

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 October 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 14.05.2021 (RN: 20/07858/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, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until 30 September 2022.		
Agent	WSP UK Ltd		
On behalf of	Chiltern Street Hotel Limited		
Registered Number	21/05449/FULL	Date amended/ completed	
Date Application Received	6 August 2021		
Historic Building Grade	II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

<p>1. Grant conditional permission, for a temporary period until 30 September 2022, subject to a deed of variation of the existing legal agreement dated 14 May 2021.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>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</p> <p>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</p>
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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 which limits the use of courtyard area for drinking and dining from 09:00 to 21:00 hours each day (Condition 21).

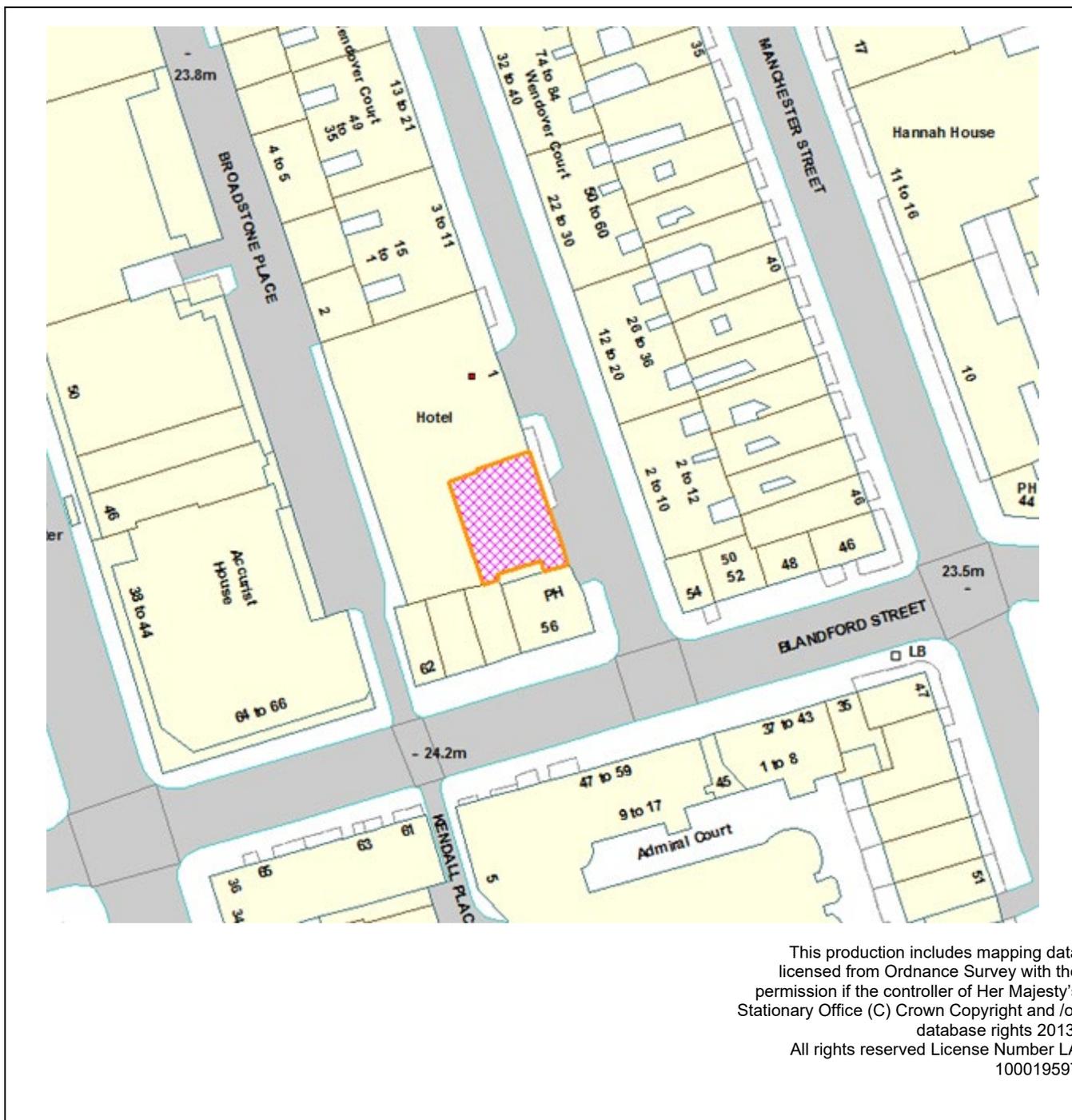
An application was approved on 14 May 2021, which granted temporary planning permission for the use of the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a period until to 30 September 2021. Planning permission is now sought to enable the courtyard area to be used until 22:00 hours each day for a further year (until 30 September 2022).

The key issue in this case is the impact of the proposals on residential amenity and objections from neighbouring residents have been received on the grounds that customers of the Firehouse cause noise and nuisance.

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. This was the determining factor in the determination of the permission granted in May this year. The reason that the permission was only temporary until 30 September was because the temporary arrangements allowed under the Business and Planning Act 2020 expired on that date.

Since this permission, the Government has announced that legislation within the Business and Planning Act 2020 is now extended for an additional 12 months, until 30 September 2022. 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 2022. 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



4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No response to date

EH CONSULTATION

No objections raised

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63;

Total No. of replies: 21

Thirteen letters of support, and eight letters of objection (two from one respondent) raising the following matters:

- * Noise and nuisance caused by the customers at the Firehouse, including shouting and commotion when customers leave
- * The extension of the courtyard hours only supports noisy parties and interferes with residents 'quiet enjoyment' of their homes.
- * The chatter and clatter of glasses and plates can be heard opposite as well as in flats adjacent.
- * The glass canopy's hard surface appears to act as a sounding board and bounce the sound, totally contrary to the 'expert' opinion given by the Firehouse
- * The courtyard which currently seats 90, is by far the largest and noisiest outdoor hospitality space for at least a mile
- * Chiltern Street and the surrounding area is a mix of quiet, predominately residential, properties and small shops which usually close at 1800 on most days
- * The proposed extension to 2200 has been in place this summer and has created horrendous noise levels causing stress and ill health
- * The Firehouse have told residents that the additional hours is not to accommodate a second dinner sitting but is needed 'for puddings'. Residents believe that it is in fact for drinking – with the noise that accompanies it.
- * The Council should take the opportunity to curb existing nuisance by imposing reasonable conditions which limit courtyard numbers, and licence conditions requiring customers to leave quietly and that notices be displayed prominently to promote this as well as mandating more noise dampening
- * The pandemic restrictions on hospitality have now been lifted and it is time for conditions at least to return to pre-restrictions conditions, so that residents can again have some respite between 2100 and 2200 from the continuous courtyard noise
- * The extra noise dampening measures, especially foliage, which the Firehouse promised to the Licensing hearing in March 2021 have not been implemented
- * Post covid many customers have been seated under the new glass canopy but, permission was granted for a walkway to shelter guests entering the hotel, not for seating. This usage appears to be a breach of the permission and customers should not be seated under the walkway
- * WCC Licensing should set a limit on numbers in the courtyard, especially at night (perhaps 40 people)

* The Firehouse is constantly in breach of its planning and licensing conditions with noise and disturbance through guests and music, and a further expansion of operation should not be allowed until the current issues under control

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 a new five storey building in the 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).

Planning permission and listed building consent granted on 23 June 2021 for the erection of a glazed canopy and cloister in the front courtyard.

Planning permission was granted on 14 May 2021 for 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, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until 30 September 2021.

Permission was granted on 8 July 2021 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 original planning permission for the hotel use (ref. 10/10324/FULL) restricts the use of the outside courtyard until 21:00. An application was subsequently approved on 2 March 2021, which granted temporary planning permission for the use of the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a period until to 30 September 2021 (ref. 20/07858/FULL). The date was imposed as it was in line with the Business and Planning Act 2020.

Since this permission, the Government has announced that legislation within the Business and Planning Act 2020 is now extended for an additional 12 months, up to 30 September 2022. In light of this, the applicant seeks to extend the opening hours of the courtyard area by one hour (22:00), Monday to Sunday for an additional year, up to 30 September 2022 to align with the extension to the Business and Planning Act 2020.

The applicant argues that the extension of hours would give them greater flexibility if more rigorous guidelines (with regard to covid) are imposed over the next 12 months, have more certainty with retention of staff, and ultimately remain financially viable.

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

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of minimising noise impacts and preventing noise intrusion to residential developments; and to make sure that quality of life and health and wellbeing of existing and future occupiers are not adversely affected by negative impacts on the local environment.

Whilst 13 letters of support have been received, objections have again been received from neighbouring residents, primarily on the grounds that noise and nuisance is caused by the customers within the courtyard, including shouting and commotion when customers leave.

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 once again 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) raises no objections on the grounds that the application is for a temporary period, and that the acoustic report submitted with the application identifies and recommends suitable measures to reduce the likely impact on residents including the restriction of any regulated entertainment within the courtyard, the employment of SIA door staff to ensure guests leave quietly and disperse promptly, the encouragement of guests to call for cars and taxis whilst inside the premises rather than waiting on street and regular noise management procedure training for employees.

The applicant has confirmed that the courtyard can accommodate approximately 100-120 seated people (depending on social distancing requirements), however, the historic permissions for this site do not restrict the number of tables and chairs, or the total courtyard capacity, only the hours of its use. The permission for the glass walkway is also not subject to any conditions to prevent the space beneath it from being used for seating/dining purposes.

Given that the courtyard currently can operate without a restriction on numbers, it is more appropriate in this case to regulate activities within the courtyard, and the area beneath the glass walkway, through the Licensing process rather than through the planning system to ensure that the risk of public nuisance is reduced. In granting the premises licence in May 2021 for the use of the courtyard until 22:00 hours daily (ref: 20/11588/LIPV) the Sub-Committee imposed additional conditions which required alcohol in the courtyard to be served by waiter or waitress service to only seated persons and for a Street Warden to be employed to patrol the vicinity of the premises from 17:00 to midnight on Monday to Saturday and 17:00 to 23:00 on Sundays. The applicant has agreed to hold bi-monthly meetings with residents, to include the setting up of a live WhatsApp Group for those particular residents, who are willing to join such a group and to maintain the 24-hour telephone line in order to discuss and resolve any issues or concerns residents may have relating to the running of the premises.

There is a current Licensing Act application being considered at the moment (Ref:

21/08705/LIPV) for the use of the courtyard until 22:00 hours daily, for the temporary period until 30 September 2022.

Whilst the application is again supported by a noise report, it refers only to historic background noise levels, rather than calculating current noise levels emanating from the terrace. The report concludes that the glazed canopy installed in October 2020 helps to attenuate sound, and that the extension of hours of use for a further year would not result in significant adverse effect to residents, as long as the activities within the courtyard are effectively managed. Residents refer to the fact that the use of the courtyard causes noise nuisance, that the glass walkway causes sound to bounce and echo and that the former planting, which did help to absorb sound, has recently been removed. The Environmental Services Officer considers that whilst foliage may sometimes help with noise, it is not an especially reliable mitigation method because some foliage is not evergreen and may not be maintained consistently. With regard to the concerns residents have raised relating to the echo created by the glass walkway, Environmental Services concur that reflective surfaces can add to noise problems but, equally, the covered glass walkway could act as an effective screen. The operators do have in place, as part of the current Premises Licence, a Noise Management Plan that was always designed to be used to consider the ongoing and changing needs at the site, and it may be possible to amend this to introduce additional sound absorbing measures, such as additional fabric and soft furnishings, and rubber mats and rubber legs on chairs. Members will be updated on this matter at the committee meeting.

In the 12 months preceding the granting of the last temporary permission in May this year, the City Council's records show that 11 complaints had been received that specifically refer to noise in the courtyard. However, since the courtyard has been operating until 22:00 hours, there have not been any complaints received relating to noise in the courtyard. Notwithstanding this, it is recognised that the reason residents do not register formal complaints can be attributed to several factors including the 'fatigue/exhaustion' experienced by individuals to the process of registering complaints. Residents also state that this lack of complaints is because most residents believe that Westminster cannot take action on voices alone, as this, unlike music, is not treated as a Statutory Nuisance.

Officers consider that it is unlikely that the perimeter glazed cloister would attenuate against 'peak' noises such as laughter, shouting or mobile phones. Indeed, at a recent officer's site visit, the noise of clatter of cutlery can be clearly heard from outside the site. 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.

Residents comment that the pandemic restrictions on hospitality have now been lifted and it is time for conditions at least to return to pre-restrictions conditions. 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 were initially due to end on 30 September 2021 but have recently been extended until 30 September 2022. This is a material consideration in the determination of the application.

Whilst the committee report for the last temporary permission granted in May this year sets out that 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 either an extended temporary or permanent basis, given the amendments to the Business and Planning Act, 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 for a further year.

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 a 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**

None.

8.8 **Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

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.

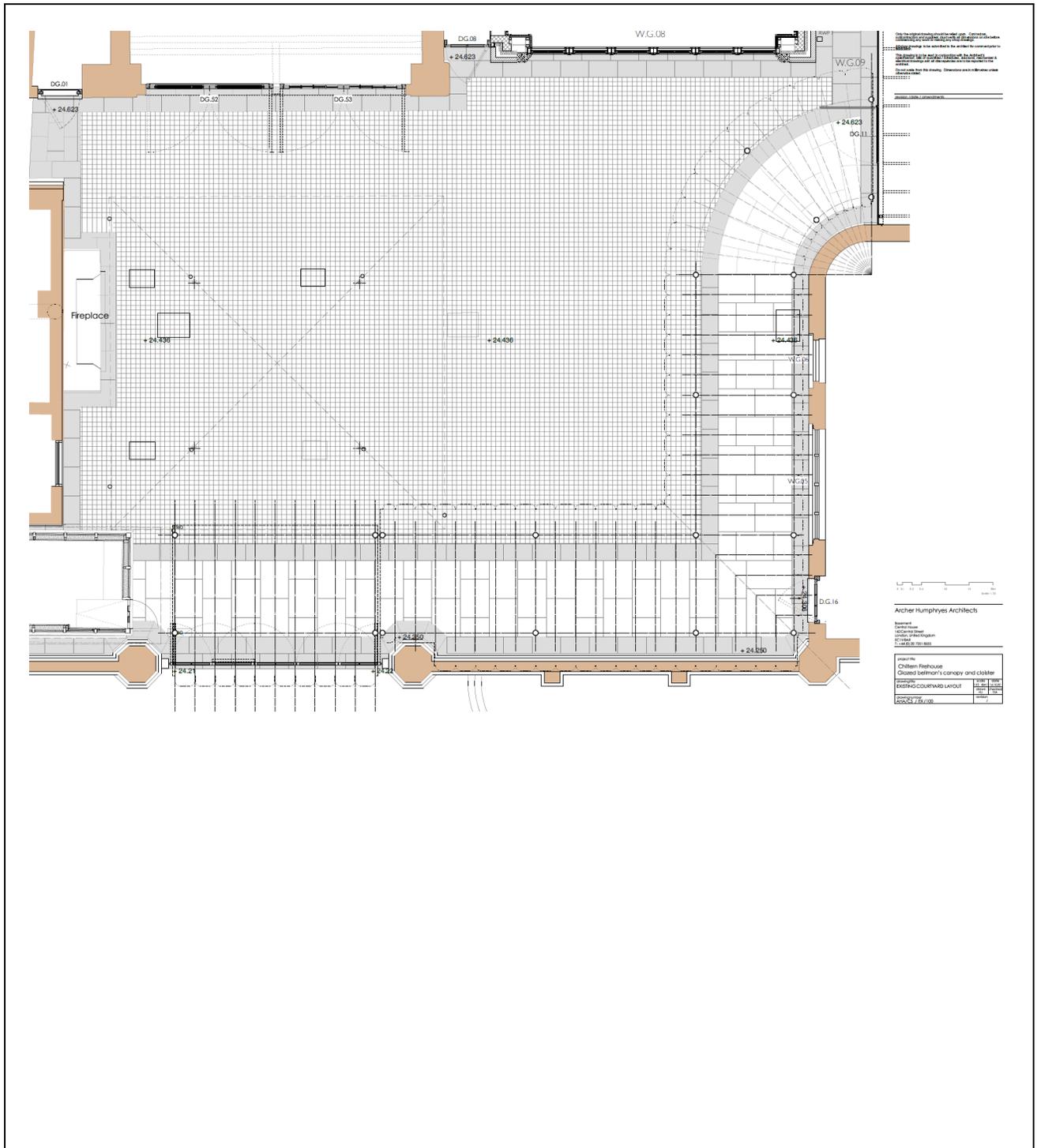
8.14 Other Issues

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: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 1 Chiltern Street, London, W1U 7PA

Proposal: Variation of Condition 21 of planning permission dated 14.05.2021 (RN: 20/07858/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, to enable the courtyard for outside dining/drinking between the hours of 09:00 and 22:00 each day for a temporary period until 30 September 2022.

Reference: 21/05449/FULL

Plan Nos: AHA-CS-GA-100

20/07858/FULL
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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 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 LA90, 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 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 Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 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 in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23BC)

- 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 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 2022. 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 Policies 7, 16 and 33 of the of the City Plan 2019 - 2040 (April 2021). 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 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 Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 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 Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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.