

Item No
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 rd October 2023	Classification For General Release	
Addendum Report of Director of Town Planning & Building Control		Ward(s) involved. Lancaster Gate (Pre May 2023, within Hyde Park, now adjoining).	
Subject of Addendum Report	40 Eastbourne Terrace, London, W2 6LG		
Proposal	Servicing Management Plan, Operational Management Plan for the hotel and restaurant uses, and details of how a no Coach/no group bookings policy will be managed, pursuant to condition 10A (OMP) and 10B (No coach or Group booking policy) and 32 (SMP) of planning permission dated 1 November 2019 (19/03058/FULL).		
Agent	Gerald Eve		
On behalf of	CSHV IUK ET Propco Limited		
Registered Number	22/01773/ADFULL	Date amended/ completed	June 2023
Date Application Received	16 March 2022		
Historic Building Grade	Unlisted, but a number of designated heritage assets are located in close proximity, including Paddington Station (Grade I) on the opposite side of Eastbourne Terrace, the Hilton Hotel (Grade II) located to the front of the station in Praed Street and terraced properties along Westbourne Terrace (Grade II).		
Conservation Area	Outside of, but borders the Bayswater Conservation Area		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

1. Approve details.

2. SUMMARY & KEY CONSIDERATIONS

<p>This application was first reported to the Planning Applications Sub-Committee on 8th August 2023 with a favourable officer recommendation.</p> <p>This Addendum report should therefore be read in conjunction with the original report (attached as a background paper).</p>
--

Planning permission has already been granted by the Planning Applications Sub-Committee in 2019 for the part demolition, extension, and alteration of the building in connection with the use of 40 Eastbourne Terrace as a hotel and restaurant and development is underway on site. As part of that permission, it was accepted that the development was to be serviced from a loading bay within an enclosed structure, which was also to house a loading bay for the adjacent development at 50 Eastbourne Terrace and it was acknowledged that the development at 40 Eastbourne Terrace was likely to be serviced by around 15 vehicles per day of a maximum length of 8m and 7.5T.

The principle of servicing of the site from within a structure accessed via Chilworth Mews and the number of expected vehicles attending the site have therefore already been accepted. This application is an approval of details application, which follows on from the 2019 permission and requires details to be submitted for approval of a Servicing Management Plan (SMP), Operational Management Plan and details of a No coach booking policy. With respect to the SMP, it seeks to exert some control over the servicing of the premises so that, for example, the servicing is spread across the day, and a large number of vehicles do not all arrive at once. As such it is the content of the SMP that is under consideration.

The application was reported to the Planning Applications Committee on 8th August 2023, with a favourable officer recommendation. A presentation was given by officers and a short video provided by the applicant showing a vehicle entering and exiting the loading bay was played to the committee. SEBRA/PRACT and two residents verbally addressed committee objecting to the application and the developer spoke in support of their application.

After some debate, the Committee deferred making a decision on the application, to enable a site visit to be arranged, in order for them to observe the delivery bay in operation.

Since the application was reported to committee on 8th August 2023, further representations of objections have been received from SEBRA/PRACT and residents of Chilworth Mews, reiterating many of their grounds of objection and raising new ones including:-

i)The principle of the agreed servicing arrangement for the site & ability of the servicing of the site to be carried out within the loading bay.

The principle of servicing the site from Chilworth Mews within a loading bay structure which also contains a bay to serve 50 Eastbourne Terrace was agreed by the Planning Applications Sub-Committee in 2019 and is therefore not within the scope of the assessment of the SMP under this application.

ii)Vehicular route to site using the public highway should be agreed.

The use of the public highway and route of vehicles servicing the site is not proposed to be controlled. Chilworth Mews is available from both the northern and southern arches and the public highways is maintained by the City Council for all road users. The SMP and OMP include all necessary details.

iii) The scope of committee site visit and attendees.

The scope of the committee site visit and attendees has been agreed by the Chair of the

Planning Applications Sub-Committee in full knowledge of the requests by third parties for additional attendees and specific requests for vehicles and manoeuvres. The site visit is for the Committee to observe the delivery bay in operation.

iv) Highway matters outside of, but in the vicinity of, the development site.

These are matters outside of the remit of the developer. City Highways have undertaken a highways review of Chilworth Mews (which consider among other things; yellow line restrictions, two-way to one-way vehicle movement, the north and south arches and signs etc) and have undertaken a residents' meeting. The findings remain under consideration.

v) The proposed public realm changes associated with the development of 40 Eastbourne Terrace by City Highways and potential conflict with the arrangements already approved and those for determination for 40 & 50 Eastbourne Terrace.

This is a matter under the separate remit of City Highways and is at the time of writing this report, subject to formal consultation. As such, any representations will undoubtedly be considered by City Highways in the normal way.

vi) Complaints about various officer's advice including legal, highways and planning officers.

Representations make reference to various complaints about officers' professional code of conduct including legal, planning and highways officers. These are being dealt with under the relevant procedures.

The applicant and operator have written in support of their proposal, citing significant engagement with officers and the local community including two residents' meetings and a number of revised SMP's prior to submission of this current SMP. They state that they have sought to address concerns raised by objectors and advise that the application is now time critical if the development is to become operational in spring 2024.

The site visit for committee has been arranged to take place on 28th September 2023, and along with the committee members, the invitation to attend the site visit was extended to Ward Councillors, PRACT, SEBRA and some local residents. The attendees and order of play of the site visit has been agreed with the Chair, with full knowledge of the requests made in the representations:-

Agreed Order of Play for Committee Site Visit:-

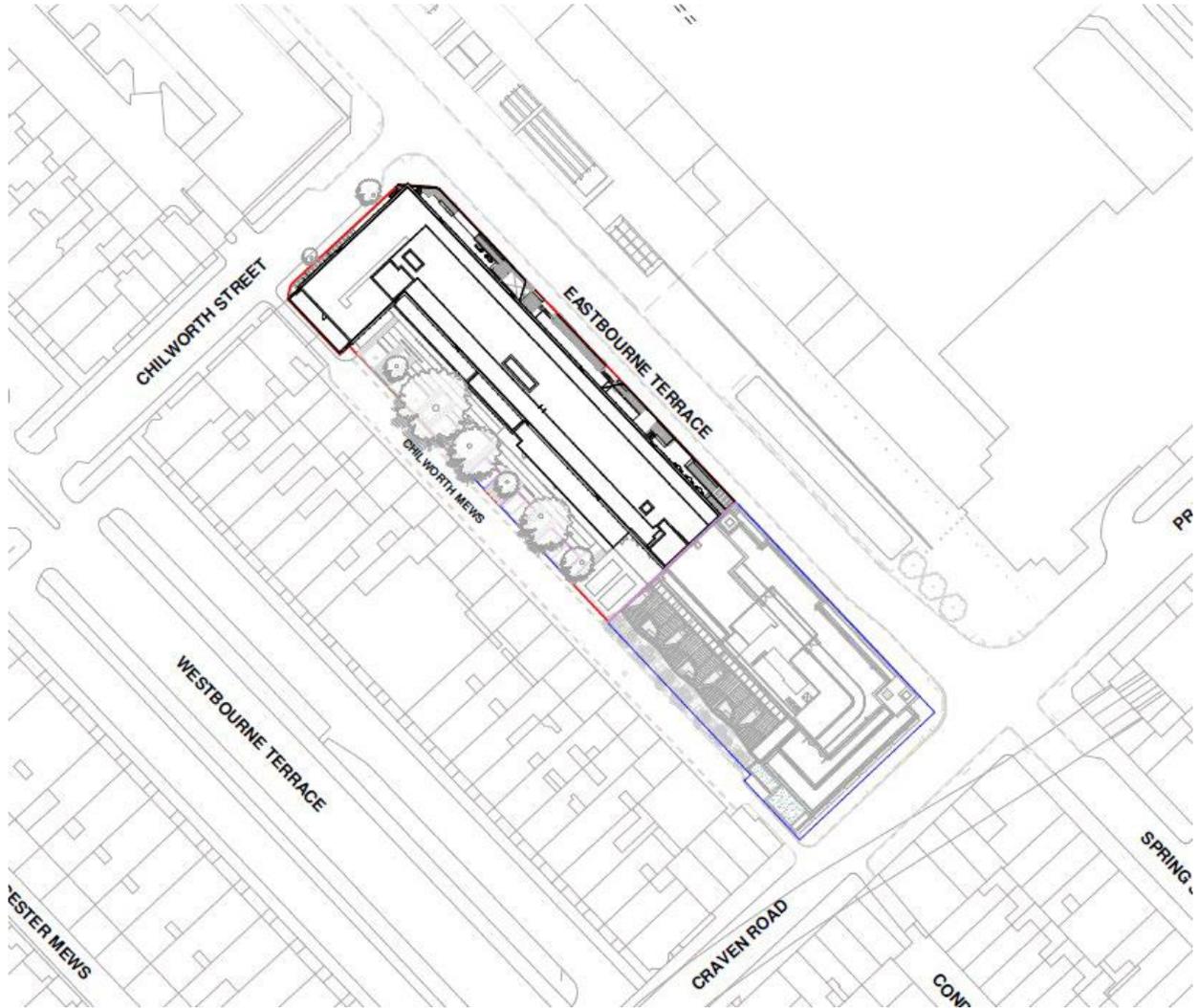
1. All meeting in Loading Bay in Chilworth Mews with vehicle already parked in 50ET bay. Provides opportunity to see space behind a parked vehicle in the loading bay.
2. Introduction by Chair and Presiding Officer.
3. Show the display screen within the Loading Bay to show how the loading bay manager knows that a vehicle is approaching.
4. Walk outside into Chilworth Mews and Loading Bay Doors shut. Aim to stand to the south of the bay to see vehicle enter via northern arch.
5. Call Driver, vehicle to enter from Chilworth Street under northern arch, loading bay doors open and reverse into loading bay, loading bay doors close.
6. All move to northern side of loading bay to see 40ET vehicle exit towards southern arches.
7. Loading Bay doors open, 40ET vehicle exits and goes towards southern arch. Loading

Bay door closes. Demonstration finishes.

Officers remain of the view that the Servicing Management Plan, Operational Management Plan and No coach/no group bookings policy associated with the proposed hotels and restaurant are acceptable. Notwithstanding the representations of objection received, the City Council's Highways Planning Officer is satisfied with the servicing strategy for all servicing to occur off street within the designated loading bay, designed for the largest vehicle expected to service the site including refuse vehicles and the vehicle tracking is considered robust with minimal impact on highways users. The commitments and processes of the SMP are welcomed as are the No coach party provision. The OMP is also considered to be acceptable to minimise the impact of the development on residents of Chilworth Mews with minimal pedestrian activity to the rear controlled by the OMP and conditions of the planning permission. Compliance with these documents will ensure the operational impact of the development on the amenities of residents will be minimised.

The application is therefore reported back to the Planning Applications Sub-Committee for determination.

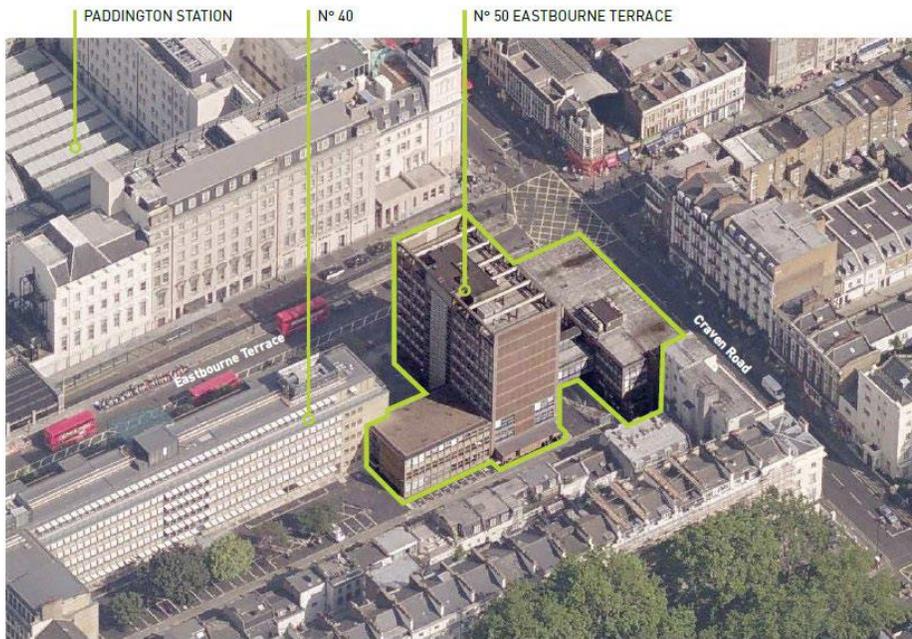
3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

40 EASTBOURNE TERRACE PRE – EXISTING AROUND 2016



CHILWORTH MEWS- LOADING BAY FOR 40 & 50 EASTBOURNE TERRACE



CONSULTATIONS

4.1 Application Consultations

REPRESENTATIONS REPORTED TO COMMITTEE ON 8TH AUGUST 2023, SET OUT UNDER THE CONSULTATION SECTION WITHIN THE COMMITTEE REPORT AND INCLUDED AS BACKGROUND PAPERS (GREENS)

HIGHWAYS PLANNING TEAM

No objection

WASTE PROJECT OFFICER

No objection

WARD COUNCILLORS OF LANACSTER GATE (Following May 2022 elections the site is now within Lancaster Gate Ward).

Any response to be reported verbally.

WARD COUNCILLORS FOR HYDE PARK (Councillors for Hyde Park Pre May 2022)

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS' ASSOCIATION (SEBRA)

Objection.

- Request determination by Committee.
- Determination of application should be deferred until highways matters resolved to improve vehicular flow to and from loading bay, given changes to the layout of the road surface to Chilworth Mews.
- At the time of approval of 50 Eastbourne Terrace, developer undertook to encourage tenants to use smaller vehicles, request that 40 Eastbourne Terrace do the same.
- On reversing vehicles into and out of loading bay, reverse beepers should be off and white noise reduced, banksmen should be on site.
- Should sanction tenants not in accordance with SMP.
- Vehicle manoeuvres should be able to drive in or out without impinging on the area in front of the existing Mews houses and from either end of the Mews (north or south arch).
- Slot times for the bays should be sufficient for the number of expected vehicles.
- Query vehicular swept paths, especially if both bays in operation.
- SMP requires risk analysis.
- Has approval been given for high servicing vehicles to pass through the southern arch?
- The new pavement in front of the Mews houses on the north east side of the Mews has narrowed the Mews and reduced the space for reversing movements to get into the servicing area.
- Large vehicles fail the swept path analysis.
- Encroachment to pot plants of Mews properties not acceptable
- Consider making Chilworth Mews one-way.

Item No
1

- Risk of non-resident vehicles being parked in the mews on Sundays and other uncontrolled hours.
- Welcome meetings held as per the requirement of the informative of the main planning permission which expects neighbour liaison on this application.

PADDINGTON RESIDENTS ACTIVE CONCERN ON TRANSPORT (PRACT)
Objection.

- Do not believe the SMP/OMP is workable due to insufficient width, both in the Mews and inside the dual use loading bay and we think a different solution has to be found.
- A test on the ground is needed including a transit van 2.5m wide and including two vehicles being inside the loading area at the same time.
- Severe damage to residential amenity
- Vehicle swept paths fail on all accounts.
- One or are reversing manoeuvre will be needed on both arrival and departure when there are two vehicles in the loading bay.
- Width of transit vans 2.5 wide require additional movements and swept paths for these vehicles should be provided.
- Width constraint within the dual use structure- not enough room for drivers when two vehicles in use.
- Driving out when two vehicles are in inside is problematic.
- Use of the joint servicing bay by long vehicles- swept path analysis not clear
- Swept paths must be specific for various types of vehicles- need it for transit vans.
- A large number of reversals add to delay, to visual intrusion in a previously quiet mews and to noise and air pollution. The risk of infringing on the frontages of the Mews Houses.

PADDINGTON BUSINESS IMPROVEMENT DISTRICT (BID)

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 216

Total No. of replies: Numerous representations from six addresses

No. of objections: Numerous from six addresses, some stating on behalf of the local residents.

No. in support: 0

Objections to 40 Eastbourne Terrace SMP/OMP

- The loading bay is insufficient to accommodate the large vehicles. Vehicles will need to carry out extra reversing and will impact on the area outside Mews properties.
- Mews is not wide enough to accommodate large vehicles.
- 2.5m wide vehicles require extra turning area
- We need to see swept paths that actually work.
- Insufficient internal space between the two loading bays for each of 40 & 50 Eastbourne Terrace especially for linen trucks.

- Expected deliveries for 40 Eastbourne Terrace is likely to be more which cannot be accommodated within the bay- please restrict.
- Reversing is an issue.
- Comments are applicable for 40 & 50 Eastbourne Terrace
- Already have ongoing problems to 50 Eastbourne Terrace.
- Impact of narrowing of the mews, , loading bay door width of 7m, lack of swept paths for a 2.5m wide van
- The enclosed loading bay arrangements are currently insufficient for the commercial development at 50 Eastbourne Terrace and cannot reasonably have servicing for a 366 bed hotel and sx250 seat full service restaurants added.
- Concurrent servicing for 40 and 50 Eastbourne Terrace cannot be achieved due to insufficient space within the enclosed loading bay.
- No information provided in the SMP to detail how banksmen are intended to monitor the road for waiting vehicles.
- Basic details on how, when and by whom doors and windows on the Chilworth Mews side of the building can be used, should be included in the document.
- Loading bay cannot take a 2.5m wide van.
- Mews has been narrowed and the swept path for vehicles does not work.
- Loading bay is of insufficient size to accommodate the largest vehicle proposed to service the development.
- SMP for 50 Eastbourne Terrace should be reviewed.
- Loading bay is tight and doors will not be able to be closed.
- The rest of the mews should also have a pavement.
- Turntable should be installed.

Problems with the related servicing of 50 Eastbourne Terrace:-

- Noise, nuisance and disturbance from deliveries to 50 Eastbourne Terrace, delivery drivers parking up and shouting, fire escape left open, fire escape left open, no banksmen. An internal arrangement with cameras is shown above not to resolve the problem, nor will an intercom, which would not resolve the waiting and potentially increase in noise.
- Continued breaches at 50 Eastbourne Terrace, cannot still be teething problems- the use of Chilworth Mews as part of the servicing area for 50 Eastbourne Terrace continued unchecked.
- Both the BNPRE Banksman responsible for the managing the servicing arrangements today and the delivery driver of the Bywater's vehicle have said to me today that both the servicing processes and provision of space within the loading bay are insufficient for the needs of this development.
- Council is in breach of its duty to seek a resolution to these continuing breaches by failing to acknowledge or implement the potential solutions to the problem put forward by our local community in our face to face meeting with the WCC Highways and Planning Officers on May 19th, 2023.
- Suggest reinstatement of loading bay on Craven & removal of controlled hours on the loading bay on the south side of Craven Road. Reinstatement /extension of the hours on loading and unloading in Craven Road would provide necessary waiting and servicing space for 50 Eastbourne Terrace, where the built loading bay has fallen short of requirements.
- The booking system is not being used consistently by tenants and deliveries are turning up and uploading in the road.

- Loading bay attendant continue to accept goods unloaded within Chilworth Mews because delivery drivers change regularly and are not aware of the conditions on the bay.
- Delivery drivers ignore the “no waiting” rule in Chilworth Mews and often will not move when advised that service vehicles must not wait in the residential road.
- The driver of the Bywaters vehicle confirmed that the loading bay is too small safely accommodate 2 vehicles concurrently and that loading bay doors cannot be shut for servicing for vehicles over 7m.
- No station for banksmen to monitor arrivals and waiting whether booked in or casual and no information is provided in the SMP to detail how banksmen are intended to monitor the road for waiting vehicles.
- Approved SMP for 50 Eastbourne Terrace is out of date as does not reflect the loading bay now being within a structure.
- The servicing management arrangements and approach to servicing for 50 Eastbourne Terrace as approved can no longer be maintained in the shared enclosure. Therefore, this plan needs to be reviewed and amended in conjunction with the other activities in the shared space.

PRESS NOTICE/ SITE NOTICE:

No

REPRESENTATIONS RECEIVED AFTER THE COMMITTEE REPORT WAS COMPLETED AND THEREFORE NOT SET OUT IN THE REPORT, BUT CIRCULATED TO THE COMMITTEE AS ADDITIONAL REPRESENTATIONS (BLUES) PRIOR TO COMMITTEE ON 8TH AUGUST 2023.

SEBRA/PRACT

- Risk that the SMP will not work properly once the hotels are open, and the joint loading bay is in full use for both 40 & 50 Eastbourne Terrace.
- Loss of amenity
- Width of loading bay inadequate, but could be somewhat alleviated by two guidance lines to indicate that vehicles should keep to their side of the loading bay, alignment on entry and exit and for parking within the bay so as to allow space for side unloading when required.
- With vehicles up to 2.5m wide manoeuvring will be tight, and could cause delay of repeated reversals in the mews.
- There is no mention of vehicle widths in the officer’s report- 2.5 width should be used rather than 2.1m width.
- Request for a live open test before determination, with prior notice and the presence of residents. There should be two 2.5m width long vehicles with one vehicle 2.5m wide parked in the bay and another entering or leaving it. It should include both the reversal movement into the bay, its exit from it and the necessary manoeuvring in the Mews both before entry and after exit.
- Understand that a film has been prepared, but if seen during the meeting, there would be little chance for committee members or objectors to digest it.
- Condition on the hours that Banksmen will be on duty on the mews to assist delivery vehicles entering and leaving the joint loading bay.

Adjoining owners/occupiers and other representations

Two representations of objections from two addresses within Chilworth Mews:-

- August is peak holiday season and not the right time to hold the planning applications sub-committee meeting on this case.
- Waiting for City Highways to respond to queries about the highway.
- What are the different roles of planning and city highways they are inextricably linked in this case.
- Report omits material evidence and information related to the servicing operations impact on public safety.
- The 2019 planning permission acknowledged that the loading bay would accommodate 15 HGVs for this development plus 35 for 50 Eastbourne Terrace
- The SMP approval for 50 Eastbourne Terrace must now be resubmitted to take into account that their loading bay is no longer within the demise of that development, but part of the loading bay for this development.
- It has not been demonstrated how concurrent HGV movements within the loading bay can be safely undertaken.
- How will the loading bay doors will be kept closed when vehicles not entering or exiting the loading bay?
- The loading bay should be 2m wider as per the 2019 permission.
- Loading bay vehicle tracking fails to take into account normal width of proposed servicing vehicles.
- Require evidence that there are safety margins for vehicle movement in the loading bay when the doors are closed.
- Request to include the full transport assessment for the development.
- Do not agree with applicants swept path analysis.
- The mews is restricted.
- Chilworth Mews has been reduced in width since the granting of planning permission.
- Maximum common width of van has not been considered- A width of 2.5m must be used.
- Three point turns will be required which would impact on residential amenity.

One representation of support from the applicant

- In accordance with an informative imposed on the original planning permission, extensive consultation has been undertaken with local stakeholders and Ward Councillors, with two separate joint meetings held in June 2022 and June 2023. In addition, an extensive review of all the consultee comments that have been received has been undertaken during the determination period of the application which has now run for 17 months.
- By taking account of the comments that have been raised to date by local stakeholders, three separate revisions of the OMP/SMP have been issued (and consultation undertaken) under the application and various discussions have been held with Westminster Planning and Highways Officers to formalise an agreed final position of the SMP/OMP.
- Representations have been received from neighbouring residents concerning highway arrangements along Chilworth Mews separate discussions with WCC Highways have been on-going and have led to a separate report being prepared by WCC Highways to respond to queries raised. such Highways matters fall outside of

the development site and are therefore outside of the developer's control and any application.

- Condition 27 and 28 confirm the access and maintenance arrangements for Chilworth Mews.
- To ensure a consistent approach to the running and management of the two loading bays, the details submitted for 40 Eastbourne Terrace have been prepared to align with the principles approved for 50 Eastbourne Terrace under planning ref. 20/02855/ADFULL. The two loading bays are within an enclosure approved under the main planning permission at 40 Eastbourne Terrace. The enclosure is designed to reduce the impact of servicing vehicles on the amenity of local residents within Chilworth Mews. The doors of this enclosure will be kept closed at all times, other than to allow a vehicle to enter or exit the designated loading bays. Each loading bay can operate independently from the other, with swept path analysis (as submitted) showing that a vehicle can enter and depart from either bay while the other bay is in use.
- A booking management system will be in place to control and manage the delivery vehicles entering the loading bay. This booking system is also used for 50 Eastbourne Terrace and therefore it can/will limit the opportunity for more than one vehicle to arrive at the same time. Should this ever occur, one of the vehicles will be allowed to enter its designated loading bay while the other will be requested to leave the Mews and return once the first vehicle has completed its manoeuvre.
- The number of deliveries noted within the report is based on expected servicing requirements for a development of this size and this has been approved through the planning process.
- There is a 'no-idling' policy in place for all vehicles within the loading bay and if a vehicle arrives at the loading bay and cannot be immediately accommodated, the driver will be told to move on and return and will not be permitted to wait within Chilworth Mews. Any vehicles will typically be directed to Chilworth Street to wait until the designated loading bay becomes available. The building management team at the site are aware of these measures and all staff who are in place will have full 'banksman' training.
- An operational risk assessment has also been completed for the loading bay and has been submitted as part of the revised OMP/SMP. The risk assessment outlines the considered risk items relating to the loading bay and measures in place to ensure that these risks are reduced and do not cause any disruption to the neighbouring residential properties along Chilworth Mews.
- The swept path analysis undertaken has been generated via an Industry Standard System "Autodesk Vehicle Tracking (AVT)" and was undertaken by a qualified transport consultant, Steer, who have confirmed that the manoeuvring of vehicles into and out of the loading bay is achievable. Furthermore, Steer have been in regular contact with WCC Highway Officers throughout this process. The highways officer has reviewed the swept path analysis and confirmed that they are in agreement with the acceptability of the analysis undertaken.
- Additional swept path analysis was carried out by WCC City Highways on separate Chilworth Mews queries and was included as part of their highways report following the meeting with residents in June 2022. This analysis confirmed the acceptability of vehicles manoeuvring within Chilworth Mews and that vehicles using the loading bay are able to do so lawfully and safely via either of the arches.

REPRESENTATIONS RECEIVED AFTER THE COMMITTEE REPORT WAS COMPLETED AND THEREFORE NOT SET OUT IN THE REPORT, BUT CIRCULATED TO THE COMMITTEE AS LATE REPRESENTATIONS (REDS) ON THE NIGHT OF COMMITTEE ON 8TH August 2023.

One representation of objection from an address within Chilworth Mews:-

- No. 50 Eastbourne Terrace was meant to be a single loading bay in an open space, with unfettered access and the swept path drawing that accompanied it showed easy use by what was called a Rigid Vehicle Example of 8m long and a standard 2.5m width. This loading bay is now located within an enclosed loading bay along with a bay for 40 Eastbourne Terrace.
- The loading bay has changed since 2019, reduced width to incorporate a cycle access path.
- The swept path analysis does not include 2.5m wide vehicles.
- Insufficient space within loading bay to unload.
- Loading bay not able to cater for two of the largest vehicles at the same time.
- Vehicles will drive over the yellow line and pot plants outside of the Mews houses.
- Width and size of loading bay insufficient for two 2.5m wide vehicles and taking into account when doors are in use.
- The permission being sought here for No. 40 is totally different to what was promised in the Transport Assessment of 2019 and, like the permission for the 2020 SMP for No. 50 in 16/07359/FULL it needs to be re-submitted, but standard width vehicles of 2.5m must be used for all the swept-paths, or for a test on the road. It cannot be correct to keep using 2.0m wide examples to get permission for vehicles that are going to be 20% wider as standard.

Two representations in support of the proposal from the applicant and operator

- The developments at 40 & 50 Eastbourne Terrace are responsible for the wider regeneration of the area.
- The design principle of the loading bay for 40 Eastbourne Terrace to locate it to adjacent to the consented loading bay at 50 Eastbourne Terrace to enclose them provides operational benefits by bringing together service operations for the two buildings into one physical location which will be managed by one party.
- As per an informative imposed on the original planning permission extensive consultation has been undertaken with local stakeholders, residents and SEBRA, planning officers, highways officers and ward councillors in regard to the submitted OMP/SMP, with two separate meetings held in June 2022 and June 2023, resulting in three separate revisions of the OMP/SMP.
- Highway arrangements along Chilworth Mews and the wider highway network are outside the scope of the planning permission and therefore the developer's control and have already been considered separately by WCC, they are separate and do not form part of this application.
- Whitbread have leased the whole of 40 Eastbourne Terrace and the application has been submitted with their full input and with the benefit of the actual manager of the loading bay, currently BNPPRE.
- Whitbread is a FTSE 100 company and the largest hospitality business in the UK. The company has extensive experience in running hotels and restaurants and close to 850 sites across the UK and Ireland and around 100 hotels in London including

Item No
1

- seven Premier Inn and hub by Premier Inn hotels within Westminster. It has extensive experience of operating and servicing hotels within urban environments, including locations which are close to sensitive neighbouring uses.
- Whitbread are committed to promoting and securing the training and employment of local residents in order to support the local communities in which their hotels operate both during the construction and operation of the proposed hotel scheme at 40 Eastbourne Terrace, once operational, it is expected that around 120 FTE jobs will be created across the hotel and restaurant.
 - Whitbread is keen to establish and maintain a positive working relationship with neighbouring residents at the new hotel and can confirm the hotel will be staffed 24/7, 365-days a year. The business would be happy to introduce its appointed hotel and restaurant management team to residents at the point of opening, should this be desired, to establish a point of contact at the new operation and with appropriate contact details, including a 24 hour phone line.
 - Whitbread would occupy the building and manage the premises under the Premier Inn, hub by Premier Inn and Bar + Block brands.
 - Central London and Westminster is a focus for the expansion of Whitbread's brands. The location of 40 Eastbourne Terrace Site is an attractive one for a Whitbread-operated hotel given its proximity to regional and national transport connections and the area's vibrant business and leisure economies.
 - The development will increase much needed visitor accommodation in the area. Whitbread's hotel brands appeal to domestic travellers and attract leisure and business travellers in equal measure across the year, contributing to the local economy during their stay and in the case of 40 Eastbourne Terrace supporting businesses within the Paddington Opportunity Area and along Praed Street.
 - For an average-sized Premier Inn hotel it is estimated £3.3m of external expenditure per year.
 - The company has a focus on attracting people from NEET (Not engaged in education, employment or training) backgrounds into work, offers flexibility, promotes from within, and its pay for progression model enables its hotel and restaurant team members to be rewarded for developing skills and abilities through tailored training programmes.
 - During the development of the SMP/OMP, Whitbread has been consulted regularly in relation to the proposed SMP/OMP measures to determine their suitability for the future running of the hotel, whilst also seeking to lessen external activities to the rear of the site to minimise amenity impacts on neighbouring residents.
 - Whitbread are in full agreement with the measures imposed within the pending SMP/OMP, and following a positive determination of the document, would fully adhere to the measures upon occupation of the site.

REPRESENTATIONS RECEIVED SINCE COMMITTEE ON 8TH AUGUST 2023

SEBRA

- The test should be of a 'worst case scenario,' that is using two large vehicles, both having the maximum permitted size of 8m long; and also, being 2.5m wide. (For instance, linen collection for the two large hotels.)
- One vehicle should be seen reversing into the servicing bay, when the other is already unloading inside it.
- The test should show maximum sized vehicles entering and leaving the Mews, at both ends. Request for a simulation of the doors being opened, to let a second

Item No
1

- vehicle in, and then closed again. The test should include a variety of vehicles of the types commonly used; vehicles of varying lengths but all 2.5m, rather than 2.0 or 2.1m as used in many swept path drawings by Steer. “Should be seen entering the Mews at both ends.
- Any difficulty in such movements (including making turns into the Mews from Craven Road and Chilworth Street, or *vice versa* turns into these streets, after leaving the Mews), should be covered in the test, in view of the safety risks when large vehicles pass through the arches. Both these streets are well connected with the Strategic Road Network.
 - Chilworth Street is a quiet residential street. The turns both into it and out of it, should be tested with vehicles parked there, especially with one parked in the space to the south west of the arch, which has been nominated as a waiting area for entry to the Mews. Likewise, other spaces are likely to be occupied.
 - The SMP for No. 40 (of June 2023) appears to leave open the question of entering or leaving at either end of the mews.
 - Within the Booking Management System, the preferred routing for access to the site via the Strategic Road Network will be provided. This will include what direction vehicles should approach the site from and what routes should be taken on departure. This information will be clearly displayed on the booking portal when deliveries are booked.“
 - The test should include the regular process of opening and closing the doors to the servicing bay, with one vehicle inside, in order to let another one reverse into it.

PRACT

- On the later resubmission of the SMP for No. 50. how will it address the points that 50 Eastbourne Terrace no longer has a loading bay within their demise, and No. 40 now have ownership and responsibility for the whole bay? Does this mean that No. 50 will in effect use its side of the bay as a tenant of the owners of No. 40? Given this, how will vehicle routes into the Mews and out of it be addressed, taking account of the routes of vehicles servicing both Nos. 40 and 50?
- Will the resubmission of the SMP for No. 50 be treated as a planning application, with the usual consultation on it?

- The vehicle routes within the Mews to both sides of the bay must be considered jointly. Whilst each set of vehicles will use its own side of the joint servicing bay, they will encounter each other in the Mews from time to time, unless there is very precise timing of their movements, and this is so very well observed as to keep them apart at all times. Similar thoughts apply to means of limiting the amount of opening and closing of the doors of the joint loading bay. The SMP for No. 40 should recognise this overall responsibility for the use of the bay for No. 50, including routes within the Mews to and from the No. 50 side of the bay. The SMP for No. 40 should not be taken as predetermining precise routes into and out of the Mews for No. 40 alone, in the light of the same being under review for No. 50. It would be helpful to have this clarified by an addition to the wording. Routes within the Mews for both Nos 40 and 50 should be reviewed jointly. The considerable difference between the character of Chilworth Street - quiet and residential - and that of Craven Road needs to be taken into account carefully, as part of the necessary overall review of vehicle movement into the Mews and away from it. An overweight of routes by way of Chilworth Street must be avoided.
- Given the ownership of the bay, the Booking Management System, ultimately under control of the owners of No. 40, will determine vehicles routes for both Nos. 40 and 50. But it seems to me that the final planning consents should make clear that the City Council still has the right to a continuing overview of vehicle routes, in particular to ensure that they reduce as much as possible their adverse impact on the amenity of those living in both the Mews and Chilworth Street; and if need be the Council will continue to exercise this right.
- The final planning consents should clarify that the City Council maintains its right to have a continuing overview of vehicle routes, in particular to ensure that they reduce as much as possible their adverse impact on the amenity of those living in both the Mews and Chilworth Street, and to prevent an overweight of routes via Chilworth Street. How can this be clarified? (Of course, booking systems rely on a wide variety of GPS and other data, but we think it should be made clear that the City Council has the right to access this data mix, if it so wishes.
- A meeting to discuss these matters would help a lot.

Representations of objection from three addresses within Chilworth Mews

- Serious concerns regarding the safety and amenity of the residents of Chilworth Mews, as well as pedestrians using the Mews as a thoroughfare.
- Several properties are rented out and the temporary tenants are not part of the consultation. However, they are also subject to the risks outlined previously.
- The opinion of the many people who use the Mews as a thoroughfare and are at risk from the increased two way traffic in a narrow roadway and risk of injury within the southern arch way has not been canvassed.
- The sign warning of height restrictions over the archway at the southern end of the Mews is not advisory; it is mandatory. Why is it that there is continued assertion to the contrary by Officers of the Council?
- Damage to the structure at the top of the archway which underpins residential accommodation, from over-height vehicles. Why is it that the risk of structural damage to residential accommodation is being discounted?
- People being hit by vehicles walking along the narrow footway through the archway. (I am one of those struck by a vehicle should you not have had my testimony). Why is it that that the risk to the foot passengers passing through the southern archway is not considered important? The foot way is barely 2' wide.
- A doorway to multiple flats opens directly within the archway. How can that not be of concern to Officers of the Council allowing multiple large vehicles access daily?

- “Rat run” of vehicles bypassing the traffic lights at the junction of Craven Road and Westbourne Terrace through the Mews to enter Craven Rd.
- Traffic backing up trying to exit into Craven Rd in the face of traffic entering the Mews from Craven Rd.
- Vehicles trying to exit through the south archway into Craven Rd are restricted by the vehicles waiting at the traffic lights at the junction of Craven Rd and Eastbourne Terrace.
- Approximately 50 vehicles a day are expected to service 40 & 50 Eastbourne Terrace through Chilworth Mews.
- Bizarro Restaurant on Craven Rd is serviced from within Chilworth Mews directly inside the southern archway.
- The proposal to make Chilworth Mews one way from south to north was dismissed with no evidence given for that decision, merely an opinion.
- Compelling and detailed evidence from residents of the risks of oversized vehicles manoeuvring into the loading bay.
- The necessity of vehicles to make multiple turns to enter the loading bay and the impact on the frontage of houses in the Mews.
- No rebuttal from Westminster Council, Planning, or Highways of the evidence submitted. due regard should be being given to the accountability for any untoward outcome in the event of the evidential warnings being discounted.
- Decisions made by you all on the critical issues outlined by the residents of Chilworth Mews in this consultation, place people’s safety and amenity above commercial considerations.
- Request that the Planning Team North thoroughly reevaluates the concerns raised by residents, taking into account the evidence provided. It is essential that the safety and amenity of Chilworth Mews and its residents are given the utmost priority in the planning process. The mews has to face some changes in order to become safer for residents.
- Unless the mews becomes one-way, it is not feasible to ensure public safety. It would be a danger to the public for deliveries of such frequency to be carried out if the mews remains two-way. Making the mews one-way would ease the flow of deliveries and ensure safety.
- "The mews is changing daily, and the data collected in 2022 will not be representative of the conditions we will face once the hotel is in operation.
- Do not understand why residents saying something is dangerous is not taken into consideration or why there must be a fatal accident for action to be taken. Who would be held accountable if such an accident were to happen?
- There is a blind spot for pedestrians turning into the mews from craven road. It is impossible for the cars to see any pedestrian and the pedestrians to see any cars. There is also hardly any paving, so you have to stand on what is basically a slope and peep into the mews to see if there is a car coming before walking into the mews. This is of course something impossible for most people to do, and completely dismisses people who use wheelchairs or have baby prams. A one-way mews with cars going from craven road into the mews would mean that pedestrians do not have to worry about cars coming from inside the mews. I am attaching a video which hopefully gives a better idea of the layout of that corner as you walk into the mews".
- Request for matters to be an item for the cabinet meeting on 11.09.2023 that Westminster Council Planning and Highways Officers have made public statements about the purpose and meaning of regulatory traffic signs in Westminster that conflict with the published legislation.
- Highways and Planning Officers have stated that road safety signage is “not enforced,” implying immunity from prosecution to those who might breach that safety regulation designed to protect the local community.

Item No
1

- Highways and Planning Officers deny published safety legislation for the benefit of selected commercial developments and at the cost of local area safety, welfare and amenity.
- Westminster Council Planning and Highways Officers have made public statements about the purpose and meaning of regulatory traffic signs in Westminster that conflict with the published legislation.
- Highways and Planning Officers have publicly stated that road safety signage is “not enforced,” implying immunity from prosecution to those who might breach that safety regulation designed to protect the local community.
- Highways and Planning Officers deny published safety legislation for the benefit of selected commercial developments and at the cost of local area safety, welfare and amenity.
- Asking the Cabinet to challenge Council Management and Officers responsible for this application. Council public servants are un-elected, yet have the power to significantly influence public safety, without any public accountability for their actions.
- The evidence overwhelmingly indicates that Council Officers have re-interpreted UK highways safety legislation for the benefit of particular commercial operations at the expense of public safety and welfare.
- Evidence is available demonstrating Council Officer's “alternative view” of UK safety legislation in the form of emails, a community report, notes from community meetings and the hearing transcript from the Sub Committee meeting on August 8th . An equal amount of evidence is available demonstrating local area safety incidents communicated to the Council in the form of emails, photographs and notes from the face-to-face meetings with Highways and Planning Officers.
- Grateful if our elected Council Officers would support residents in ensuring that UK safety legislation remains for the public good and challenges this instance of its manipulation for selected commercial benefit.
- This is a matter of public safety, where several incidents have already been reported in Chilworth Mews, resulting from the Council's sanction of vehicles exceeding published height restrictions on mews arches, (10' 6”), to access the road.
- 51 HGVs per day are approved. 36 per day currently have permission to access the mews, irrespective of their height. This has resulted in numerous over-sized vehicles accessing the road and several causing safety incidents, including arch damage, damage to resident's cars and frontages, a resident being hit in the head by the wing mirror of an over-sized HGV and another nearly crushed in the arch by an HGV that mounted the pavement in the arch in which they were standing.
- Council Officer's approval of this application ignores not only highways legislation set out in Traffic Signs Regulations and General Directions 2002, but also the safety assurances provided by the Director of Town Planning and Building Control and the Chief Executive, (Formal Response reference 30437337), that:
- *“Vehicles exceeding heights indicated in metric and imperial units prohibited .” (Paragraph 13, letter of April 11, 2023.); and “Metropolitan Police advise that action taken is typically prosecution of a driver for negligence where a sign has been ignored.” (Paragraph 6, letter of April 11, 2023.)*
- Council Officers have publicly rebuked UK legislation in community correspondence and at the Public Hearing on August 8th. Moreover, they have recently provided an open invitation for vehicle drivers to break the law with impunity, stating: *“neither Westminster City Council nor the police enforce height restrictions”*.
- It is unimaginable that the Council supports this application, which threatens to compound the safety incidents in Chilworth Mews, and that they offer immunity from prosecution for those who break the law.
- Approval for this application must explicitly condition maximum permitted vehicle sizes

accessing Chilworth Mews that meet arch height restrictions, (including their safety margins), as well as road width restrictions in the arches, to ensure local area safety and welfare.

- Residents support the SEBRA/PRACT communication to the Council and the Committee on August 13, “We wish have discussions with the Council on the scope of the on-site test, before it is settled...” and, “we would expect further discussions with the Council, should there be any difference of opinion.”
- Residents are requesting greater transparency on the process for the test and the opportunity to fully contribute to the process to ensure an effective result.
- That residents are given the opportunity to have discussion and agree the scope and parameters of the on-site test before it is settled.
- That residents will have the opportunity to attend the test and/or see a video of what was undertaken.
- That the video is placed in the public domain, and that the public is given the opportunity to comment on the test in the normal format and time frame, (via the Westminster Planning Portal and within 28 days of the publication of the information).
- Residents would like to agree an explicit purpose statement for the test to ensure that the scope and parameters set are sufficient to meet their intended purpose.
- Residents would like that purpose to be to evaluate safety, welfare and amenity in Chilworth Mews, Chilworth Street and Craven Road resulting from the access to and delivery processes for vehicles using the loading bay in Chilworth Mews for the site at the site of 40 Eastbourne Terrace.
- Residents are broadly in agreement with SEBRA/PRACT, but believe that further details are required to ensure the efficacy of the test.
- 2 maximum sized vehicles should be used for the test at no less than: 3.7 m high and 2.5m wide, excluding mirrors, 8m in length and 7.5t.
- Entry into the mews 2 from the south arch, 2 from the north arch with the second vehicle parked in the nominated waiting area on the south west side of the north arch, in the position noted in the SMP page 6, in Chilworth Street.
- Concurrent arrival of both vehicles to a bay from the same direction and opposite direction, from doors closed to doors closed. And with scenarios of vehicles already in the loading bay.
- Movements within the bay
- Two vehicles unloading concurrently each from the rear/side.
- Families live in accommodation located in and above the arches.
- Accommodation front doors located within the arches.
- The proximity of door thresholds to the road; The width of the road within the arch, (2.1m).
- The notable arch damage to the ceiling of the arches.
- Changes to the south end of Chilworth Mews which are excluded in SMP information, in particular the narrowed road at the south end of the mews and its likely impact on delivery vehicle movements.
- Daily commercial servicing for Bizarro restaurant and other Craven Road operations takes place daily at the south end of the road.

- The whole of the service bay is within the demise of 40 Eastbourne Terrace and is operated by one single operator and booking system. The test must review the delivery processes for the whole of the bay and the final destination of the goods once in the bay is not a reason to exclude a review of delivery operations which are wholly within the demise of 40 Eastbourne Terrace. It is not reasonable for the Committee to consider the SMP for 40 Eastbourne Terrace without taking into account all vehicles that use that loading bay. Un-elected Council Officers, (Planning and Highways), are providing wrongful information, (that is, contrary to UK Highways Legislation), to both the public and the Committee, which is resulting in evidenced and increasing safety risks to the public and in particular, residents and road users in and around Chilworth Mews, but no apparent accountability for the veracity, (or absence thereof), the advice and information they provide to the public and Committee members, or the decisions that result from that advice and information compromising local area safety, welfare and amenity in Chilworth Mews, by discounting the meaning of the published height restrictions on mews arches,[1] which prohibit access for vehicles exceeding the published height restriction of 10' 6;"Authorizing the regular use of the mews for commercial vehicles well in excess of published; and, signalling immunity from prosecution for the drivers of vehicles who breach the access restrictions.
- Local area residents and road users believe that Council Officer's statements and actions are contrary to public safety, welfare and amenity and have addressed this via the Council's complaints procedure.
- The reply to the complaint stated: "*This sign is used to prohibit vehicles exceeding the stated height from a route. "Vehicles exceeding height indicated in metric and imperial units prohibited other than where the sign is placed."* (Formal Complaint Response reference 30437337 dated April 11th, 2023).
- In spite of this formal confirmation, Council Officers continue to promote wrongful information about the meaning of the signs and recommend both approval of over-sized vehicles to use the road, and also authorize immunity for drivers who contravene the prohibitions the signs designate.
- Providing wrongful information: At the public hearing on August 8th
- Approving prohibited vehicles:
- Promoting illegal road use
- Information provided by the Council is unlawful.
- Unacceptable for these vehicles to access the mews and residents are seeking a mechanism to deal with this in timely manner, without the need for a judicial review or other process that would leave the public in danger for an extended period while it was sorted out.

- Officers failed to uphold the Professional Code of Conduct for Solicitors: Maintaining Trust and Acting Fairly: Officers response contradicts the evidence available, indicating it is wrongful. Lack of due process:
- The video shown to committee on 8th August should have been shared with all before the hearing.
- The decisions of Councillors Williams and Chowdhury were refusals, and that presenting officer intervened to commute these refusals to a deferral.
- No explanation was provided on the implications of the alteration of the decision from a refusal to a deferral or the processes that will follow. council has indicated that the “further information” sought by the Committee will not be shared with the public Lack of accurate information: Officer statement contradict the Highways Act and Police
- Due process and accurate information are being selectively applied in this case, resulting in the exclusion/limited inclusion of primary stakeholders who will be directly affected by the decisions made.
- Checks and balances to stem any erosion of fair public processes in planning applications initially rest with the Solicitor(s) responsible for advising the Council on the application, and that this advice must be consistent with their profession requirements to maintain trust and act fairly.

Representation of support on behalf of the applicant.

- Continue to work with officers and local stakeholders to address perceived concerns with the SMP and OMP, we would like to provide some context on the application and to emphasise the rigorous assessment and scrutiny to which the SMP and OMP have already been subject to.
- Following the discharge of pre-commencement conditions, the development was lawfully begun in October 2021. The Planning Permission for hotel use is therefore extant.
- The submission of details under a planning condition are aimed at resolving specific issues that required further clarification following the approval of the Planning Permission and as development comes forwards. It does not allow an opportunity for principles, and layouts, approved under the Planning Permission to be queried or amended.
- The detailed SMP and OMP were first submitted to discharge the planning condition in March 2022. The documents were robust and based upon agreed principles and detail accepted elsewhere across the City.
- Given the extent of local interest and comments, we have now had three separate revisions to the SMP and OMP documents following re-consultation on numerous occasions. We have also held two separate meetings with Ward Councillors, local stakeholders, and residents. By any margin, this is significant and extensive consideration for a condition discharge application.
- The Council have undertaken a separate review of the public highway along Chilworth Mews following local resident comments directly relating to this area. This is a separate matter currently being discussed between the Council and local residents does not form part of this pending condition application submission. What it does show is that highway related matters have been subject to a high-level of independent scrutiny and analysis.
- The principles of the scheme including the location of the loading bay have all been approved and the current application relates solely to the approval of details for 40 Eastbourne Terrace only. The proposed servicing arrangements have previously been approved by the Council in connection with 50 Eastbourne

Item No
1

Terrace. The SMP and OMP are incredibly robust documents and go well beyond that prepared and approved elsewhere within the City, including in other sensitive locations.

- The application was validated on 16 March 2022, some 18 months ago. Based on the type of application under consideration, 18 months is not a reasonable length of time to determine a condition discharge application which has a statutory determination period of 8 weeks. The applicant has been extremely patient in terms of re-consultation and refinement to the documents to address the comments received, many of which go well beyond normal requirements.
- The hotel has been under construction for the past two years. The development is now nearing completion ahead of its scheduled opening next year. The application was submitted with sufficient time in the programme for a decision to be taken. The scheme is one that will bring significant employment and economic benefits to the Paddington Opportunity Area, and Praed Street, and this delay on the approval of details under the aforementioned conditions could seriously undermine the ability to the scheme to deliver on these benefits.

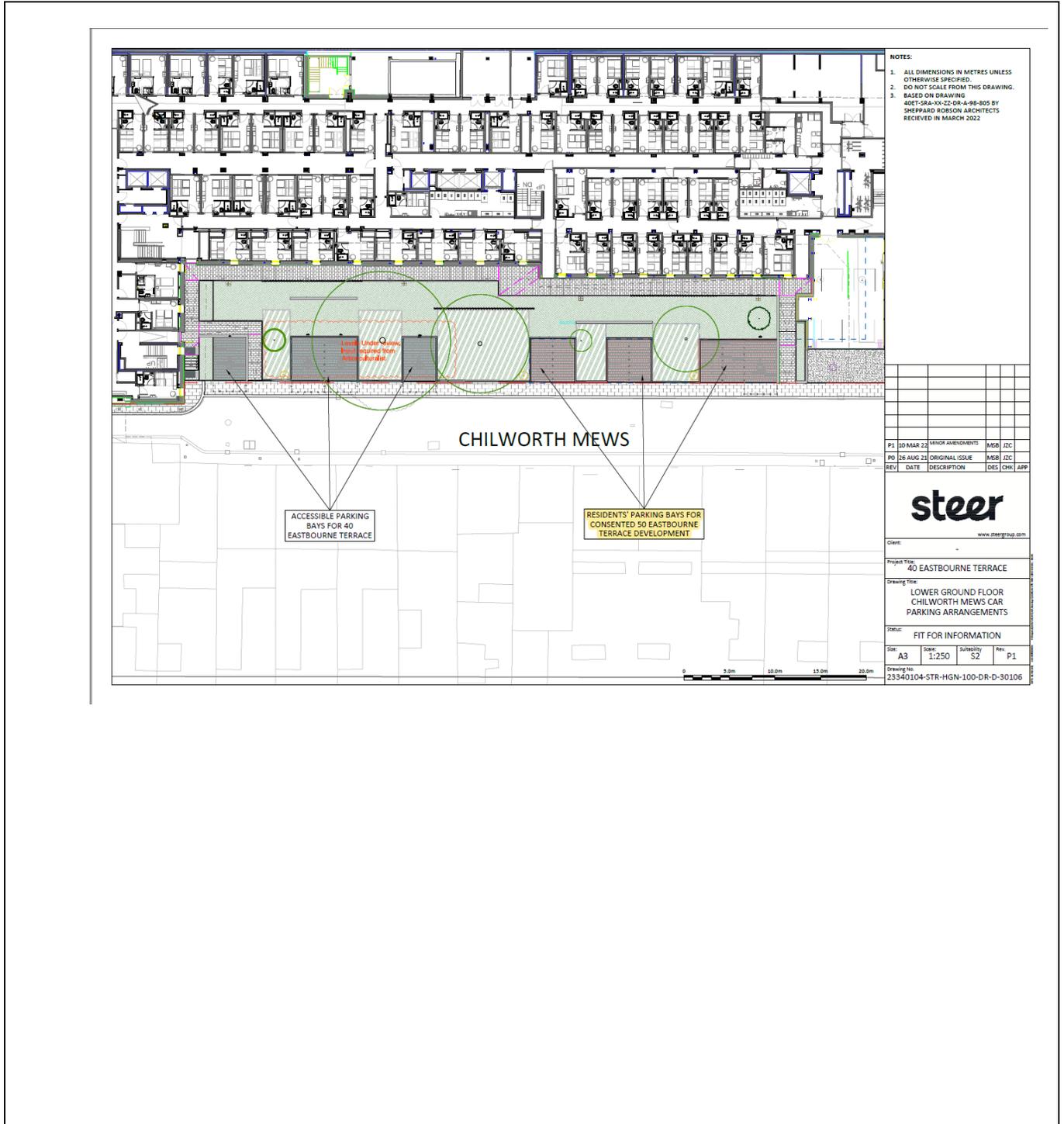
5. Conclusion

For the reasons set out in the summary above and taking into account the full officers report of 8th August 2023. The submission is considered to be acceptable and fulfils the requirements of conditions 10A, 10B and 32 and officers' recommendation remain the same. The application is following the requested site visit by the Committee reported back to committee for determination.

(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 SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk
--

6. KEY DRAWINGS



Item No
1

DRAFT DECISION LETTER

Address: 40 Eastbourne Terrace, London, W2 6LG,

Proposal: Servicing Management Plan, Operational Management Plan for the hotel and restaurant uses, and details of how a no Coach/no group bookings policy will be managed, pursuant to condition 10A (OMP) and 10B (No coach or Group booking policy) and 32 (SMP) of planning permission dated 1 November 2019 (19/03058/FULL).

Reference: 22/01773/ADFULL

Plan Nos: 40 Eastbourne Terrace Servicing Management Plan and Operational Management Plan June 2023 ref: 23340101.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

Recommended Condition(s) and Reason(s)

Informative(s):

This permission fully meets condition(s) 10A, 10B and 32 of the planning permission dated 1 November 2019 (19/03058/FULL). (I11AA)

Failure to comply with the Servicing Management Plan & Operational Management Plan may result in us taking legal action to stop any breach of planning of condition.

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.