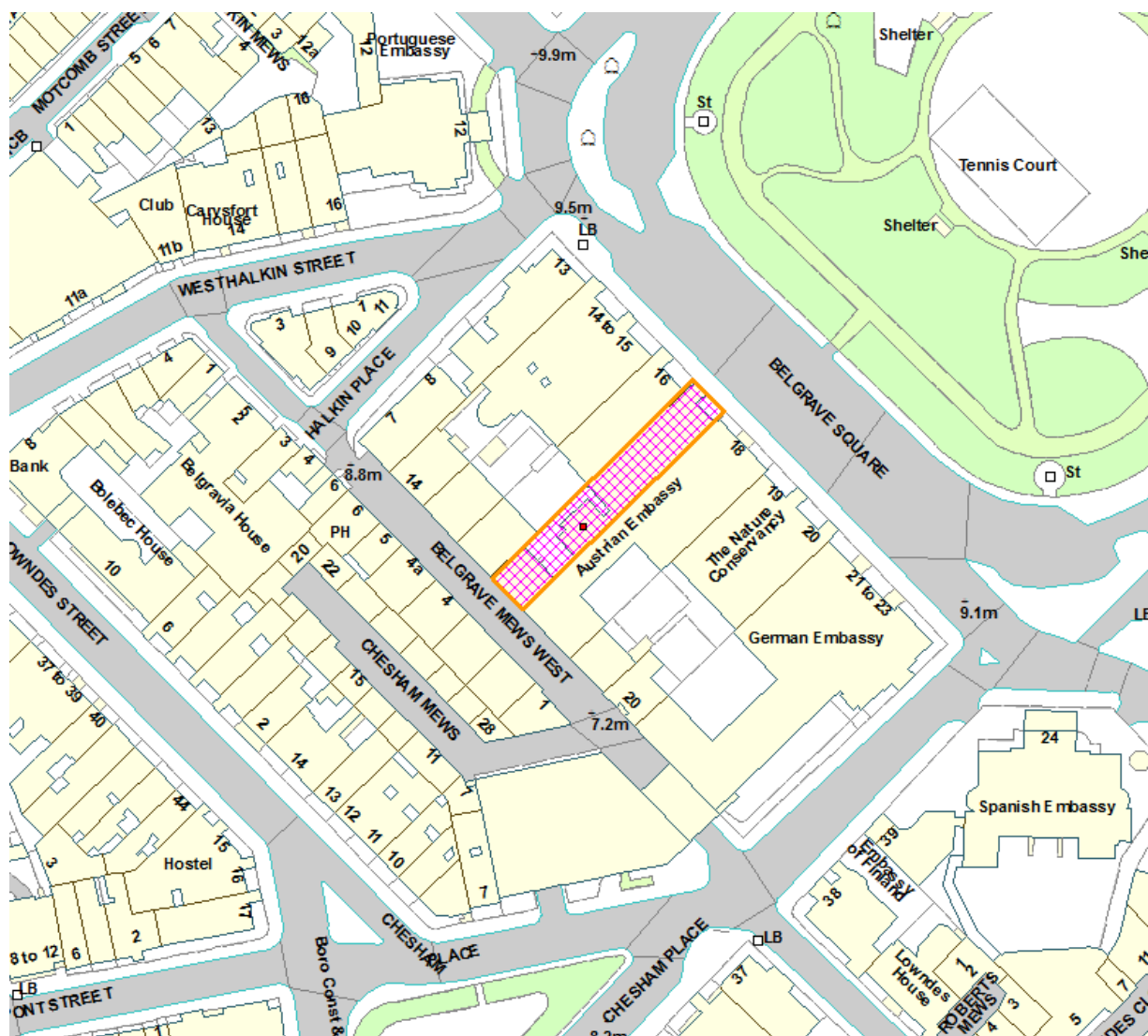
3. LOCATION PLAN

Site 1:



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Site 2:



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4. PHOTOGRAPHS

Site 1:



Site 2:



Front Elevation of 17 Belgrave Square



Rear Elevation of 17 Belgrave Square



17 Belgrave Mews West

5. CONSULTATIONS

Application 1

RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

HIGHWAYS

No objection subject to conditions

CLEANSING

Revised refuse storage arrangements acceptable

ENVIRONMENTAL HEALTH

No objection subject conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 100

Total No. of replies: 8 (including seven letters from/on behalf of The Diocese of London/Christ Church Mayfair and Church congregants)

No. of objections: 8

No. in support: 0

Land Use

- Inappropriate use in this location; adverse impact on the character of the area.
- Introduction of a large entertainment use contrary to adopted local and national policy, applicants have not demonstrated 'exceptional circumstances'.
- Insufficient regard to proximity of other entertainment uses in the area and saturation of casinos in the area.

Amenity

- Adverse cumulative impact of entertainment uses in the area.
- Casino use would result in an unacceptable increase in noise disturbance as a result of increased activity, including from the use of outside spaces, and additional traffic.
- Noise disturbance to church worshipers due to proximity of first floor terrace to church windows; terrace screening to Church windows is required.
- Should the use be considered acceptable, suggest restrictions on customer capacity and hours of use external spaces and maximum premises capacity.
- Noise disturbance and vibration from plant operation.

Design and Conservation

- Casino use undermines the historic value of the original residential building.
- Proposed alterations detrimental to the character and appearance of the building.

Highways

- Highways obstruction due to on-street servicing and increased traffic.
- Traffic Management Strategy for vehicle drop off/waiting required.

Other

- Nature of proposed use unclear and submitted details contradictory.
- Structural implications for neighbouring buildings.
- Locating casino next to church would be detrimental to welfare of members of the congregation who may struggle with gambling and alcohol problems.
- Potential for altercations between casino members, who may have been drinking, and church visitors.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Application 2

HISTORIC ENGLAND:

Authorisation provided to determine as the City Council sees fit.

HISTORIC ENGLAND (Archaeology):

No archaeological implications.

ANCIENT MONUMENTS SOCIETY:

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

Any response to be reported verbally.

GEORGIAN GROUP:

Any response to be reported verbally.

VICTORIAN SOCIETY:

Any response to be reported verbally.

THE TWENTIETH CENTURY SOCIETY:

Any response to be reported verbally.

BELGRAVIA RESIDENTS ASSOCIATION:

Any response to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

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Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

HIGHWAY PLANNING MANAGER:

No objection, subject to conditions.

WASTE PROJECT OFFICER:

A condition should be attached to ensure adequate waste and recycling storage is provided.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 2 (objection)

Two interested parties have objected to the proposal on the following grounds:

- The applicant has not detailed a construction schedule and hours of building works. Should permission be granted, conditions should be attached to mitigate the construction impact.
- Lack of information in respect to the construction works. Disruption during the course of construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Sites

Site 1

Application 1 relates to a Grade II listed building, by James Brooks for the Marquis of Londonderry, located on the north side of Brick Street between its junctions with Down Street and Old Park Lane. It was built in 1882-83 as stables and stable staff accommodation for Londonderry House (now demolished but formerly located where the London Hilton Hotel now stands). Constructed in red brick with terracotta dressings, this handsome building (now comprising basement, ground, part ground floor mezzanine, first and part second floors) is arranged around an internal courtyard, with vehicular access to the courtyard via sliding timber doors on Brick Street. There is a large terrace at first floor level which is bounded, on two sides, by the adjacent Christ Church, Mayfair.

The site lies within the Mayfair Conservation Area and the Core CAZ.

The building has a history of use as a maintenance depot, with a subsequent permission for office use, in 1991. A series of permissions was subsequently granted for residential

use. The lawful use of the building is as a single dwelling house pursuant to a permission granted in 1997.

This part of Brick Street is characterised by a mixture of uses, including the adjacent Grade II listed Church (Christ Church Mayfair), immediately adjacent to the site. Directly opposite the site are serviced offices with a public car park below (open from 0600 to 1900 hours on Monday to Saturday only). 'The Tale Bar', which forms part of the Playboy Club at 14 Old Park Lane, occupies most of the remainder of the frontage (south side) towards Old Park Lane.

Records indicate that the closest residential properties are flats in Park Towers (above The Playboy Club) and to the rear of the site in the basement and ground floors of 22-23 Hertford Street and at adjacent, at 7-9 Brick Street. The applicant contends that the flats are occupied as serviced apartments used in association with the Metropolitan Hotel on Old Park Lane, and this has been confirmed, verbally, by hotel staff. However, entries for the occupants of Flats 1-8 22-23 Hertford Street appear on the Electoral Register.

In addition, there are flats at 21 Down Street and extant permissions for two schemes including the use of all/part of the lower ground and ground floors at 12/12a Brick Street as either one or two flats, or one flat. In addition to the flats which form part of the development at 22-23 Hertford Street / 7-9 Brick Street, there are further flats in Hertford Street including at no. 17 (8 flats), no. 18 (5 flats), no. 19 (4 flats above a mosque) and no. 20 (3 flats). No. 21 is in use as an embassy with a flat on the upper floors. Further afield, there are 13 flats at 22 Down Street.

Site 2

17 Belgrave Square is a Grade I listed building located in the Belgravia Conservation Area and Core CAZ. The Royal College of Psychiatrists (sui generis use) formerly occupied the building. The organisation left the building in 2013 and it has been vacant since. Its occupancy was pursuant to a personal planning permission and, upon vacation, the property has therefore assumed a 'nil' use. To the rear of the main building, there is a rear wing. Beyond that within the remaining garden is an annex.

17 Belgrave Mews West, is a vacant residential dwelling house. It was used for residential purposes in connection with former Royal College of Psychiatrists in the main building.

6.2 Recent Relevant History

Site 1

None.

Site 2

On 7 October 2014, the City Council granted planning and listed building consent for the demolition of the annexe building and replacement with rear extensions to link 17 Belgrave Square with 17 Belgrave Mews West including excavations to create pool hall extension

and basement beneath mews property with associated internal alterations, all in connection with the amalgamation of the buildings to form a single family dwelling. These works were not lawfully implemented and the permission and consent have now expired.

7. THE PROPOSAL

Application 1

Planning permission and listed building consent are sought for minor internal and external alterations to the building in connection with its use as a private members' casino with associated dining and drinking facilities (sui generis).

The application has been amended to delete proposals for the installation of a new lift within a vaulted space adjacent to the vehicular entrance, with an associated dormer in the roofslope. The applicant has also confirmed that the proposal includes the replacement of existing plant within a sunken area on the roof of the building. Operational details have been revised within an updated draft Operational Management Plan

Application 2

The planning and linked listed building applications are for proposals similar to those approved in 2014 – the new rear extensions, excavations and other alterations broadly match those previously approved.

The main difference between the current proposal and the expired 2014 permission is that the current application no longer proposes to amalgamate the mews building and the main building into a single residential dwelling. Initially this was proposed but, following officer advice, the applicant revised their proposal to now propose two dwellings on site.

In addition, the expired 2014 permission was a stand-alone permission and was not sought as part of a land use package.

Floorspace figures

The floorspace figures for both sites and the overall comparative floorspace figures are set out below.

Table 1: Floorspace figures 17 Belgrave Square /

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Nil use	1,527	0	-1,527
Residential (Class C3)	186	1,826	+1,640
Total	1,713	1,826	+113

Table 2: Floorspace figures 11 Brick Street

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Private members' casino (sui generis)	0	1,189	+1,189
Residential (Class C3)	1,189	0	-1,189
Total	1,189	1,189	0

Table 3: Overall comparative floorspace figures (both sites)

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Nil use	1,527	0	-1,527
Private members' casino (sui generis)	0	1,189	+1,189
Residential (Class C3)	1,375	1,826	+451
Total	2,902	3,015	+113

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land Use Swaps and Packages

City Plan Policy CM47.1 allows the swapping of uses between sites and for land use packages in order to maximise the potential of individual sites within the commercial areas of Westminster's CAZ (which includes the Core CAZ). The policy outlines how a land use swap will be appropriate provided that:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;
3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

If agreed, the sites subject to the land use swap or package will be treated as though the development is on a single site, including for consideration of viability.

Both sites are located within the CAZ, on opposite sides of Park Lane, although only 850m apart. The applications were also submitted at the same time. For these reasons, it is considered that they can be treated as a land use package.

Residential Floorspace and Optimisation

Policy S14 also states that the City Council will protect existing residential units and floorspace, and will seek the optimisation of residential units on development sites.

The existing dwellinghouse at 11 Brick Street measures 1,189 sqm (GIA) and provides a basement level swimming pool, gym and garaging (accessed by a car lift); a home cinema, kitchen, reception rooms, office and study on the ground floor and five bedrooms, bathrooms and dressing rooms on the first and second floors. The first floor roof terrace is accessed via the main staircase and from two of the bedrooms. Although a skeleton staff is employed at the house, there is little evidence to suggest that it is occupied on a regular basis.

By itself, the development proposal at Site 1 would have resulted in the loss of one dwelling and 1,189 sqm (GIA) of residential floorspace, contrary to City Plan Policy S14 which protects both existing floorspace and units. Provided the conversion of 17 Belgrave Square into a dwellinghouse is acceptable, however, there will be a net increase of 451 sq.m GIA in residential floorspace over the two sites.

17 Belgrave Square is in a 'nil' use because the Royal College of Psychiatrists occupied the building based on a personal planning permission. When they occupied it, the building was in an institutional use (*sui generis*). As the building assumed a 'nil' use when they vacated, the current proposals would not represent a loss of an institutional use.

17 Belgrave Mews West is currently in use as a single-family dwelling house. The proposals would retain this use, and would create a new residential unit within the main building, resulting in an uplift in the number of residential units and floorspace within Site 2 and would have a neutral impact in terms of the number of residential units across the two site.

Policy S18 of the City Plan states the priority in the Core CAZ is commercial. However, the reversion of 17 Belgrave Square back to its original use as a dwelling house would better assist in the preservation and enhancement of this Grade I listed building than a commercial use. A commercial occupier would require significant alterations to be carried out in order to bring the building up to modern standards, and these would likely impact on historic fabric and the historic plan form. The reversion back to a dwelling house allows for enhancements to the building. Further, the provision of an additional residential dwelling house would contribute to towards meeting and exceeding its housing targets as set out in Policy S14 of the City Plan.

Using 17 Belgrave Square and 17 Belgrave Mews West as a single-family dwelling, as the applicant initially proposed, would have resulted in a net loss of one residential unit across the two sites and would have created a very large dwelling. This would have been contrary to the protection of residential unit numbers and the requirement to optimise residential units on development sites within City Plan Policy S14. Following officer advice, the applicant explored the optimisation of the site including the possibility of splitting the listed main building into flats. The applicant's heritage consultant argued that this would harm the significance of the listed building. It would require significant interventions to important features of the building, such as the grand central staircase, and this would negate much of the heritage benefits that would occur with the conversion back to its historic use as a single-family dwelling house.

Officers have accepted that splitting the building into flats would cause harm to this Grade I listed building, and so have concluded that this ought to be an instance where heritage considerations prevail. The applicant has accepted that the unlisted mews building could

be used as single family dwelling without any negative heritage implications, and so have amended their proposal accordingly.

Both sites have a history of use as large dwelling houses and it is considered that the relocation of the existing residential use to Belgrave Square and the proposed casino in Brick Street, which would maintain the existing residential appearance when viewed from the street, would maintain the existing mixed use character of both locations.

Both the existing Brick Street house and the proposed residential development offer a good standard of accommodation, with private amenity space. There would be a significant increase in residential floorspace in Belgrave Square, which would provide a total increase in residential floorspace of 451 sq.m (GIA) over the two sites. Given that permission has previously been granted, in isolation, for the use of the Belgrave Square property as a single dwelling house (including the mews building), it cannot be argued that the residential accommodation being provided is of a higher quality than could have been achieved without the proposed land use package. However, on balance, subject to a legal agreement to secure replacement residential accommodation at 17 Belgrave Square prior to the commencement of the casino use, the proposed land use package is considered acceptable in principle.

Objectors contend that the proposed development is not necessary to bring the building back into use and that an alternative use on the Brick Street site, including as flats, would better serve the local area. However, the City Council is obliged to determine the application, as submitted, in the light of the policies within the adopted development plan unless material considerations indicate otherwise. The fact that another use could be equally appropriate in planning terms could not justify withholding permission for the use sought if the scheme is otherwise considered acceptable.

The impact of the proposed casino at Site 1 upon neighbours' amenity and local environmental quality is discussed below.

It is considered that the land use package is acceptable in this regards and accords with Policy CM47.1. Permission is recommended to be granted subject to a legal agreement to ensure that the proposed residential unit at 17 Belgrave Square is completed and ready for occupation prior to the commencement of the private member's casino use at 11 Brick Street. This is to ensure there is no net loss of residential units or floor area, in accordance with City Plan Policy S14.

Affordable Housing

The additional residential floorspace within Site 2 comprises 1,640sqm (GIA). This triggers a requirement for the provision of affordable housing under City Plan Policy S16. However, the land use package with 11 Brick Street means the two sites are required to treated as one, and the uplift in residential floorspace across both sites is only 451sqm (GIA), well below the affordable housing threshold. Therefore, should both schemes be implemented, there would be no affordable housing requirement.

In the event that the new dwellinghouse at 17 Belgrave Square is provided but the private members' casino at 11 Brick Street is not, there would be additional residential floorspace

which would trigger a requirement for the provision of 240sqm of affordable housing under S16 of the City Plan and H4 of the UDP. The policies set out a hierarchy for this provision with a preference for on-site housing, followed by the use of an alternative site nearby and finally, where neither option is achievable, a payment in lieu for the amount of floorspace required.

As considered in the 2014 scheme and outlined above, it is acknowledged that additional residential units on site would compromise the purpose and a benefit of the proposals which is to return the listed building to its original use as a dwelling house. In the absence of an alternative site, a payment in lieu of affordable housing provision is considered acceptable, which will be reimbursed if the 11 Brick Street scheme is implemented. Therefore, a legal agreement is recommended to secure a payment in lieu of affordable housing provision of £1,427,000 (index linked and payable prior to the commencement of development), to be reimbursed should 11 Brick Street be converted to a private members' casino (sui generis).

Proposed Casino at Site 1

The City Council's "Statement of Licensing Principles for Gambling; The Gambling Act 2005" confirms that, as the relevant Licensing Authority, the Council cannot grant any new casino premises licences. However, an existing licence can be varied to move it from one premises to another. No operator has yet been confirmed for the proposed casino but the applicants have advised that details of the proposals have been shown to all potential operators who have confirmed that they would be happy to accept the measures outlined in the Draft Operational Management Plan.

The proposed casino measures 1,189 sqm (GIA), which constitutes a large entertainment use as defined in Chapter 8 of the Unitary Development Plan. The casino would operate 24 hours a day (excluding Christmas day), with a maximum capacity of 201 customers, including the use of external spaces. UDP Policy TACE 10 states that such uses will only be acceptable in exceptional circumstances. Any proposals are required to provide sufficient information to demonstrate that the development would have no adverse effect, (nor, taking into account the number and distribution of entertainment uses in the vicinity, any cumulatively adverse effect) upon residential amenity or local environmental quality as a result of noise, vibration, cooking smells, increased late night activity, or increased parking and traffic. The use should have no adverse effect on the character or function of the area. City Plan Policy S24 also confirms that large entertainment uses are unlikely to be considered acceptable.

In considering the acceptability of new entertainment uses, the City Council will have regard to the type of use proposed; the number of customers who may be present on the premises; the opening hours; arrangements to safeguard the amenities of neighbouring occupiers and the environmental quality of the area and to prevent nuisance (from smells, noise and vibration disturbance, including that from the use of ventilation and air conditioning plant); servicing arrangements (including servicing hours); arrangements for the storage, handling and disposal of waste; the positioning and impact of the use of any external spaces within the curtilage of the building and any supporting statement provided by an applicant in respect of the management of the use. Where necessary, conditions will be imposed to control these and other relevant aspects of the use.

The UDP recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function, of an area. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, the Plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses and that accepts that casinos “contribute little to disorder and other adverse effects”. The applicant is keen to emphasise that the proposal would have little impact on neighbours’ amenity and local environmental quality due to the scale and nature of the use and the proposed operational controls. They contend that private members’ casinos are not heavy drinking environments and do not attract rowdy behaviour.

Objections have been received from the neighbouring Christ Church and three members of its congregation; the Diocese of London and one other respondent. Objectors consider that the applicants have failed to demonstrate ‘exceptional circumstances’ to justify the introduction of a large entertainment use, as required by policies TACE 10 and S24. They also consider the scheme to be contrary to City Plan S18, which requires new commercial development to be appropriate in terms of scale and intensity of land uses, to policy CM47.1 that states that proposed land use packages should not lead to loss of amenity resulting from the introduction of a use within an area, and to the requirements of para 182 of the NPPF (2018) which states, “*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs. Music venues and sports clubs)*”.

In allowing a previous appeal against the refusal of permission for an extension to an existing restaurant (to create a unit measuring nearly 800 sqm) the Planning Inspector concluded that if the use would not result in any material harm, to residents’ amenity and local environmental quality, this was sufficient to constitute exceptional circumstances. The City Council has subsequently adopted this approach in considering proposals for large entertainment uses.

Objectors consider that details of the proposed use are unclear as the submitted documents include differing information regarding the nature of the use, including uses within the building and customer capacity. However, details of the use have been amended in the updated Operational Management Plans and the revised layout drawings. Full neighbour re-consultation was undertaken on receipt of the first revisions. Subsequent revisions to the draft OMP, the latest dated 7 November 2018, have been circulated to the principal objectors, who have confirmed that the revisions to the OMP do not overcome their fundamental objections to the application.

Impact on the character of the area

Objectors consider that a casino use is inappropriate in this location which, notwithstanding its mixed use character, one describes as a ‘largely residential street’. They conclude that the proximity of the casino to the Church entrance, which is used for the greater part of the day, would result in the juxtaposition of incompatible uses and would adversely affect the ‘ambience and amenity’ of the area. Objectors also consider there to be a ‘saturation’ of casinos in this area and that the application does not have sufficient

regard to the relationship of the application premises to other casinos/bars in close proximity of the site including:

- The Playboy Club London Casino at 14 Old Park Lane which includes the Players Bar (open 23.00 to 05.00 the following day, every day) incorporating the Tale Bar (open from 17.00 hours until 01.00 the following day on Monday/Tuesday and until 02.00 hours the following day on Wednesday to Friday and from 18.00 to 03.00 the following day on Saturday. Closed Sunday);
- Genting The Colony Club Casino and Bar (24 Hertford Street);
- The Park Lane Club Casino (London Hilton Hotel at 22 Park Lane);
- Les Amabassadeurs, Casino (5 Hamilton Place);
- Crown London Aspinalls Casino (27-28 Curzon Street); and
- Genting Crockfords Casino (30 Curzon Street).

There an extant permission, granted in January 2016, for a new hotel with ancillary casino at 2-6 Stanhope Row and 16-17a Market Mews. This permission has not yet been implemented. In that case, it was not considered that there were so many casinos in this part of Mayfair that another such use would have a negative impact on the character and function of the area.

A further application has been submitted for a casino use at 16 Charles Street. This, speculative, application has yet to be determined.

As detailed above, due to the nature of their operation, and strict regulation, it is accepted that casinos tend to have limited impact on local amenity or local environmental quality. In this case, the residential appearance of the listed building would be maintained and any signage would, necessarily, be subdued given the listed status of the building. While it is acknowledged that this part of Mayfair already contains a number of casinos, and could arguably be considered to be part of the established character of the area, it is considered that the introduction of a casino on this site would not have a significant adverse impact upon the character and function of the area particularly, given the licensing position outlined above, whereby any casino occupying the premises could potentially relocate from one of these neighbouring sites.

Impact of the proposed use

UDP Policy ENV 6 and City Plan Policy S32 require developments to contain noise and to demonstrate that any noises emitted by plant and machinery and from internal activities, including noise from music (amplified or unamplified), and human voices, complies with relevant standards. Where appropriate, developments should incorporate design features and operational measures to minimise and contain noise and vibration from developments, to protect noise sensitive properties. A noise and vibration assessment will be required where a development, including a change of use, could affect noise sensitive properties. Although a noise report has been submitted, it is noted that the supporting text to Policy ENV 6 identifies noise sensitive properties as residential premises, educational uses, hospitals, hotels, hostels, concert halls, theatres and broadcasting and recording studios but does not include places of worship.

Notwithstanding the applicant's assurances that the casino would not attract maximum capacity other than at peak times, and that general customer levels are likely to be much less (60-90 customers) and spread over a 24-hour period, objectors consider that this suggested pattern of use could not be effectively monitored or conditioned. Officers agree, and while it is accepted that the casino is unlikely to operate at full capacity (201 customers) in most circumstances, the application has been assessed on the basis of a potential 'worst case scenario'.

The applicant contends that casino customers tend to visit as singles/couples, rarely in large groups, and that private members' casinos are not heavy drinking environments and do not attract rowdy behaviour. The patterns of arrival at/departures from casinos are much more evenly spread compared to other entertainment uses and customers generally arrive and depart singly, as couples or in small groups. The application is supported by a Draft Operational Management Plan, which includes the following obligations:

1. Opening hours and capacity

The casino will be open 24 hours each day, with the exception of Christmas Day. It will accommodate a maximum of 201 customers at any one time. However, in practice, it is anticipated that the number of customers will be significantly less (generally 60-90 customers per day) and spread over a 24-hour period, with the maximum capacity only being achieved at peak times e.g. New Year's Eve and Chinese New Year.

The maximum customer capacity of each area of the casino is as follows:

- Gaming Seats (including Private Gaming / Gaming Lounge / Gaming Bar) = 112 customers
- Incidental seating in gaming areas = 6 customers;
- Meeting room = 19 customers;
- Dining room = 18 customers;
- Casino members TV room = 6 customers
- Maximum of 20 customers using the courtyard and first floor terrace (maximum 40 customers)

2. Use of external courtyard and terrace

- The courtyard and first floor terrace will not contain any tables and chairs and no amplified music will be played outside at any time.
- The courtyard will be open to customers between 10.00 and 22.00 hours only, with a maximum of 20 customers (including smokers) at any one time. Between 22.00 hours and 10.00 hours the following day, any customers wishing to smoke will be directed to the first floor terrace.
- Between 10.00 and 22.00 hours (except between 10.00 hours and 12.00 (noon) on Sundays), use of the first floor terrace will be limited to a maximum of 20 customers (including smokers).
- Between 22.00 hours and 10.00 hours the following morning, the use of the first floor terrace will be limited to a maximum of 10 customers (including smokers). The use of the terrace will be monitored by staff to ensure that customers are not causing a disturbance.

3. Management of access/guests

The selection process for members would be stringent and expectations in regard to behaviour and neighbourly consideration will be clearly set out.

Registered door supervisors will ensure members enter and leave in a quiet and neighbourly way.

A Reception Manager will greet and sign every customer into the casino and move guests through the reception area to ensure no waiting and/or queuing on Brick Street. The lobby and lobby bar provide sufficient waiting space inside the building. Notices will be posted on the inside doors reminding customers to leave the Building quietly.

The building will be closely monitored by CCTV so that arrivals and departures can be supervised and recorded. (The installation of CCTV will be subject to listed building consent).

Staff will call taxis for departing customers and will manage taxi pick up/drop offs to ensure that the roadway does not become congested. Customers will be asked to wait inside the premises until their taxis arrive. Staff will only call a taxi if requested to by a customer, to prevent taxis from idling on Brick Street.

Management will have a protocol for assisting disabled customers into the building.

4. Staff/Servicing arrangements

Staff facilities are provided in the basement. Staff shifts (20 staff) will operate from 0800 to 1600, 1600 to 24.00 and 24.00 to 0800 hours (approximately).

All deliveries will take place between 7am and 9am between Monday and Saturday and not on Sundays or Bank Holidays. Servicing will take place from vacant residents' parking bays on Brick Street or from double-yellow lines, which permit loading/unloading in this location.

A member of staff will be appointed to oversee deliveries and site servicing to ensure that this is carried out quickly and quietly.

Goods will be transferred to the basement using the service stairs or lift. Staff will be trained to ensure that deliveries are carried out as quietly as possible.

Any operational issues with the goods lift will be actioned immediately. A call out service agreement for the lift will be entered into to ensure that lift access is maintained. In the event that the lift is out of action a team will be coordinated to manage and move essential deliveries. Non-essential deliveries will be cancelled until the matter is resolved.

Deliveries will be managed via a booking system which suppliers must adhere to. If a servicing vehicle is expected to arrive earlier or later than planned, the driver will be instructed alert members of staff so that delivery times can be managed to avoid vehicle conflict.

Delivery staff will be instructed to park their vehicles considerately and to ensure that access through Brick Street is maintained. If unplanned operations are taking place on Brick Street (such as road works or large scale deliveries not associated with the casino) staff will liaise directly with the workmen and will advise delivery drivers of temporary servicing arrangements to ensure the free flow of traffic is maintained.

Refuse and recycling collections (including empty bottles) will be undertaken by private contractors between 10.00 and 12.00 hours on Monday to Saturday only. A staff member will ensure that it is undertaken quickly and that empty bins are returned to the stores immediately. No waste / recycling will be left outside the premises. The highways will be washed down as necessary.

The refuse / recycling store is located in the basement. The refuse store has been designed as a sealed environment with gullies to contain smells and facilitate cleaning. The position of the refuse /recycling store will ensure that noise from use of the store is minimised (e.g. from the moving of bottles).

5. Smoking/phone use

Customer smoking will be directed to the courtyard and terrace as detailed above.

Staff will be asked to walk at least 500 metres from the site to smoke, to avoid congregating on Brick Street. Staff will be prohibited from talking on their mobile phones on Brick Street after 21.00 hours.

6. Plant

All plant and kitchen extract equipment will be maintained and cleaned regularly, in accordance with the manufacturer's guidance, to ensure that they operate effectively and do not cause odour or fume nuisance.

7. Neighbour Liaison

A Residents' Forum will be established for liaising with the local community. It is anticipated that meetings would be held quarterly in the first year; every four months in the second year and then every six months thereafter. Any issues / complaints will be dealt with immediately by the on-site team. The Residents' Forum will review actions taken ensure the process is working effectively. Residents will be contacted by letter inviting them to the Forum (as a minimum including residents/occupants of Brick Street (between Old Park Lane and Down Street); Down Street, Hertford Street; and Old Park Lane and Christ Church Mayfair). A 24 hours complaints hotline will be provided with the contact number published in the Residents' Forum letter. A complaints log will be maintained with a system of follow-up procedures.

Christ Church has now been included within the proposed Residents' Liaison Group at their request. Objectors consider that the operation of a Residents' Forum should be enshrined within a s106 legal agreement. However, this is not considered necessary given that this commitment forms part of the proposed Operational Management Plan, which would be secured by condition.

Objectors have advised that the adjoining Church is open 'all day on Sunday and throughout the day on Saturday' and is used up until 23.00 hours during the week. It is used by church groups and is available for other community users on a regular basis including a 'mums and toddlers' group, with occasional one-off or monthly meetings. They are concerned that the proposed use, with potential peaks in customer activity, would have a significant adverse impact upon the operation and amenity of the church and upon the amenity of neighbouring residential and business premises. Concerns relate to potential noise disturbance outside the premises including noise from people entering/exiting the casino, particularly in the early hours, and associated noise from cars/taxis; noise from deliveries and refuse collections (including bottle collections) and potential noise associated with highway obstruction by delivery vehicles including car horns. Objectors have requested that refuse collections are not permitted to take place at weekends when the Church is in most intensive use (including Sunday Service) and this has been agreed by the applicant.

Objections also relate to the impact of activities associated with the use - including noise from within the building (the original plans showed a dance floor and sound stage), noise transference through the fabric of the building to the neighbouring Church and objectors expressed concern that the original acoustic report did not adequately address the issue of internal noise. Particular objections have been raised in relation to potential disturbance from the use of the external courtyard and first floor terrace, and associated nuisance from smoking.

The first floor terrace at 11 Brick Street is bounded, on two sides, by the adjacent Church. Just above the terrace level is a large (west facing) stained glass window which lights the North Transept. This window is currently heavily obscured by terrace planting. There is a further stained glass window (north facing) at the head of the stair leading from the ground floor west lobby to a small gallery above. Light from this window serves a small room glazed room adjacent to the landing, (which was filled with stacked chairs at the time of the officer's site visit) and spills down into the nave. Part of this window is openable for ventilation purposes. Objectors have advised that these areas are used for worship, meetings and as a community space and are susceptible to noise disturbance due to the open plan layout of the building. Whilst acknowledging that the terrace could be used in association with the existing house, they consider that its use in association with the casino would have a significant adverse impact upon the operation and amenity of the Church, particularly as it would not be possible to provide adequate soundproofing to the adjacent, single glazed, windows.

Given their concerns objectors have requested that no use of the courtyard or terrace is permitted in association with the casino use, or failing that, that customer access to the first floor terrace should not be permitted when the church is in use (between 08.00 and 23.00 hours). Following discussions with the objectors, the applicants have agreed that the terrace would not be used between 10.00 and 12.00 hours (noon) on a Sunday. The objectors have since requested a further restriction, to prevent its use between 09.00 and 13.00 hours on a Sunday, (to accommodate a children's group using the mezzanine). This further concession is not included within the revised draft OMP.

The latest draft OMP confirms that the outside spaces will not contain any tables and chairs, that no amplified music will be played outside and that the use of these spaces will be monitored by casino staff. In an effort to address the objectors' concerns, it is now

proposed that a maximum of 20 customers would be permitted to access the courtyard, between 10.00 and 22.00 only, and that the terrace would be used by a maximum of 20 customers between 10.00 and 22.00 hours (except between 10.00 hours and 12.00 (noon) on Sundays) and by a maximum of 10 customers between 22.00 hours and 10.00 hours the following morning. The objectors since requested that the use of the terrace be limited to 10 customers at all times, on the basis that it would not be possible to control customer noise levels, but the applicant has not volunteered this further restriction.

Objectors are also concerned about nuisance from customers smoking outside the premises, on the basis that this would exacerbate an existing problem caused by smokers from neighbouring buildings who congregate in the Church entrance. Officers accept that some casino customers will wish to smoke, and consider that it would be preferable for them to smoke within the building curtilage rather than outside the premises (which has the potential to result in increased noise disturbance, littering and highway obstruction). Consequently, it is acknowledged that some use of the outside space would be necessary. As this is a proposed 24 hour use, it is not considered reasonable to seek to prevent the use of the outside spaces for the greater part of the day. Subject to the management controls set out in the draft OMP, including a ban on the use of the first floor terrace between 10.00 and 12.00 on Sunday mornings, the proposed use of the external spaces is considered acceptable and would be secured by condition. Given the use of these spaces and the limited numbers already proposed, it is not considered that the further restrictions sought by objectors are reasonable.

There is already a planter in front of the North Transept window which provides a form of barrier. Objectors have requested, should any use of the terrace be permitted, that the applicants be required to install screens/planting in front of both Church windows, to act as an acoustic buffer (and would also prevent any potential damage to the windows). The applicants have discussed this issue with the objectors and are willing to explore this matter further. Objectors have requested that details of screens be submitted and reviewed in advance of the application being determined. However, it is considered that this could be dealt with through the imposition of an amending condition requiring the submission of details of new screens/planted screens prior to the commencement of the use, subject to consultation with the Church. The applicant has indicated that it is willing to accept such a condition. Providing these screens/planters are not fixed to the terrace, it is not considered that they would be require listed building consent.

Objectors consider that the use would have a significant adverse impact when compared with the existing residential use and that this cannot be appropriately mitigated by the suggested controls within the draft OMP. In particular, they contend that the applicant's assurances about guests' behaviour cannot be guaranteed or assumed as this is a speculative proposal. However, the measures detailed in the draft OMP, which any future operator would be required to adhere to, including the management of guest arrivals and departures and the management of the delivery and servicing process would adequately address the potential impact of noise generated outside of the building. Given the proposed obligations within the OMP, a request that the customer capacity be limited to 30 guests at any one time, as suggested by the original application documents, is not considered reasonable given the size of the buildings and the revised buildings layout and operational details.

Objectors were received on the grounds that the original noise report did not adequately address the impact of the use and the Environmental Health Officer required the noise assessment to be revised accordingly. The report has since been updated and, together with the latest version of the Draft Operational Management Plan, has been assessed by the Council's Environmental Health Officer who has confirmed that based upon the obligations within the revised OMP, the updated layouts (which delete original proposals for a dance floor and sound stage) and subject to these layouts being secured by an appropriate mechanism and to a finalised OMP being agreed in consultation with neighbouring occupiers, that he has no objection to the revised proposals. However, suggested conditions include a requirement that the final OMP should include an undertaking that additional noise mitigation measures would be undertaken in the event that levels assumed in the noise report would be exceeded. Given the nature of the use, the package of proposed noise control measures and associated conditions, it is not considered that this further condition is necessary.

It is noted that, although there are residential properties to the rear of the site in Hertford Street, on the opposite side of Brick Street (Park Tower) and in neighbouring Down Street, no objections appear to have been received from neighbouring residents, who have experience of living in close proximity to the various casinos in the area. Any departure from the proposed casino use would require further planning permission and it is recommended that controls are imposed to prevent the use of the premises as anything other than a casino and to restrict the layouts/uses of various parts of the premises to those shown. In these circumstances and subject to controls over capacity, the use of the outside spaces, noise levels, delivery and servicing hours and a requirement to keep all doors and windows closed - reflecting the obligations set out in the draft OMP it is not considered that the proposals would have an adverse impact on neighbours' amenities or the local environmental quality of the area, including any cumulative impact. Given the mixed character of Brick Street, and the established character of the area, objections relating to the impact of any increased activity upon the character of the area could not be supported.

One objector has expressed concern about the potential for altercations between casino members, who may have been drinking, and church visitors. However, as drinking in casinos is strictly managed/regulated as a condition of the licence, and as the Mayfair gaming clubs tend to attract serious and/or professional gamblers who attend for gaming purposes rather than for drinking/dining, such altercations are considered unlikely. Objectors are also concerned that people visiting the Church can sometime struggle with alcohol and gambling addictions and that the casino would be an unsuitable neighbour in these circumstances. While these concerns are noted, this is a private members' casino, which would be strictly regulated, rather than a more 'public' use. Given the number of similar uses in close proximity of the site, it is not considered that the proposals would result in any worsening of the existing position in relation to the concerns raised.

For the reasons outlined above and subject to a requirement for the submission of a finalised OMP when any operator has been identified and subject to a legal agreement to prevent the commencement of any casino use prior to the residential development at 17 Belgrave Square being made ready for occupation, the proposed use is considered acceptable in land use and amenity terms.

The impact of the proposed casino in highways terms is discussed in section 8.4 below.

8.2 Townscape and Design

As required by Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the determination of these applications must pay special regard to the preservation of the listed building and the character and appearance of the conservation area. This is reflected by Sections 7 and 12 of the NPPF and by the Council's own policies; in particular to this case, S25 and S25 of the City Plan and DES 1, DES 5, DES 8, DES 9 and DES 10 of the UDP. The Belgravia Conservation Area Audit is in draft, but has been fully consulted upon and therefore carries some weight. There is no audit for the Mayfair Conservation Area. The Council's 'Repairs and Alterations' SPG is also relevant.

Site 1

This Grade II listed building within the Mayfair conservation area, built as stables and stable staff accommodation for Londonderry House, features an arched opening to Brick Street and a large courtyard, both of which are characteristic of its original stable use. The accommodation, sympathetically altered, encloses the courtyard on all sides. The building has been substantially altered internally, particularly in the 1990s. Its special interest now relates principally to its external appearance.

In heritage terms, the most significant aspects of the application are a proposed glass screen to the entrance arch, the new staircases and lift. The most contentious proposals to install a new lift within the vaulted are adjacent to the vehicular entrance, which would have required the installation of a new dormer on the internal roofslope, have been omitted on officers' advice, and the lift relocated.

The glazed screen to the courtyard side of the arched entrance will prevent vehicles accessing the courtyard on a day-to-day basis. Whilst this change would not assist an understanding of the building's original function, the screen could be removed to facilitate large deliveries etc. The screen appears light-weight and the alteration would be reversible, as the screen fixings will not have a significant impact on the building. The external entrance doors will be retained and this aspect of the scheme is considered acceptable as, for similar reasons, are the proposals to installation new glass screens to the openings adjacent to the main entrance arch.

The installation of a new lift will involve the demolition of a small amount of fabric within the existing kitchen, replacing an existing spiral stair. The loss of a small amount of additional fabric is not considered to be contentious.

The removal of the existing, modern staircase and the small east mezzanine floor, the levelling of floors, the introduction of new partitions and the installation of secondary glazing is uncontroversial. The existing brick arches between the proposed ground floor reception and lobby (all ground floor front) would be raised to accommodate the new floor levels. Subject to conditions, including one requiring details of the new arches to ensure that they match the existing in terms of detailed design and materials, the proposed works are considered acceptable.

Objections have been received on the grounds that the proposed casino use undermines the historic value of the original residential building and that the alterations to the building would be detrimental to the character and appearance of the building. Given that the original stable use no longer exists, it is considered that the proposed casino use will have a minor, neutral, effect on the special historic interest of the building and is not considered harmful in terms of its effect on the character of the conservation area.

Objectors also consider that the proposals would be contrary to paragraph 196 of the NPPF (2018) which states that “where a development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. Paragraph 5.19 of the submitted heritage statement concludes that harm resulting from the proposal is “less than substantial and on a secondary elevation, which is outweighed by the public benefit in improving access within the building”. Objectors consider that the proposed use, which is open to members only, would have a limited public benefit and that any benefit would not be outweighed by the proposed harm to the listed building.

It is noted that the historic use of the building is as a stables rather than as a dwelling house, which is a recent use and also has limited public benefit. The ‘harm’ identified in para 5.19 of the applicant’s heritage statement relates to original proposals to install a lift in the vaulted area adjacent to the vehicular entrance, with the installation of a dormer within the roof above. These proposals, which were considered to harm the special interest of the listed building, have been deleted from the scheme and it is considered that the revised scheme would no longer result in harm.

The neighbouring Church has also expressed concern regarding the removal of several internal basement walls ‘orthogonal’ to the retaining walls at the rear of the church Nave on the basis that their removal, if acting as buttresses/props to the retaining wall, would result in structural damage. Christ Church was built in 1868, predating 11 Brick Street by fifteen years. Its structure would have been independent of adjacent buildings at this time. As the degree of demolition of internal walls is very minor it is considered unlikely that this work would impact on the structure of the adjacent church or other neighbouring buildings.

The scheme is considered to comply with national policy guidance, UDP policies DES 1, DES 5, DES 9 and DES 10, City Plan policy S25 and S28 and the Council’s guidance on ‘Repairs and Alterations to Listed Buildings’ and the objections to the impact of the use and works upon the special interest and character of the listed building cannot be supported.

Site 2

The excavation to create a basement level of accommodation below the mews building and the garden of 17 Belgrave Square would be set away from the main listed house. Stairs would be provided up into the rear wing at the back of the main house so the excavation would not undermine the hierarchy of the listed building. The external manifestation of the excavation would be limited to rooflights in discreet locations, which

are considered acceptable in terms of their impact on the listed building. The other impacts of the basement are discussed in section 8.7 of this report.

At lower ground floor level, there are internal changes proposed to the main house but these would be in areas that have already been altered. As the rear wing is a later addition the changes proposed to it are not contentious. Although outbuildings are generally resisted, in this case there is an existing two storey annex to the rear of the existing rear wing, and its replacement with a new 'orangery' is welcomed as it represents a significant visual enhancement. The mews property is not listed so the internal works here do not require listed building consent.

At ground floor level a courtyard would be reinstated to the rear of the dining room which is welcome. Vents serving the swimming pool would be set into the lead roof against the south east boundary which would lessen their visual impact. A replacement lift is proposed but the impact of this and the proposal to turn the lift openings through 90 degrees would not undermine the historic elements of the building.

The rebuilt second floor of the rear wing would be set at the same height as the existing. The new mansard incorporates Juliet balconies in the rear elevation but these would be set into the roof and not visually harmful.

More significant internal changes are proposed at fourth floor level in the main house but the previous use has already resulted in the loss of historic fabric here. The new layout would be closer to the original and is therefore acceptable.

At roof level the lantern is proposed to be replacement with a pitched glass roof which would be more sympathetic than the current domed roof.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Site 1

The impact of the proposed casino use upon neighbours' amenity is discussed in section 8.1.2 above.

UDP Policy ENV13 seeks to protect existing premises, particularly those in residential use, from the impact of new development and to ensure that neighbouring properties do not experience any material loss of daylight or sunlight, increased sense of enclosure to windows or a loss of privacy, Similarly, policy S29 states that the Council will resist development proposals which result in a material loss of amenity to existing residents.

An objection has been received on the ground that the use of the first floor as terrace would, given its proximity to Church windows and the position of windows in relation to the terrace floor, result in a loss of Church amenity as a result of potential overlooking. However, this is an existing terraced, albeit associated with a residential use, and it is not considered that the proposed change of use would facilitate any greater opportunity

for overlooking into the Church via these windows. Consequently, it is not considered that this objection could be supported.

Given that there are no extensions to the building the proposed development would not result in any loss of light or increased sense of enclosure to neighbouring properties.

Site 2

18 Belgrave Square and 18 Belgrave Mews West, to the south of the site, is occupied by the Austrian Embassy. The boundary with these buildings is marked by a high wall created as part of significant extensions at that site. The proposals would be hidden from these buildings by the boundary wall and there would be no significant impact.

16 Belgrave Square and 16 Belgrave Mews West, to the north of the site, are in use as single-family dwelling houses. The proposed extensions and alterations are located on the south-eastern part of the site, away from these residents. The extensions are not of a scale that would materially affect the existing relationship.

The application is supported by an acoustic report that assesses the impact of the plant equipment required for the swimming pool. The Environmental Health Officer considered the proposals acceptable and in accordance with ENV 7 of the UDP. Ventilation would be provided at a low level against the high boundary wall of 18 Belgrave Square. Conditions are recommended to ensure the performance of the plant remains in accordance with policy.

8.4 Transportation/Parking

Site 1

Objectors consider that the proposal would have an adverse impact upon the local highway network due to the increase in the number of vehicle movements associated with the use including delivery vehicles and taxis and increased pedestrian traffic. They are concerned that the road width at the junction of Brick Street and Down Street is already restricted and that the increased in vehicle movement would exacerbate this issue and could result in highway obstruction, including obstructed access for emergency vehicles, particularly if delivery vehicles stop on double yellow lines. Objectors are also concerned that any vehicles pulling up onto the pavement, as a consequence, would hamper pedestrian movements.

Parking

No parking is proposed in association with the development, which is welcomed. The site is centrally located with good access to public transport links being close to underground and bus services, within walking distance of Victoria Station and directly opposite a public car park, which is open until the early evening.

Objectors are concerned about the impact of vehicle drop offs and waiting vehicles upon the operation of the highway, which they have discussed with the applicants, and consider that a Traffic Management Strategy should be included within a finalised OMP

to detail proposed arrangements for the management of customer vehicles visiting the site. This is considered reasonable and is the subject of a condition.

Servicing

City Plan policy S42 and UDP policy TRANS 20 require new developments to be serviced off-street. There is vehicular access from Brick Street to an internal courtyard and a car lift providing access from the courtyard to the basement. There is evidently the potential for site servicing to take place within the courtyard. However, the scheme proposes the installation of a glass screen to the courtyard side of the entrance yard to provide a casino reception area. Although the screen could be removed to accommodate larger deliveries, it is intended that it would remain in situ on a day-to-day basis and that servicing would take place from Brick Street. The applicant considers that there is sufficient on street capacity, from the use of vacant residents' parking bays and double yellow lines.

Based on the revised layouts, the updated Transport Assessment estimates that the development would generate between 3 and 8 vehicles each day, all arriving within a two hour timeslot between 07.00 and 09.00 hours on weekdays only. These estimates are based upon a maximum capacity of 181 customers (based upon a previous version of the OMP) rather than the confirmed maximum capacity of 201 customers. However, it is not considered that the potential increase of 20 guests would have a significant impact on these estimates.

There is considered to be ample opportunity for delivery vehicles to stop in the vicinity of the site without blocking the highway. However, while the development could be serviced from the street, it is questionable whether the maximum eight deliveries could be accommodated within the two hour time slot proposed. In these circumstances, a condition is recommended requiring the submission and approval of a detailed Servicing Management Plan, which should include measures to minimise the number of delivery vehicles, by consolidating deliveries, and to ensure that only one vehicle is servicing the site at any one time.

The development provides a cycle storage area at ground floor level and staff lockers and showers. The application confirms that 6 cycle spaces would be provided. Based on comparable cycle parking standards for Class D2 uses, London Plan standards require the provision of 1 space per 8 staff (3 spaces) and 1 space per 30 seats for visitors (7 spaces based on the maximum capacity of 201 customers). The submitted plans show a designated area for cycle parking but does not include layouts to demonstrate that adequate parking could be accommodated within the space. In these circumstances, a condition is recommended requiring the submission of plans showing increased cycle parking provision/layouts, with a minimum of 8 cycle spaces.

Subject to conditions, the proposals are considered acceptable on highways grounds. Given that it is not intended to utilise the courtyard for servicing it is recommended that the s106 legal agreement also secures the reinstatement of the pavement in place of the redundant vehicle crossover. In addition, the existing planters which have been placed outside the premises should be removed. These are located on the public highway and reduce the width of what is an already very narrow pavement.

Site 2

Car Parking

The existing site has two car parking spaces. The proposals re-provide two car parking spaces within the mews building and this would be for the mews building occupiers. The main house would have no access to off-street car parking. Policy TRANS23 of the UDP details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency. In this case, the stress levels are significantly below this threshold and the Highway Planning Manager raises no objection to the lack of off-street car parking for the main house.

Cycle Parking

Cycle parking is achievable within the confines of the properties, and details of this provision is to be secured by condition.

8.5 Economic Considerations

The applicant has advised that the casino use would employ 20 staff members. Any economic benefits generated by the proposals are welcomed.

8.6 Access

Site 1

Level access to the site would be provided via the main entrance door and the timber entrance doors to the main archway, facilitated by the levelling off-of internal floors. The new lift would provide access to all floors. W.C facilities for disabled customers are shown at basement and ground floor levels.

Site 2

The proposed access arrangements to the mews building would be similar to the existing. The new residential unit within the main building would be accessed via steps to the front elevation. Given the building is listed this is acceptable.

8.7 Other UDP/Westminster Policy Considerations

Site 1

Plant

There is existing external plant within a well set within the main roof of the building, adjacent to the Church. The application has been amended to confirm that the proposal includes the potential replacement of existing plant within a sunken area on the southern roof of the building, if necessary. The application has been assessed on the assumption that this work will be carried out.

An objection has been received that, given the 24-hour nature of the use, the operation of casino plant would result in increased noise levels when compared with the existing residential use. One objector is concerned that the submitted acoustic report assess the impact of the plant upon the nearest noise sensitive property – the nearest residential receptor - but does not consider the impact upon the Church or other surrounding properties.

Policy ENV 7 requires the acoustic assessment to demonstrate that the plant operation will comply with noise requirements in relation to the nearest noise sensitive property (a definition which excludes churches) on the basis that, if the standards are complied with in relation to the closest property, those further away would be equally safeguarded

The application is supported by an acoustic report which has been assessed by the Council's Environmental Health Officer. Subject to conditions relating to noise and vibration, which are the same conditions which would be imposed on any application for new plant in association with the existing residential use, it is not considered that the plant proposals, including the operation of the plant over a 24-hours period, would result in any material loss of amenity compared with the existing installations. However, as the proposed replacement plant has not yet been selected, further condition is recommended requiring the approval of a supplementary noise report to demonstrate that this plant would operate in accordance with required noise standards.

Given that the plant would replace existing plant, which could also operate on a 24 hour basis, it is not considered that Church activities, which take place between 8.30am and 23.00 hours, at times when background noise levels are at their highest, would be adversely affected. In these circumstances, the plant proposals are considered to accord with UDP policies ENV6 and ENV7 & and City Plan policy S32 and it is not considered that the objection to plant noise and vibration could be supported.

Kitchen extract system

The basement kitchen to the existing house does not have any windows but is served by a duct which discharges through the roof of the building via an existing, modern, chimney. The applicant proposes to re-use this kitchen extract system for the casino kitchen, given the limited nature of the proposed dining operation shown on the plans. However, the Council's Environmental Health Officer has requested further details of proposals for the extraction and dispersal of cooking fumes to ensure that these meet Environmental Health standards and that potential nuisance from cooking smells associated with a potentially more intensive use would be adequately mitigated. It is therefore recommended that a pre-commencement condition is imposed requiring the submission of full details of the kitchen extract system, including its method of construction, to ensure that it is adequate for the intended use and that it would not necessitate and additional alterations to the building.

Refuse /Recycling

Refuse for the development would be stored in the basement and transferred to ground level using the lift. The application has been amended to show separate bins for recycling, general waste, food waste and waste cooking oil in accordance with Council protocols.

The Cleansing Officer has raised confirmed that the revised waste storage details are satisfactory and these would be secured by condition.

Sustainability and Bio-diversity

London Plan policy 5.2 and 5.3 require developments to minimise carbon dioxide emissions and to incorporate sustainable design standards. Similarly, City Plan policy S28 requires new development to reduce energy use and emissions. The application is supported by an Energy and Sustainability Strategy. The proposed works are relatively minor and opportunities for improving the building's energy performance are limited due to historic building constraints. However, the scheme would deliver a 38.5% reduction in carbon dioxide emissions, exceeding the 35% target for major development, through thermal efficiencies – building insulation, roof insulation, new secondary glazing and through the use of energy efficient heating, lighting and water systems. The level of savings achieved is welcomed.

There is no opportunity to provide green roofs or living walls on the site. However, the external spaces would accommodate new planters/planting which would make a small contribution to the biodiversity of the area.

Site 2

Basement

Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP).

The applicant has submitted a method statement relating to the proposed excavation works. The statement has been assessed by Building Control officers who have confirmed that it is generally acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The proposals to safeguard adjacent properties during construction are also acceptable.

Whilst stating the submission is generally acceptable, Building Control have noted that the effect of secant piling on surface water has not been thoroughly addressed and there are no sequencing details for the underpinning works. Notwithstanding this, Building Control maintained that the proposal was generally acceptable. Moreover, the purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage.

to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter

The text of policy CM28.1 also sets limits on the depth and extent of basement excavation works. This includes limiting basements to a single storey, 50% of the original garden land and ensuring a margin of undeveloped land is maintained around the basement. In this case, the proposed basement would be sited beneath the footprint of the mews building, part of the orangery and part of the rear garden. The proposed basement would be a single storey. Although, the floor to ceiling heights under the orangery would be greater than the 2.7 metres suggested in the policy application section as an appropriate height, this is owing to the requirement to have a layer of top soil on top of the parts of the basement that would be underneath the garden. Additional excavation would be required for the swimming pool, but this additional excavation is modest and would not great a new storey, and is therefore acceptable. The basement would be retained to 50% of the original garden land, and a margin of undeveloped garden land is retained around the basement.

Code of Construction Practice

Two objections have been received on the grounds that the applicant has not detailed a construction schedule and hours of building works, and they request that, should permission be granted, conditions should be attached to mitigate the construction impact.

A condition is recommended to ensure that the development complies with the CoCP, which will require the developer to provide a Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

Waste and Recycling

The waste project officer advises that the submitted drawings do not indicate waste and recycling storage that is in line with the Council's requirements. A condition is recommended to ensure that details of adequate is provided.

8.8 First Draft of Westminster's City Plan 2019-2040

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12th November 2018 and will close on Friday 21st December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

None are relevant.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

In respect to Site 1, notice was served relating to the proposed imposition of a pre-commencement condition to secure details of the kitchen extract arrangement. The applicant has agreed to the imposition of this condition.

In respect to Site 2, notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force. These make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

Site 1

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a s106 legal agreement would be required:

- a) to prevent the commencement of the casino use before the replacement residential accommodation at 17 Belgrave Square is made ready for occupation.
- b) to prevent the premises to be used as anything other than a casino and to restrict the layout and use of the various areas within the building to those shown on the application drawings, and to secure
- c) to secure highways works associated with the removal of the redundant vehicular crossover and the reinstatement of the pavement (as no off-street servicing is proposed).

Site 2

The draft 'Heads' of agreement are proposed securing a payment in lieu of affordable housing provision of £1,427,000 (index linked and payable prior to the commencement of development), to be reimbursed should 11 Brick Street be converted to a private members' casino (sui generis).

Community Infrastructure Levy

The development at Site 1 does not generate any Mayoral or Westminster CIL requirements.

The estimated CIL payments in respect to Site 2 are:

Mayoral CIL: £5,650
Westminster CIL: £62,150

Total CIL: £67,800

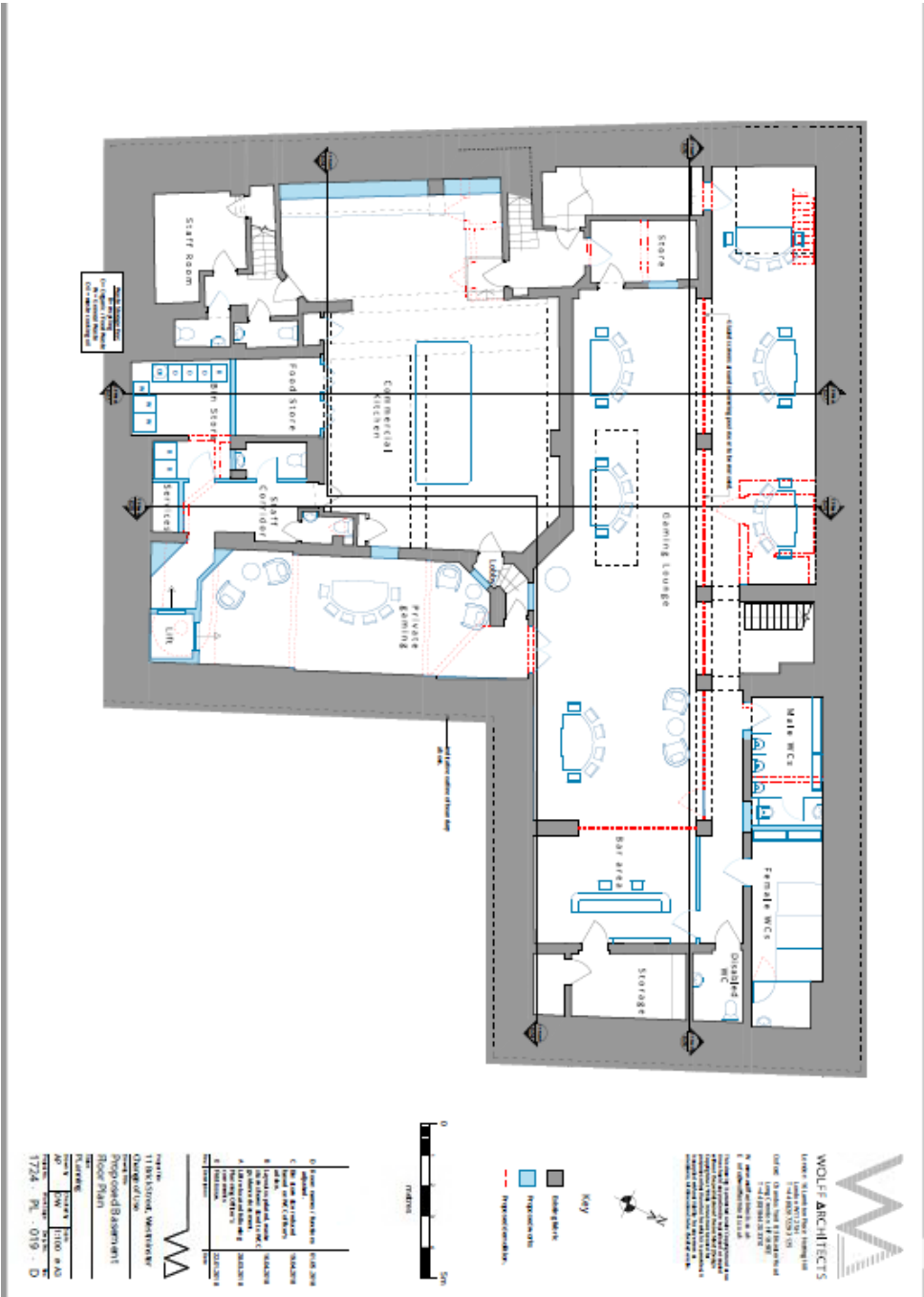
8.13 Environmental Impact Assessment

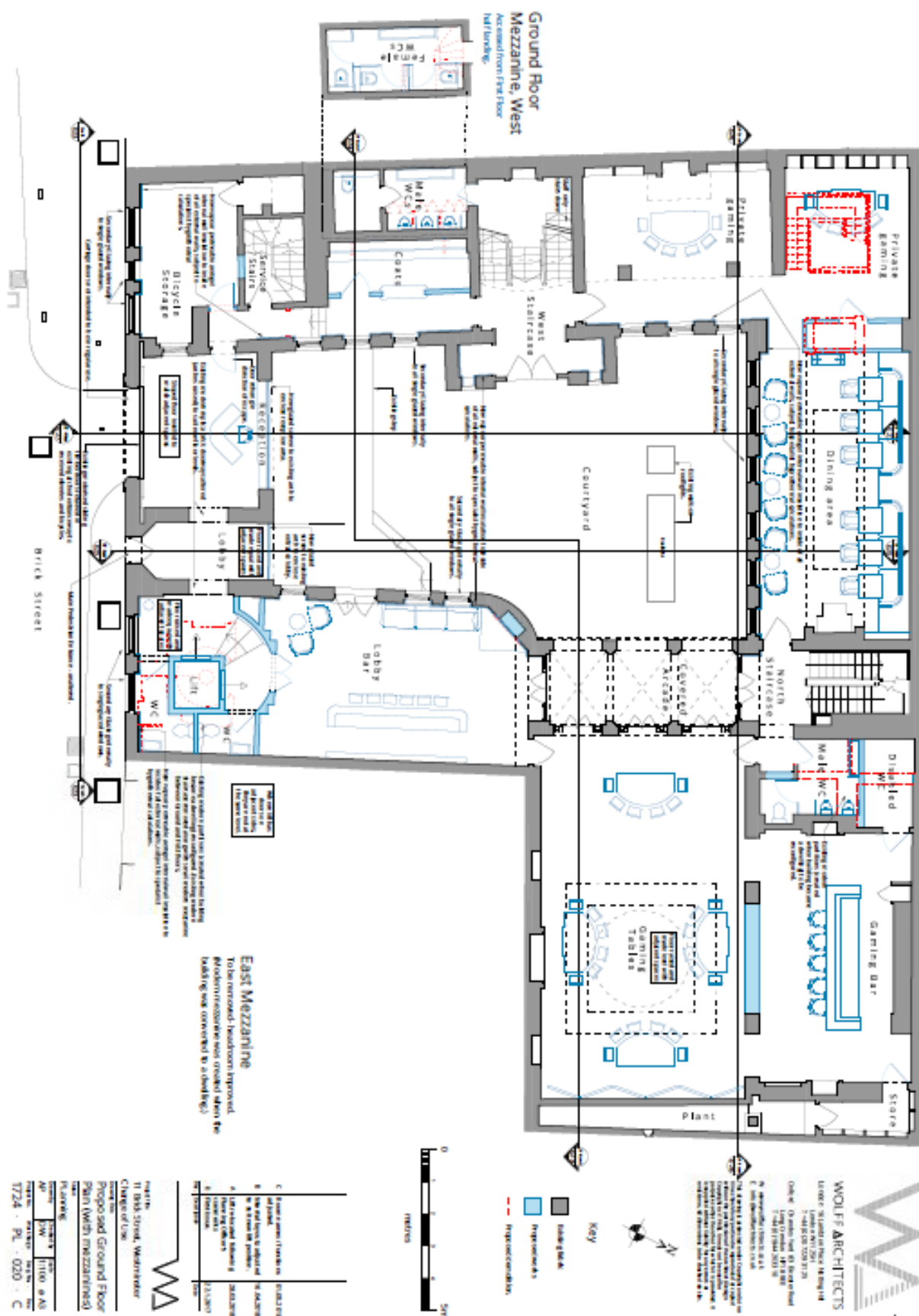
The application is of insufficient scale to trigger the requirement of an EIA.

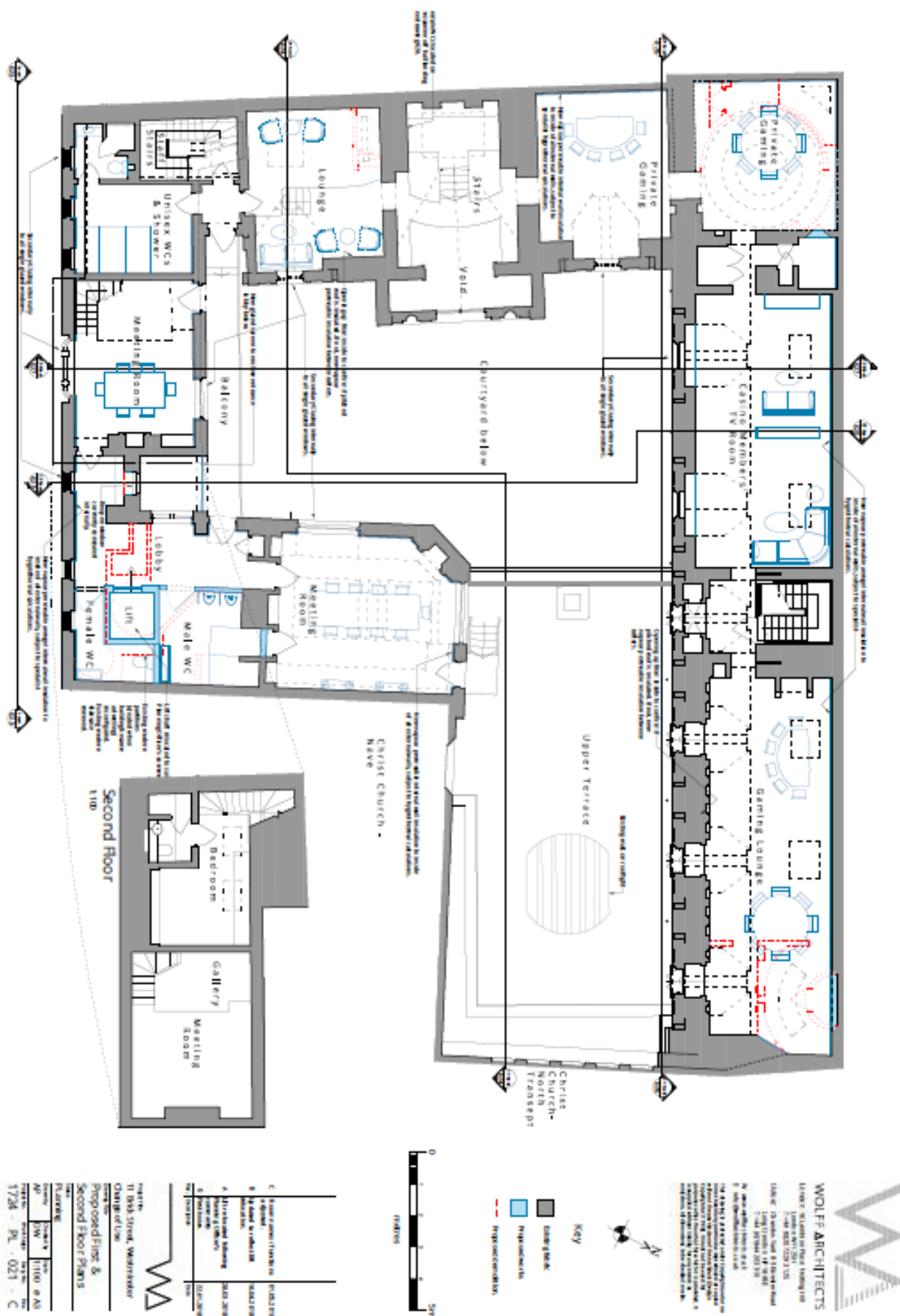
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

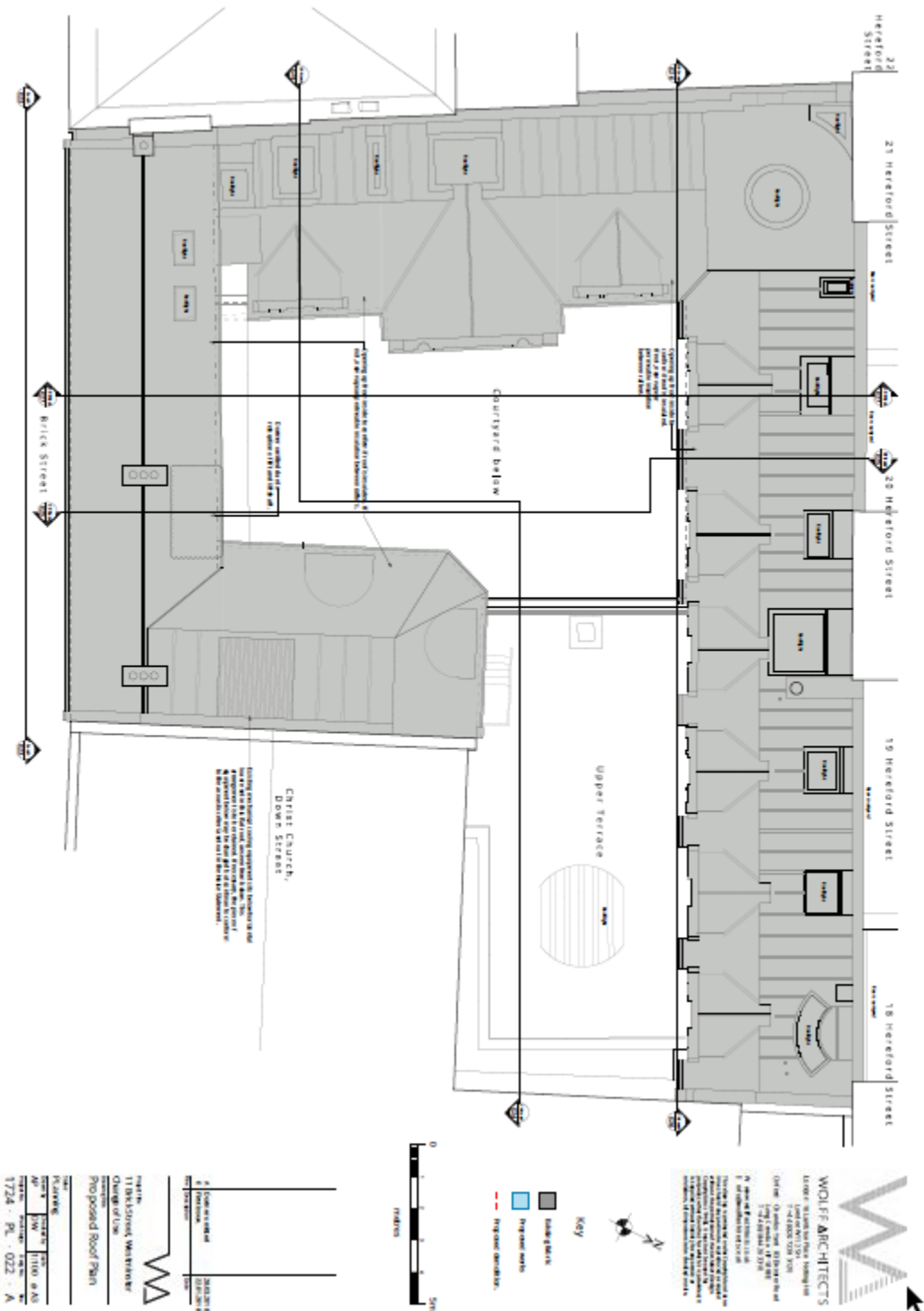
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk</p>
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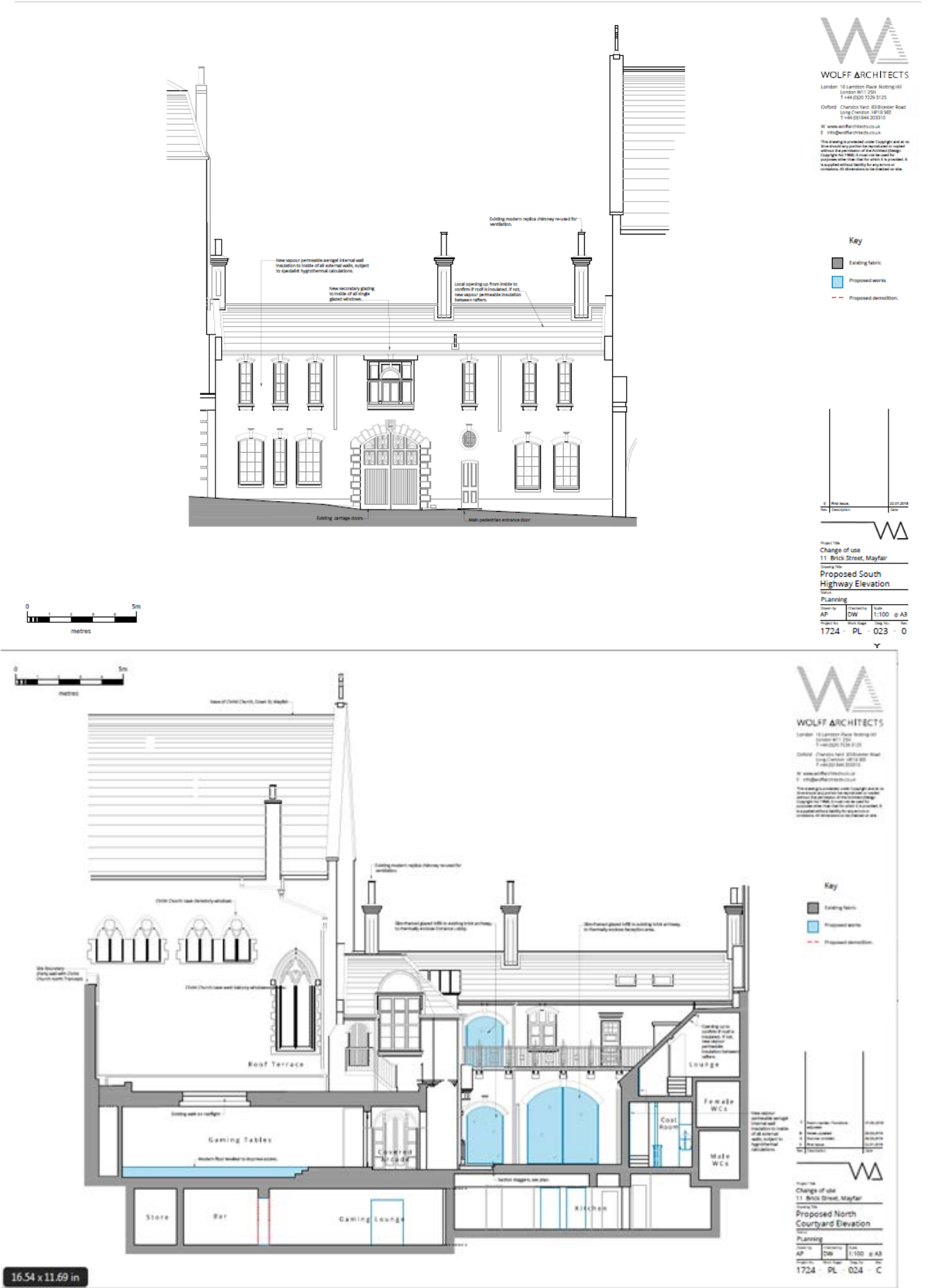
9. KEY DRAWINGS (SITE 1)



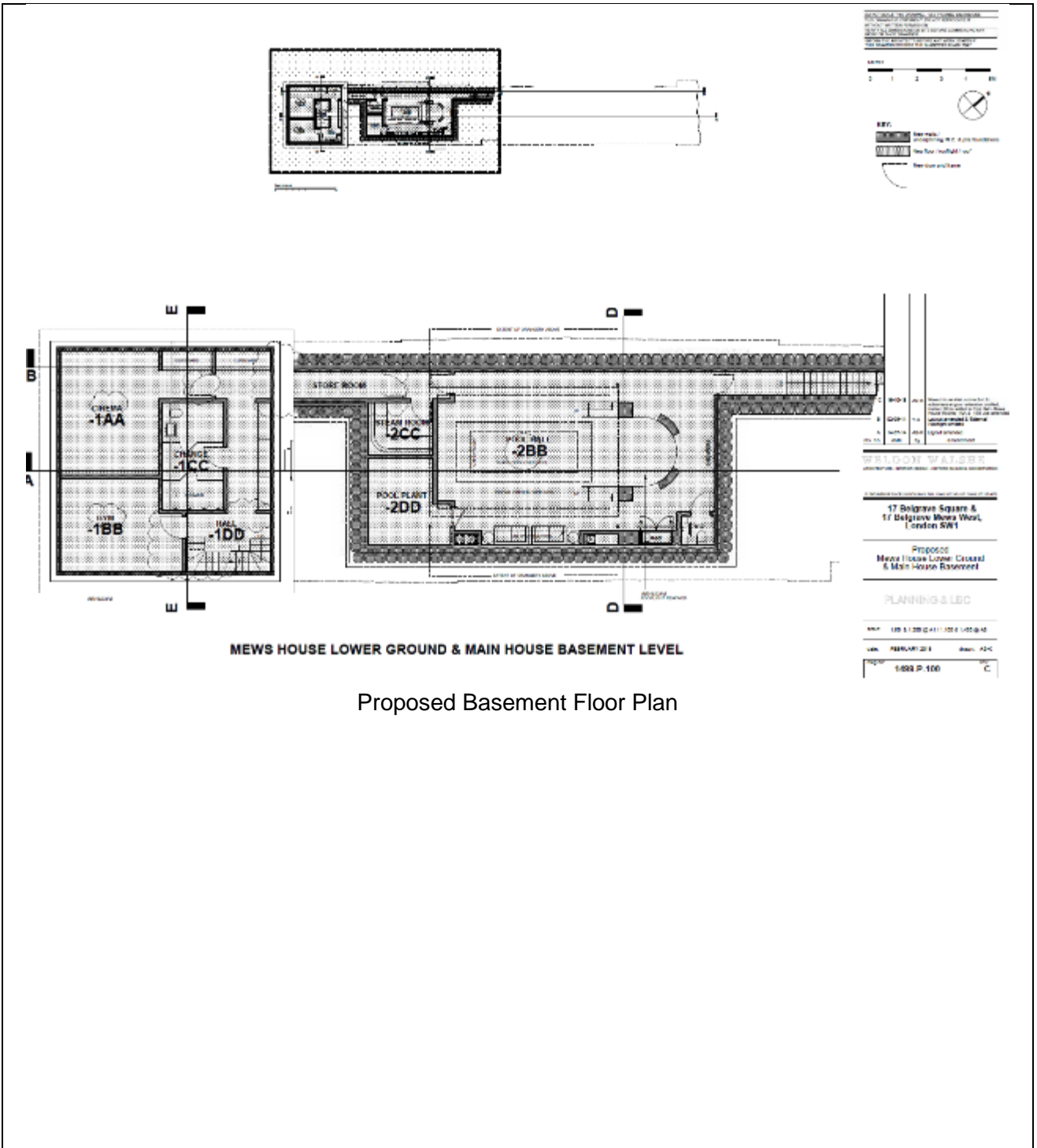


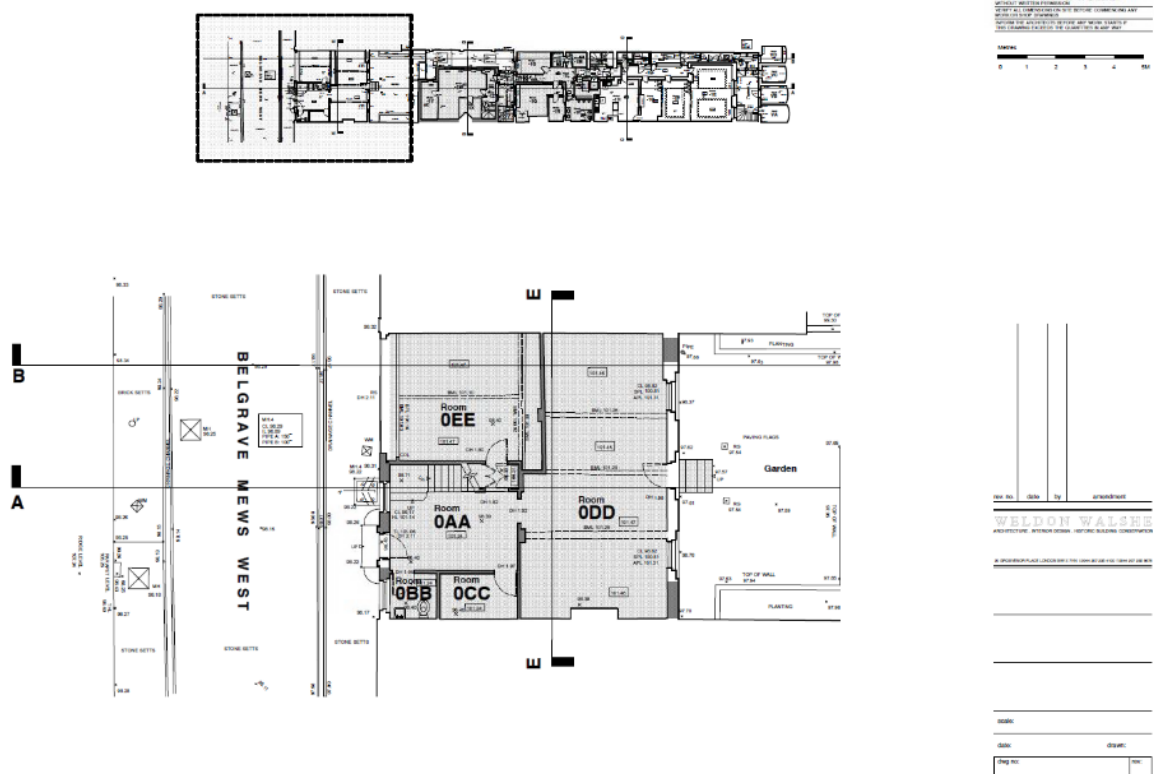




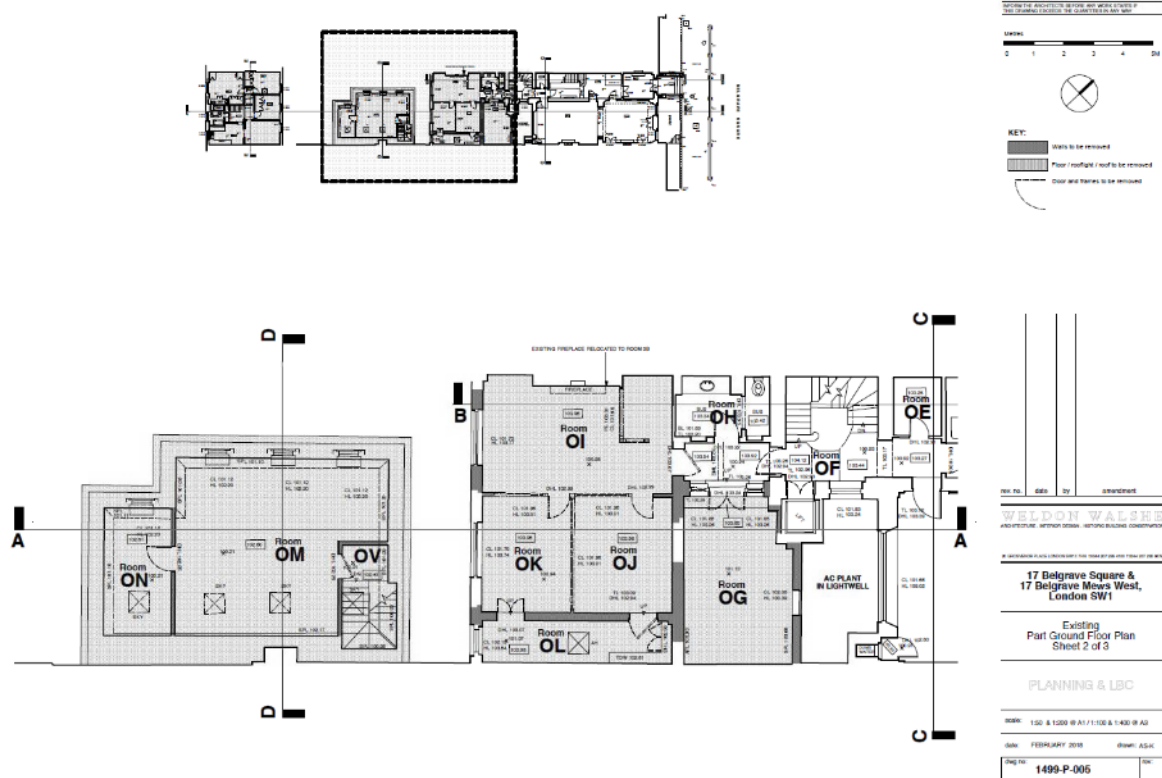


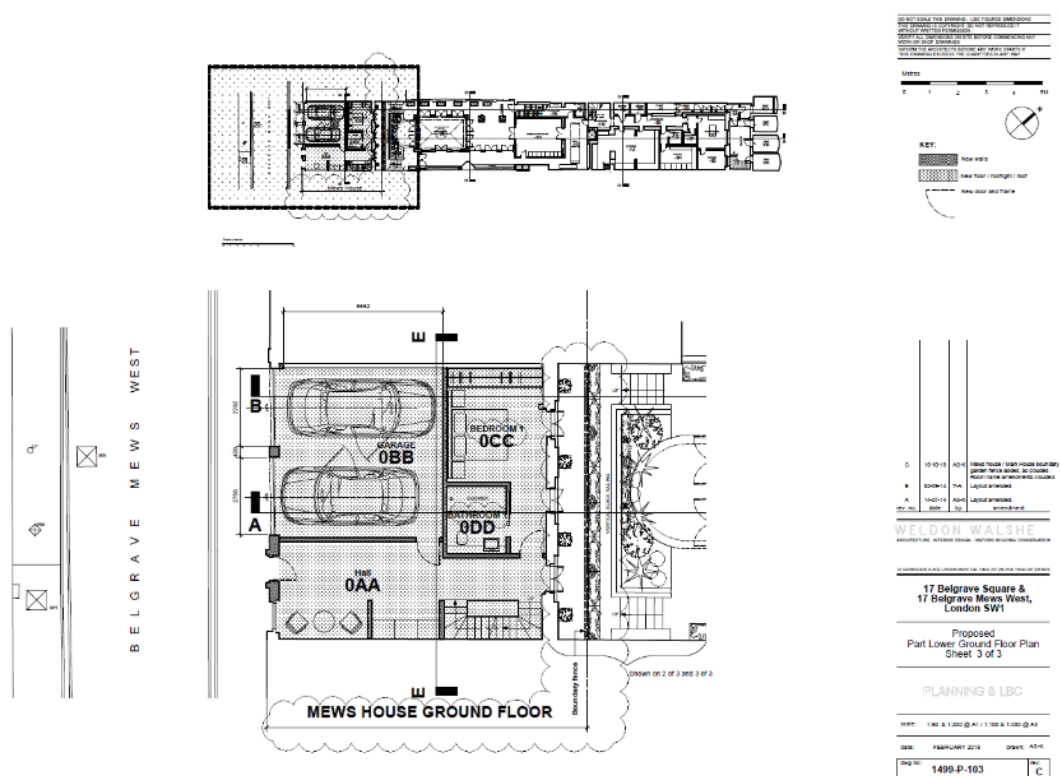
10. KEY DRAWINGS (SITE 2)

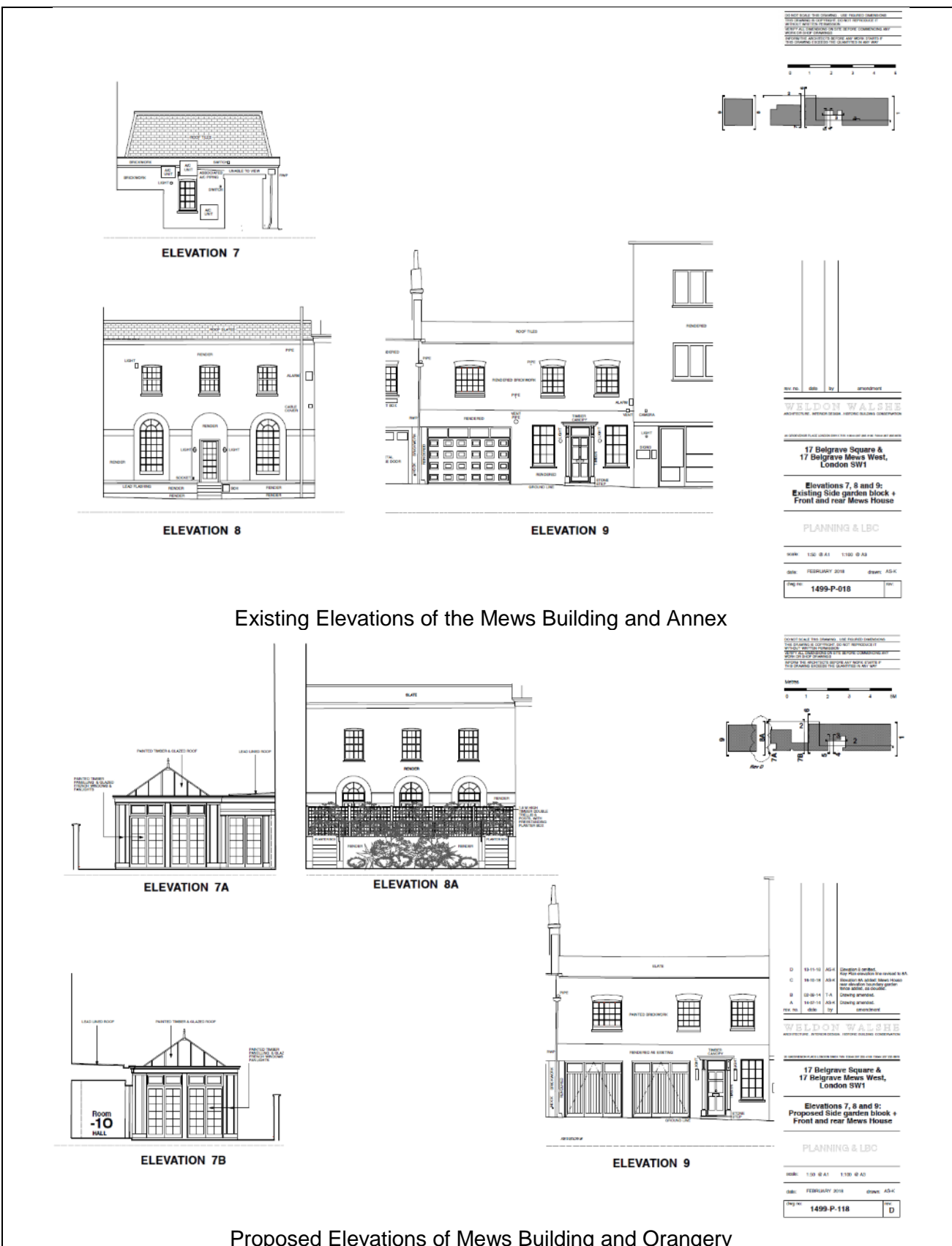




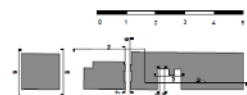
Existing Ground Floor Plans of the Annex and Mews Building







Proposed Elevations of Mews Building and Orangery



rev. no.	date	by	grandparent
WELDON WALSH			

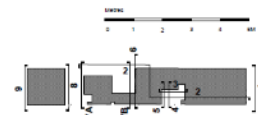
**Elevation 2:
Existing Side Extensions**

scale: 1:50 @ A1 1:100 @ A3

date: FEBRUARY 2018 draw: A3-K

deg no: 1499-P-015

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BEFORE THE ARCHITECTS BEFORE ANY WORK STARTS IF
THIS DRAWING EXCEEDS THE QUANTITIES PLANT FOR



B	10-10-18	AJ-K	Schedule amended as attached LHM - Miami (Hialeah 10/10/18) - Miami (Hialeah pending until January force added	
A	10-17-18	AJ-K	Cleaning scheduled	
REV.	NO.	DATE	BY	DESCRIPTION

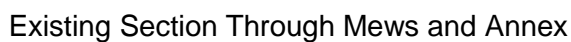
Elevation 2:
Proposed Side

SCALE: 1:50 @ A1 1:120 @ A2

date FEBRUARY 2018 drawn AS-K

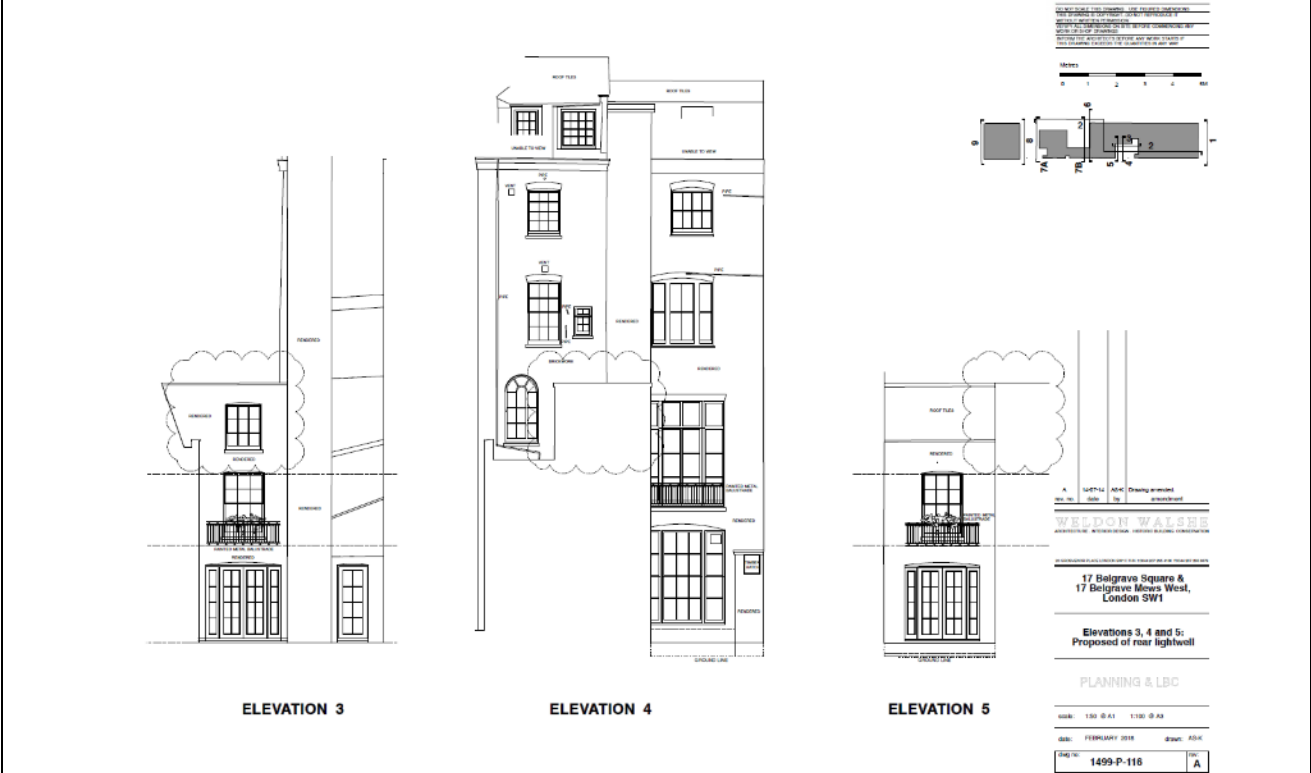
Seq no:	1499-P-115	REV:	B
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Proposed Side Elevation of Orangery





Existing Elevations of Lightwell to Rear of the Main Building



Proposed Elevations of Lightwell to Rear of the Main Building

SITE 1 - DRAFT DECISION LETTER (PLANNING PERMISSION)

Address: 11 Brick Street, London, W1J 7DF

Proposal: Use of the building as a private members' casino and external alterations. Linked to 18/01323/LBC (part of land use package with 17 Belgrave Square)

Reference: 18/01322/FULL

Plan Nos: 1724- PL-/019D, 020C, 021C, 022B, 023, 024C, 025D, 026B, 027D, 030.

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 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 unless they are shown on the approved drawings. (C26KA)

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)

- 5 You must not paint any outside walls of the building without our permission. This is despite the fact that this work would normally be 'permitted development' (under class C of part 2 of schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015) (or any order that may replace it). (C26WB)

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)

- 6 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:

- 1) New glazed screens, including their interface with the brickwork
- 2) Secondary glazing

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 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)

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

Reason:

To 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)

- 8 (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. (R46AB)

- 9 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. (R48AA)

- 10 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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. (R51AB)

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

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

12 **Pre Commencement Condition.**

You must not commence the development until you have applied to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

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

- 13 You must provide the waste store shown on drawing 1724-PL-019D before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the casino. 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)

- 14 No waste shall be stored on the public highway

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)

- 15 You must apply to us for approval of details of secure cycle storage for the casino use, providing a minim of 8 spaces. 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 2016 (R22FA)

- 16 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)

- 17 You must not allow more than 201 customers into the property at any one time.

Reason:

We cannot grant planning permission for unrestricted casino use because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 18 The use of the external spaces shall be as follows:

i) customer access to the ground floor courtyard shall be limited to a maximum of 20 customers

between 10.00 and 22.00 hours only. .

ii) there shall be no customer access to the first floor terrace between 10.00 and 12.00 hours on Sundays

iii) between 10.00 and 22.00 hours each day (excluding between 10.00 and 12.00 on Sundays) access to the first floor terrace shall be limited to a maximum of 20 customers

iv) between 22.00 hours and 10.00 hours the following morning, the use of the first floor terrace shall be limited to a maximum of 10 customers.

v) no tables and chairs or other forms of customer seating shall be provided in the ground floor courtyard or on the first floor terrace

vi) no amplified music shall be played in the ground floor courtyard or on the first floor terrace

Reason:

In accordance with the submitted application and because we cannot grant planning permission for unrestricted casino use because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 19 Other than for the purpose of access and egress or for maintenance purposes, you shall keep the casino doors closed at all times. All windows shall be kept closed at all times except for maintenance purposes.

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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 20 No goods shall be received at, or despatched from, the premises except between 07.00 and 09.00 hours on Monday to Saturday (excluding Bank Holidays and public holidays) and no goods shall be received at, or despatched from the premises on Sundays, public holidays and Bank Holidays.

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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 21 All waste and recycling collections (including bottle collections) shall take place between 10.00 and 12.00 hours on Monday to Saturday only (excluding Bank Holidays and public holidays). No collections shall, take place on Sundays, Bank Holidays and public holidays.

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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 22 The casino shall only provided in accordance with the accommodation layouts/uses shown on the drawings hereby approved.

Reason:

In accordance with the submitted application and 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 TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 23 You must apply to us for approval of detailed drawings, including location plans and drawings showing the screening in relation to the adjacent windows, showing the following alteration(s) to the scheme:

the provision of screens (which should not be fixed to the building fabric) or planters/screens adjacent to the west facing (North Transept) and north facing (stair/gallery) window to the adjacent Christ Church Mayfair.

You must not permit any customer access to the first floor terrace until we have approved what you have sent us. You must then install the approved screening prior to any customer use the first floor terrace and maintain the screening in situ at all times that the first floor terrace is in use.

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 TACE 10 of our Unitary Development Plan that we adopted in January 2007 and to prevent any damage to the adjacent stained glass windows.

- 24 You must not play any live or recorded music on your premises that would be audible outside of your premises

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

- 25 You must apply to us for approval of a Servicing Management Plan that fully identifies the process, storage locations, scheduling of deliveries and staffing. You must not commence the casino use until we have approved what you have sent us. You must then manage the premises according to 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)

- 26 You must apply to us for approval of a revised Operational Management Plan which also includes a Traffic Management Strategy for customer vehicle drop offs and vehicles waiting outside of the premises in order to safeguard the amenity of neighbouring occupants and to maintain the operation of the public highway. You must not start the casino use until we have approved what you have sent us and you must adhere to the approved Operational Management Plan at all times for the life of the development.

Reason:

To protect the environment of people in neighbouring properties and to prevent highway obstruction set out in S24, S29, S32 and S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2, TRANS 3, ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

- 27 You must provide, maintain and retain the energy efficiency measures detailed in the Energy and Sustainability Statement dated February 2018 (by XCO2) before you start to use any part of the development, as set out in your application.

You must not remove any of these features. (C44AA)

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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the relocation of the existing evidence floorspace, the detailed layout of the casino accommodation, the removal of the vehicular crossover and replacement with pavement and S106 monitoring costs. (I55AA)
- 3 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.

- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 6 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (180AB)

- 8 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.
- 9 It is noted that planters have been placed on the public highway outside of the building entrance. Due to the narrow width of the pavement, these are considered to be an unacceptable obstruction and should be removed.

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.

SITE 1 - DRAFT DECISION LETTER (LISTED BUILDING CONSENT)

Address: 11 Brick Street, London, W1J 7DF

Proposal: Use of the building as a private members' casino and associated internal and external alterations including replacement of roof level plant. Linked to 18/01322FULL

Reference: 18/01323/LBC

Plan Nos: 1724- PL-/019D, 020C, 021C, 022B, 023, 024C, 025D, 026B, 027D, 030.

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 not paint any outside walls of the building

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)

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

- 1) New glazed screens, including their interface with the brickwork
- 2) Secondary glazing

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 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 The two new brick arches to the lobby must match exactly the ex siting work in terms of materials, bond and pointing.

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, the London Plan 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.

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1

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

SITE 2 - DRAFT DECISION LETTER – PLANNING PERMISSION

Address: 17 Belgrave Square, London, SW1X 8PG,

Proposal: Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses (part of land use package with 11 Brick Street).

Reference: 18/01324/FULL

Plan Nos: Site Location Plan; 1499-P- 001; 002; 003; 004; 005; 005/2; 006; 007; 008; 009; 010; 011; 012; 013; 014; 015; 016; 017; 018; 020; 021; 022; 023; 024; 025; 100 rev C; 101 rev B; 102 rev C; 103 rev C; 104 rev A; 105 rev C; 105/2 rev C; 106; 107 rev A; 108 rev A; 109; 110 rev A; 111 rev A; 112 rev A; 114 rev A; 115 rev B; 116 rev A; 117 rev A; 118 rev D; 120 rev A; 121 rev C; 122 rev C; 123; 124 rev A; 125 rev C.

For Info Only:

Design and Access Statement; Heritage Statement; Structural Statement; Acoustic Report; Cover Letter.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

3 Pre-commencement condition

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 4 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 Belgravia 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)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Belgravia 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)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i. Windows
 - ii. Doors
 - iii. Garage Doors, which should appear as side hung, not up and over
 - iv. Roof Lantern

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

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 Belgravia 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)

- 7 You must paint all new railings black before the building is first brought into the proposed use and the railings shall thereafter be maintained in that colour.

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 Belgravia 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)

- 8 You must remove all redundant electrical and mechanical equipment including surface mounted cabling and trunking before the property is first brought into residential use.

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 Belgravia 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)

- 9 The roof of the mews property shall only be finished in natural slate to match the neighbouring properties.

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 Belgravia 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)

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

Reason:

To 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 Belgravia 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)

- 11 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)

- 12 (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. (R46AB)

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. (R48AA)

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

Reason:
As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 15 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

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)

- 16 You must apply to us for approval of details of secure cycle storage for the 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 2016 (R22FA)

Item No.
1

You must only use the garage for people living in the property to park their private motor vehicles. (C22EB)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 18 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)

- 19 You must apply to us for approval of details of how waste and recycling is going to be stored on the site. You must not occupy the residential use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the residential buildings. You must not use the waste and recycling store for any other purpose. (C14GA)

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)

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 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

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

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

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

Phone: 020 7641 2000

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 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 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)

- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 9 Conditions 12 and 13 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)
- 10 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.
- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) A contribution to the City Council's Affordable Housing Fund of £1,427,000 (index linked and payable prior to the commencement of development); the contribution to be held in escrow until a specific date being 3 years following the grant of planning permission ref: 18/01322/FULL relating to 11 Brick Street, immediately after which date the contribution will be transferred from the escrow account to the City Council's Affordable Housing Fund, unless the building at 11 Brick Street is occupied as a casino (sui generis) pursuant to planning permission ref: 18/01322/FULL, in which case the contribution shall be reimbursed to the applicant).
 - b) Costs of monitoring the S106 agreement and costs associated with the escrow account

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.

SITE 2 - DRAFT DECISION LETTER – LISTED BUILDING CONSENT

Address: 17 Belgrave Square, London, SW1X 8PG,

Proposal: Demolition of annexe building and replacement with rear extensions to 17 Belgrave Square; excavations to create pool hall extension under garden of 17 Belgrave Square and basement beneath mews property; and associated internal alterations; all in connection with the use of the mews property and 17 Belgrave Square as two single family dwelling houses.

Reference: 18/01325/LBC

Plan Nos: Site Location Plan; 1499-P- 001; 002; 003; 004; 005; 005/2; 006; 007; 008; 009; 010; 011; 012; 013; 014; 015; 016; 017; 018; 020; 021; 022; 023; 024; 025; 100 rev C; 101 rev B; 102 rev C; 103 rev C; 104 rev A; 105 rev C; 105/2 rev C; 106; 107 rev A; 108 rev A; 109; 110 rev A; 111 rev A; 112 rev A; 114 rev A; 115 rev B; 116 rev A; 117 rev A; 118 rev D; 120 rev A; 121 rev C; 122 rev C; 123; 124 rev A; 125 rev C.

For Info Only:
Design and Access Statement; Heritage Statement; Cover Letter.

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

- 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 Belgravia 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 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 building and to make sure the development contributes to the character and appearance of the Belgravia 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 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Belgravia 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 paint all new railings black before the building is first brought into the proposed use and the railings shall thereafter be maintained in that colour.

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 Belgravia 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 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:

- i. Windows
- ii. Doors
- iii. Garage Doors, which should appear as side hung, not up and over
- iv. Roof Lantern
- v. Any new lighting and flooring in the principal rooms.

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

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 Belgravia 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)

- 7 You must remove all redundant electrical and mechanical equipment including surface mounted cabling and trunking before the property is first brought into residential use.

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 Belgravia 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)

- 8 The roof of the mews property shall only be finished in natural slate to match the neighbouring properties.

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 Belgravia 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)

- 9 Notwithstanding the submitted details the chimney pieces shall be reinstated within the building before the building is first brought into residential use.

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 Belgravia 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)

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- 10 You must apply to us for approval of a paint analysis of the principal rooms before the building is first brought into residential use.

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 Belgravia 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)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia 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, the London Plan 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

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- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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