

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	1 Chiltern Street, London, W1U 7PA		
Proposal	Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; namely minor internal alterations at ground to third floor, alterations to glazing at basement to third floor, raising parapet wall at ground and first floor (south elevation), addition of rooflight at 1st floor, double glazed windows within doors to terrace at 2nd floor, repositioned roof access hatch at fourth floor (roof), flue at roof level within recessed dormers (north west corner), omission of louvered roof grill, window cill dropped to create doors at basement and ground floor'; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until to 30 September 2021.		
Agent	WSP UK Ltd		
On behalf of	Chiltern Street Hotel Limited		
Registered Number	20/07858/FULL	Date amended/ completed	11 December 2020
Date Application Received	9 December 2020		
Historic Building Grade	II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional permission, for a temporary period until 30 September 2021, subject to a deed of variation of the existing legal agreement dated 18 December 2014.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning shall consider whether the permission can be

issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

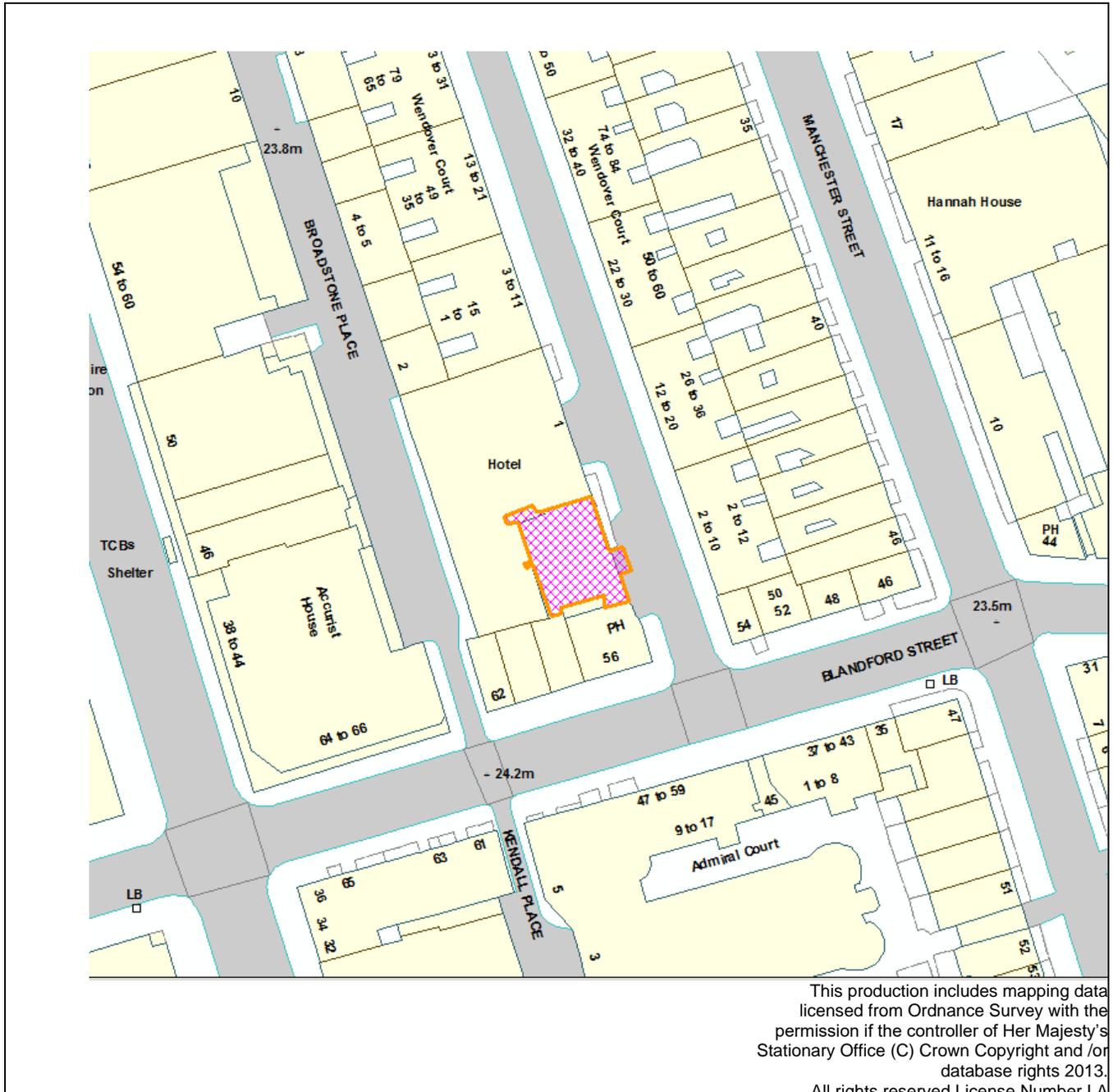
The application concerns the Firehouse Hotel, Chiltern Street which, following a permission originally granted in 2009, has been in operation as an hotel since April 2014. A condition was attached to that permission, and subsequent permissions including the permission of 28 March 2017, limits the use of courtyard area for drinking and dining from 09:00 to 21:00 hours each day (Condition 21). Planning permission is now sought to enable the courtyard area to be used until 22:00 hours each day.

The key issue in this case is the impact of the proposals on residential amenity.

Objections from neighbouring residents have been received on the grounds that the hotel is a poor neighbour, generating noise and disturbance to residents, and that the proposal will exacerbate these issues. The application originally sought a terminal hour until 23:00 but this has been amended to 22:00.

The Business and Planning Act 2020 includes a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including measures which enable businesses to provide outdoor restaurant seating without the need for planning permission. These are temporary arrangements which are due to end on 30 September 2021. Given these provisions, and notwithstanding officers' concerns about the impact of the proposals, it is considered reasonable to grant permission to allow the courtyard to be used until 22:00 hours, but only on a very temporary period until 30 September. However, the proposals are only considered acceptable in the light of the current, very exceptional, circumstances, and permission is unlikely to be forthcoming for any future application to enable the external seating to be used beyond the authorised terminal hour of 21:00 on a permanent basis.

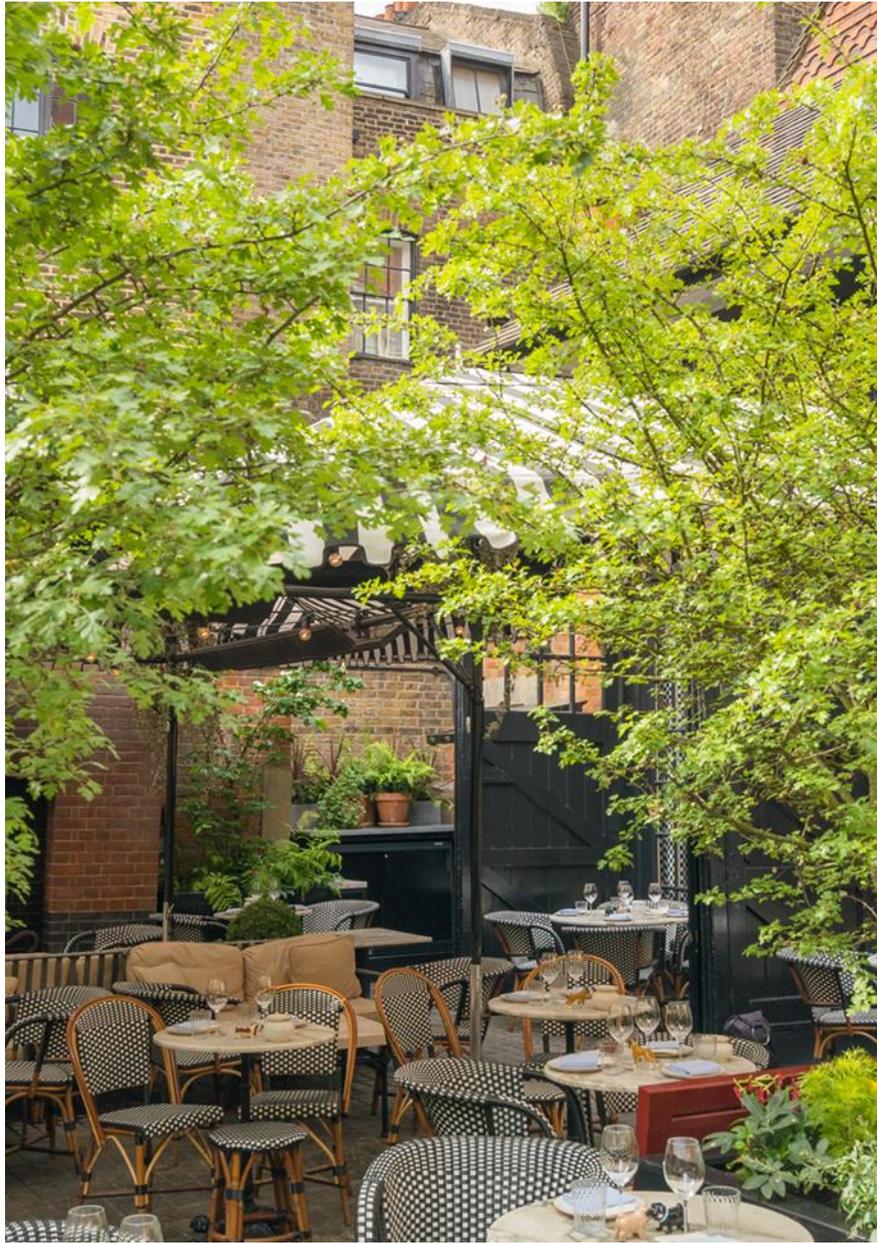
3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Object on the grounds that residential amenity will be negatively impacted through an increase in noise and disturbance caused by the extended hours, from both patrons using the courtyard, and from staff clearing up tables, and other noise-generating activities such as the disposal of glass bottles into bottle bins.

EH CONSULTATION

Object to a terminal hour of 23:00 but consider that a terminal hour of 22:00 is more acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 48;

Total No. of replies: 19

Twelve letters of support, and six letters of objection raising the following matters:

* This is predominately a residential street in which most other businesses close at 18:00 the current cut-off time is a reasonable compromise.

*The premises already causes noise, disturbance and aggravation in a quiet residential area. Courtyard noise has been a constant issue, and this, and noise from vehicles at all hours, continues to be a problem for those living opposite and close to the venue. Later courtyard use will create noise at a time when residents, in properties only a few metres distant in some cases, are starting to go to bed, causing stress and potential health issues. There are bedrooms facing both Chiltern Street and Broadstone Place

* Spill out of late-night activities around the operational hours frequently breach approved licensing hours.

* The proposal would mean that the external seating (recently increased 100+ tables and chairs in the courtyard, plus the 10 tables and 20+ chairs on Chiltern Street), would be available to customers for an additional 2 hours every day, and crucially into the night-time hours. The hotel already has a significantly increased external seating capacity than previously.

*Although this is proposed as a temporary amendment, it clearly seeks to set a precedent for an inevitable future application for an extension to outdoor hours

*Until the applicant can demonstrate sound management within their existing approvals any extension of hours of operation should not be considered.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Chiltern Firehouse, a Grade II listed hotel, is located on the west side of Chiltern Street near the corner of Blandford Street within the Portman Estate Conservation Area.

Planning permission was originally granted for the use of the former fire station as an hotel in April 2009.

The operation of the hotel is subject to a number of conditions including a requirement to close the restaurant doors and windows on Chiltern Street between 20:00 and 08:00 and limiting the al fresco dining area within the courtyard between the hours of 09:00 and 21:00.

6.2 Recent Relevant History

Planning permission granted 30 April 2009 for the use of the fire station as a 33 bedroom hotel (Class C1). Construction of new five storey building in yard, glazed rear roof light and single storey rear extension at ground floor level and part, two and three storey rear extensions at first floor level and above and new part basement excavation. Associated internal and external works.

Planning permission granted 19 August 2011 for the use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations.

Planning permission granted 18 December 2014 (RN: 14/08741) for use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations;

Planning permission granted 28 March 2017 for Variation of Conditions 1, 8, 9, 23, 26 and 31 of planning permission dated 18 December 2014 to vary the wording of Condition 8 to remove reference to a bar and identify the areas of the hotel to which non-resident hotel guests can have access to and remain on the premises after 2400 hours; to revise Condition 9 to refer to an updated Management Plan; to vary condition 23 (to clarify the areas of the hotel restricted by the capacity condition) and revisions to Conditions 1, 26 and 31 to refer to an updated drawing number for a revised Ground Floor plan (14/11804/FULL).

Permission was granted on 28 April 2000 for the use of the public highway for the placing of 10 tables and 20 chairs in an area measuring 14m x 2.5m between the hours of 09:00 and 20:00, in connection with the existing hotel for a temporary period of one year.

7. THE PROPOSAL

Condition 21 of the current planning permission (ref. 14/08741/FULL) restricts the use of the outside courtyard until 21:00. There is no condition restricting the courtyard capacity. The proposal seeks temporary planning permission to extend the opening hours of the courtyard area by one hour (22:00), Monday to Sunday. The application originally sought to extend the courtyard use until 23.00, for a 12-month period, but was subsequently revised to amend the proposed terminal hours and to limit the temporary period of the extended hours of use until to 30 September 2021.

The applicant argues that the extension of hours is necessary to support the operation of the hotel as the COVID pandemic has created catastrophic problems for the hospitality industry and continues to do so. They advise that the use of the outside areas has increased due to the need for social distancing but that the use of the courtyard is limited by the current hours restriction. In light of this, they have applied to extend the hours of courtyard use which would enable them to increase the use of this area if the inside drinking/dinking spaces have had to close or their use has otherwise been restricted, and this would give them greater flexibility if more rigorous guidelines are imposed. They contend that this flexibility would give them increased certainty with regard to staff retention and, ultimately, the financial viability of the hotel.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Not applicable to this case.

8.2 Townscape and Design

Not applicable in the determination of this application.

8.3 Residential Amenity

Policies S29 and S32 of the City Plan and ENV 6 of the UDP seek to protect the amenities of the occupiers of neighbouring properties.

S29 of the City Plan states that "The Council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment". S32 states that "The Council will work to reduce noise pollution and its impacts and protect Noise Sensitive Receptors from noise by requiring development to minimise and contain noise and vibration."

ENV 6 of the UDP states that "The City Council will not permit development that will cause noise disturbance in tranquil areas".

Whilst a number of letters of support have been received, strong objections have also been received from neighbouring residents, and the Marylebone Association, primarily on the grounds the proposal would exacerbate existing problems surrounding general disturbance and noise nuisance late at night as the hotel generates noise which is

audible within neighbouring residential premises. Objectors contend that the hotel is an unreliable neighbour and consider that the proposals would have a material impact on residents' amenity.

It is accepted that the presence of tables and chairs close to residential premises can cause problems in terms of noise nuisance and late-night disturbance and it is clear that the premises have been a source of complaint from local residents. The premises is located in close proximity to a number of residential dwellings, the nearest being the flats directly opposite in Wendover Court. This is a relatively quiet location and it is acknowledged that the extended hours of use of the courtyard will result in an increase in later noise and activity.

The Environmental Services Officer (ESO) objected to the original proposal on the same grounds but is now of the view that the revised terminal hour reduces the risk of disturbance. In response to the ESO's concerns regarding the movement of furniture after 22.00 hours, the applicants have confirmed that there would be no need to move furniture after this time and that any changes to the furniture layouts to meet new Covid restrictions would be undertaken during the day. However, there would be some potential activity associated with clearing of tables after 22.00 when the use of the courtyard ceases.

Objectors have referred to the fact that the hotel has recently added additional tables and chairs in the courtyard, which now has a capacity of over 100. The current permission does not restrict the number of tables and chairs, or the total courtyard capacity, only the hours of its use. The applicant argues that current social distancing requirements would keep the number of patrons within the courtyard lower than at pre-Covid times. The applicant has since confirmed that the current maximum capacity of the area, with social distancing measures in place, is 80, but without social distancing measures, the courtyard can accommodate approximately 100-120 seated people.

Given that the courtyard currently can operate without a restriction on numbers, it is more appropriate in this case to regulate capacities through the Licensing process rather than through the planning system. The licensing process is also likely to explore ways to define and regulate the activities and the ways in which patrons are permitted to use the area so that the risk of public nuisance is reduced. There is a current Licensing Act application being considered at the moment (Ref: 20/11588/LIPV) for the use of the courtyard until 23:00 hours daily, for a temporary period until 1 March 2022. It is due to be considered by the Licensing Sub-Committee on the 17th March 2021.

Whilst the application is supported by a noise report, it refers only to historic background noise levels, rather than calculating anticipated noise levels emanating from the terrace. The report concludes that the recently installed glazed canopy helps to attenuate sound, and that the extension of hours of use would not result in significant adverse effect to residents as long as the activities within the courtyard are effectively managed.

Residents however refer to the fact that courtyard noise has been a constant issue, and the City Council's records show there have been 11 complaints in the last year that specifically refer to noise in the courtyard. Officers consider that it is unlikely that the perimeter glazed cloister would attenuate against 'peak' noises such as laughter, shouting or mobile phones. In this regard, the extended hours of use is likely to impact on the amenity of nearby neighbours and is contrary to the circumstances in which the

use of the courtyard was originally considered acceptable.

However, the Business and Planning Act 2020 includes a range of measures intended to support recovery from the disruption caused by the COVID-19 outbreak, including enabling businesses to provide outdoor restaurant seating without the need for planning permission. These temporary arrangements are due to end on 30 September 2021. Given these provisions, and notwithstanding officers' concerns about the impact of the proposals, it is considered reasonable to grant permission to allow the courtyard to be used until 22:00 hours each day for a temporary period until 30 September. However, the proposals are only considered acceptable in the light of the current, very exceptional, circumstances, and permission is unlikely to be forthcoming for any future application to enable the external seating to be used beyond 21:00 hours on an extended temporary or permanent basis.

8.4 Transportation/Parking

Not applicable to this application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Not applicable to this application.

8.7 Other UDP/Westminster Policy Considerations

The objection relating to pollution from patio heaters has been referred to Environmental Health.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

None 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.

8.12 Planning Obligations

The original permission was subject to a legal agreement which secured:

- i) A financial contribution of £377,325 towards public realm works;
- ii) A financial contribution of £194,102 towards the City Council's affordable housing fund;
- iii) The residential uses (and retention of) at 48, 58 and 63 Gloucester Place and 15 to 16 Fitzhardinge Street prior to the occupation of the hotel;
- iv) Retention of the school use at Bryanston Square;
- v) The permanent retention of the use of the hotel function room (free of charge) for local residents' use;
- vi) Public access to the hotel;
- vii) A parking mitigation payment of £9,000.
- viii) A Crossrail contribution of £67,020 as agreed between the applicant and TfL.

Whilst the financial payments have all been paid, a deed of variation to the original agreement will be required to secure the matters set out in iii) to vi) above.

A CIL payment is not liable.

8.13 Environmental Impact Assessment

Not applicable.

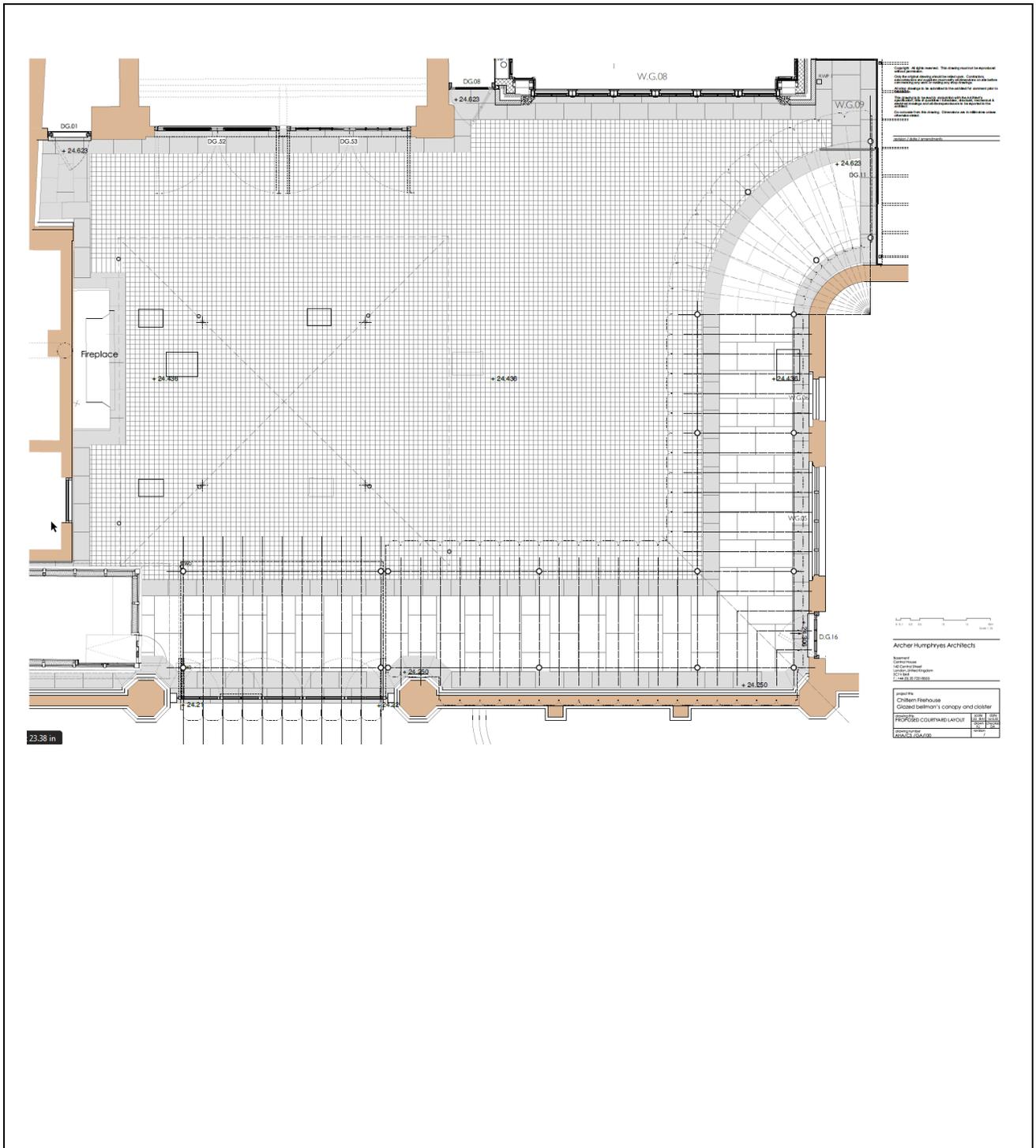
8.14 Other Issues

None relevant.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK

9. KEY DRAWINGS



1. All dimensions are in meters unless otherwise stated.
2. All dimensions are to the center of the wall unless otherwise stated.
3. All dimensions are to the center of the column unless otherwise stated.
4. All dimensions are to the center of the door unless otherwise stated.
5. All dimensions are to the center of the window unless otherwise stated.
6. All dimensions are to the center of the staircase unless otherwise stated.
7. All dimensions are to the center of the lift unless otherwise stated.
8. All dimensions are to the center of the ramp unless otherwise stated.
9. All dimensions are to the center of the balcony unless otherwise stated.
10. All dimensions are to the center of the terrace unless otherwise stated.

23.38 m

Architect Humpries Architects

Project
Chilren Refhouse
Capped Refhouse canopy and closter
PROJECT COMMENCEMENT DATE: 2014
PROJECT COMPLETION DATE: 2015

Architect Humpries Architects

DRAFT DECISION LETTER

Address: 1 Chiltern Street, London, W1U 7PA

Proposal: Variation of Condition 21 of planning permission dated 28 March 2017 (RN: 14/11804/FULL) for 'Use of the fire station as a 26 bed hotel (Class C1). Demolition of part of the existing building at the rear, including demolition of enclosures in the ground floor and basement courtyards and demolition of the steel practice tower. Erection of a part three and five-storey wing to main building. Excavation of courtyard to create basement level accommodation, including plant room. Rear extensions to main building. External and internal alterations; namely minor internal alterations at ground to third floor, alterations to glazing at basement to third floor, raising parapet wall at ground and first floor (south elevation), addition of rooflight at 1st floor, double glazed windows within doors to terrace at 2nd floor, repositioned roof access hatch at fourth floor (roof), flue at roof level within recessed dormers (north west corner), omission of louvered roof grill, window cill dropped to create doors at basement and ground floor'; NAMELY, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period.

Reference: 20/07858/FULL

Plan Nos: AHA-CS-GA-100

14/11804/FULL
DA/CS/PL/101 Rev AD

14/08741/FULL
DA/CS/PL/101 Rev AA, , 12/10521/FULL, DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/10521/FULL
DA/CS/PL/101/AA, 103/S, 101/Z, 104/P, 105/O, 106/O, 107/J, 108/J, 111/H, 114/L, 116/G; DA/CS/DM/020/C3, 003/C4, 018/C3, 016/C3; DA-CS-DET-508A/T2

12/05388/NMA
DA-CS-PL-103, DA-CS-PL-101, DA-CS-PL-104, DA-CS-PL-106, DA-CS-PL-107, DA-CS-DM-002, DA-CS-DM-003, DA-CS-DM-006, DA-CS-DM-011, DA-CS-DM-016, DA-CS-DM-018, DA-CS-DM-020, DA-CS-DET-510, DA-CS-DET-527, PE.CF3_2201, PE.CF3_2202, PE.CF3_3105, PE.CF3_3109, PE.CF3_3110, 17196-ST-005, 17196-ST-010, 17196-ST-011, 17196-ST-012, 17196-ST-020, 17196-ST-021, 17196-ST-022, 17196-ST-030, 17196-ST-031, 17196-ST-032, 17196-ST-033, 17196-ST-034, 17196-ST-035, 17196-ST-040, 17196-ST-041, 17196-ST-050, 17196-ST-051, 17196-ST-060, 17196-ST-061, 17196-ST-062, 17196-ST-065, 17196-ST-070, 17196-ST-080, 17196-ST-081, 17196-ST-082, 17196-ST-083, 17196-ST-084, 17196-ST-085, 17196-ST-086, 17196-ST-090, 17196-ST-099, 17196-ST-100, 17196-ST-101, 17196-ST-102, 17196-ST-103, 17196-ST-109, 17196-ST-110, 17196-ST-112, 17196-ST-120, 17196-ST-121, 17196-ST-130, 17196-ST-131, 17196-ST-140, 17196-ST-141, 17196-ST-150, 17196-ST-151,

17196-ST-160, 17196-ST-161, 17196-ST-165, 17196-ST-170, 17196-ST-171,
17196-ST-172, 17196-ST-173, 17196-ST-174, 17196-ST-180, 17196-ST-185,
17196-ST-186,

11/09264/NMA

101-O, 103-J, 104-L, 105-L, 106-K, 107-J, 108-G, 109-D, 111-F, 113-H, 114-J, 115-F, 116-E, 117-G, 118-E

10/10324/FULL

DA/CS/PL/100, 100.1A, 101F, 103F, 104F, 105E, 106E, 107D, 108C, 109C, 111D, 113E, 114F, 115D, 116C, 117D, 118C; DA/CS/DM/002B, 003A, 004A, 005A, 006A, 007A, 008A, 009A, 011A, 013A, 014B, 015B, 016A, 017A, 018A, 019A, 020A; DA/CS/EX 003, 002, 004, 005, 006, 008, 009, 011, 013, 014, 015, 016, 019; External Noise Assessment dated November 2010; Structural Engineering Report dated 15 November 2010 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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

You must carry out basement excavation work only: ,

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

Noisy work must not take place outside these hours. (C11BA)

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 You must carry out the work in accordance with the details approved under 12/11691/ADFULL approved on 20.12.2012, 11/09854/ADFULL approved on 28.11.2011 and 11/11918/ADFULL approved on 21.8.2012 or in accordance with alternative details to be approved by the City Council.

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 Portman Estate 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 carry out the work in accordance with the samples approved under 11/11116/ADFULL or in accordance with alternative samples to be approved by the City Council.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate 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 carry out the work in accordance with the materials approved under 11/11116/ADFULL approved on 01.12.2011 or in accordance with an alternative sample panel of brickwork to be approved by the City Council.

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 Portman Estate 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 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 8 Non resident hotel guests shall not be allowed access to or to remain on the premises within the hotel restaurant and function room except between the hours of 07.00 and 24.00

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 9 You must carry out the measures included in your management plan dated 25 November 2016 at all times that the hotel is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 You must install the ventilation measures approved under RN 11/11148/ADFULL prior to the occupation of the hotel. You must not change it without our permission.

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)

- 11 (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)

- 12 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)

- 13 You must operate the plant/machinery in accordance with the supplemental noise report approved under RN 14/00780/ADFULL at all times that the plant is in use.

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)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number DA/CS/PL/103 revision S. You must clearly mark them and make them available at all times to everyone using the hotel. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 15 You must maintain the acoustic measures according to the works approved under RN 11/08504/ADFULL.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 16 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in CS40 of our Core Strategy that we adopted in January 2011 and in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 17 All servicing must take place between 08:00 and 18:00 on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building

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)

- 18 You must carry out the measures in your Servicing Management Plan approved under RN 13/11973/ADFULL at all times that the hotel is in use.

Reason:

To ensure that the servicing facility operates as designed and does not impact on the safety or operation of the highway as set out in CS41 of our Core Strategy that we adopted in January 2011 and in Policy TRANS 20 of our Unitary Development Plan that we adopted in January 2007.

- 19 You must hang all doors or gates so that they do not open over or across the road or pavement, unless otherwise agreed in writing with the Local Planning Authority.

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)

- 20 All restaurant windows/doors on the Chiltern Street frontage shall be closed between 2000 hours each day and 0800 hours the following morning.

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

- 21 The courtyard area can only be used for outside dining/drinking between 09:00 hours and 22:00 each day for a temporary period ending 30 September 2021. Thereafter, the

courtyard area may only be used for outside dining/drinking between the hours of 09:00 and 21:00 each day.

Reason:

In response to the recent COVID-19 outbreak, the City Council has resolved to grant this application for extended hours for outside dining/drinking for a temporary period in order to allow the Chiltern Firehouse to be COVID-19 secure whilst protecting as many hospitality jobs as possible. We cannot grant permanent permission as the extended hours for the use of the courtyard is considered to be detrimental to the amenity of neighbouring residents as set down in ENV 6 and ENV 11 of our Unitary Development Plan that we adopted in January 2007 and policies S29 and S32; of Westminster's City Plan (November 2016). For this reason, permission is only granted for a temporary period.

- 22 You must carry out the measures in your Travel Plan approved under 13.11973/ADFULL at all times that the hotel is in use.

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)

- 23 You must not allow more than 250 customers in the front of house areas at any one time.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 24 The existing firestation lantern and the firestation sign at second floor level on the Chiltern Street frontage shall be retained in situ unless otherwise agreed in writing with the Local Planning Authority.

Reason:

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

- 25 The plant area at basement level shall be reserved for plant only and not be used for any front of house activities.

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 TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 26 Public access/egress (for guests and non-resident patrons) shall only be through the courtyard entrance on Chiltern Street and the three entrances on Broadstone Place as respectively marked hotel entrance and secondary hotel entrance(s) on Plan no DA/CS/PL 101 (Rev AD). The door leading from the kitchen area onto Chiltern Street shall be for means of escape only.

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 TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 27 The operation of the premises for hotel purposes shall only take place in accordance with the parking bays as replaced on Broadstone Place.

Reason:

To provide parking spaces for people using the development as set out in CS 41 of our Core Strategy that we adopted in January 2011 and Policies STRA 25, TRANS 21 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 28 All existing original windows shall be retained in situ in the listed building. Double glazed windows shall not be installed within the listed building.

Reason:

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

- 29 You must not use the first floor roof (marked as terraced area on your drawing no. DA/CS/PL 104 Rev P) for sitting out or hotel guest use, unless we have given our approval beforehand. You can however use the roof for maintenance or means of escape purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 30 No music or amplified sound played within the restaurant shall be audible outside the premises at any time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in CS23, CS28 and CS31 of our Core Strategy that we adopted in January 2011(as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013) a and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must only use the area shown as restaurant on the ground floor plan DA/CS/PL/101 AD as a sit-down restaurant with waiter service. You must not use any part of the restaurant as a bar or bar area, or for any other purposes, including any other within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 retention of the residential uses at 48, 58 and 63 Gloucester Place, 15-16 Fitzhardinge Street and the school use at 48 Bryanston Square; to secure public access to the hotel and the permanent retention of the use of the hotel function room (free of charge) for local residents' use.

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.