

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 22 June 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	The Audley, 34 South Audley Street and 41 - 42 Mount Street, London, W1K 2RX		
Proposal	Use of the basement, ground and first floor as a public house, and the second, third and fourth floors as meeting rooms / events space (Sui Generis). External alterations including removal and rebuilding of part of the main roof, infilling of the rear lightwell to provide a new lift, alterations to windows; large balcony on the Mount Street elevation; installation of plant at main roof level, within the pavement vaults and at rear second floor level within an enclosure with green roof. Installation of platform hoist and vent grilles in the Mount Street lightwell and a new high level extract duct at rear second and third floor levels to terminate at roof level.		
Agent	Gerald Eve		
On behalf of	Artfarm Ltd.		
Registered Number	20/08344/FULL 20/08345/LBC	Date amended/ completed	29 December 2020
Date Application Received	29 December 2020		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional planning permission.
2. Grant conditional listed building consent

2. SUMMARY

The Audley public house is a Grade II listed building in the Mayfair Conservation Area on the junction of Mount Street and South Audley Street. The building comprises basement, ground and first to fourth floor levels. The basement is in use as a bar area with storage, the ground floor as bar area and the first floor as kitchen and restaurant floorspace. The second, third and fourth floors of the building are in use as staff living quarters including the manager's flat and sleeping accommodation

for workers with shared living facilities. The use of the entire property is as a public house (sui generis use). Consent was granted in 2018 for internal and external works to the building and the change of use to a sui generis use comprising public house accommodation at basement, ground and first floors and visitor accommodation at second to fourth floor levels.

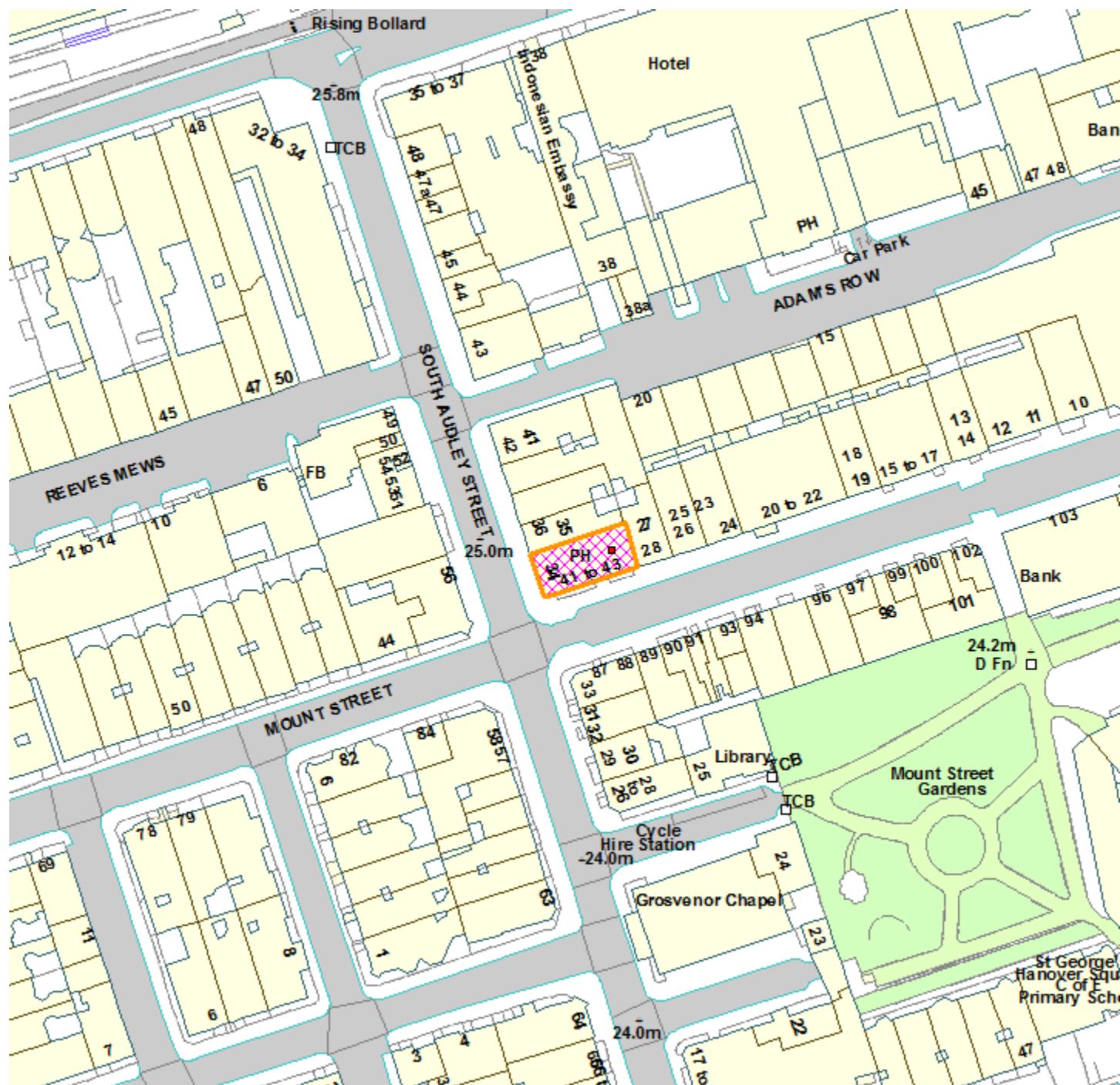
Permission is now sought for most of the external alterations previously approved to the building including the replacement of the turret on the main street corner and alterations to the balcony on the Mount Street elevation of the building. It is also proposed to remove and replace a large portion of the main roof including two dormers with gables and to partially infill a rear lightwell to provide a new lift. Plant is proposed at rear third floor level, within the vaults and at main roof level. It is proposed to use the building as a public house over the basement, ground and first floors (comprising, bar, kitchens, dining areas etc), the second to fourth floors would be used as meeting rooms / event space.

The key issues for consideration are:

- The impact of the proposals upon the amenities of neighbouring residential properties.
- The acceptability of the proposed uses in land use terms
- The impact of the works upon the special interest of the listed building and the character and appearance of the Mayfair conservation area.

The proposals are considered acceptable in terms of their impact on the amenity of neighbouring residential properties, subject to conditions. The proposed alterations to the listed building safeguard the special interest of the listed building and preserve the character and appearance of the conservation area. For these reasons the proposal is considered to comply with the relevant policies in the London Plan and the City Plan and it is recommended that conditional planning permission and listed building consent be granted.

3. LOCATION PLAN



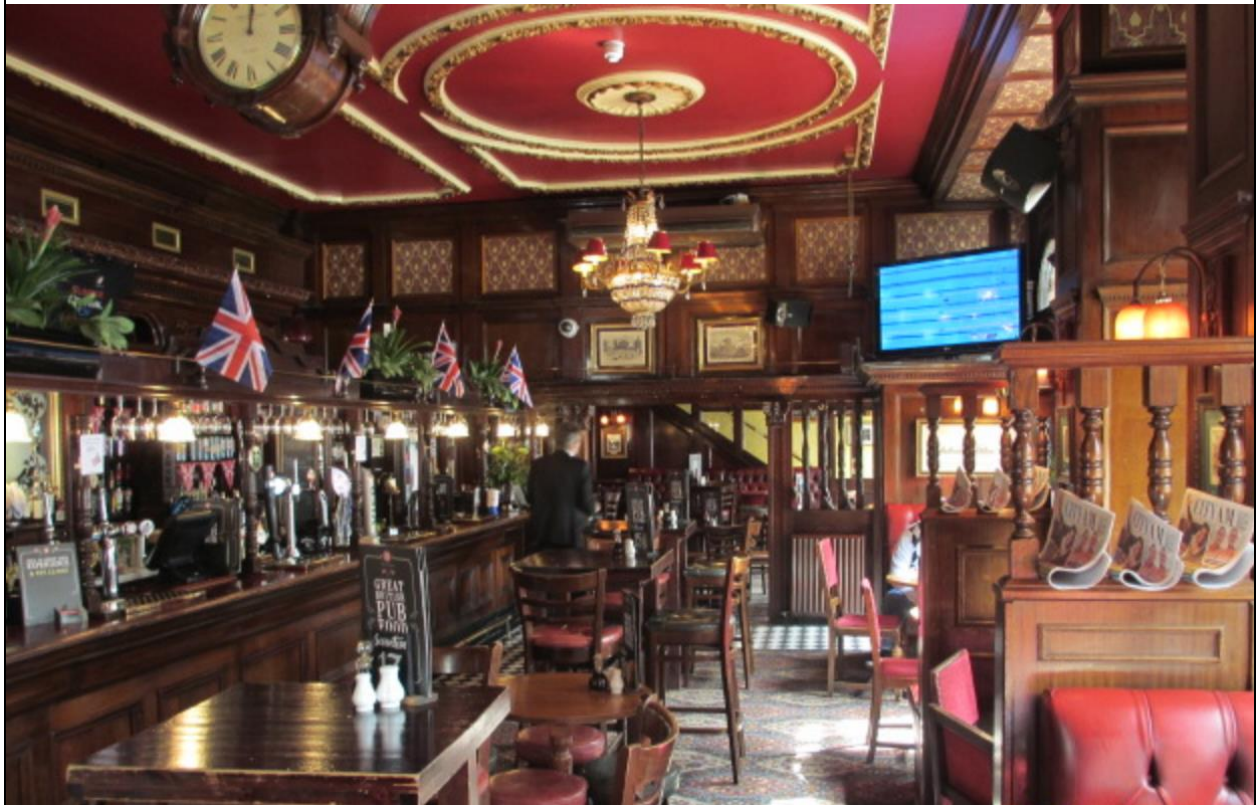
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4. PHOTOGRAPHS

Front Elevation:



Ground Floor Bar:



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Objection – support the concerns of the local residents in relation to increased noise and disruption and express concern at the loss of the 'social' function of the public house use.

WASTE PROJECT OFFICER

Further information requested by condition.

HIGHWAYS PLANNING

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

HISTORIC ENGLAND

Authorisation to determine received.

THAMES WATER

Request the addition of conditions to any approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 95

Total No. of replies: 39

No. of objections: 36

No. in support: 2; No. neutral: 1

Objections on the following grounds:

Highways:

*Traffic disruption to the local highway network.

*Impacting on parking availability in surrounding streets.

*Possible need for increased cycle storage.

Amenity:

*Increase noise from patrons at the premises.

*Increase noise disturbance from servicing of the operation.

*Acoustic report does not consider the noise of the kitchen extract equipment, only the air handling / refrigeration plant.

*Potential for odour nuisance from the extract ducts.

*Patrons for the event spaces may queue in the streets.

*Potential for noise transference through the building structure to neighbouring properties.

*Potential noise disturbance and overlooking from the use of the balcony by patrons at the premises.

Design:

*Internal alterations will detrimentally impact the historic features and plan form of the listed building.

Land use:

*Potential detrimental impact upon the operation of the public house use.

*Loss of 'public house' floorspace and lack of separation of the event spaces and public house.

Other:

*Compliance with fire regulations may require additional internal alterations to the listed building.

*Concerns the proposed waste / recycling storage capacity isn't large enough to cater for the use.

*Potential for smokers discouraged from smoking outside the premises to congregate elsewhere.

*Concerns over the numbers of staff that could work at the premises.

*Potential from increased crime in the area.

Support on the following grounds:

*Proposal will support 'economic productivity and consumer interest' in the area.

*Proposed meeting rooms to hire will be a benefit to local businesses.

*Use will bring more business to the area and which will benefit other businesses.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Audley public house is a Grade II listed building in the Mayfair Conservation Area on the junction of Mount Street and South Audley Street. The property has lawful use as a public house comprising lower ground, ground and first to fourth floor levels. The basement to first floors comprise the areas of the public house open to visiting members of the public with ancillary kitchens, stores, staff accommodation and customer facilities. The second to fourth floor levels were used as ancillary staff sleeping accommodation.

Consent was granted on the 11th December 2018 for internal and external works to the building and the change of use to a sui generis use comprising public house accommodation at basement, ground and first floors and visitor accommodation at second to fourth floor levels. Works are progressing on site in accordance with these consents also the approved sui generis use has not started operation.

The immediate area along Mount Street and South Audley Street comprises of commercial uses at lower levels, mainly comprising restaurant and retail uses with residential units on the upper floors.

6.2 Recent Relevant History

Planning permission and listed building consent were granted on the 11th December 2018 for the following development:

Use of the property as a sui generis use comprising public house accommodation at basement, ground and first floors and visitor accommodation at second to fourth floor levels; external alterations including the reinstatement of the original Dutch gable, original turret at roof level, and large balcony on the Mount Street elevation; replacement of two dormers with gables and infilling of the rear lightwell to provide a new lift. Installation of plant with associated screening at rear third floor level and main roof level.

Construction work is on-going to implement this consent.

7. THE PROPOSAL

Consent is sought for the use of the property as public house accommodation at basement, ground and first floors and event and function rooms at second to fourth floor levels (sui generis use). External alterations including the reinstatement of the original Dutch gable, original turret at roof level, and large balcony on the Mount Street elevation; replacement of two dormers with gables and infilling of the rear lightwell to provide a new lift. Plant is proposed at main roof level, at rear second floor level within an enclosure and within the pavement vaults under Mount Street.

The proposed use would be a sui generis use, operated by Artfarm, an independent hospitality and development company, and comprises a combination of a conventional public house and event and meeting spaces. A small kitchen would also be installed at second floor level to support the use of the upper floors as hospitality space. The majority of the building would provide public house floorspace, totalling 702sqm, and the upper floors would provide meetings/events floorspace, totalling 424 sqm. Typical uses are likely to include a fashion launch, photo shoot, private dinner or a business meeting. The flexible spaces would be able to be used in a variety of ways, either hired individually or together to form a series of interlinked spaces. The varying sized rooms would occupy groups ranging from 6 up to larger scale meetings or events of 26. In a scenario where all rooms were booked simultaneously for separate events it is anticipated that the upper floors would accommodate up to 100 people.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing lawful use of the building is a public house with the rooms at second to fourth floor levels providing living accommodation for the employees of the pub (an ancillary function to the main public house use). The basement is in use as a bar area and back of house / storage, the ground floor provides the main bar area and the first floor is currently split between kitchens and a dining area. The proposal is for the conversion of the second to fourth floor levels to provide meeting and event spaces which would be operated in association with the continued public house use on the ground and first floor levels with kitchens / toilets and ancillary services in the lower ground floor level.

The dining room at first floor level would be expanded to occupy the entirety of the first floor with the kitchen moved to the basement, and as a result, the quantum of floorspace of the public house which is open to visiting members of the public remains broadly the same. It is also noted that with an expanded food serving, a larger kitchen would be required and there is now improved waste / recycling facilities and cycle parking.

Whilst the provision of function and event rooms could be considered an ancillary function of the main public house use, in this instance, the proposed event spaces constitute a significant volume of the floor area of the building, have separate access arrangements and a dedicated small kitchen to support the use of the upper floors as hospitality space. Taking this into account the proposed use of the building would constitute a sui generis use comprising elements of both public house and event / function rooms. A single operator will run both the public house and the functions rooms and the proposed use of the building in this manner will clearly bring an additional revenue stream and would support the 'viability and function of the public house'.

Objectors have commented on the loss of public house floorspace, but as set out above the portion of floorspace open to the public is broadly similar given the expanded dining area at first floor level. Objectors are also concerned that the sharing of facilities such as wc facilities at lower ground floor level, lift and reception areas will detrimentally impact the long-term viability of the public house use. They consider the use of the property as a sui generis use threatens the long term public house use.

City Plan policy 16 seeks to protect public houses and states that; 'Public houses will be protected throughout Westminster, except where there is no reasonable prospect of its continued use as a public house, as evidenced by appropriate marketing for a period of at least 18 months. Replacement of ancillary spaces on upper floors to public houses, such as function rooms or accommodation, may be acceptable where it can be satisfactorily demonstrated that loss of this floorspace will not compromise the viability or function of the public house.' In addition, Policies HC6 and HC7 of the London Plan both protect public houses in terms of their cultural, heritage, social offer and their contribution to the night time economy. The Mayfair Neighbourhood Plan also seeks the protection of public houses with Policy MSC2 stating; 'applications to change the use of all existing public houses within Mayfair will be refused, unless: (a) The existing pub has been actively marketed as such for a period of not less than 12 months. (b) This floorspace has been widely marketed at a reasonable market value and other terms for pub floorspace in that locality, with no reasonable prospect of the public house use being continued.'

The second to fourth floors currently provide staff accommodation, ancillary back of house space, to which patrons of the public house currently have no access. The proposed use would not see any reduction in the areas of the public house which are open to members of the public or the ancillary back of house storage, toilet and kitchen areas. It is not considered necessary to condition the retention of the public house floorspace in the proposal as the consent would be for a sui generis use and planning permission would be required if there were any material changes to the proposed layout.

Taking this into account it is not considered the objections on the loss of the public house or the impact on its viability can be supported.

During the course of the application a public consultation event was held between the applicant and local residents. Following this an amended detailed Operational Management Plan (OMP) was submitted as part of the application. This details how the use would operate to minimise disruption and noise disturbance to local residents and the highways network. The OMP details that there will be a host present at the South Audley Street door to greet and direct guests but there is no reason there would ever be queueing on the public highway to enter the premises. If multiple rooms have been booked for the same event the operator is aware that start and finish times would need to be staggered to prevent large groups gathering at any one time. Patrons of the function rooms on the upper floors will be directed up the stairs immediately inside the South Audley Street entrance door unless they request the lift which will mean passing through the public house accommodation. For the first floor dining area, access will be via the an internal staircase and/or from the entrance door on Mount Street. Whilst objections have been received to the potential for patrons to queue in the street, this is considered unlikely given this proposed arrangement.

The opening hours of the ground floor public house use will be 11:00 to 23:30 Monday to Friday, 11:00 to 00:00 (midnight) Saturday and 11:00 to 22:30 on Sundays and Bank Holidays. The first floor public house eating area and the meeting / event spaces will have slightly longer opening hours of 07:00 till 00:30 Monday to Saturday, 08:00 till 00:30 on Saturday and 08:00 till 00:00 Sunday and Bank Holidays. These slightly different hours of operation will ensure that patrons are entering and leaving the premises in a more staggered manner rather than a large number of people at the same time which could result in more noise and traffic disruption. The opening hours of the function rooms have been reduced during the course of the application (from a terminal hour of 01:00) in response to concerns raised by neighbouring residents. The current licensed opening hours of the public house are 08:00 until 00:30 Monday to Saturday and 09:00 until 00:00 on Sundays, so the terminal hour of the proposed use is no later than the existing licensed opening hours of the public house.

There are a number of other licensed establishments in the vicinity including George restaurant on the opposite side of Mount Street at No. 87-88 which has licensed opening hours of 08:00 till 01:30 Monday to Saturday and 08:00 till 01:00 on Sundays; Richoux restaurant to the north at 41 South Audley Street has licensing opening hours of 10:00 till 00:30 Monday to Saturday and 12:00 till 00:00 on Sunday; and Scott's restaurant to the east at 20-22 Mount Street operates with licensed opening hours of 10:00 till 00:10 Monday to Saturday and 10:00 till 00:30 on Sundays.

The capacity of the public house function would be 330 patrons over the ground and first floor levels. The applicant has stated that the overall capacity of the second, third and fourth floor levels is 100 patrons at any one time. There are no conditions currently restricting the capacity on the license of the existing public house use or any recent planning permission relating to the property. In addition, the upper floors could also be lawfully used as other ancillary functions, such as additional bar, dining and entertainment areas, without the need for planning permission. If this were the case, it is likely that these floors would be far more intensively used, and this would not be controlled by the planning regime. This proposal therefore presents an opportunity to control the capacity of the premises.

In addition, in order to contain noise within the premises the OMP states that there will be restrictions on opening / closing windows during the early morning and evening; no use of the balconies; introduction of secondary glazing; restrictions on music levels; door staff to control patrons entering or exiting the premises. Objectors to the application have commented on the potential for noise nuisance to result from the use of the balconies but it has been agreed with the applicant that the balconies will not be available for use and access is only to be provided for maintenance. A condition is imposed to require this.

Adjoining neighbours will be provided with the contact details of management staff who will be contactable at all times to raise any issues.

In relation to servicing deliveries will all take place between 07:30 till 09:30 Monday to Friday and 08:00 till 10:00 on Saturday and Sunday. Deliveries will primarily be made through the existing delivery hatches serving the public house use. Objections have been made to the application on the grounds that the servicing of the unit will result in increased noise disruption for nearby residents. These concerns are noted but the servicing hours will be controlled in the OMP and a condition is proposed to require the operation of the premises to accord with the stipulations. The hours for servicing are considered reasonable.

Conditions are proposed to ensure that the operation is carried out in accordance with the stipulations of the Operational Management Plan, the capacity and opening hours of the premises, restrict the use of the balconies to maintenance only, that no music should be played within the premises which is audible in adjoining buildings, and that the windows on the second to fourth floor levels should be kept closed at all times. The standard noise condition is also included in relation to acceptable noise levels resulting from the operation of the use in adjoining buildings. With these conditions in place, it is not considered the proposed use would cause a noise nuisance to neighbouring sensitive occupiers.

Objectors have commented on the potential for noise transference through the building structure to neighbouring properties. The lawful use of the upper floors of the building are as a public house and these floors could be used for dining, drinking or indeed as function rooms without the need for planning consent. The applicant is aware of the potential for noise transference through the building structure and the standard condition is included with regard the design of the development to ensure residents in adjoining buildings are not exposed to noise levels in excess of acceptable levels. If the applicant is in breach of this condition relevant enforcement action can be taken. The applicants have stated in relation to this objection that they are restricting access to the balconies, installing new secondary glazing and will ensure the appropriate acoustic mitigation measures are installed to ensure compliance with the standard condition. With these measures in place it is not considered the proposal would result in unacceptable levels of noise transference through the building structure.

Objectors have also raised concerns in relation to people wishing to smoke at the premises who may congregate elsewhere in the vicinity. The Operational Management Plan states that visitors will be encouraged (through notices to visitors) to avoid smoking on adjoining residential streets and staff will be encouraged to smoke away from the building and not in residential streets or entrances. This will be included in the employee

handbook and therefore a contractual obligation of employment and subject to disciplinary action if not followed.

A letter of support has been received from the New West End Company who consider the proposal will contribute to the commercial attraction of the area and support neighbouring businesses as well as provide a valuable addition to the area. These comments are noted.

8.2 Townscape and Design

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 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 same 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 same 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.

Analysis

The building is grade II listed and in the Mayfair Conservation Area to which it makes a positive contribution. As with the recently approved development, this scheme will restore the external appearance of the building, notably at roof level. The main changes, compared to the approved alterations, are internal and at the rear.

The documents submitted clearly demonstrate the scale of change that has taken place in the building including substantial bomb damage and alterations to the bars. Nevertheless, there remain features of interest inside the building such as parts of bars, some chimneypieces, and the main staircase. The remaining original parts of the façade,

especially those facing Mount Row and South Audley Street are highly attractive and make a positive contribution to the street and surrounding conservation area. At the rear, the facades are of white glazed brick and although of functional appearance their design is an integral part of the building's special interest and they are uniform with those of neighbouring properties.

The basement has been comprehensively modernised in the past and contains no decorative details of any interest.

At ground floor level, the previously approved alterations were designed to ensure the character and appearance of the bar area remained late Victorian in appearance and some original features were to be relocated. This remains the case and a scholarly late-Victorian design for the bar etc. at ground floor level is shown in outline.

At first floor level and above, the arrangement of the rooms is broadly similar to the approved layout although the mechanical plant layout has been revised and this has some external impact at the rear. Subject to approval of the new interior details, panelled doors, architraves, skirting, cornices, chimneypieces etc. being appropriately designed to match the existing work (where it survives) or being suitably period-detailed where missing details are reinstated, these alterations are acceptable design and heritage asset terms. Full details, along with the ground floor bar, may be dealt with by condition.

The revised plant layout affects the rear façade facing neighbouring properties across a lightwell. The appearance of the plant enclosure has been designed so that it becomes an integral part of the building and will be faced with white glazed brickwork. A small area of living roof is proposed above the new plant enclosure, and some windows will be altered to accommodate ventilation louvres. These changes suit the appearance of the building and surrounding conservation area and are acceptable in design and heritage asset terms.

Also at the rear, as before, the proposed lift shaft has a significant impact on the building, but this is more than offset by the substantial public benefit of rebuilding the roof, gables, second floor balcony facing South Audley Street, and corner tower roof to the original design, and taking the opportunity to sensitively relocate the mechanical plant within the new structures. Nevertheless, should this project proceed to construction, it is essential to require that the restoration works are carried in total, otherwise there would not be any mitigating public benefit to outweigh the harm caused by the new lift shaft. This may be secured by condition.

Overall, the alterations have been suitably designed to maintain the building's special interest; the main features of the new ground floor bar etc. are to be scholarly detailed, and the historic clock and chimneypiece are to be restored and retained. Although the chimneypiece is to be relocated, this is acceptable as proposed and it will still be a prominent and attractive feature of the refurbished bar at ground floor level. The lift and plant are substantial alterations that are balanced by the heritage gain and public benefit of the façade restoration works. As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the Westminster City Plan 2019-2040 (April 2021); and therefore, a recommendation to grant conditional approval would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Objections

The objections fall in several categories, but regarding heritage assets they relate to the impact on the historic use of the building, the physical alterations to the building (internal and external), and the impact on the character and appearance of the Mayfair Conservation Area.

Internally, the building has been substantially altered in the past and the roof and top floor was largely destroyed by enemy action in WWII. The objections frequently refer to the plan form of the building and its internal features. The key internal features of special interest such as the main staircase are to be retained. The alterations to the layout of the rooms from first floor upwards will change the historic plan form of the building. However, change is not automatically harmful and for the reasons set out before, they will not harm the building's special interest.

The bar area at ground floor level will be improved in heritage asset terms with a scholarly-designed bar (secured by condition) and the attractive chimneypiece and hanging clock are also to be retained (also secured by condition).

While the previously approved internal alterations were acceptable, and may be thought of as more sensitive in heritage asset terms (as pointed out by some objectors), the current proposals for the internal alterations throughout the building are also acceptable in heritage asset terms and cross the threshold of acceptability.

Comments have been received concerned that compliance with fire regulations may require further internal alterations to the building however, these works do not form part of the current proposal and any future internal alterations would require listed building consent and be subject to consideration at that stage.

In terms of the impact of the use and physical alterations on the character and appearance of the Mayfair Conservation Area, it cannot be said to be detrimental. In heritage asset terms pubs and entertainment uses are characteristic of the area and the proposed use is not out of character with or harmful to the character or appearance of the Mayfair Conservation Area, either on its own or cumulatively. Furthermore, it might be a more intensive (or popular) use than a pub, but its character is not dissimilar, and it would not appear incongruous. Furthermore, the external restoration work is a substantial public benefit that will improve the building's appearance.

8.3 Residential Amenity

Sunlight and Daylight

A small extension is proposed at fourth floor level and a new lift shaft and plant room at the rear are also proposed. A daylight and sunlight assessment has been submitted which assesses the impact of the extended building on the nearby sensitive properties which includes 35-36 South Audley Street; 37-38 South Audley Street; 39-40 South Audley Street; 41-42 South Audley Street; 87-88 Mount Street and 56 South Audley Street. The report concludes that any losses of daylight / sunlight to the windows are well within the guidelines of the BRE guidance.

8.4 Transportation/Parking

The site is located within a Controlled Parking Zone so anyone driving to the site will be subject to these restrictions. It is expected that most people visiting the site both staff and patrons will use public transport.

Objectors have commented on the potential for the operation to result in disruption to the local highway network and a reduction in parking availability on the surrounding streets due to taxis and private cars coming to collect patrons from the premises. The OMP has been updated to encourage taxis to use the single or double yellow line immediately outside and to the north of the South Audley Street entrance. Customers will be advised at the time of booking that, if they are arriving by taxi, they should avoid Mount Street due to issues with congestion. The premises will also have the phone numbers for taxi firms, and a dedicated member of staff will book taxis for customers when they are required, and help to manage and minimise the time any taxi might be stationary on the highway outside the premises. The Highways Planning Manager considers that the extra detail in the updated Operational Management Plan (dated March 2021) addresses the previous highway concerns.

Seven cycle parking spaces are shown being provided which is considered acceptable and a condition is included to require the provision and retention of this cycle parking. An objector commented that insufficient cycle parking was provided when six cycle parking spaces were shown but the applicant has since increased this to seven which is compliant with the requirements of the London Plan.

Limited information has been provided on the servicing of the proposed use. It is however noted that there is only a minimal increase in the floorspace of the building and there is a large existing public house use. The Highways Planning Manager considers there is sufficient capacity on the local highway network to support the potential increase in servicing but has requested a proper Servicing Management Plan (SMP) is submitted to ensure no adverse impacts on the local highways network and to ensure the operator has fully considered the servicing implications of the use and how this will be managed. A condition is included as requested and an informative attached to detail the exact information which will be required in the SMP to discharge the condition.

With these relevant conditions imposed both the Highways Planning Manager and the Waste Project Officer have confirmed they have no objection to the proposal.

8.5 Economic Considerations

A letter of support has been received to the application from a local business. They consider the proposed individual function / meeting rooms for hire will be a benefit to neighbouring businesses and the impact of the operation bringing people into the area will also support neighbouring businesses. These comments are noted and the potential benefit to certain neighbouring businesses is acknowledged.

8.6 Access

Level access is provided to the ground floor and a new customer lift is to be provided which will provide access to all floors in the building which is an improvement on the

current situation.

8.7 Other UDP/Westminster Policy Considerations

Plant

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 within the rooftop plant area, within an enclosure at rear second floor level and within the pavement vaults under Mount Street. Background noise measurements at the property have been recorded over a 24 hour period both at the rear and on the Mount Street side of the building. With regard the plant the air handling units and the extract plant will only operate between 07:00 and 00:25 whilst the refrigeration plant is proposed to operate as required at any time over a 24 hour period. With regard the plant at main roof level, the nearest noise sensitive windows were identified as skylights serving 35 – 36 South Audley Street, which are approximately 3m from the compound and 2m below the roof level. In the case of the plant to be located in the basement vaults the nearest noise sensitive windows are at 1st floor of 24 Mount Street.

Acoustic mitigation measures are proposed which includes the installation of duct mounted attenuators to the fresh air and exhaust systems of the new air handling unit at second floor level to the rear of the building and the installation of an acoustic louvre to the basement vault.

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.

An objection has been received stating that the acoustic report does not consider the noise of the kitchen extract equipment, only the air handling / refrigeration plant. However, this is inaccurate and all proposed plant has been assessed in the acoustic report.

Odours

A high level extract duct is proposed to be installed which will terminate at main roof level. Environmental Health have assessed the proposal and consider the duct suitable to ensure appropriate odour dispersal and would not cause an issue with regard odour nuisance to neighbouring occupiers. An objection has been received stating that there is no effective method for odour dispersal however with the installation and retention of the high level duct this will provide suitable odour dispersal. A condition is included to ensure the duct is installed and retained in situ for as long as the use is in operation.

Refuse /Recycling

The Waste Projects Officer has reviewed the submission and although a suitable refuse store has been shown in the demise of the building at lower ground floor level, the submission of amended drawings has been requested to show suitably sized bins for food waste, general waste and recycling. This is dealt with by condition. Objectors have commented on whether sufficient capacity of waste / recycling storage has been shown on the drawings but as detailed above there is sufficient space in the property and a condition will ensure suitable bin capacities and with this in place, the concern is considered to be addressed.

Biodiversity

A green roof is proposed at rear third floor level over the new plant enclosure. This is welcomed in biodiversity terms and a condition is included to require the submission of details of plant species and maintenance and the installation and retention of the green roof.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. 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 elsewhere in this report.

8.10 London Plan

As detailed in the land use section the London Plan seeks to protect public houses in terms of their cultural, heritage, social offer and their contribution to the night time economy.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Environmental Impact issues have been covered in section 8.7 above.

8.14 Other IssuesCrime and security

Some objectors have commented on the potential for the use to result in increased crime in the vicinity. The Operational Management Plan states that 'the operator will employ an experienced security team to ensure the safety of their guests / general public'. Any license for the premises will include stipulations on CCTV requirements and relevant security staffing levels. There will also be active frontages along the ground floor of the building.

Other

Thames Water have requested the addition of informatives and these are included as requested.

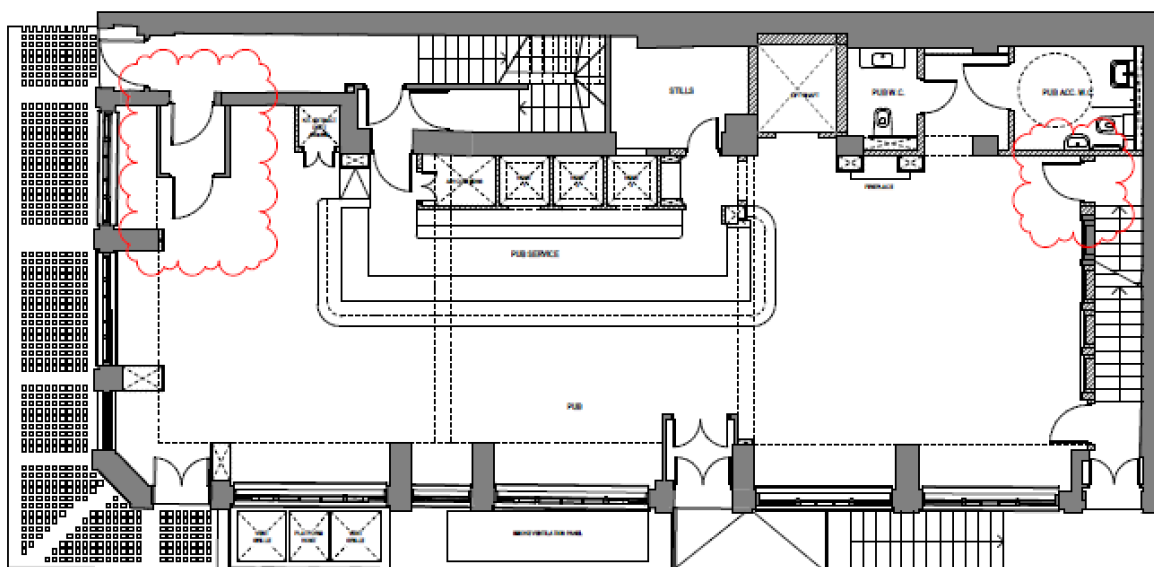
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

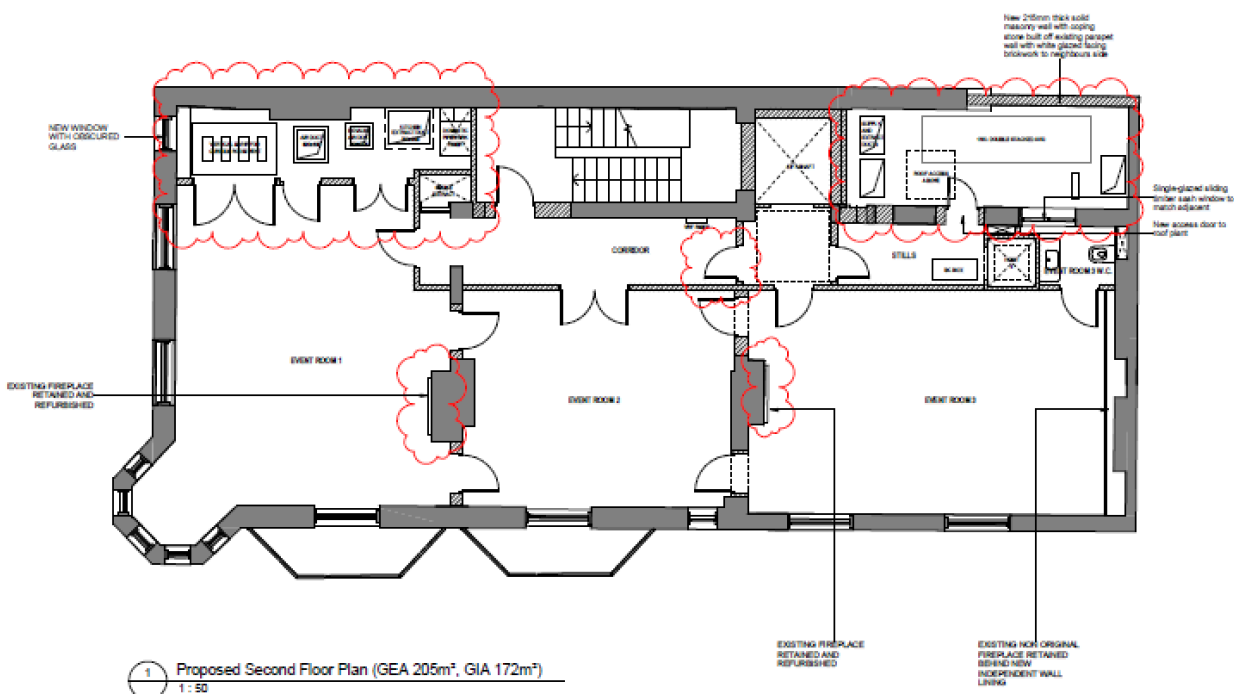
Proposed Mount Street Elevation:



Proposed Ground Floor (Retained public house):



Proposed Second Floor (New function rooms):



DRAFT DECISION LETTER

Address: The Audley At 34 South Audley Street, 41 - 42 Mount Street, London, W1K 2RX

Proposal: Use of the building as a sui generis use with basement, ground and first floor as a public house, and the second, third and fourth floors as meeting rooms / events space. External alterations including removal and rebuilding of part of the main roof, infilling of the rear lightwell to provide a new lift, alterations to windows; large balcony on the Mount Street elevation; installation of plant at main roof level, within the pavement vaults and at rear second floor level within an enclosure with green roof. Installation of platform hoist and vent grilles in the Mount Street lightwell and a new high level extract duct at rear second and third floor levels to terminate at roof level. (Linked to 20/08345/LBC).

Reference: 20/08344/FULL

Plan Nos: Operational Management Plan dated March 2021, Odour Control Assessment dated 2nd March 2021, Acoustic Report dated 8th March 2021, Daylight and Sunlight Assessment (20182694), Drawings: 11139-EPR-ZZ-B1-DR-A-14-0099-P4, 11139-EPR-ZZ-GF-DR-A-14-0100-P4, 11139-EPR-ZZ-01-DR-A-14-0101-P4, 11139-EPR-ZZ-02-DR-A-14-0102-P5, 11139-EPR-ZZ-03-DR-A-14-0103-P5, 11139-EPR-ZZ-04-DR-A-14-0104-P4, 11139-EPR-ZZ-05-DR-A-14-0105-P4, 11139-EPR-ZZ-XX-DR-A-14-0121-P4, 11139-EPR-ZZ-XX-DR-A-14-0122-P2, 11139-EPR-ZZ-XX-DR-A-14-0123-P1, 11139-EPR-ZZ-XX-DR-A-14-0124-P1, 11139-EPR-ZZ-B1-DR-A-02-0099-P5, 11139-EPR-ZZ-GF-DR-A-02-0100-P4, 11139-EPR-ZZ-01-DR-A-02-0101-P4, 11139-EPR-ZZ-02-DR-A-02-0102-P5, 11139-EPR-ZZ-03-DR-A-02-0103-P4, 11139-EPR-ZZ-04-DR-A-02-0104-P4, 11139-EPR-ZZ-05-DR-A-02-0105-P4, 11139-EPR-ZZ-XX-DR-A-02-0121-P5, 11139-EPR-ZZ-XX-DR-A-02-0122-P2, 11139-EPR-ZZ-XX-DR-A-02-0124-P2, 11139-EPR-ZZ-XX-DR-A-02-0125-P2, 11139-EPR-ZZ-XX-DR-A-02-0126-P1.,

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and,

- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this 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)

- 4 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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)

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

Reason:

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

- 6 You must complete all the external restoration work to the facades and roof before you occupy any part of the premises.

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)

- 7 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the sui generis use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the premises. You must not use the waste and recycling store for any other purpose. (C14GB)

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)

- 8 You must install the high level extract duct as shown on the approved drawings prior to the operation of the sui generis use hereby approved. You must thereafter maintain the duct in this form for as long as the use remains 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)

- 9 (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 Noise Technical Guidance Note (November 2019), 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)

- 10 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 Noise Technical Guidance Note (November 2019). (R48AB)

- 11 The air handling plant and extract equipment hereby permitted shall not be operated except between 07:00 hours and 00:25 hours daily. (C46CA)

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 Noise

Technical Guidance Note (November 2019), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 12 You must install the acoustic mitigation measures as detailed in the acoustic report at the same time as the plant is installed and maintain them in this form for as long as the plant remains in place.

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 Noise Technical Guidance Note (November 2019), 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 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)

- 14 You must apply to us for approval of a Servicing Management Plan to identify process, internal storage locations, scheduling of deliveries and staffing. You must not occupy the sui generis use hereby granted until we have approved in writing what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 15 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 16 You must carry out the measures included in your Operational Management Plan dated June 2021 at all times that the operation is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 17 Customers are only to be permitted within the ground floor public house use between the following hours:
- 11:00 to 23:30 Monday to Friday,
 - 11:00 to 00:00 (midnight) Saturday, and,
 - 11:00 to 22:30 on Sundays and Bank Holidays.

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)

- 18 Customers are only to be permitted within the first floor public house eating area and the meeting / event spaces at second, third and fourth floor areas at the following times:
- 07:00 till 00:30 Monday to Saturday,
 - 08:00 till 00:30 on Saturday, and,
 - 08:00 till 00:00 Sunday and Bank Holidays.

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)

- 19 You must not allow more than 100 customers at any one time within the function rooms at second to fourth floor levels.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

- 20 You must not allow more than 330 customers at any one time within the public house accommodation at ground and first floor levels.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

- 21 The windows serving the second, third and fourth floors must be kept shut at all times and no access is to be provided to the balconies except for maintenance.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

- 22 You must not play live or recorded music within the premises that will be audible in adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Noise Technical Guidance Note (November 2019). (R13FC)

- 23 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration 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. (C49BB)

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 Noise Technical Guidance Note (November 2019). (R49BB)

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 must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 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 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to; , Section 2 - New ductwork system cleanliness , Section 3 - Design and access to the internal surfaces of the ventilation system , Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning). , Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 5 In relation to Condition 14 the submitted Servicing Management Plan should demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, so as not to have a significantly detrimental impact on other highway users. The SMP should contain clear information on how servicing (including the transfer of deliveries) would be managed in such a way as to minimise the impact on other highway users (including pedestrians) and be undertaken in a safe manner. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users (including pedestrians).
- 6 Conditions 9 and 10 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)
- 7 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.

- 8 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 9 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.
- 10 WATER COMMENTS: If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 11 WASTE COMMENTS: With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website., <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. [https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-, our-pipes](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-,our-pipes). As required by Building regulations part H

paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

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.

DRAFT DECISION LETTER

Address: The Audley At 34 South Audley Street, 41 - 42 Mount Street, London, W1K 2RX

Proposal: Use of the basement, ground and first floor as a public house, and the second, third and fourth floors as meeting rooms / events space (Sui Generis). External alterations including installation of replacement windowpanes at second and fourth floor levels, replacement of windows with louvres at rear third floor level; installation of plant at main roof level and at rear second floor level within an enclosure with green roof. Installation of platform hoist and vent grilles in the Mount Street lightwell and a new high level extract duct at rear second and third floor levels to terminate at roof level. (Linked to 20/08344/FULL).

Reference: 20/08345/LBC

Plan Nos: Operational Management Plan dated March 2021, Odour Control Assessment dated 2nd March 2021, Acoustic Report dated 8th March 2021, Daylight and Sunlight Assessment (20182694), Drawings: 11139-EPR-ZZ-B1-DR-A-14-0099-P4, 11139-EPR-ZZ-GF-DR-A-14-0100-P4, 11139-EPR-ZZ-01-DR-A-14-0101-P4, 11139-EPR-ZZ-02-DR-A-14-0102-P5, 11139-EPR-ZZ-03-DR-A-14-0103-P5, 11139-EPR-ZZ-04-DR-A-14-0104-P4, 11139-EPR-ZZ-05-DR-A-14-0105-P4, 11139-EPR-ZZ-XX-DR-A-14-0121-P4, 11139-EPR-ZZ-XX-DR-A-14-0122-P2, 11139-EPR-ZZ-XX-DR-A-14-0123-P1, 11139-EPR-ZZ-XX-DR-A-14-0124-P1, 11139-EPR-ZZ-B1-DR-A-02-0099-P5, 11139-EPR-ZZ-GF-DR-A-02-0100-P4, 11139-EPR-ZZ-01-DR-A-02-0101-P4, 11139-EPR-ZZ-02-DR-A-02-0102-P5, 11139-EPR-ZZ-03-DR-A-02-0103-P4, 11139-EPR-ZZ-04-DR-A-02-0104-P4, 11139-EPR-ZZ-05-DR-A-02-0105-P4, 11139-EPR-ZZ-XX-DR-A-02-0121-P5, 11139-EPR-ZZ-XX-DR-A-02-0122-P2, 11139-EPR-ZZ-XX-DR-A-02-0124-P2, 11139-EPR-ZZ-XX-DR-A-02-0125-P2, 11139-EPR-ZZ-XX-DR-A-02-0126-P1.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

1	The works hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.
	Reason: For the avoidance of doubt and in the interests of proper planning.
2	All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

	Reason: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)
3	All new work and improvements inside 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. (C27BA)
	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)
4	The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)
	Reason: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)
5	The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)
	Reason: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)
6	All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)
	Reason: To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

7	You must not 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 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)
8	You must apply to us for approval of detailed drawings, at a scale not smaller than 1:5, of the following parts of the development – 1) New bars, back bars/shelving, and wall paneling, 2) New windows, 3) New doors, 4) Restored balcony railings. 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 detailed drawings.
	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)
9	You must complete all the external restoration work to the facades and roof before you occupy any part of the premises.
	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)
10	After its restoration the hanging clock must be reinstated in the ground floor bar before any of the ground floor bar area may be used.
	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 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)

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.