

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 February 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	48 Chapel Street, London, NW1 5DH		
Proposal	<p>Application 1 Demolition of the existing building and erection of a part 3 storey and part 7 storey (plus basement) hotel (Use Class C2), public house (Sui Generis Use) and retail premise (Class E); including excavation of basement, bin and bike storage, rooftop plant, new tree.</p> <p>Application 2 Relocation of two phone boxes from the corner of Old Marylebone Road and Chapel Street to Chapel Street.</p>		
Agent	Aimee Squires		
On behalf of	N/A		
Registered Number	Application 1: 20/06148/FULL Application 2: 20/06108/LBC	Date amended/ completed	14 October 2020
Date Application Received	1 October 2020		
Historic Building Grade	Unlisted building but the site includes two grade 2 listed K2 phone boxes		
Conservation Area	Outside Conservation Area, but the Portman Estate Conservation Area is located within the vicinity to the east		

1. RECOMMENDATION

Do members agree that the changes to the bulk and mass of the building have sufficiently addressed concerns in relation to loss of light to Wallace Court. If members do agree:

Application 1

1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:
 - i. Planting of a replacement tree at the junction of Chapel Street and Old Marylebone Road prior to occupation and provision of a management plan to ensure its retention and ongoing future maintenance.
 - ii. Provision of a financial contribution of £12,476.86 (index linked) Westminster's employment, training and skills development fund prior to the commencement of development. (This figure has

- been updated to accord with the updated guidance Inclusive Local Economy & Employment guidance dated October 2021)
- iii. Highways works necessary to facilitate the proposed development.
 - iv. Provision of a financial contribution of £66,405 to the Carbon Offset Fund (index linked) payable prior to the commencement of development; and
 - v. The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-Committee's resolution, then:

- a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which 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.

Application 2

- 1. Grant conditional listed building consent.
- 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.

2. SUMMARY

This application was presented to planning sub-committee on 31 August 2021 with a recommendation for approval. It was resolved to defer both applications (planning and listed building consent) on the grounds that although the Sub-Committee was mindful of the overall benefits of the proposals, it was considered that the applicant should consider further changes to the bulk and height of the new building in order to further mitigate the loss of light to those residents living in Wallace Court.

Following the committee resolution, the applicant has amended the scheme as follows:

- Pulled the west/rear elevation of the main seven storey element back to better align with the rear elevation of Wallace Court;
- Lowering the floor to ceiling height at ground floor level, reducing the height of both the three storey and seven storey elements by around 1m.

The amendments have reduced the floorspace, resulting in the loss of 4 hotel bedrooms.

Revised floorspace figure table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Public house	619	289	-330
Retail	14	32 (including 19sqm of basement storage space)	+18
Hotel	0	1,330	+1330
Total	633	1659	+1,018

9 objections have been received to the revised proposals raising similar issues as previously including land use, design, amenity and highways concerns.

As the application was deferred on the basis of daylight and sunlight concerns, this report will focus on this issue. The objections and all other aspects remain as covered within the officer's original report.

Amenity:

Daylight and sunlight:

An addendum to GIA's daylight and sunlight report has been provided by the applicant. The report notes that the revisions to the scheme have resulted in the number of windows which adhere to the BRE guidance has increased from 31 out of 57 (54.4%), for the previously submitted scheme up to 50 of the 57 windows (87.7%). Of the seven windows, none will now see a 40% loss (previously 3), 1 window will lose between 30-40% (previously 5), and 6 windows will lose between 20-30% (previously 18).

The table below indicates the improvements to each of the windows in Wallace Court noted within the previous committee report and how they now compare with the revised scheme (right hand three columns).

Table 1: Previously submitted vs Revised scheme VSC and NSL results with losses in excess of 20% in bold

Window	Existing	Previous scheme	VSC% Loss	NSL % Loss	Revised scheme	VSC% Loss	Revised NSL % Loss
W5/F02 First	10.6	6.9	34.9	65.3	8.8	17	55
W6/F02	14	8.2	41.4	64.4	10.4	25.7	55.4
W7/F02	15.4	9	41.6	45	11.4	26	27.3
W8/F02	20.6	12.6	38.8	11.6	15.8	23.3	-3.2
W9/F02	17.6	9.3	47.2	60.9	11.5	34.7	49.5
W5/F03 Second	14.9	10.7	28.2	48.8	13.5	9.4	23.7
W6/F03	19.6	13.4	31.6	25.3	16.8	14.3	-10.6
W7/F03	22.1	15.5	29.9	1.6	19.2	13.1	-55.8
W8/F03	27.5	21.1	23.3	10.7	23.2	15.6	7.3
W9/F03	25.4	17	33.1	30.8	21	17.3	-1.3
W1/F04 third	22.3	16.9	24.2	6	23.7	-6.3	1.1
W5/F04	19.4	13.8	28.9	41.5	15.6	19.6	28.7
W6/F04	25.6	18	29.7	0	19.7	23	0
W7/F04	28.6	21.3	25.5	7.9	22.7	20.6	5
W8/F04	31.2	24.5	21.5	9.5	25.9	17	5.4
W1/F05 fourth	27.3	19.1	30	5.8	26.2	4	1.1
W5/F05	20.9	15.1	27.8	39.2	16.9	19.1	27.9
W6/F05	27.6	19.9	27.9	0	21.8	21	0
W7/F05	31	23.6	23.9	7.8	25.2	18.7	4.2
W1/F06 fifth	30.3	21.7	28.4	5.6	29	4.3	1.1
W5/F06	22.5	16.6	26.2	38.3	18.8	16.4	26.8
W6/F06	29.9	22.3	25.4	0	24.5	18.1	0
W7/F06	33.3	26.2	21.3	6.9	28.2	15.3	2
W1/F07 sixth	33.9	25.2	25.7	5.5	32.4	4.4	1

Item No.
1

W5/F07	25.3	19.8	21.7	35.8	22.3	11.9	23.5
W6/F07	32.8	25.7	21.6	0	28.3	13.7	0
W1/F08 seventh	36.2	28	22.7	5.1	35	3.3	1

It is apparent that the number of windows which now pass in terms of VSC and NSL has significantly improved from previously, with the amount of windows which fail reduced to seven in terms of VSC of which only three fail both in terms of VSC and NSL. The most affected are those at rear first floor level of Wallace Court, however these windows have relatively low levels of light as existing. All but one window from second floor and above retain a VSC of in excess of 15 which is generally accepted as an acceptable level of light within an urban context, which this is considered, given the close relationship of the site to these affected windows. It is also apparent that the revision would appear to improve the daylight distribution (NSL) results for some rooms at second floor levels, as indicated by the negative percentage loss figures (meaning an improvement). The high percentage losses are generally due to existing low levels of light, whereby any loss or gains would indicate as a high percentage change.

The amendments to the scheme are welcomed by officers, and while there are still windows/ rooms which will suffer losses, these are on balance considered acceptable given the other considerations of the scheme discussed in the original officers report.

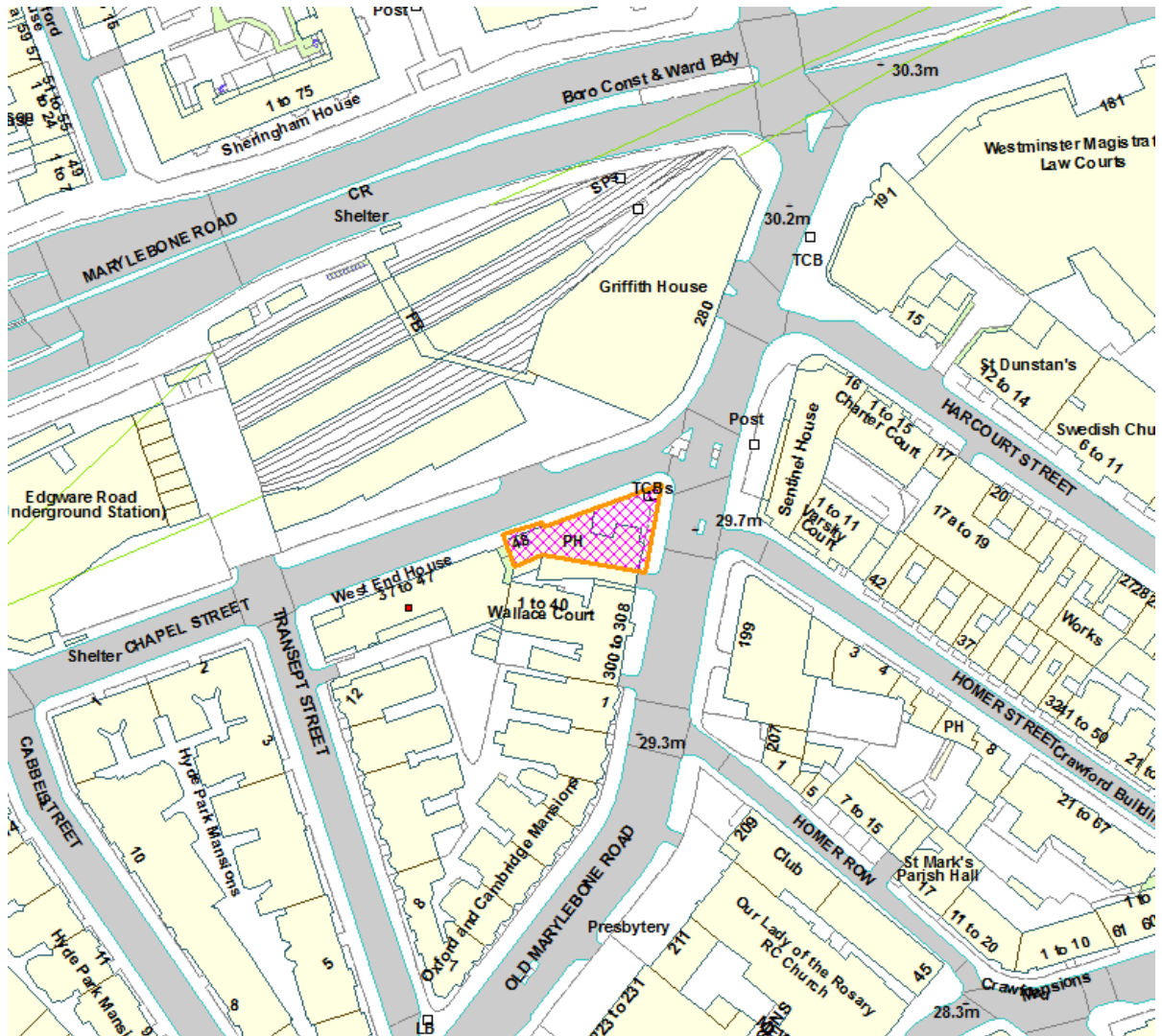
Design:

In design terms the proposed amendments to reduce the overall heights of both elements of the building and to pull the rear façade of the main tower back to better align with Wallace Court are welcomed.

Conclusion:

Subject to the conditions and obligations secured through S106 as set out within the officers committee report, the revised proposals are considered acceptable against policies in the City Plan 2019-2040 (adopted April 2021).

3. LOCATION PLAN



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4. CONSULTATIONS

Please refer to the original committee report for a summary of the consultation responses to the original application. The following responses were not summarised within the original report:

Consultation responses received following the publishing of the committee report dated 31 August 2021 provided to members prior to committee (blues).

HYDE PARK WARD LABOUR ACTION TEAM:

- Query if it would be possible to have a different design approach that would not have had such negative impacts on local residents.
- Query if any demand analysis has been undertaken for a further hotel in this location as surely there is a greater need for more affordable homes.
- Disappointing that the opportunity to preserve the "last remnant of early 1800's development in the area was not considered by the architects.

Consultation responses received following the publishing of the committee report dated 31 August 2021, but provided to members on the day of committee/verbally (reds)

ADJOINING OWNERS / OCCUPIERS:

1 additional response stating the following:

- Surprising that the report considers an application which will have a detrimental impact on adjacent occupiers in Wallace Court.
- Dubious demand for a hotel at a time homes are desperately needed.
- Overdevelopment of the site.
- Increased traffic, noise and pollution
- Substandard design, with the loss of existing building at the detriment to the character of the local area.

Consultation responses to the scheme revised in December 2021:

ADJOINING OWNER & OCCUPIERS:

No consulted: 138

No responses: 9 additional objections have been received raising the following points:

Land Use:

- Increased noise and activity from hotel occupiers
- Loss of Georgian pub
- Proposed use not required for the area
- Loss of shop and pub with garden

Design:

- Loss of good quality building, part of the heritage
- Building is too large and will dwarf adjacent
- Set unacceptable precedent

Amenity:

- Revisions do little to address issues of loss of light
- Increased sense of enclosure

- Loss of privacy
- Noise and smells from air conditioning

Highways:

- Increased traffic
- Loss of parking

Other

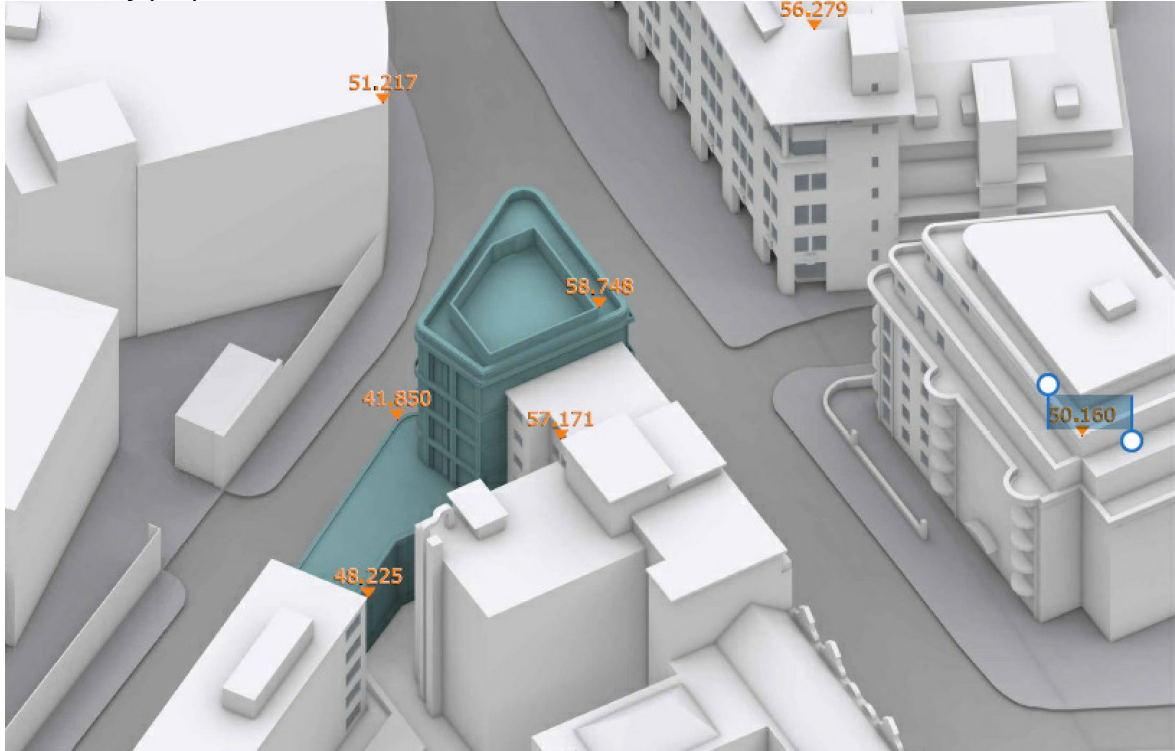
- Same objections as within original response
- Noise and disturbance from building work
- Loss of views
- Negative impact on mental health
- Negative impact on security

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

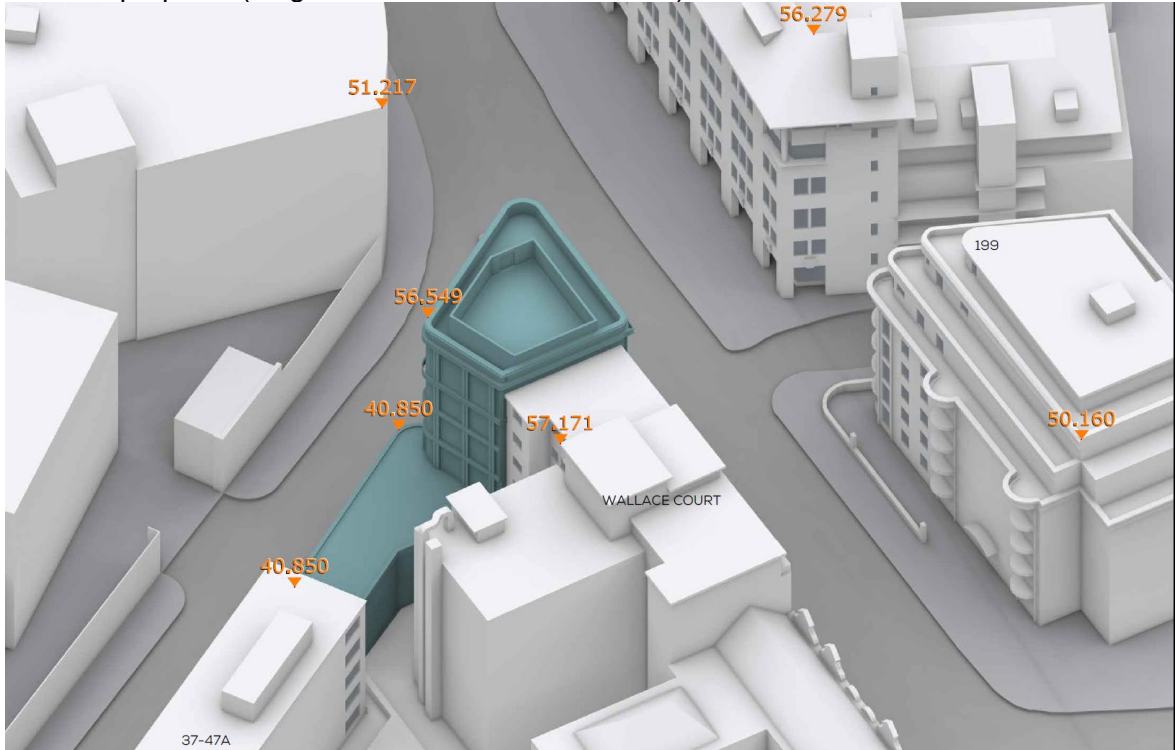
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **RUPERT HANDLEY** BY EMAIL AT rhandley@westminster.gov.uk.

5. KEY DRAWINGS

Previously proposed



Revised proposal (height reduced and rear reduced)



DRAFT DECISION LETTER - 20/06148/FULL

- Address:** 48 Chapel Street, London, NW1 5DH,
- Proposal:** Demolition of the existing building and erection of a part 3 storey and part 7 storey (plus basement) hotel, public house and retail premise; including excavation of basement, bin and bike storage, rooftop plant, new tree and relocation of two phone boxes (linked to 20/06108/LBC).
- Plan Nos:** 17050-SQP-ZZ-ZZ-DR-A-PL00001 A; 17050-SQP-ZZ-B1-DR-A-PL00002 A; 17050-SQP-ZZ-00-DR-A-PL00003 A; 17050-SQP-ZZ-01-DR-A-PL00004 A; 17050-SQP-ZZ-02-DR-A-PL00005 A; 17050-SQP-ZZ-ZZ-DR-A-PL00006 A; 17050-SQP-ZZ-ZZ-DR-A-PL00301 A; 17050-SQP-ZZ-ZZ-DR-A-PL00302 A; 17050-SQP-ZZ-ZZ-DR-A-PL00303 A; 17050-SQP-ZZ-ZZ-DR-A-PL00304 A; 17050-SQP-ZZ-B1-DR-A-PL01001 A; 17050-SQP-ZZ-00-DR-A-PL01002 B; 17050-SQP-ZZ-01-DR-A-PL01003 A; 17050-SQP-ZZ-02-DR-A-PL01004 A; 17050-SQP-ZZ-ZZ-DR-A-PL01005 A; 17050-SQP-ZZ-ZZ-DR-A-PL01006 A; 17050-SQP-ZZ-00-DR-A-PL02001 B; 17050-SQP-ZZ-B1-DR-A-PL02002 D; 17050-SQP-ZZ-00-DR-A-PL02003 D; 17050-SQP-ZZ-01-DR-A-PL02004 D; 17050-SQP-ZZ-02-DR-A-PL02005 D; 17050-SQP-ZZ-03-DR-A-PL02006 D; 17050-SQP-ZZ-04-DR-A-PL02007 D; 17050-SQP-ZZ-05-DR-A-PL02008 D; 17050-SQP-ZZ-06-DR-A-PL02009 D; 17050-SQP-ZZ-07-DR-A-PL02010 D; 17050-SQP-ZZ-ZZ-DR-A-PL20300 B; 17050-SQP-ZZ-ZZ-DR-A-PL20301 B; 17050-SQP-ZZ-ZZ-DR-A-PL20302 B; 17050-SQP-ZZ-ZZ-DR-A-PL20303 B; 17050-SQP-ZZ-ZZ-DR-A-PL20304; Ventilation strategy by DSA engineering dated 28 May 2020; Environmental noise impact assessment by Hann Tucker Associates dated 11 September 2020.

For info only:

Tree replacement proposal by cool gardens dated may 2021; Energy statement by DSA engineering dated Aug 2020; addendum to energy statement by Savills dated 16 August 2021; Planning statement by Savills dated September 2020; addendum to planning statement by Savills dated 22 July 2021; Daylight and sunlight report by gia dated 27 August 2020; structural method statement by dated August 2020; Design and access statement by Squire and partners dated September 2020; air quality assessment by Aether dated August 2020; Archaeological desk based assessment by savills dated September 2020; Heritage assessment by km heritage dated September 2020; Delivery and Service plan by ttp consulting dated September 2020; Transport statement by TTP consulting dated September 2020; Draft operational management plan by Savills; Outline fire strategy report by Trigon dated 11 September 2020; outline drainage strategy by wsp dated September 2020; Statement of community involvement by concilio.

Case Officer: Rupert Handley**Direct Tel. No.** 07866036401**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and

other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site, and in consultation with **Transport for London**, you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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)

- 4 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 Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 5 **Pre Commencement.** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- provide details on the use of tall plant and scaffolding

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan (March 2021) policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 6 **Prior to the occupation of the hotel** the public house shall be fitted out to category A standard (or equivalent).

Reason:

To make sure that the use is reprovided and suitable for occupation. In order to comply with policy 16 of Westminster's city plan 2019 - 2040 (April 2021).

- 7 The full height kitchen extract/ ventilation system through the building shall be installed and operational prior to any primary cooking (the cooking of raw or fresh food) taking place on site or alternative ventilation details as approved in writing by the local planning authority.

Reason:

To protect adjacent occupiers and the local environment from smells. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R05ED)

- 8 **Prior to occupation.** You must provide an Operational Management Plan for the hotel and public house to the local planning authority in writing. The plan must include, but not be limited to, the following:

- I. Customer opening hours (no greater than those stated in condition 9);
- II. Capacity (pub only);
- III. How the uses will be serviced;
- IV. How the uses will be operated;
- V. Visitor management, such as: queuing, crowd control etc.;
- VI. Security arrangements;
- VII. Access and egress arrangements;

The uses must then operate in accordance with the approved management plan unless otherwise agreed first by the local planning authority.

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)

- 9 Customers shall not be permitted within the public house premises before 07:00 or after 23:00 on Monday to Saturday (not including bank holidays and public holidays) and before 08:00 or after 10:30 on Sundays, bank holidays and public holidays. (C12BD)

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)

- 10 Live or recorded music shall not be played that can be heard outside of the site

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)

- 11 The plant screen at main roof level as shown on the approved drawings, shall be implemented before the machinery is operated. No equipment shall raise above the height of the screen. The screen shall remain in place thereafter.

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the screen is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 and Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021).

- 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 in writing 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 in writing 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 written 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. (C46AC)

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)

- 13 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

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)

- 14 The design and structure of the development shall be of such a standard that it will protect residents in adjoining buildings and hotel occupiers within the building from noise, vibration and electromagnetic fields from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 15 Any emergency plant and generators shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

(1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 16 **Prior to construction works above ground floor level**, and in consultation with Transport for London, you must apply to us for approval of detailed drawings of the size, species, crown height, grill, tree pit, support mechanism and maintenance of the street tree. You must then plant the tree in accordance with these details prior to occupation of the building (or within any other time limit we agree to in writing).

If you find that the tree is dying, severely damaged or diseased within 5 years of planting it, you must replace it with trees of a similar size and species, unless otherwise agreed first by the local planning authority in writing. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021) and to accord with the terms of S213 of the Town and Country Planning Act.

- 17 **Prior to occupation.** You must apply to us for approval of details of the green roofs including a management plan. You must not start work on this part of the development until we have approved in writing what you have sent us. You must carry out the development according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 18 **Prior to occupation.** you must provide the separate stores for waste and materials for recycling shown on drawing number 17050-SQP-ZZ-00-DR-A-PL02003 Revision C, and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

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)

- 19 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

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)

- 20 A minimum of 10% of the hotel rooms shall be wheelchair accessible.

Reason:

In accordance with Policy E10 of the London Plan (2021).

- 21 **Prior to occupation** the rear elevation wall of the building shall be painted white and maintained that colour thereafter.

Reason:

To help mitigate the impacts of the development on the environment of adjacent occupiers. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021).

- 22 **Prior to the occupation of the development**, a suitably qualified independent review of the energy efficiency measures to be provided within the development shall be provided to the Local Planning Authority. This shall confirm that the building has been designed to BREEAM excellent. If another method is used, it must be demonstrated to achieve an equally high standard, unless it is suitably justified why this target is no longer achievable. All the energy efficiency measures referred to in the review shall be installed and function before first occupation of the building. The features shall be maintained and retained for the lifetime of the development.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 23 You must apply to us for approval of samples / details of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

i) architectural features of the building

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 details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 25 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 26 **Prior to the occupation of the development** details of public art shall be submitted to and approved in writing by the local planning authority. The art shall be retained and maintained

thereafter.

Reason:

To make sure that the art is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38, 40 and 43 of the City Plan 2019 - 2040 (April 2021).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You 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)

- 3 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)

- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

- 5 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 6 Please refer to Thames Water consultation response in relation to Waste and water infrastructure comments and advice.
- 7 In relation to the green roof condition, you are advised to refer to the Greater London Authority guidance: <https://www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening>
- 8 **HIGHWAYS LICENSING:**
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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 9 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 10 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 12 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

Considerate Group
2 Eastbourne Terrace,

London
W2 6LG
E-mail: jk@considerategroup.com
Phone: 020 3865 2052

- 13 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:
- i. Planting of a replacement tree at the junction of Chapel Street and Old Marylebone Road prior to occupation and provision of a management plan to ensure its retention and ongoing future maintenance.
 - ii. Provision of a financial contribution of £34,484.24 (index linked) to the Westminster Employment Service prior to the commencement of development.
 - iii. Highways works necessary to facilitate the proposed development.
 - iv. Provision of a financial contribution of £66,405 to the Carbon Offset Fund (index linked) payable prior to the commencement of development; and
 - v. The costs of monitoring the S106 legal agreement.
- 14 In relation to Condition 6, the definition of fitted to category A standards means the main structural elements of the [Public House] provided with base-build mechanical and electrical services together with but not limited to:
- o floors;
 - o wall finishes;
 - o soffit finishes;
 - o lighting;
 - o ventilation;
 - o heating and power
- 15 You are advised that the replacement tree to the corner of Chapel Street and Old Marylebone Road will be subject to a Tree Preservation Order.

DRAFT DECISION LETTER - 20/06108/LBC

- Address:** 48 Chapel Street, Bryanston, London, NW1 5DH
- Proposal:** Repositioning of two phone boxes within the site in conjunction with the redevelopment of 48 Chapel Street (linked to 20/06148/FULL).
- Plan Nos:** 17050-SQP-ZZ-ZZ-DR-A-PL00001 A; 17050-SQP-ZZ-B1-DR-A-PL00002 A; 17050-SQP-ZZ-00-DR-A-PL00003 A; 17050-SQP-ZZ-01-DR-A-PL00004 A; 17050-SQP-ZZ-02-DR-A-PL00005 A; 17050-SQP-ZZ-ZZ-DR-A-PL00006 A; 17050-SQP-ZZ-ZZ-DR-A-PL00301 A; 17050-SQP-ZZ-ZZ-DR-A-PL00302 A; 17050-SQP-ZZ-ZZ-DR-A-PL00303 A; 17050-SQP-ZZ-ZZ-DR-A-PL00304 A; 17050-SQP-ZZ-B1-DR-A-PL01001 A; 17050-SQP-ZZ-00-DR-A-PL01002 B; 17050-SQP-ZZ-01-DR-A-PL01003 A; 17050-SQP-ZZ-02-DR-A-PL01004 A; 17050-SQP-ZZ-ZZ-DR-A-PL01005 A; 17050-SQP-ZZ-ZZ-DR-A-PL01006 A; 17050-SQP-ZZ-00-DR-A-PL02001 B; 17050-SQP-ZZ-B1-DR-A-PL02002 D; 17050-SQP-ZZ-00-DR-A-PL02003 D; 17050-SQP-ZZ-01-DR-A-PL02004 D; 17050-SQP-ZZ-02-DR-A-PL02005 D; 17050-SQP-ZZ-03-DR-A-PL02006 D; 17050-SQP-ZZ-04-DR-A-PL02007 D; 17050-SQP-ZZ-05-DR-A-PL02008 D; 17050-SQP-ZZ-06-DR-A-PL02009 D; 17050-SQP-ZZ-07-DR-A-PL02010 D; 17050-SQP-ZZ-ZZ-DR-A-PL20300 B; 17050-SQP-ZZ-ZZ-DR-A-PL20301 B; 17050-SQP-ZZ-ZZ-DR-A-PL20302 B; 17050-SQP-ZZ-ZZ-DR-A-PL20303 B; 17050-SQP-ZZ-ZZ-DR-A-PL20304; Ventilation strategy by DSA engineering dated 28 May 2020; Environmental noise impact assessment by Hann Tucker Associates dated 11 September 2020.

Case Officer: Rupert Handley **Direct Tel. No.** 07866036401

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

- 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 **Prior to the commencement of development**, you must provide details of where the two K2 phone boxes will be stored and how they will be protected during the course of the development. The phone boxes shall then be stored in accordance with these details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 **Prior to the occupation of development** the phone boxes shall be installed in the location as

shown on the approved drawings and retained in that position thereafter.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

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 (March 2021), the City Plan (April 2021), 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:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 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)