

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 18 April 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>24 - 31 Grosvenor Square, London, W1K 6AH</b>		
<b>Proposal</b>	<p>Amendments to planning permission dated 18th February 2021 (RN:20/06601/FULL) for Variation of condition 1 of planning permission dated 21.5.20 (RN:19/07406/FULL), which itself varied condition 1 and 9 of planning permission dated 20.11.18 (RN: 18/03520/FULL) which itself varied condition 1 of planning permission dated 12 September 2017 (RN: 16/06423/FULL) for, 'Alterations to the existing building including retention &amp; repair of the front and side facades, part demolition &amp; replacement of the rear facade, rear extension of the 2nd-5th floors, removal of existing &amp; introduction of a new 6th floor, introduction of a new set-back 7th floor, extension of the existing basement levels to include two additional basement levels (including one mezzanine level), installation of roof plant &amp; plant screen, public realm works including hard &amp; soft landscaping, removal of the security kiosks, fencing, bollards &amp; gates/barriers to Blackburne's Mews &amp; Culross Street, removal &amp; replacement of 6 No. trees in front of the Grosvenor Square elevation &amp; re-opening of the road on the western side of the Square, all in connection with the use of the building as a hotel (Class C1) with flexible retail/restaurant use at 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible restaurant/bar use at 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within the basement (Class D2/Class C1) &amp; an ancillary ballroom, event spaces, back of house facilities &amp; associated car, cycle parking &amp; servicing facilities accessed from Blackburne's Mews, &amp; other associated works' - NAMELY, to amend Condition 17 to remove reference to the seventh-floor level [requiring public access] to provide the hotel operator with greater discretion as to its use in light of the sensitivities around access and operation and the focus of the public offer at ground and first floor level.</p>		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	30 GS NOMINEE 1 LIMITED for and on behalf of 30 GS Limited Partnership		
<b>Registered Number</b>	22/07266/NMA	<b>Date amended/ completed</b>	27 October 2022
<b>Date Application Received</b>	27 October 2022		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Mayfair		

**Neighbourhood Plan** | **Mayfair****1. RECOMMENDATION**

Agree non-material amendment to condition 17.

**2. SUMMARY & KEY CONSIDERATIONS**

The site was formerly occupied by the US Embassy. In September 2017 permission (with subsequent variations/minor amendments) was granted for the redevelopment of the site (retaining the front and side facades) as an hotel (140 rooms) with associated retail/restaurant and leisure spaces. Work is progressing on site. Condition 17 of the permission states [parts relevant to the current application are underlined.]:

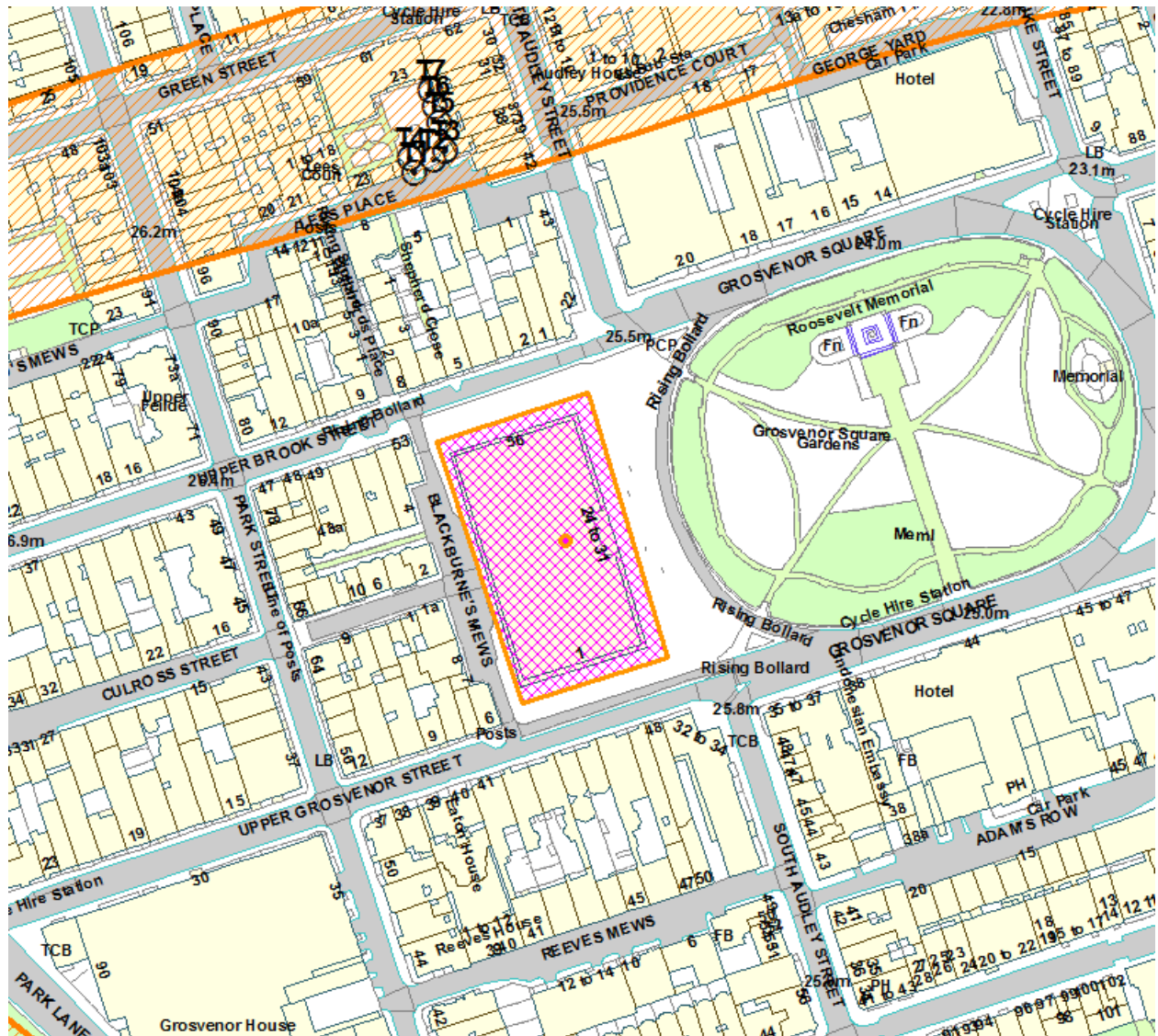
*"In the event that the units at basement, ground and first floor levels shown on the approved plan for 'Retail (Flexible Class A1/C1)' and 'Retail/Restaurant (Flexible Class A1/A3/C1), the area at seventh floor level designated as 'Restaurant/Bar (Flexible Class A3/A4/C1), and the spa/similar type of leisure facility at basement level 2 (Flexible Class D2/C1) are operated by the hotel as ancillary uses within Class C1, they must remain open to members of the general public (whether or not they are guests at the hotel or visitors of hotel guests) and shall not be used for any other hotel activity other than retail, restaurant or bar and spa/similar type of leisure facility as indicated. These units must be fitted out and made ready for occupation before commencement of the hotel use in the remainder of the development."*

Public access to the seventh floor bar /restaurant, providing views over Grosvenor Square and beyond was, together with general access to the public spaces on the lower floors, considered to be a public benefit of the hotel scheme. After the permission was originally granted, the Rosewood Hotel Group were appointed as the hotel operator. They now wish to remove the requirement for general public access to the seventh floor., although they confirm that there will still be opportunities for managed public accessible to the space for events/occasions. However, they wish to have greater discretion over the use of, and the ability to regulate access to, the seventh floor level.

The applicant advises that a number of operational challenges have become evident in respect of the use of the seventh floor level, as prescribed by Condition 17, including with regard to access, security, the hotel operation, and privacy of adjacent hotel suites. The public spaces of the hotel are focused on the ground and first floor, maximising engagement with the public realm. The upper floor levels are naturally more private, ensuring a level of security and safety commensurate to a high-end Mayfair hotel. The seventh floor level can only be accessed from the central lift cores in the ground or first floor. There is no dedicated lift to the rooftop space which by-passes the lower floors. Not only does this impact on wayfinding, but it also raises security concerns. The same bank of lifts serving the seventh floor also serves the ballroom, which would further exacerbate these issues in periods of peak lift demand. Consequently, the applicants contend that unregulated public access to the seventh floor level would put a strain on the hotel operation and service delivery to paying guests and visitors.

Whilst the loss of guaranteed public access to the seventh floor is unfortunate, there would be no reasonable planning grounds for resisting this. The rewording of Condition 17 to give the hotel operator greater control over the use of the seventh floor bar/restaurant is considered to be a non-material change to the approved scheme.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation (before redevelopment)



## **5. CONSULTATIONS**

### **5.1 Application Consultations**

Not applicable.

### **5.2 Applicant's Pre-Application Community Engagement**

Not applicable.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

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

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

### **6.3 National Policy & Guidance**

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

## 7. BACKGROUND INFORMATION

### 7.1 The Application Site

This application is located within the Central Activities Zone and the Mayfair Conservation Area. The building is listed Grade II, though only the front and side façade have been retained as part of the redevelopment. The site is currently being redeveloped as an hotel.

### 7.2 Recent Relevant History

12 September 2017: Permission granted for @Alterations to the existing building including retention & repair of the front and side facades, part demolition & replacement of the rear facade, rear extension of the 2nd-5th floors, removal of existing & introduction of a new 6th floor, introduction of a new set-back 7th floor, extension of the existing basement levels to include two additional basement levels (including one mezzanine level), installation of roof plant & plant screen, public realm works including hard & soft landscaping, removal of the security kiosks, fencing, bollards & gates/barriers to Blackburne's Mews & Culross Street, removal & replacement of 6 No. trees in front of the Grosvenor Square elevation & re-opening of the road on the western side of the Square, all in connection with the use of the building as a hotel (Class C1) comprising up to 137 hotel rooms with flexible retail/restaurant use at 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible restaurant/bar use at 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within the basement (Class D2/Class C1) & an ancillary ballroom, event spaces, back of house facilities & associated car, cycle parking & servicing facilities accessed from Blackburne's Mews, & other associated works - including replacement of all windows with double glazing, internal reconfiguration & refurbishment works including extension of the diagrid & removal in part, replacement of internal ground & 1st floor columns & slab, part replacement of the 2nd floor slab & replacement of 3rd & 4th floor slabs & internal remodelling of front and side entrances; external works including removal of the glacis & balustrade, reconfiguration of front & side entrances & steps & addition of canopies over each entrance & relocation of Eagle sculpture to centre of the front elevation of new 6th floor'. (16/06423/FULL)

20 November 2018: Permission granted for the variation of Condition 1 of planning permission dated 12 September 2017 (RN: 16/06423/FULL) NAMELY, to make a number of amendments to the approved development including: the introduction of two new mezzanine floors; complete omission of 4th floor basement; internal reconfiguration; amendments to approved floor areas, changes to rear (Blackburne's Mews), sides and front facades, green roof, terraces, and roof pavilion; minor amendments to the entrance to the servicing yard and building entrances.

21 May 2020: Permission granted for the variation of condition 1 and 9 of planning permission dated 20 November 2018 (RN: 18/03520/FULL) NAMELY, to allow changes to rooftop plant enclosure, increase of species diversity of green roof area at 2nd floor, 7th floor and roof level, amendments to the western facade, amendments to the ground floor paving and canopies, temporary removal and safe storage of diagrid endcaps, internal reconfiguration of hotel rooms at 7th floor level, increase in the number of hotel

keys/rooms by three, and associated works. (19/07406/FULL)

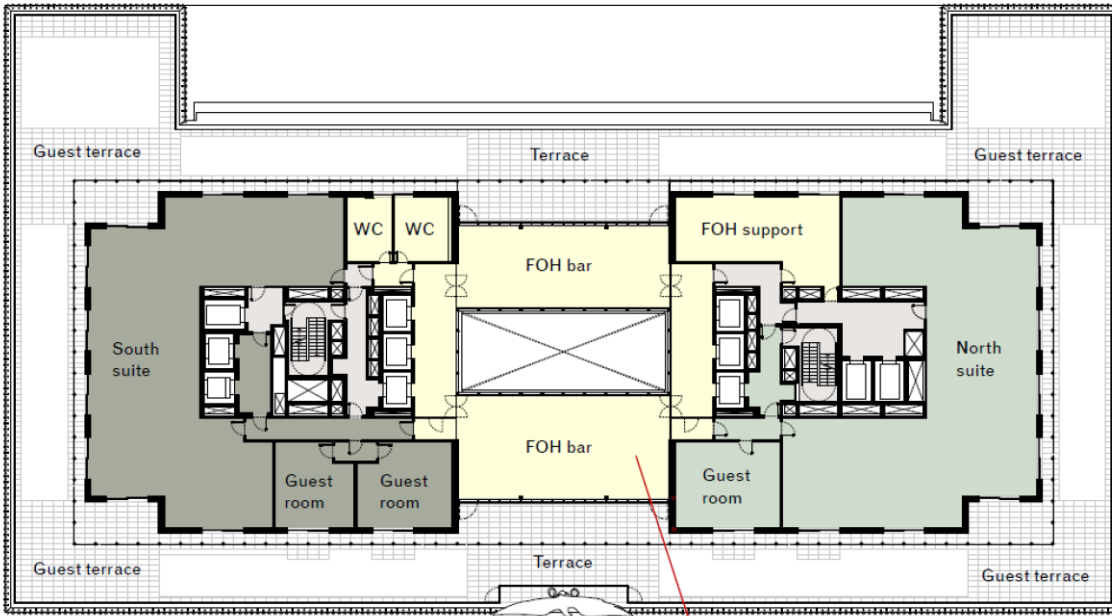
18 February 2021: Permission granted for Variation of condition 1 of planning permission dated 21 May 2020 (RN:19/07406/FULL), NAMELY, to enable amendments to the approved elevations and plans, including provision of external lighting on all facades, uplighting to the eagle sculpture, lighting within the landscape (including uplighting to the trees and building columns); removal and storage, and reinstatement of existing column stone cladding and end caps on all façade; cleaning of existing column stone cladding and end caps. (S73 application)(20/06601/FULL)

(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: SARA SPURRIERBY EMAIL AT [sspurrier@westminster.gov.uk](mailto:sspurrier@westminster.gov.uk).

8. KEY DRAWINGS

Approved 7<sup>th</sup> floor layout



Proposed to omit condition 17 requirement for public access to yellow spaces, allowing operational flexibility, no plan or area changes



**DRAFT DECISION LETTER**

**Address:** American Embassy, 24 - 31 Grosvenor Square, London, W1K 6AH

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**Reference:** 22/07266/NMA

**Plan Nos:** 1120\_P\_E0\_00 (Location Plan)

**Case Officer:** Paul Quayle

**Direct Tel. No.** 07866 039895

**Recommended Condition(s) and Reason(s)**

17	In the event that the units at basement, ground and first floor levels shown on the approved plan for 'Retail (Flexible Class A1/C1)' and 'Retail/Restaurant (Flexible Class A1/A3/C1)', and the spa/similar type of leisure facility at basement level 2 (Flexible Class D2/C1) are operated by the hotel as ancillary uses within Class C1, they must remain open to members of the general public (whether or not they are guests at the hotel or visitors of hotel guests) and shall not be used for any other hotel activity other than retail, restaurant or bar and spa/similar type of leisure facility as indicated. These units must be fitted out and made ready for occupation before commencement of the hotel use in the remainder of the development.
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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.