

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 April 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	16 Charles Street, London, W1J 5DR		
Proposal	Alterations to front and rear elevations, including alterations to door and windows to front and rear basement lightwells. Replacement of plant (at roof level and in front and rear basement lightwells) and brick clad riser to rear of building. Alterations to rear terrace including removal of existing pergola and pyramid rooflight below and infilling of existing lightwell. Internal alterations at all levels.		
Agent	CBRE Ltd		
On behalf of	16 CS Operations Ltd		
Registered Number	22/03070/FULL 22/03071/LBC	Date amended/ completed	9 May 2022
Date Application Received	9 May 2022		
Historic Building Grade	Grade II*		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

16 Charles Street is a grade II* listed substantial Georgian townhouse in the Mayfair Conservation Area. It forms part of a terrace of similarly scaled buildings, with a grade II listed townhouse to the west, and a twentieth century apartment block to the east.

The applications propose external and internal works in connection with the conversion of the building from office to restaurant use. A Certificate of lawfulness and the necessary premises licence

have already been granted in respect of the proposed restaurant use. Notwithstanding the substantial objections to the proposed use, both office and restaurant use fall within Class E of the Use Classes Order and planning permission is not required to change the building from one use to another.

The principal proposed external works are a new plant area to the existing flat roof, new landscaping of the rear yard, including demolition of an existing pergola, a new boxed-in duct at the rear to replace an existing one, a new platform lift to the front basement lightwell, a new door within the front basement lightwell and new louvres to basement windows.

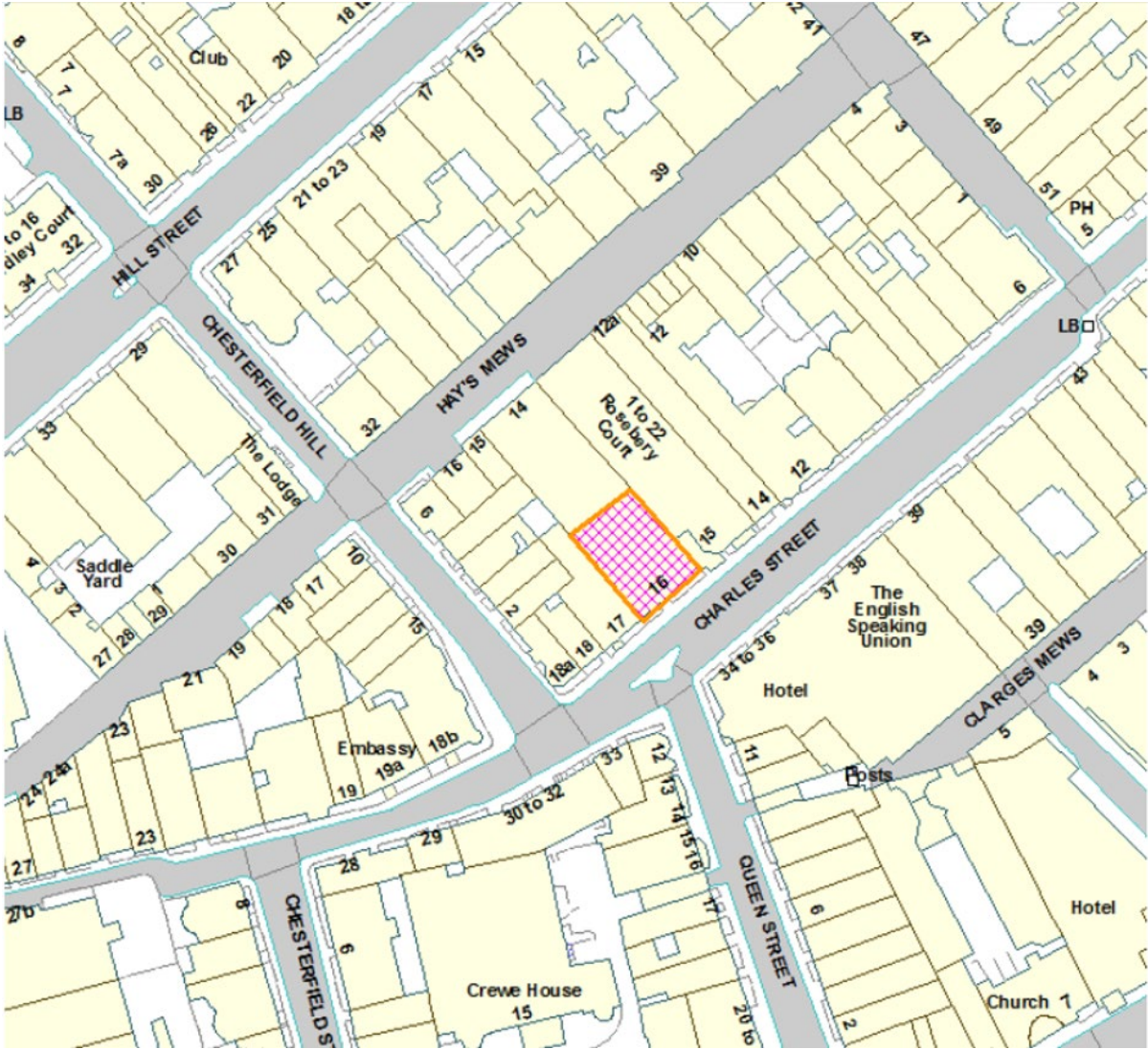
The principal internal works are the rebuilding of a secondary stair between basement and first floor, a new dumbwaiter between basement and 4th floor, demolition of a hallway lobby at ground floor and fire curtains to ground floor doors.

The key considerations in this case are:

- The impact of the proposed works on the special interest of the Grade II* listed building and the character and appearance of the Mayfair Conservation Area
- The impact on the amenity of neighbouring residential properties.

For the reasons set out in detail in the background report, the proposals are considered acceptable in land use, amenity, design and conservation grounds and are in line with the policies set out in the London Plan and Westminster's City Plan, bearing in mind the certificate of lawfulness with regard to the proposed restaurant use.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR FISHER:

Objects on the grounds of :

- Principle of a restaurant use in this location with regard the impact of patrons, staff, servicing with resulting noise and disturbance to neighbouring residential occupiers.
- Implications for fire safety.
- Potential noise and vibration impacts resulting from the plant operation.

MAYFAIR RESIDENTS GROUP:

Any response to be reported verbally

MAYFAIR NEIGHBOURHOOD FORUM:

Any response to be reported verbally

THE RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

Objection – considers that the scale of the operation is too large for this residential location, that significant noise and smells will be created by the operation, that the impacts of the proposed alterations have not been sufficiently evaluated from a noise and vibration point of view and that the scale of operation causes concern from a fire perspective.

VICTORIAN SOCIETY:

The age of the marble tiles to the ground floor should be established, along with the Queen Anne display cases and the secondary stair, before consent is granted for their alteration.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

GEORGIAN GROUP

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES:

No objections subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 25 responses from 14 individual respondents, and two responses from consultants acting for neighbours

No. of objections: 14 objections to the planning application and 11 to the listed building consent

No. in support: 2

Neutral: 1

Objections have been received from neighbouring residents on the following grounds:

- Potential for noise disturbance through the building structure from the restaurant operation to the residential units in adjoining buildings.
- The floorplans for the restaurant show differences when compared to the licensing application.
- Lack of Drainage Assessment.
- A Fire Statement should have been provided with the application.
- Acceptability of a restaurant use in this location, the impacts of servicing, noise from patrons, impacts on traffic movements, queueing outside the premises and a number of other concerns related to the principle of a restaurant in this location.
- Potential for odour nuisance to neighbouring residents.
- Concern that the operation of the kitchens might result in noise nuisance to neighbouring residents.
- Concern that the rooflight at rear ground floor would be openable resulting in noise nuisance.
- Concern over use of room at rear lower ground floor level marked as 'Out of ownership'.
- Plant within the front lightwell / pavement vaults has not been properly assessed in the acoustic report.
- Acoustic report does not take account of accommodation within 15 Charles Street or 17 Charles Street with regard the fifth and sixth floor plant.
- Insufficient information and noise measurements undertaken in relation to the new plant installation.
- The acoustic report includes three condenser units in the front lightwell which are not shown on the drawings.

Heritage Objections:

- Introduction of timber louvres to fanlights and extract grilles to some window panes in front lightwell
- M&E plant and equipment to existing 4no. pavement vaults and to the east and west elevations of the lightwell;
- installation of a goods lift.
- Removal of the current York stone slab on the front door bridge may entail harmful loss of historic fabric;
- Enlargement of a former window in the ground floor toilets risks causing harm to the listed building through removal of possible original fabric;
- Replacement of 1980s single glazed sash windows with slimline, double-glazed,

sash windows would cause harm to the listed building and the character and appearance of the Conservation Area.

- Proposed large continuous plant enclosure at roof top.
- Relaying of the largely artificial slate roofs.
- Enlargement of the rooflight to the secondary staircase.
- Basement will be increasingly partitioned, which adversely affects historical room volumes and legibility of floor plan.
- Replacement of the existing vault doors to the retaining wall with louvered models.
- There is a potential heritage impact from this work that has not been assessed.
- Installation of a 'dumb waiter' riser lift through basement to third floors and open well staircase linking the basement to second floors of the Georgian building will result in a high level of harm to the listed building
- Reconfiguration of two stepped entrances at second floor level is not assessed in the application.
- Proposed removal or works to the passenger lift – no information is provided by the applicant to assess the age, character and significance and therefore its impact from its loss or alteration cannot be determined.
- The loss of the glazed from the Queen Anne Extension.
- A fire strategy and the implementation of any future strategy could result in harm to the listed building.
- Overloading of floors - the much-increased usage throughout the building risks causing premature damage not only to the structure and floor loading abilities but through accidental damage and wear and tear to highly significant Georgian and Edwardian joinery, fabric, and decorative finishes.
- The physical and visual impacts of the ventilation equipment have not been assessed.
- Harm to the Significance of Nearby Listed Buildings and to the Mayfair Conservation Area
- External Elevations and Rooftop - a number of external changes, particularly to the front elevation and the rooftop that are both individually harmful but cumulatively even more harmful.

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Email to stakeholders			
Flyers to neighbours	15 March 2022	486 flyers distributed	
Public Exhibition	30 March 2022		Neighbours were keen to gain assurance that their peaceful enjoyment of their homes will not

			be affected
Consultation Website	Since	259 visits	

In summary, across the range of engagement undertaken by the applicant, the principal issues raised were the impact of the development on residential amenity, specifically the neighbours quiet enjoyment of their properties.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, London plan plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application site is located within the Central Activities Zone and the Mayfair Conservation Area. The building is listed grade II*. Although currently vacant, it was last used for office purposes, which is the lawful use (see history below). It comprises basement, ground and four upper storeys and has a rear courtyard.

7.2 Recent Relevant History

16 June 2021 – Certificate of Lawfulness for Proposed Use granted for use of the building as a restaurant.

January 2020 – planning and listed building application for use of the building as a casino (sui generis), including ancillary restaurants and bar areas, installation of a new kitchen extract duct running internally and other alterations withdrawn.

September 2016 - Planning permission and listed building consent granted for installation of six air conditioning units at roof level within acoustic enclosure, and associated internal alterations.

8. THE PROPOSAL

The proposed works are a series of internal and external works required to provide a restaurant use.

Externally a new plant area is proposed to the existing flat roof, new landscaping of the rear yard, including demolition of an existing pergola structure, and a new broader boxed-in kitchen extract duct at the rear to replace an existing version. To the front of the building a new platform lift is proposed to the front basement lightwell, a new door within the front basement lightwell and new louvres to basement windows.

The principal internal works are the rebuilding of a secondary stair between basement and first floor, a new dumbwaiter between basement and 4th floor, demolition of a hallway lobby at ground floor and fire curtains to ground floor.

9. DETAILED CONSIDERATIONS

9.1 Land Use

A Certificate of Lawfulness for a Proposed Use or Development was granted on the 17th June 2021 for the 'Use of the building as a restaurant (Use Class E)'.

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 were introduced by central government on 20 July and took effect on 1 September 2020. This includes office and restaurant uses within a new Class E use 'Commercial, Business and Service', which also includes other uses such as, financial and professional services, medical, , indoor sports and "any other services which it is appropriate to provide in a commercial, business or service locality". The Certificate

confirmed that the lawful use of the building (offices) is within Class E and a restaurant use would also be within Class E and therefore planning permission would not have been required for the change of use.

A number of objectors have commented on the acceptability of a restaurant use in this location, the impacts of servicing, noise from patrons, impacts on traffic movements, queueing outside the premises and a number of other concerns related to the principle of a restaurant in this location. This planning application is solely related to the installation of new plant, it does not include the use of the building as a restaurant which does not require planning permission. Most of the content of the objections about the proposed use would be covered by any licensing requirements but are not relevant to the determination of this planning application. The use of the building as a restaurant has already been considered and deemed lawful.

It is noted that the Council has issued a premises licence (dated 3 December 2021) for the proposed restaurant. This allows opening times of 10.00 – 23.30 Monday to Thursday, 10.00 – 00.00 Friday to Saturday and 10.00 – 22.30 on Sundays. The licence is subject to a number of other operational conditions (see copy of licence in background papers).

Concern has been raised that the operation of the kitchens in the premises might result in noise issues for neighbouring residents. The building can be lawfully used as a restaurant and therefore operate a kitchen without the need for planning permission. The plant (including that for the operation of the kitchen) which forms part of this planning application has been fully assessed through the relevant acoustic report to demonstrate compliance with the City Council criteria.

9.2 Environment & Sustainability

Circular Economy

There is a limited amount of demolition resulting from the scheme. The main instances of demolition are removal of basement partitions, secondary stair, main entrance lobby, ground floor tiles, rear yard paving, demolition to accommodate dumbwaiter, redundant M&E. This is not considered sufficient demolition to require a circular economy statement.

Environment & Sustainability Summary

There are limited opportunities to add sustainability measures to the building due to the highly sensitive nature of the site in listed building terms. Nonetheless, opportunities have been identified for improving the environmental performance of the building.

New slim double glazing is proposed throughout the building, replacing the single glazed 1980s sash windows. In combination with secondary glazing, which is proposed for some windows this represents an improvement to the thermal performance of the building.

Improved insulation is proposed for those parts of the building where it would not compromise the internal decorative scheme.

Further improvements are secured through the upgrading of mechanical and electrical services; lighting, heating, and air conditioning.

Overall the applicants Energy Statement identifies a carbon saving of 38.3% as a result of the measures identified.

9.3 Biodiversity & Greening

Due to the grade II* listed status of the building and the limited nature of the alterations, opportunities for greening in this scheme are few. Planters with shrubs are proposed for the rear yard, which represents a modest improvement on the existing situation. However, there are no proposed changes to the courtyard itself.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the LBCA Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant City Plan policies are policy 38, Design Principles, policy 39, Westminster's Heritage and Policy 40(F). Townscape and architecture.

Policy 39 is particularly pertinent, requiring that development 'optimises the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will:

1. ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance;
2. secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs and mitigate and adapt to climate change;
3. place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.'

The application site is a substantial grade II* listed townhouse of 1753. It is located on the north side of Charles Street in the Mayfair Conservation Area, and is flanked by the grade II listed 17 Charles Street, and the unlisted later 20th century apartment block at 15 Charles Street. The building is landlocked to the rear; the modern 14 Hays Mews has replaced the original mews building which would have served the house.

The building was constructed by John Spencer and William Timbrell, carpenters, and underwent a radical and far reaching redecoration by Mewes and Davies in 1913-14. The building retains elements of its original Georgian decorative scheme, including a very fine staircase, and some elements of the decorated ceilings may well be original.

The present day character of the building derives in large part from the Mewes & Davis phase of development for the Hon. Mrs Greville (1863-1942). During that phase the interior was lavishly decorated, retaining some of the original Palladian decoration but also incorporating new Louis XV-XVI features such as the gold leaf plasterwork in the first floor principal rooms.

A further extensive scheme of works was carried out in the 1980s, when a number of less well considered works were carried out. Further ad hoc changes associated with the office use have been carried out since.

A number of site visits have been made, and amendments to the scheme have been made by the applicants to address heritage concerns, including those raised by Historic England

External works

Externally, the proposed changes at the front of the building are limited; the main works are works within the basement lightwell including alterations to the windows, formation of doors, a platform lift and new doors to the vaults. Also proposed are, a dry riser inlet adjacent to the front entrance, soot washing of the brickwork and an new York stone slab to the main entrance.

A new doorway is proposed within the basement lightwell, which reinstates a previously existing door in its original location, replacing an existing window for access for deliveries. Each of the under-pavement vaults is to receive a new door, to allow for the new uses within. An objection has been received in relation to the use of the vaults for M&E plant, and the insertion of new doors with louvres. The interiors of the vaults are

not of special interest. They are fully rendered, and a suitable location for plant. Similarly, the vault doors are not historic. The use of pavement vaults for plant, and the insertion of louvered doors is a frequently permitted approach in Westminster.

The existing metal stair is to be modified to allow the creation of a platform lift within the lightwell. A hinged section of the stair platform will permit deliveries to be made via the front lightwell. Objections have been received in relation to provision of the lift. The metal stair itself is of no special heritage value, and the lift, which will be kept in a lowered position when not in use, will not affect the appearance of the building, as it will be housed entirely under the stair.

An objection has been received in relation to the provision of the dry riser to the front elevation. The dry riser is located at low level on the ground floor front elevation, and is as small as possible. It will make a significant contribution to the fire safety of the building, at the cost of a small amount of historic fabric.

The works with the greatest impact in the front lightwell are the replacement of some glazed panes from the sash windows with louvres to allow fresh air intake and extract from the basement. Inserting louvres to windows is not an ideal arrangement, and is considered to be an arrangement of last resort; an objection has been received to this aspect of the scheme. Similar works have been allowed elsewhere in Charles Street (to no 39 for example). The proposed approach at no 16 is to replace the glazing only, retaining the existing glazing bars – this represents an improvement of other local examples. The existing glazing is wired safety glass and of no special interest in its own right.

While some of the affected windows will be screened from public view by the lightwell bridge, this element will nonetheless represent a modest harm to the special interest of the building.

A soot wash is proposed to the front elevation, to disguise the somewhat patchy brickwork of this elevation which has resulted from ad hoc repairs over the years. Soot washing is a technique with historical precedent and is not uncommon in this part of Mayfair. and if carefully applied can result in a more uniform appearance, and may offer an improved appearance. Consent for soot washing would be contingent upon the carrying out of a sample panel.

At the entrance to the building a new York stone slab is proposed to replace an existing cracked stone on the lightwell bridge. An objection has been received to this element of the works. In addition to repairing a damaged element of building fabric, the replacement slab offers the opportunity to create a gentle ramp to the entrance, improving public accessibility.

Objections have been received in relation to the railings and obelisks, however no works are proposed to these elements.

At the rear of the building the existing rear lightwell in the courtyard is proposed to be glazed over to unite the basement rooms to be used as kitchens.

The existing pergola and pyramid rooflight, both of which are modern insertions, are to

be removed. The existing modern paving to courtyard is to be removed and replaced. An objection to the use of a decorative paving pattern has been received. The applicant has indicated that the paving design is indicative, and are willing to accept a condition relating to its final design.

These works are all uncontentious, and the removal of the existing pergola and rooflight are heritage benefits. The existing paving is very poor, and the proposed materials (natural stone) of the new paving better relates to the listed building.

The existing brick clad riser is to be replaced by a slightly wider one, necessitating the moving of some historic rainwater goods. An objection has been received that this will require the new opening in the historic fabric at high level where the hopper is relocated. The new opening is considered to be sufficiently modest that it will not harm the special interest of the building.

At main roof level, additional plant equipment is proposed. There is a considerable amount of existing plant at roof level, which is not visible in longer views from the front of the building, though is visible from the upper floors of adjacent buildings.

The proposed replacement plant will not be significantly taller than the existing plant (there is a modest increase). It is well set back from the front of the building, preventing views of the equipment in nearby public views. As there are some very long views at the front of the building it is important that the visibility of roof plant be kept to a minimum. The new plant enclosure will not be visible above the roof ridge, though a glimpse of the louvres enclosure will be visible to the left of the chimney stacks, as per design and access statement, p 35. A design objection to the roof plant has been received identifying rooftop changes as individually harmful but cumulatively more harmful.. The proposed enclosure, while bulkier than the existing plant, does rationalise the ad hoc rooftop installations into a single, neater and more coherent whole. It is well designed to match the roofslope at the rear and is set back from the front. With a condition to control the colour this element is considered to be acceptable.

Further objections to roof level relate to the size of rooflights and to the reuse of artificial slate. While natural slate is the preferred material for new work to a listed building we cannot insist on its use for the making good of an existing roof clad in another material. The rooflights are in a modern flat roof, and while one does increase modestly in size, overall there is a reduction from six to one rooflights.

Internal works

Internally there are numerous works proposed to turn the building to restaurant use.

At basement level the plan form is approximately as per the original Georgian phase of development. A spine corridor opens to larger rooms to the east side of the house and smaller former cupboards and pantries to the west side.

The front basement room features a chimney breast, but no fireplace, while the rear room is subdivided with a partition which divides the chimney breast there.

The proposed works introduce partitions to the front basement room, creating three

storage pantries and a prep kitchen. An objection has been received to the subdivision of the room, on the basis that it harms the historic plan form. While the legibility of the front room will be obscured by the partitions, this is a very plain room with no surviving features. It has lost its spine wall, and the partitions will be lightweight and reversible. The harm that they cause will be very limited.

Beneath the rear garden the modern partitions are stripped away, and the accommodation redivided according to the requirements of the kitchens; a neutral impact in heritage terms. Connecting the historic rooms to the original building and the modern basement to the rear is the rear basement lightwell. This is roofed over with a glazed rooflight, and an opening created to allow passage between the parts of the basement. This does involve an alteration to plan form. However the fabric in the rear of the basement is of modest value, dating from the latest stages of the building development. The historic plan form of the rear basement room and lightwell remain discernible. An objection identifying the rooflight as openable has misconstrued the proposal; this element is fixed. A further objection considers that the gazing over of this lightwell has not been assessed in the application documents. The lightwell does not contain significant fabric, and the loss of views of the basement from the yard is not considered to be harmful to the significance of the building.

The most significant change, in terms of plan form, is the reordering of the secondary service stair from basement to first floor. While a grand historic staircase rises up the front portion between ground and first floors, a more modest stair to the rear of the building links basement to first. Opening up works have revealed this service stair to be a later alteration – there would be no loss of Georgian fabric in its reworking. Historic plan evidence shows that there have been several schemes for the stairs, including one of the mid twentieth century. It is unclear which phase of works the current stairs date from, but it is considered that their value is limited.

The proposed new plan reverses the direction of turn, and widens the stair. The changes are considered to be acceptable, subject to the detailed design of the new stair.

Also linking the basement kitchens with the upper storeys of the building is a new dumbwaiter. This rises up the rear of the building, adjacent to the junction between the later rear wing and the historic house. This portion of the building is very much altered at each level. While there are fragments of historic plaster remaining they will not be affected. The loss of a small amount of ceilings / floor fabric in this position is considered to be acceptable. An objection which has been received to the insertion of dumbwaiters would be sustainable if the demolition involved fabric of historic significance; in this instance however it does not.

An objector identifies the removal of a small amount of fabric to allow passage from the proposed wash up to the dumb waiter lobby as potentially harmful. This part of the building has been substantially altered; it is not therefore considered that any harm arises from this element.

At ground floor the removal of the (harmful) modern entrance lobby from the front hall is a benefit. The Victorian Society response requested that the provenance of this floor be definitively established. The floor covering dates from the 1980s – it is shown on the Harris and Sutherland plan of 1987. A condition will require details of the new floor

covering. An objection to the loss of the flooring notes that it is consistent with the design intent of the Mewes and Davies scheme. However the proposed replacement stone will be consistent with the Georgian phase of the building and is therefore considered acceptable.

The most significant intervention at this level, which has seen development and revision over the course of the application is the introduction of fire curtains to the internal doors of the main ground floor dining room. These works will introduce a drop-down fire curtain above the lintel of the door openings, and will require the alteration of a small amount of historic door lining. The amount of historic fabric affected has been minimised, the visual impact would be modest. The alternative approaches to improving fire safety, such as introducing lobbies, are unacceptable in listed building terms. The curtains are considered to be the least harmful approach to achieving the necessary fire protection.

In the garden room (a Queen Anne style extension of the 1913-14 phase of works) there is a surviving display case which is associated with the Hon. Mrs Greville. Following negotiation with the applicant this element is to be retained, with only its modern shelves and shelf fittings replaced. The final design of the new shelves is to be secured by condition. An objection to the loss of the display case from the Victorian Society is overcome by the revised plans.

The first floor is another very striking interior largely dating from 1913-14, with another massive entertaining room. At this level the proposed alterations will be limited to minor upgrades and repairs. Secondary glazing is proposed to the rear elevation, the details of which will be controlled by condition.

Alterations to the toilets are proposed, and a small kitchen to be inserted into the rear wing neither of which affect the special interest of the building. Modern fan coil units in joinery boxes are to be removed, and replaced with cooling within purpose built furniture.

The first floor is the uppermost level affected by the revised secondary stair.

At second floor level the existing steps from landing level to the main floor level are to be reconstructed. An objection has been received that this element of the works has not been properly assessed. Historic plans demonstrate that the two stepped entrances were constructed in 1980's when the floor in the principal room was raised in order to accommodate below floor services. These steps are not of historic interest in their own right and, subject to a condition requiring details of the replacement steps, this element is acceptable.

At third floor level the principal features of interest are the ceiling in the circulation spaces, and the domed (internal) lantern light above the principal staircase. The lantern is a modern addition, and its loss is uncontentious. Its replacement with an opening at third floor, with a reflecting surface on the ceiling of the third floor are considered to be acceptable.

There is again a change of level between the landing and principal rooms. The steps accommodating this change of level are not of special interest.

The fourth floor (mansard) level is largely without special interest. Works to form office

accommodation in the 1980s have resulted in a sterile interior, with only the upper portion of the secondary stair of interest. The proposed scheme subdivides this area into areas of plant, office and a lounge. While the floorplan of this area would be uncharacteristic, the complete lack of special interest at this level means these works are acceptable.

Additional objections have been received in relation to the following aspect of the scheme.

Windows

An objector considers that replacement of 1980s single glazed sash windows with slimline, double-glazed, sash windows would cause harm to the listed building and the character and appearance of the Conservation Area. The loss of the 1980s windows cannot be considered harm to historic fabric. The proposed windows, though double glazed, will make an equal contribution to the special interest of the building, and will be more thermally efficient. It is not the case that the provision of double glazed units, providing it does not involve the loss of significant fabric and is carefully detailed, is unacceptable in principle in a listed building.

Dumbwaiter and passenger lift

The objector considered that the installation of a 'dumb waiter' through basement to third floors and open well staircase linking the basement to second floors of the Georgian building would result in a high level of harm to the listed building. The location of the dumb waiter had been selected in order to affect historic fabric of minimum value. While there will be a limited amount of loss of floor plate on each floor, there is no decorative fabric in these locations – this part of the building been extensively reconstructed in the later 20th-century, and as such these works are appropriately located and would have little or no impact on significant fabric.

Proposed removal or works to the passenger lift – the passenger lift is not of special interest.

Fire strategy

A fire strategy and the implementation of any future strategy could result in harm to the listed building. The proposed fire safety works (fire curtains and dry riser inlet) are considered acceptable in listed building terms. Any further works would require a new listed building consent application.

Overloading

Overloading of floors – one objector considered that the increased usage throughout the building risks causing premature damage not only to the structure and floor loading abilities but through accidental damage and wear and tear to highly significant Georgian and Edwardian joinery, fabric, and decorative finishes. The floors have been reinforced, some with large steels. The additional loading requirements of a restaurant over those of an office (the previous use) are not considered to be significant.

Impact of the use of the special interest of the building

One objector raised the issue of the impact of the use on the special interest of the building. While the building was constructed, and was used for the majority of its life, as a residential building, it has been in office use for some time. Restaurant is not considered to be more at odds with the residential character of the building than office use. Indeed, given that the Mewes and Davies alterations of the early twentieth century were largely connected to equipping the house for grand formal entertainments, restaurant use is arguably closer, at least in the primary rooms, to its original character.

Harm and public benefits

In their letter of December 2022, Historic England set out that design amendments have mitigated most of the harmful aspects of the scheme. Two areas remain, which cause less than substantial harm to the special interest of the listed building. These are:

The proposed modification of the Mewes & Davis doorways off the main corridors at ground and first floor levels to incorporate fire curtains would cause harm through loss of historic fabric and the permanent alteration of these important architectural features; but it is understood that this is the least impactful way to meet the minimum fire separation standards necessary for the restaurant use.

Basement area louvres would replace the upper lights of the existing sash windows, and though they would express the glazing bars in order to minimise their harmful impact, where perceived from within and from the street they would cause harm to architectural significance.

Both of these aspects are considered to be the least harmful impactful way of addressing the requirement for fire compartmentation and fresh air intake / extract respectively. The fire curtains will require the removal of a small amount of historic fabric, and will leave a visible channel within the doorway reveal of each affected door. The benefit in fire safety, which would pertain whatever the use of the building, is significant, and the creation of lobbies would be considerably more harmful.

The provision of louvres within the basement lightwell windows is an approach which has been pursued elsewhere on Charles Street. The application proposals retain the glazing bars, which would minimise the impact of the louvres on the appearance of the building. Some would be obscured by the lightwell bridge. Nonetheless, this element does cause less than substantial harm.

There are heritage benefits arising from the scheme which are considered to balance this level of harm. The obtrusive 1980s entrance lobby is to be removed from the hallway, the poor quality 1980s paving is to be removed from the rear yard, the harmful pergola is to be removed from the rear yard and the front basement lightwell is to be repaved with York stone flags.

These benefits are considered to outweigh the less than substantial harm caused by the fire curtains and window louvres.

9.5 Residential Amenity

Noise & Vibration

In relation to noise from the proposed plant the application has been considered in the context of Policy S33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment. Plant is proposed at main roof level (with acoustic screening); internally but with an intake grille in the rear lower ground floor lightwell; and within the front lower ground floor pavement vaults. Numerous background noise surveys have been undertaken at the property including one over a five day period; measurements were taken at main roof level, fourth floor level, in the rear courtyard, and at first floor level at the front of the building.

The kitchen extract fans, kitchen air handling units and kitchen condenser units are required to operate between 08:00 and 00:00. The remainder of the plant is required to operate at any time over a 24 hour period, but six of the condenser units at main roof level are proposed to operate in 'low power mode' between 00:00 and 08:00.

With regard the plant at main roof level, the lowest background noise level was recorded at the rear of the property as being 43dB over the 24 hour period which results in a design criteria for the noise levels from the plant operation of 33dB being 10dB below background at the nearest noise sensitive receptor. At the front of the property the lowest background noise levels were recorded as being 53dB until midnight which results in a design criteria of 43dB. In the rear courtyard the lowest background noise level was recorded as 33dB which results in a design criteria of 28dB being 5dB below background.

Measurements have been taken to assess the noise from the plant operation at a number of nearby sensitive properties, including fifth floor windows at the rear of 17 Charles Street; sixth floor windows at the rear of 15 Charles Street; basement level at the rear of 14 Hays Mews (commercial); second floor level to the rear of 13 Hays Mews; and first floor level to the front of 15 Charles Street. Existing background noise levels are below WHO criteria at the rear fifth floor windows of 17 Charles Street, rear sixth floor windows of 15 Charles Street and the rear second floor windows of 13 Hays Mews, whilst they are above the WHO criteria for the first floor front windows of 15 Charles Street.

A range of acoustic and vibration mitigation measures are proposed which includes the installation of in-duct attenuators, an acoustic louvred barrier at main roof level around the plant, louvred door and internal acoustic absorption to the plant in the front pavement vaults and the installation of anti-vibration mounts to various items of equipment.

The acoustic report concludes that with the acoustic mitigation measures installed and the hours of operation of the plant controlled as detailed above, that the noise levels at the nearest sensitive property will be compliant with the City Council criteria.

Environmental Health have assessed the documentation and confirmed that the plant

operation will be acceptable. Conditions are included to control noise and vibration levels from the plant, hours of operation and the installation of the acoustic mitigation measures. Environmental Health have also requested the addition of a condition to require the submission of a supplementary acoustic report (that will ensure the plant, once installed, operates in accordance with the above conditions).

Objectors have raised concerns about the potential for vibration transmitted through the building structure causing a nuisance to residential occupiers within the building. The potential for vibration from the plant operation causing a nuisance has been assessed by Environmental Health who have recommended the standard condition with regard acceptable vibration levels and do not foresee the proposal causing an issue for residents. On this basis the objection is not considered to be sustainable.

Objectors have commented on discrepancies between the submitted drawings and the acoustic report with regard the plant to be installed within the front lightwell pavement vaults. The original submission annotated the pavement vaults as containing 'plant' which had not then been assessed in the acoustic report. The applicant has advised that the front basement vaults will be used for the water system and will contain two pumps; these require ventilation and the vault door will therefore be louvred. An assessment of the noise of the operation of the pumps in the front vaults has been included in an amended acoustic report. This demonstrates noise levels from the water pump operation to be compliant with the City Council criteria at the nearest noise sensitive property (15 Charles Street). Acoustic mitigation is proposed in the form of absorption material to be installed within the vault and the acoustic performance of the louvred door. A condition is included to ensure these measures are installed to the specification detailed in the acoustic report.

An objector has commented on whether the fifth and sixth floor plant areas have correctly identified the nearest noise sensitive properties. These issues have been passed onto the applicant's acoustic consultants, who have specifically measured noise levels to the neighbouring 15 Charles Street and 17 Charles Street and shown these to be the nearest impacted windows. The original acoustic report included the installation of three condenser units in the front lightwell which were not shown on the drawings and which was queried by objectors. The acoustic report has subsequently amended to remove this reference as these are not proposed.

Additional information on acoustic grounds has been provided during the course of the application to address some omissions. All acoustic information including the critique of the acoustic report provided by the objectors has been provided to Environmental Health who have assessed all the submitted information and determined that the acoustic information provided is sufficient to enable a full assessment of the proposal and determined that with the imposition of safeguarding conditions the operation of the plant will be compliant with the City Council requirements. This is considered to address the objections raised on these grounds.

Odour

The application is supported by an odour nuisance prevention scheme which assesses the acceptability of the high level duct to provide suitable odour dispersal from the restaurant premises. This has been assessed by Environmental Health who have

confirmed the proposed duct will provide a suitable means for odour dispersal. A condition is included to require the installation of the high level extract duct and its retention for as long as the restaurant is in operation. Objectors have commented on potential odour nuisance from the operation of the restaurant. The high level extract duct proposed complies with the relevant City Council criteria and the report has been assessed and deemed acceptable with Environmental Health. The objections on these grounds are not therefore considered sustainable.

9.6 Transportation, Accessibility & Servicing

Notwithstanding the objections on these grounds in relation to the proposed use of the building as a restaurant, these matters are not relevant on the grounds that planning permission is not required for the restaurant use.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending and support the provision of a new restaurant premises.

9.8 Other Considerations

Fire Safety

Some of the objectors raise concerns about fire safety. One objector has commissioned a 'Fire Safety Review' to be carried out of the proposal and they have identified a number of issues with the current layout. The report is accompanied by an email from the fire engineer noting that current planning policies do not require that the applicant submit a fire statement for a development such as this and the application does not meet the criteria to be designated a Planning Gateway One application which would require a fire statement and consultation with the HSE. The Fire Safety Review commissioned by the objector has been passed on to the applicant for their consideration. The applicant has had their own fire strategy produced which concludes that the proposal can be compliant with the requirements of the regulations. Notwithstanding the disagreement between the two parties, given the scale of the project there is no requirement for a fire safety report to be submitted and the assessment of fire safety would be under building regulations. The objections on these grounds are not therefore considered sustainable.

Goods Lift

Objections have been received with regard to the potential for the goods lift proposed in the front basement lightwell to result in noise disturbance to neighbouring occupiers. It is not considered the lift would result in any noise nuisance and noise levels at the front of the property at street level will generally be higher.

Drainage Assessment

An objector has commented on the lack of a 'Drainage Assessment'. The application is

for plant and internal alterations. There is no requirement for a 'Drainage Assessment'. The restaurant use is lawful and does not require planning permission.

Rear Rooflight

An objector has raised concerns that the new rooflight at rear ground floor level would be openable and might result in noise emanating from the restaurant use and impacting neighbouring residents. The applicant has confirmed that the rooflight is fixed shut and the drawings show this. The objection on these grounds is not therefore considered sustainable.

Other Issues

A neighbouring objector has requested further detail on the use of a room at rear lower ground floor level which is accessed from the rear communal corridor, as this is annotated as 'Out of ownership'. As far as the applicant is aware this room houses a water booster and water tank for 14 Hays Mews.

An objector has commented that the floorplans for the approved license for the premises differ from those currently shown. The Certificate of Lawfulness confirmed planning permission was not required for the use of the building as a restaurant. It is not relevant to this planning application that the layout of the restaurant has changed slightly from the drawings with the approved Certificate.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

The proposals result in harmful impacts to the special interest of the grade II* listed building. No harmful impact is found to the character and appearance of the Mayfair Conservation Area or to the setting of the adjacent listed buildings.

Considering all aspects of the scheme, the impact in heritage terms would be a moderate degree of less than substantial harm as set out in section 9.4 of this report. Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Public Benefits

As set out throughout this report, officers agree with the applicants, and supporters of the scheme, that these proposals would result in modest public benefits.

The alterations allow for improved accessibility into the building, creating improvement to the threshold in access terms. The alterations, through the introduction of fire curtains, also improve the fire safety of the building.

The alterations would also improve the energy performance of the buildings, helping the operators to contribute toward a reduction in carbon emissions.

The building, which has been vacant since 2018, would be brought back into beneficial use serving visiting members of the public. The applicants have estimated that this will result in the creation of c.250 new jobs.

The heritage benefits, as outlined above are the relaying of York stone flags to the front lightwell, the introduction of natural stone paving to the rear yard, the removal of a harmful entrance lobby from the hall.

Planning Balance

Special regard must be given to the desirability of preserving listed buildings, but where a development leads to less than substantial harm, the NPPF states this harm should be weighed against the public benefits, including taking into account whether any conflict between the heritage asset's conservation and any aspect of the proposal has been avoided or minimised.

The applicants have made a convincing justification as to why the proposed alterations are required and how these alterations have been designed to make the least impact on historic fabric.

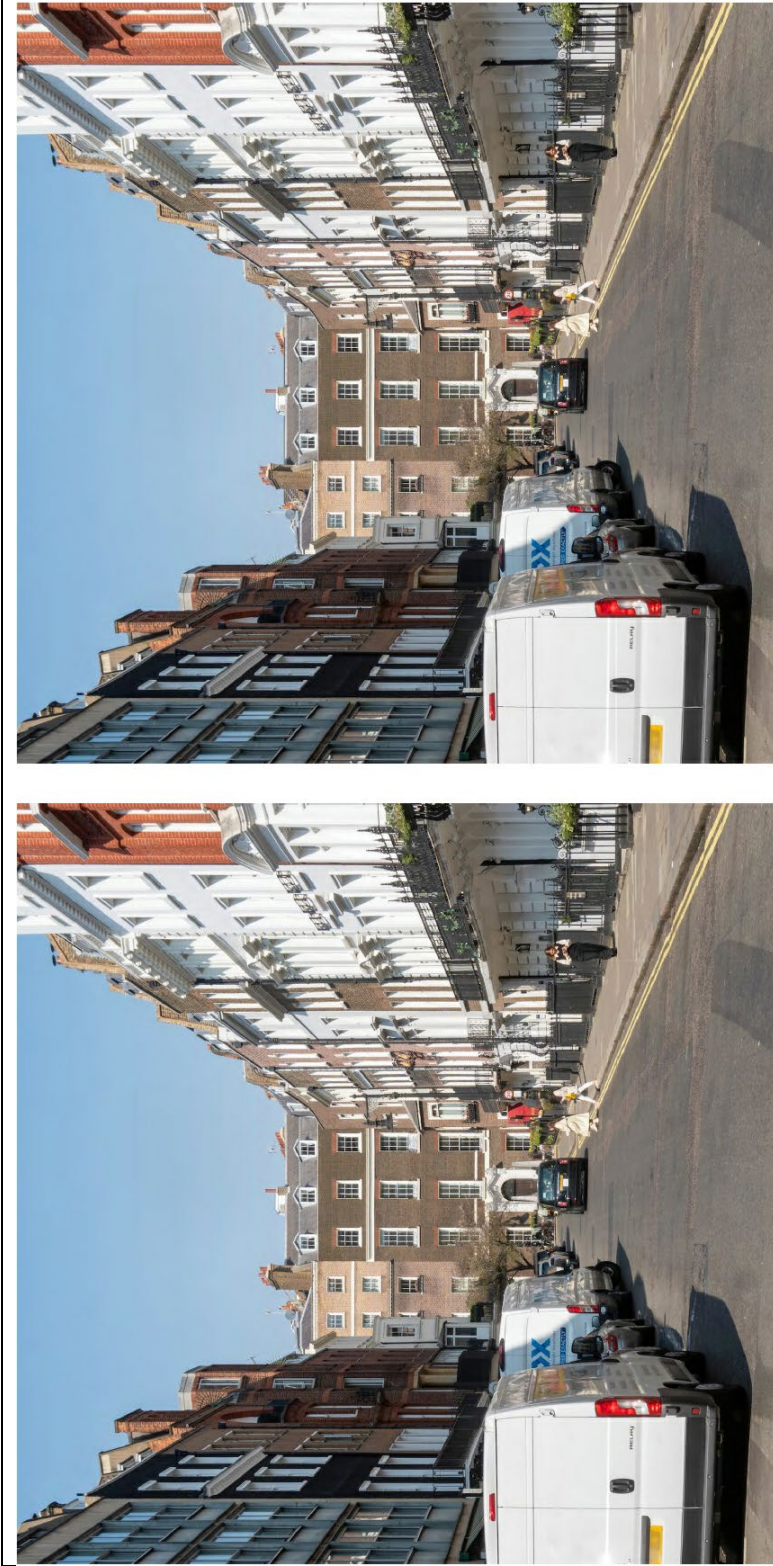
Historic England and officers recognise the alterations to the building are required to achieve the improvements, and that they are no more than is necessary to implement the restaurant use.

As such, whilst being mindful of policies of the development plan, given the public benefits that would be delivered, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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

11. KEY DRAWINGS

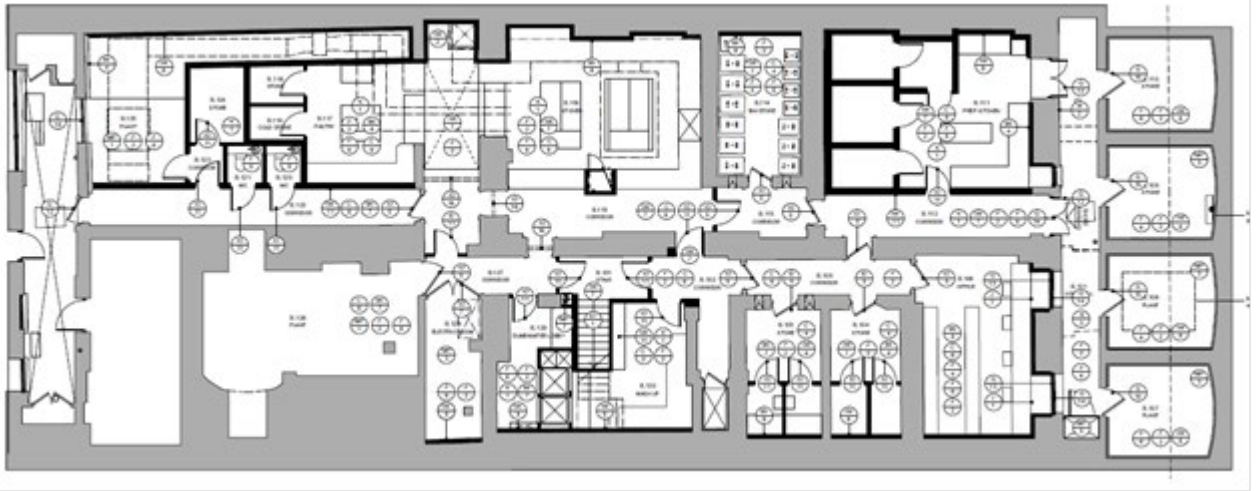


Existing and proposed front elevation showing the degree of visibility of the rooftop plant enclosure

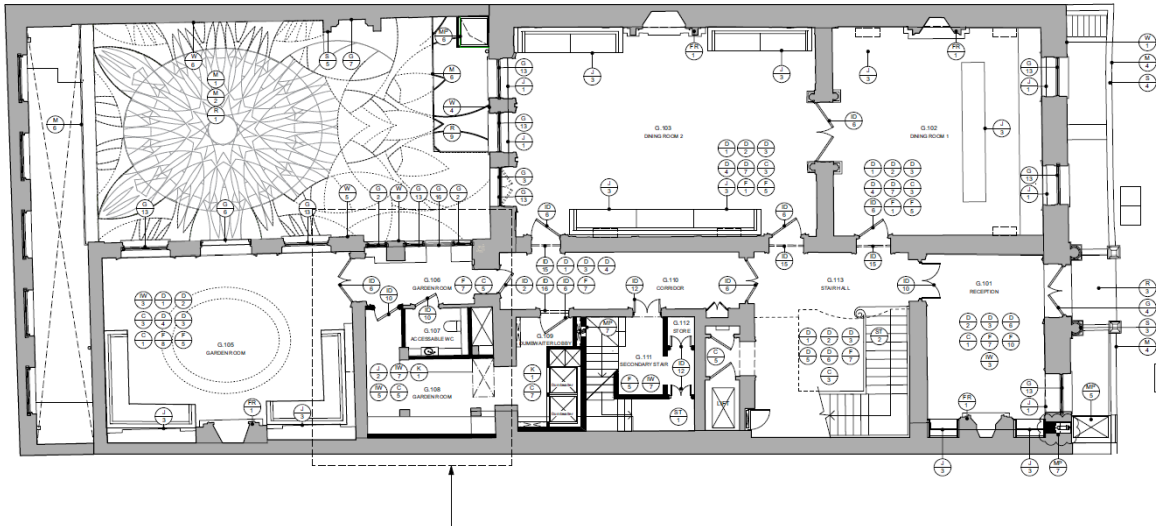
Front Elevation



Basement floor plan

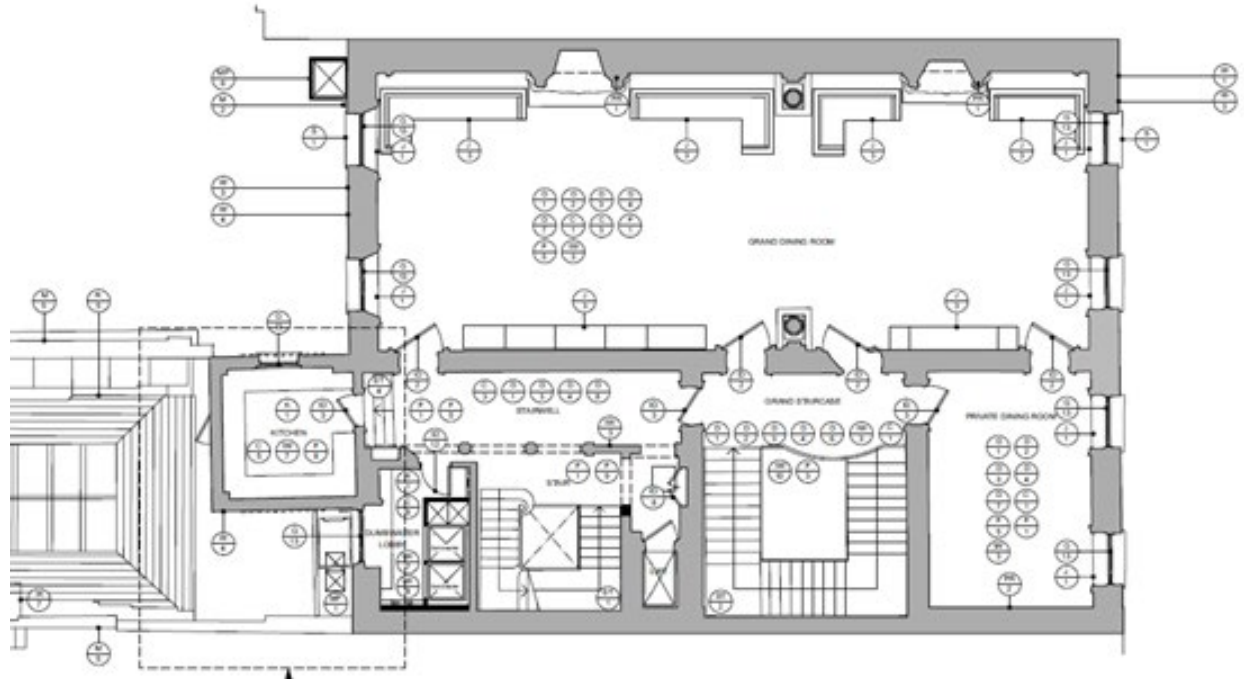


Ground floor plan

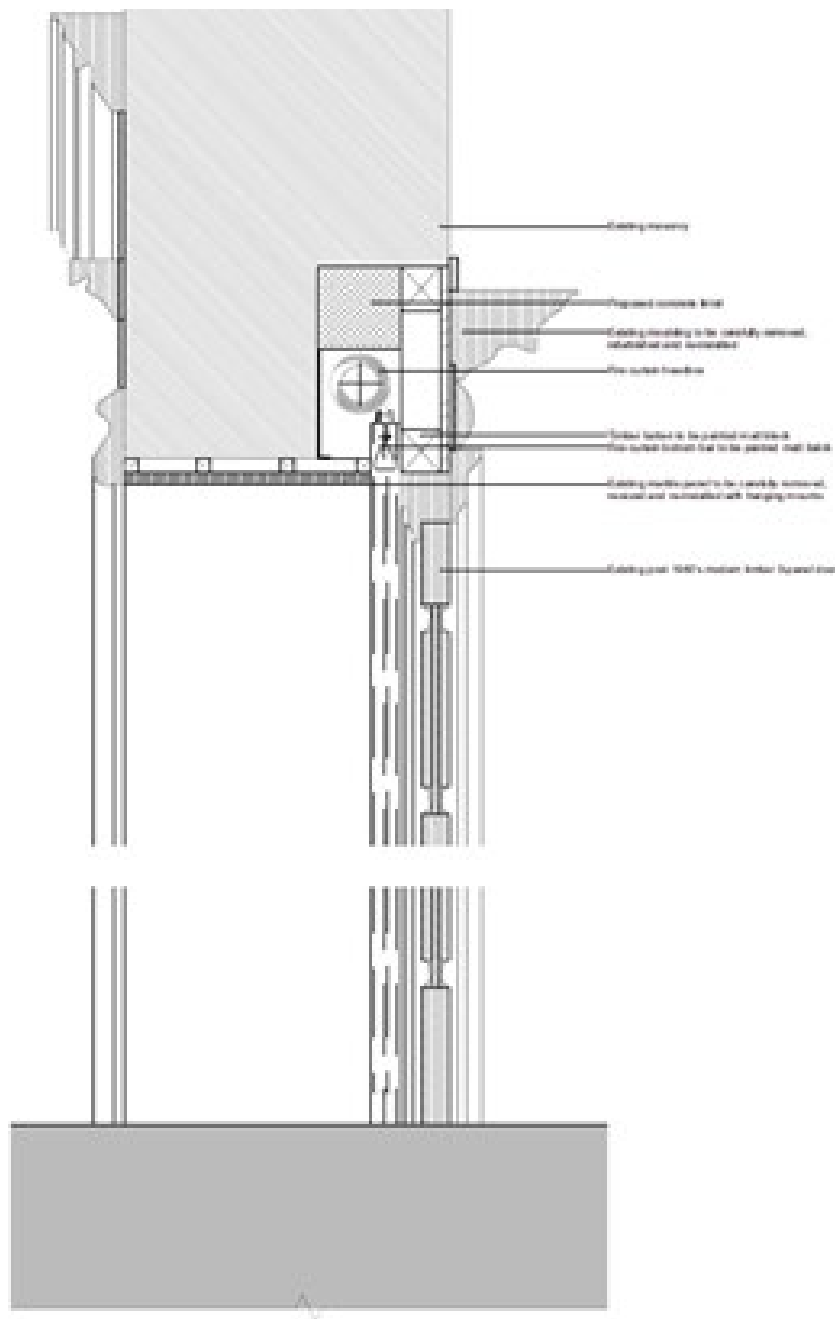


First floor plan

or Mezzanine Plan



Fire curtain detail



DRAFT DECISION LETTER – PLANNING PERMISSION**Address:** 16 Charles Street, London, W1J 5DR,**Proposal:** Alterations to front and rear elevations, including alterations to door and windows to front and rear basement lightwells. Replacement of plant (at roof level and in front and rear basement lightwells) and brick clad riser to rear of building. Alterations to rear terrace including removal of existing pergola and pyramid rooflight below and infilling of existing lightwell. Internal alterations at all levels.(Linked with 22/03071/LBC)**Reference** 22/03070/FULL**Plan Nos:** Proposed elevations
2011-A4-150 P4; 2011-A4-140 p2; 2011-A4-130 p4; 2011-A4-120 P4; 2011-A4-110 P8Proposed sections:
2011-A4-240 P6; 2011-A4-210 P4; 2011-A4-220 P3; 2011-A4-230 P4; 2011-A4-250 P4; 2011-A4-260 P3Proposed plans:
2011-A4-010 P7; 2011-A4-020 P7; 2011-A4-030 P6; 2011-A4-040 P7; 2011-A4-050 P5; 2011-A4-060 P6; 2011-A4-070 P7Demolition:
2011-A3-010 P3; 2011-A3-020 P3; 2011-A3-030 P3; 2011-A3-040 P4; 2011-A3-050 P4; 2011-A3-060 P4; 2011-A3-070 P4Proposed details
2011-A4-002 P1; 2011-A5-011; 2011-A5-010; 2011-C5-610; 2011-C-5-711; 2011-C-5-712; 2011-C-5-713; 2011-C-5-714; 2011-D5-010; 2011-D5-020; 2011-D5-030; 2011-E5-010; 2011-E5-020; 2011-E5-030; 2011-E5-040; 2011-E5-060; 2011-E5-080; 2011-E5-510; 2011-J5-010; 2011-C5-210; 2011-C5-310; 2011-C5-410; 2011-C5-710; 2011-C5-715; 2011-C5-716; 2011-C5-520Brick cleaning method statement
Renaissance door method statement**Case Officer:** Toby Cuthbertson**Direct Tel. No.** 07866039110**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 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 4 The plant/machinery hereby permitted and identified in the acoustic report with the following references (DX/3/01, DX/3/02, DX/B/01, AHU01, AHU02, EF01, EF02, PU01, PU02) can only be operated between the hours of 08:00 and 00:00 daily. The remainder of the plant can operate at any time but the units with the following references (CU01, CU02, CU03, CU04, CU05, CU06) must operate in 'low noise mode' between the hours of 00:00 and 08:00 daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 5 With regard noise levels at the front first floor window of 15 Charles Street:

(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:

- (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)

6 With regard noise levels at the rear fifth floor window of 17 Charles Street, rear window of the sixth floor of 15 Charles Street and second floor at the rear of 13 Hays Mews:

- (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 5 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 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.
- (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 minutes) 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. (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 7 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 5 and 6 of this permission.

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)

- 8 You must install all the internal acoustic mitigation measures as detailed in the RBA Acoustics Noise Impact Assessment dated 19 January 2023 (Ref 11015.RP03.NIA.6, Revision Number 6) at the same time as the plant is installed. These measures must thereafter be maintained in this form for as long as the plant remains in operation.

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)

- 9 You must install and retain the high level extract duct on the rear elevation of the property for as long as the restaurant use is in operation.

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)

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

permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 11 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 13 Notwithstanding the detail shown in drawing A 4020 P7, you must apply to us for approval of detailed drawings showing the following alteration to the scheme rear yard paving detail;. You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

- a) rooftop plant enclosure
- b) platform lift
- c) pavement vault doors

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings;. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 15 You must apply to us for approval of manufacturers details and photographs of samples of the

following parts of the development:

- a) rear yard paving
- b) front lightwell paving
- c) brick cladding to rear duct

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 samples. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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 Conditions 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 The kitchen extract ducts should be designed to discharge at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen.

A scheme of odour reduction may need to be incorporated together with full height discharge if there are surrounding residential premises (and/or commercial buildings with openable windows) between 20 m - 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen.

- 5 You are advised to ensure the following measures are incorporated into your scheme:
 - The kitchen extract duct should be designed to discharge vertically
 - All cookline equipment must be placed under the extraction canopy
 - The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade and provide sufficient air changes within the workspace in

compliance with Building & Engineering Services Association (BESA) guidance DW172-2018 or as updated.

- The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or follow the BESA document TR19 for cleaning and maintenance.
- Any cladding must be made of non-flammable materials (approved by Building Control and/or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches
- Access to the ducting must comply with the Health & Safety safe access standards.

DRAFT DECISION LETTER – LISTED BUILDING CONSENT

Address: 16 Charles Street, London, W1J 5DR,

Proposal: Alterations to front and rear elevations, including alterations to door and windows to front and rear basement lightwells. Replacement of plant (at roof level and in front and rear basement lightwells) and brick clad riser to rear of building. Alterations to rear terrace including removal of existing pergola and pyramid rooflight below and infilling of existing lightwell. Internal alterations at all levels.

Reference 22/03071/LBC

Plan Nos: Proposed elevations: 2011-A4-150 P4; 2011-A4-140 p2; 2011-A4-130 p4; 2011-A4-120 P4; 2011-A4-110 P8; Proposed sections: 2011-A4-240 P6; 2011-A4-210 P4; 2011-A4-220 P3; 2011-A4-230 P4; 2011-A4-250 P4; 2011-A4-260 P3; Proposed plans: 2011-A4-010 P7; 2011-A4-020 P7; 2011-A4-030 P6; 2011-A4-040 P7; 2011-A4-050 P5; 2011-A4-060 P6; 2011-A4-070 P7; Demolition: 2011-A3-010 P3; 2011-A3-020 P3; 2011-A3-030 P3; 2011-A3-040 P4; 2011-A3-050 P4; 2011-A3-060 P4; 2011-A3-070 P4; Proposed details: 2011-A4-002 P1; 2011-A5-011; 2011-A5-010; 2011-C5-610; 2011-C-5-711; 2011-C-5-712; 2011-C-5-713; 2011-C-5-714; 2011-D5-010; 2011-D5-020; 2011-D5-030; 2011-E5-010; 2011-E5-020; 2011-E5-030; 2011-E5-040; 2011-E5-060; 2011-E5-080; 2011-E5-510; 2011-J5-010; 2011-C5-210; 2011-C5-310; 2011-C5-410; 2011-C5-710; 2011-C5-715; 2011-C5-716; 2011-C5-520; Brick cleaning method statement, Renaissance door method statement

Case Officer: Toby Cuthbertson

Direct Tel. No. 07866039110

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

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

Reason:

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)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in 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)

- 4 The works approved are only those shown on the drawings listed on this decision letter.

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)

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

- a) rooftop plant enclosure
- b) platform lift
- c) pavement vault doors
- d) built in furniture, including banquettes and fan coil unit cabinets
- e) balustrade alterations to secondary stair
- f) paving to rear yard
- g) glazing units and glazing bar profiles to the new sash windows

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 You must scribe all new joinery, including banquette seating, around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in 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)

- 7 You must apply to us for approval of manufacturers details and photographs of samples of the following parts of the development:
- a) rear yard paving
 - b) front lightwell paving
 - c) brick cladding to rear duct
 - d) ground floor tiles

. 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 samples;. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

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 The proposed raising of the balustrades to the secondary staircase at the second-floor landing level on plinths should be carefully detailed to minimise incongruity. Contact Toby Cuthbertson to discuss this element of the scheme.

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.