

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 15 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	American Embassy, 24-31 Grosvenor Square, London, W1A 1AE,		
Proposal	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 on the Grosvenor Square frontage & 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 part 1st floor, ground floor and basement 1 (Class A1/Class A3/Class C1), flexible retail at part ground and first floor levels (Class A1/Class C1), flexible restaurant/bar use at part 7th floor (Class A3/Class A4/Class C1), leisure/spa facilities within part basement (Class D2/Class C1) & ancillary ballroom, event spaces, back of house facilities & associated car, cycle parking & servicing facilities accessed from Blackburne's Mews; other associated internal works including replacement of all windows with double glazing, and 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.		
Agent	Gerald Eve		
On behalf of	QD Europe (Chancery) S.a.r.l.		
Registered Number	16/06423/FULL 16/06463/LBC	Date amended/ completed	31 October 2016
Date Application Received	1 July 2016		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Subject to the Mayor of London's Direction, grant conditional permission, including a Grampian condition that secures the following:
 - a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street;
 - b) All associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square (to be implemented prior to the occupation of any part of the development);
 - c) All associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works (to be implemented prior to the occupation of any part of the development);
 - d) the relocation of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission;
 - e) management and maintenance of the car lifts;
 - f) a contribution of £207,000 towards the Council's carbon offset fund.
2. Grant conditional listed building consent.
3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

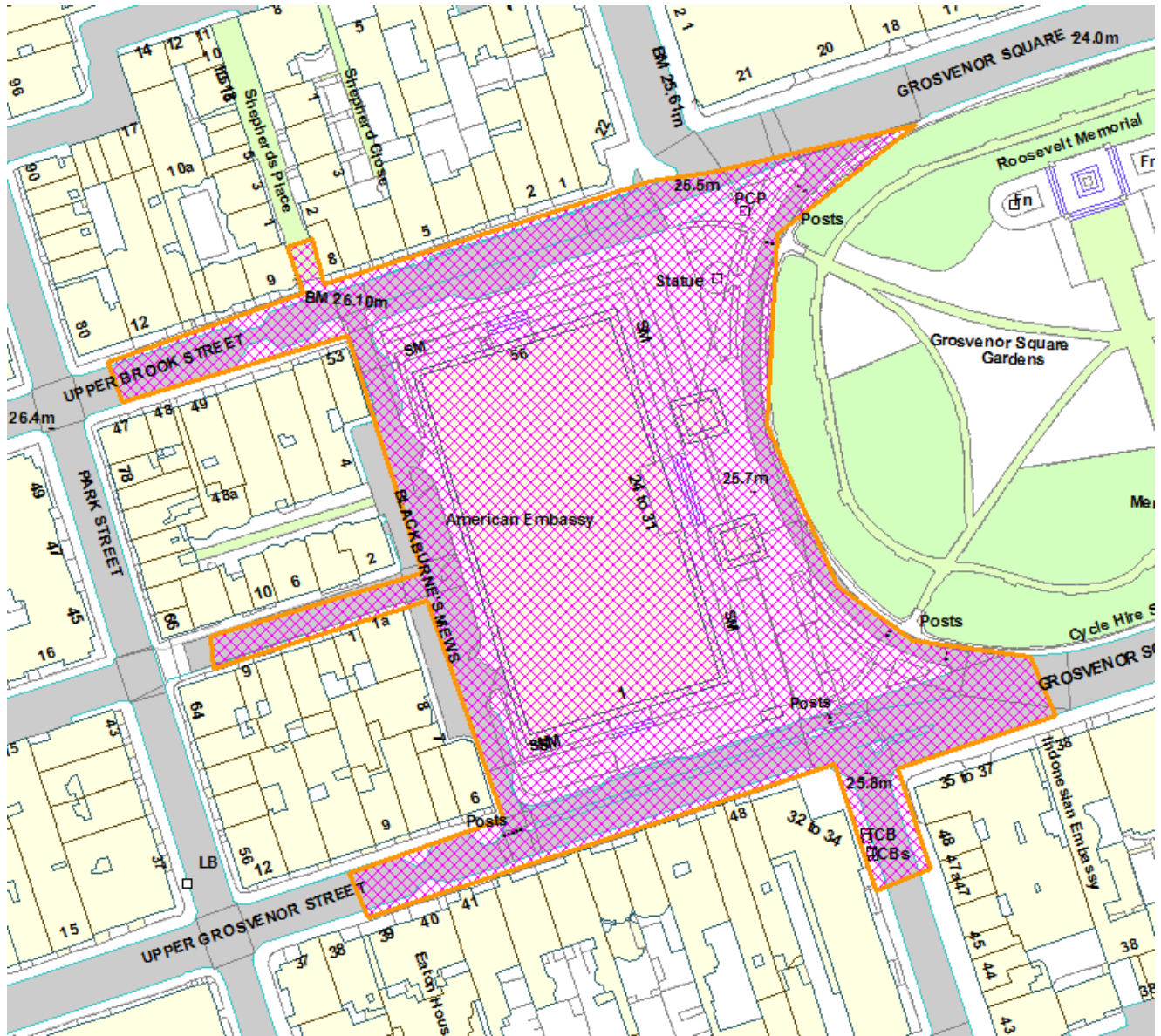
The site occupies a prominent location, comprising the whole of the western side of Grosvenor Square. The building, listed grade II, was purpose-built as the US Embassy in the late 1950s; in 2006 the Council granted permission for a number of security features around the site, including railings that enable controlled access to Blackburne's Mews and Culross Street at the rear. The embassy is due to relocate to a new building in Vauxhall in early 2017 and the new owners of this site are proposing significant alterations to the building itself, and the immediate public realm around it, as part of its conversion to a high quality hotel with shops, restaurants, a bar and spa/leisure use (either as part of the hotel or operated independently).

Hotel use is considered to be appropriate, making an important contribution to the local economy and opening the site up to public access. The proposals also provide a welcome opportunity to remove the security installations and re-open this side of the Square to vehicular traffic. The key issues are considered to be:

- the impact on the amenity of residential properties opposite the site, particularly in Blackburne's Mews;
- design and historic building implications of the major alterations to the listed building;
- excess parking provision and the need for some servicing within Blackburne's Mews;
- the loss of six mature London Plane trees along the Grosvenor Square frontage and ensuring adequate protection for the retained trees.

For the reasons set out in the report, the proposals are considered to be acceptable and in accordance with relevant policies, subject to appropriate conditions. These will include amendments to currently unacceptable aspects of the proposals, namely the provision of a low level kitchen extraction system and the use of Blackburne's Mews for VIPs.

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

Front, Grovenor Square



Rear, Blackburne's Mews



5. CONSULTATIONS

WARD COUNCILLORS

Cllr Paul Church raises objection to the introduction of the sixth floor – causes damage to the listed building, impacts on residential amenity and negatively affects the character of the area.

GREATER LONDON AUTHORITY

The proposal is generally acceptable in strategic planning terms, and considers that any harm caused to the listed building is less than substantial; raise queries about:

- Congestion impacts on surrounding Quietways
- Transport Assessment trip generation figures should be reconsidered;
- Detailed design and management arrangements for a formal taxi rank should be secured by condition;
- Car parking provision should be reduced and limited to parking for disabled people, taxis, coaches and deliveries/servicing;
- There should be increased cycle parking;
- The submitted Travel Plan should be secured, enforced, monitored and reviewed as part of a S106 legal agreement;
- The carbon dioxide savings fall short of London Plan policy targets but accept that there is little further potential for further reductions on-site therefore the shortfall in CO2 reductions should be met off-site.

TRANSPORT FOR LONDON

Queries about:

- the potential impact on the wider road network, including proposed Quietways, for traffic generation generally and potentially from some servicing;
- data used for trip generation (including servicing) projections;
- the excessive amount of parking;

Advise that the Travel Plan should be secured, enforced, monitored and reviewed as part of a S106 legal agreement, and consider it essential that a formal taxi rank is provided on the site.

HISTORIC ENGLAND

- the proposals will therefore have an impact on the special architectural interest of the building but also offer the potential for enhancement to its setting and that of the adjacent registered landscape in Grosvenor Square;
- The proposals also represent potential enhancement to the character and appearance of the conservation area;
- Note the importance of the special architectural interest of the building, especially the ground floor public spaces;
- The alterations and additions in the form of infilling and the additional floors are extensive and will cause some harm, but this is largely (although not exclusively) confined to areas of lesser significance;
- the areas of highest architectural significance with the exception of the stair lobbies to the north and south are preserved and access to them enhanced;
- Do not agree with the objections raised by the Twentieth Century Society that the harm arising from the additional floors is substantial and consider that the

architectural approach of the current proposals are an appropriate response to the original architecture;

- Do share the Twentieth Century Society's concerns about the loss of the side entrances' stairs and lobbies but note the justification to improve public access to the building and the operational requirements of the hotel use;
- Consider that the proposed use of the building as an hotel offers opportunities to enhance appreciation and understanding of the architectural significance and interest of the former embassy through public access, and urges the Council to ensure these opportunities are maximised (e.g. signing up to Open House London);
- Would wish to see controls of the amount, location and percentage of street furniture retained to the proposed retail and restaurant operators fronting the square.

HISTORIC ENGLAND (ARCHAEOLOGY)

Concur with the applicant's assessment that given the impact of the existing basements there is low archaeological potential, but given the listed status of the building there should be historic building recording prior to any demolition and development.

TWENTIETH CENTURY SOCIETY

- Consider that the proposed change of use to an hotel is appropriate and a beneficial use of the building;
- No objection to the rear infill extension, the rooftop pavilion, the removal of the ground floor glacis [the defensive structure around the outside of the building] nor the reconfiguration of the external stairs to the main entrance and addition of the free-standing canopy;
- However does object to design and proportions of the new sixth floor and demolition of original internal staircases.

COUNCIL FOR BRITISH ARCHAEOLOGY

[London and Middlesex Archaeological Society]

Acknowledge that the work will cause disruption to the building's fabric but as the facades were being refurbished and replaced, raise no objection.

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

LONDON PARKS AND GARDENS TRUST

No objection in principle to the proposals for the new building and welcome the removal of the security barriers and increasing the usability of the public realm;

However, but do question the horticultural value of the new landscaping and concerned about the amount of hard landscaping shown – would like to see this significantly reduced with greater green infrastructure of major horticultural value.

THE ROYAL PARKS

Any response to be reported verbally.

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER

General advice offered; considers that Blackburne's Mews should remain closed to pedestrians, who should be encouraged to use the main public footpaths around the site.

RESIDENTS'S ASSOCIATION OF MAYFAIR

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Generally supportive of the proposals but raises concerns about the proposed servicing of the development and excessive car parking provision.

PROJECTS OFFICER (WASTE)

Concerns about adequacy of proposed waste storage and lack of information about a swept path analysis for refuse collection vehicles.

ENVIRONMENTAL HEALTH

Holding objection for the following reasons:

- Low level kitchen extraction system – this should be high level and relevant information provided;
- Inconsistency with regard to criteria for assessing background noise levels and thus the appropriate design noise level criteria for proposed plant, including emergency plant;
- Lack of information about flues, fresh intake and exhaust vents;
- Clarification required that staff areas at basement are not to be used for sleeping accommodation.

ARBORICULTURAL OFFICER

Objections/concerns about the following aspects of the proposals:

- General inadequacy and lack of information about Arboricultural matters;
- loss of six mature London Plane trees along the Grosvenor Square frontage – not convinced about the applicants argument that this reduces the construction impact on Blackburne's Mews (given that the Mews would still be used for construction access) and notes that the presence of these trees would impede the extension of the basements and the proposed new roads in front of the site;
- No objection to the loss of three small trees in the Mews subject to their replacement (though concerned about lack of firm details on this issue);
- lack of detail on proposed removal of several trees from the front of the site and their subsequent replanting after completion of the development;
- adverse impact on the remaining 12 London Plane trees around the site that are meant to be retained due to potential damage to their roots and proposed extensive tree surgery;
- potential adverse impact on the retained trees from the proposed alteration to the highway and general lack of information.

BUILDING CONTROL

No objection with regard to the proposed basement works.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 675; Total No. of replies: 18

No. in support: 1:- Comments that the proposal will greatly enhance the amenity value for local residents provided that the shops/restaurants/members club [leisure/spa facilities?] are easily accessible and comments on the need for a careful traffic plan;

No. neither objecting to or supporting the proposal: 1:- comment that whilst the proposal will 'uplift' the entire area and benefit Mayfair on the whole, concerned about the impact on the construction works on their residential block and would like to discuss with the developer how those concerns could be mitigated.

No. of objections: 16, on some or all of the following grounds:-

- Adverse impact on the general and residential amenity of the Square from increased traffic and activity associated with the hotel ballroom, restaurant and bar, including late night activity;
- No need for another hotel, given the large number of hotels already in the area, and residential development would be more appropriate for the Square;
- Introduction of commercial uses into a predominantly residential square;
- Adverse impact on daylight and sunlight on surrounding residential properties;
- Loss of privacy from increased overlooking of residential properties and impact of light pollution;
- Increased bulk/height of the building creating an imbalance in the design of the Square;
- Adverse impact on the listed building, including the moving of the eagle;
- Increased traffic (vehicular and pedestrian, including large numbers of hotel staff travelling to and from the site) causing increased congestion, noise and pollution, with likely consequences for potential future pedestrianisation of Oxford Street;
- Generation of large amounts of waste;
- Noise/disturbance from building works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is the United States Embassy, a purpose-built building that dates from 1957-1960. It comprises a free-standing block that occupies the whole of the west side of Grosvenor Square, with the other frontages on Upper Brook Street to the north, Upper Grosvenor Street to the south and Blackburne's Mews to the rear (where the access to the building's parking and servicing areas are located). There are railings and other structures around the site, including restricted access to Blackburne's Mews – this dates from 2006, when permission was granted to improve the security of the site.

The existing building has two basements, a ground floor and seven upper floors and is constructed from reinforced concrete clad in Portland stone (front and side elevations) and in concrete (rear elevation). Although the applicants consider the use is Class B1 offices (a view supported by the Greater London Authority) Council officers consider that it is a separate, *sui generis*, embassy use: notwithstanding that the original planning permission refers to 'office building', and that large parts of the building are used for office-type purposes, there is clearly a significant consular function in terms of visas and passports, with members of the public regularly queuing outside of the premises, as well as diplomatic functions.

The building lies within the Core Central Activities Zone (CAZ) and the Mayfair Conservation Area and was listed (Grade II) in 2009.

6.2 Recent Relevant History

October 1956 – permission granted for the erection of an office building of sub-basement, basement, lower ground, ground and four upper floors with penthouse above for the United States Embassy.

7 July 2006 – permission granted for erection of two entrance pavilions to Grosvenor Square, guard booths to Upper Brook Street and Upper Grosvenor Street. Fencing around the perimeter of the Embassy with gates to Blackburne's Mews and Culross Street, raised planters and repositioning of Eisenhower statue. Security bollards, plus alterations to road layout to facilitate closures to parts of Grosvenor Square, Upper Grosvenor Street and Upper Brook Street, all in connection with enhanced security arrangements for the American Embassy.

This consent was subject to a S106 legal agreement to securing a package of works to the highway, including a traffic plan, that secures the alleviation of congestion in the surrounding streets arising from the implementation of the proposal.

26 October 2006 – permission granted for details of the following to discharge Conditions 3-10 (inclusive) of the permission dated 7 July 2006 (ref RN 04/03139/FULL) in connection with enhanced security arrangements: hydraulic bollards/gates; servicing management strategy; samples of facing materials to pavilions; detailed design of guard booth in Upper Brook Street, railings/gates in Culross Street, gates in Blackburne's Mews, bollards, fencing around Embassy and integrated booth; disabled access; hard and soft landscaping; details of foundations/footings and relocation of two sweet gum trees; layout of bollards at pedestrian crossing points, vehicle tracking of 15m heavy goods vehicle in Blackburne's Mews and Stage 1 and 2 highway safety audits.

7. THE PROPOSAL

The US Embassy is due to vacate the building in early 2017 and transfer to a new building in Vauxhall, south London. The applicant acquired the site in 2009 in preparation for this proposed relocation and has developed their proposals to convert the site to a hotel. The key aspects of the current proposals include the following:

- i. The retention and repair of the facades of the existing building fronting Grosvenor Square, Upper Brook Street and Upper Grosvenor Street;

- ii. The replacement of the majority of the rear façade of the existing building facing Blackburne's Mews;
- iii. A rear extension of the second to fifth floors;
- iv. The removal of existing and introduction of a new sixth floor;
- v. The introduction of a new set-back pavilion level at seventh floor, with roof terraces and areas of green roof;
- vi. An extension of the existing basement levels and the addition of two additional basement levels (including a mezzanine level), creating four basement levels in total;
- vii. The installation of roof plant and plant screen;
- viii. The removal of the glacis [defensive sloping structure] that is around the site at ground floor level and its balustrade, and the existing security structures installed 10 years ago;
- ix. External and internal remodelling of the main and side entrances and the addition of canopies over each entrance;
- x. Retention and relocation of the Eagle sculpture to the front elevation of the new sixth floor;
- xi. The removal and replacement of six mature trees on the western side of Grosvenor Square in order to facilitate construction movements;
- xii. The removal of roof top flagpole;
- xiii. The retention and repair of the majority of the internal structural concrete diagrid, though part of it is to be removed for the proposed atrium and it will also be extended to the rear of the first floor ceiling;
- xiv. The replacement of all windows with double glazing;
- xv. The retention and repair of the form of the former information office and consular lobbies beneath the exposed diagrid;
- xvi. The replacement of the internal ground and first floor slabs and first floor columns, part replacement of the second floor slab and replacement of the third and fourth floor slabs.

The proposed hotel use will provide up to 137 bedrooms and provide the following amenities and functions:

- i. Lobby, entrance and front of house space at ground and first floor levels;
- ii. Retail/restaurant uses at ground and first floor levels (flexible Class A1/A3/C1);
- iii. Conference and meeting facilities at first floor level;
- iv. Hotel bedrooms and suites at second to seventh floors with the suites located at the pavilion level (seventh floor) with associated terraces;
- v. Restaurant/bar facility (flexible Class A3/A4/C1) at pavilion level with associated terraces;
- vi. Retail/restaurant uses (flexible Class A1/A3/C1), pre-function, back of house, cycle parking and plant at basement 1;
- vii. Event space, leisure and spa facilities (Class D2/C1), back of house and plant at basement 2;
- viii. Car parking and plant at basement 3;
- ix. Cycle parking and plant at basement 3 mezzanine; and
- x. Plant at basement 4.

In addition the applicants are proposing significant changes to the public realm around the site, including the re-opening of the west side of Grosvenor Square to vehicular traffic and

the introduction of drop off bays to the three main frontages. However, these can only be treated as indicative at this stage, as they will need to be subject to separate highways assessment and procedures and what has been submitted is being treated as illustrative. Other aspects for future consideration include the relocation of two of the existing statues of Presidents Reagan and Eisenhower and a listed police call box and the hard and soft landscaping.

The hotel operator has yet to be chosen.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The land use changes can be summarised as follows:

Land Use summary	GIA (sqm)		WCC GEA (sqm)*	
	Existing	Proposed	Existing	Proposed
Embassy	25,31	0	24,07	0
Flexible retail/restaurant (Class A1/A3/C1) (B-1, Ground, 1 st & shared space)	0	4,913	0	5,276
Flexible retail/hotel (Class A1/C1) (Ground, 1 st & shared space)	0	562	0	578
Flexible pavilion restaurant/ bar (Class A3/A4/C1) (7 th floor & shared space)	0	575	0	615
Flexible leisure and spa Use (Class D2/C1) (B-2 & shared space)	0	1,984	0	2,240
Hotel (Class C1) <u>excluding</u> all flexible space and flexible shared space	0	36,753	0	37,553
TOTAL	25,311	44,787	24,070	46,262

* These figures exclude the following areas:

Refuse and waste - 90 sqm GEA; Car Parking - 1,404 sqm GEA; Cycle Parking - 137 sqm GEA; and Servicing bay - 292 sqm GEA

Loss of Embassy and Proposed Hotel Use

Policy CENT 1 of the Unitary Development Plan (UDP) states that

(A) “planning permission will not be granted for development that results in the loss of Central London Activities within then Central Activities Zone where these activities contribute to its character and function” and

(B) Development for Central London Activities within the Central Activities Zone will be encouraged where appropriate to the character and function of particular areas within the Central Activities Zone”.

The existing use is considered to be a Central London Activity, but it is acknowledged that the Embassy is moving to another location and a replacement use needs to be sought. (Whilst COM 7 of the UDP is also concerned with diplomatic and allied uses, the policy is concerned with their new provision, not their protection.) The supporting text for policy CENT 1 also notes that hotels are an appropriate Central London Activity which are, in general, protected and encouraged. The area profile for Mayfair also notes that it contains some of London’s most famous hotels on Park Lane, close to the application site.

City Plan policy S1 also encourages development which promotes Westminster’s World City functions, manages its heritage and supports its living, working and visiting populations; within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted .

Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel.

Policy S23 of Westminster’s City Plan (amended July 2016) also states that new hotels will be directed to specific areas, including the Core Central Activities Zone, to those streets that do not have a predominantly residential character.

Some of the objectors refer to Grosvenor Square being residential in character and that there is no need for another hotel: although there is a considerable amount of residential accommodation around the site, the wider area is very mixed in character and function. There are in fact some commercial uses within the square itself, including the London Marriott Hotel Grosvenor Square in the north east corner (though the main entrance is in Duke Street) and the Embassy of the Republic of Indonesia and Millennium Hotel London Mayfair on the south side. The site is within the Core CAZ and irrespective of the other hotels in the vicinity, hotel use is considered to be acceptable in principle in policy terms.

Furthermore, it is considered that the building is ideally suited for hotel use, as it will enable public access to view the retained elements of this important listed building and provide amenities for the general public. It will also make an important contribution to the local economy (see further details below).

It is acknowledged that functions within the ballroom may result in large numbers of people leaving late at night, potentially harming the amenity of residents living in Blackburne’s Mews, Upper Brook Street and Upper Grosvenor Street. To help ameliorate this potential impact, it is proposed to have a condition that requires people leaving ballroom functions after 23.00 hours to exit via the main entrance on Grosvenor Square.

One aspect of the hotel function that is contentious is the proposed use of Blackburne's Mews for VIPs. The proposal shows a 'VIP drop off', where a car might drive a VIP into a garage where they can leave their car inside the building. However, the vehicle would then have to reverse out, and if there are several VIPs arriving or departing at the same time, their vehicles would need to queue within the mews. Experience has shown (eg. The Chiltern Firehouse) that VIPs using hotel functions can create considerable disturbance and loss of residential amenity from paparazzi, etc. Given that the rest of Blackburne's Mews and Culross Street that leads from it are wholly residential, there is a real risk that this will lead to significant amenity problems for local residents. It is therefore proposed to have a condition requiring the submission of a management plan that deals with VIPs and prevents use of Blackburne's Mews for any VIP activities.

Retail, Restaurant and Leisure Facilities

The proposals incorporate dedicated areas for retail and restaurant use at part ground, part first and part basement level, a restaurant and/or bar at part seventh floor level and with a large area at basement level 2 as a spa/leisure use. Because the applicants do not know at this stage whether these uses will in effect be ancillary to the hotel or would be let separately, the applicant is seeking maximum flexibility in terms of use class (C1, A1, A3, A4 and D1).

Potentially there could be nine separate retail and restaurant units at ground and first floor level (not counting the basement area), though some of these might be used as duplex units. To overcome concerns about an excessive amount of restaurant activity, the applicant has amended the scheme so that the units at the rear ground and first floor levels are only retail (either Class A1 or C1) – this guarantees a minimum 486 sqm GIA/500 sqm GEA as retail floorspace.

The units at the front of the site might be used as either retail or restaurant – 5,276 sqm GEA (including shared access/circulation space, and the basement area). At seventh floor level the designated area might be used as a bar or restaurant. At basement level 2 there is proposed a spa or similar type of leisure use (2,240 sqm GEA, including access/circulation space) – this would be open to the general public as well as hotel guests, and again maximum flexibility is sought in terms of the use class to enable it to be ancillary to the hotel or independent.

Council policies encourage the provision of retail use (UDP policy SS 4, City Plan policy S6) and the retail proposals are therefore welcome. The small retail unit in Blackburne's Mews is not expected to draw large numbers of people that might have an adverse effect on the residential amenity of the Mews, but does provide some relief along this frontage that is otherwise predominantly used for servicing purposes.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses (including the restaurants, bar and spa/leisure use). The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE 10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact on residential amenity, health

and safety, local environmental quality and the character and function of the area. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

Entertainment uses are a characteristic activity of major hotels and are usually open to the general public. The current proposals are considered to provide an opportunity to open the site up to the general public, allow the general public to benefit from the views from the roof top bar/restaurant and provide a mix of uses that enliven the frontages. The site is an exceptional one and as such there are considered to be exceptional circumstances justifying the large entertainment uses that are proposed. Subject to a hours condition that safeguards the amenity for residents opposite the ground and first floor restaurants, these uses are considered to be acceptable and objections to the introduction of these uses are not considered to be sustainable.

However, it is considered to be equally important to ensure that the retail, restaurant and bar uses are maintained as publically accessible and to ensure that the benefits of the scheme promoted by the applicant are permanently maintained. As the applicant is seeking flexible use of these areas as hotel use (Class C1) there is a potential risk that they might become part of the hotel (additional bedrooms, function rooms or back of house space) and therefore a condition will require that the ground, first and seventh floor units are permanently maintained as being accessible to the general public who are not staying at the hotel. It is not considered necessary to apply this condition to the retail, restaurant and spa/leisure use at basement levels.

8.2 Townscape, Design and Historic Building Considerations

The building

The US Embassy is a grade 2 listed building in the Mayfair Conservation Area. It dominates the western end of Grosvenor Square and is visible in a number of important local views, from the east and west, north and south. It is a major public building, built 1957-60 by one of the leading American architects of the twentieth century, Eero Saarinen. The building was the first modern embassy building in London.

It was listed in 2009 and the list description states:

- Special architectural interest for the strongly-articulated design and dynamic façades, well-detailed stonework and consistency of detail;
- Of particular note is the innovative application of the exposed concrete diagrid - an intelligent combination of structural expression and decorative motifs which provides cohesion to the whole and which illustrates Saarinen's principles of marrying form to structure, interior to exterior - and his close involvement in detail and execution;

- Eero Saarinen is an outstanding figure in C20 architecture and design, and this is an early example of a modernist yet contextual approach to design in a sensitive urban location;
- Internal interest is confined to the ground-floor public spaces: i.e. the main entrance and central lobbies, passport office and former library, and the former information service and consular lobbies and stairs on the north and south sides respectively, where the diagrid structure is expressed throughout;
- Special historic interest for strong associations with Grosvenor Square, the home of the first US Ambassador and the nerve centre of the American Armed Forces in Great Britain in WWII.

The building is set back from the historic building lines, from which it is separated by a stone-faced well in the form of a glacis, a defensive sloping bank (as found at the base of an historic fort). The glacis hides the ground floor level of the building; the entrances are at first floor level, reached by flights of stairs on the north, south and east sides.

The plan form is a symmetrical U-shape, comprising a raised ground floor with a central main entrance and lobby. To the left and right are the visa sections and library, with a large central main lobby with rooms to either side, leading through to a single storey of offices at the rear. There are separate entrances to the Consular and (former) Information Sections on the North and South sides, each with a lobby and stair to either side. The upper floors comprise cellular offices which are not of special architectural and historic interest.

The facades are made of reinforced concrete clad in natural Portland stone (front and side facades) and in concrete (rear facade).

The proposals

The existing facades on the south, east and north sides will be retained, repaired and upgraded, with new glazing, but the interior of the building is largely demolished, apart from sections of the diagrid structure (at second floor level) adjacent to these facades. The diagrid forms the soffit of the first floor level spaces. Elements of the interior, referred to in the listing as contributing to its special interest, including the main entrance and central lobbies, and stairs on the north and south sides, will all be demolished. The glacis will also be demolished.

The retained facades will be altered through the addition of a much taller replacement sheer sixth storey. (This makes reference to, and is inspired by, a sketch proposal by Saarinen which showed a tall top floor). This has a significant impact on the height and proportions of the facades and has given rise to objections. A recessed roof storey and roof level plant area is added above this new sheer storey. The total height of the building will be approximately 35 metres to the top of the plant room (60.68 m AOD), approximately 9 metres higher than the existing building (51.00 m AOD). This is a significant increase in height and bulk.

The demolition of the glacis has the effect of exposing the ground floor of the building, making the two storey base of the building visible. This has a significant impact on the appearance of the building, which was designed to appear to sit on top of the glacis. The exposed ground floor level will house a number of retail units bringing life and activity to street level.

On Grosvenor Square the main entrance is reconfigured with new external stairs and the addition of a free standing canopy. The canopy has been designed with reference to other work by Saarinen, including the US Embassy in Oslo. Similar canopies are used on the north and south entrances. At the rear it is proposed to infill the U shaped plan form. The rear of the building is not considered to be of special architectural interest.

Consultee responses

The Twentieth Century Society objects to the design of the new sixth floor (as do one of the ward councillors and some individual objectors), particularly its proportions. They state that it will:

‘ ... damage the present proportions of the listed building: the rhythm of the front façade will be fundamentally changed. The Society contends that this will cause significant and substantial harm to the character of the building as listed’.

The Society also objects to the removal of original staircases internally (adjacent to the entrances) which are unaltered and are of heritage value.

Historic England consider that the areas of highest architectural significance, with the exception of the stair lobbies to the north and south, are preserved and access to them enhanced. They do not agree with the Twentieth Century Society that the harm arising from the additional floors is substantial in the terms of the National Planning Policy Framework (NPPF) but they do share the concern regarding the loss of the north and south stairs and lobbies. Historic England state that if listed building consent is to be granted, the reinstatement of architectural elements and finishes will need to be carefully controlled as reserved matters.

They urge the City Council to ensure that opportunities for public access are maximised, and secured through obligation or condition. However, since this will be a hotel building which is open to the public it is not considered that such measures are needed.

They also support the proposal to control the amount, location and percentage of street furniture related to retail or restaurant operators fronting the square by condition or as part of any agreed management plan for the public realm, to ensure that the benefits arising from clearing away security clutter are secured and sustained and not replaced by new clutter. It is agreed that conditions should be used to control these aspects.

Consideration of impacts on heritage assets

Once the building ceases to be used as an embassy then a new use has to be found and the proposed hotel use is acceptable in principle in historic building terms. Some of the proposed changes, such as the redevelopment of the rear part and the upper floors, are not harmful to the significance of the building because these areas contribute little or nothing to its special interest. The retention of the facades and the diagrid are important positive aspects of the scheme. Other aspects are more controversial.

The addition of the sheer storey and set-back roof storey and the removal of the glaxis all contribute to a major change in the appearance of the building and significantly alter Saarinen’s design. This is considered to be harmful to the special architectural interest of

the building. The demolition of the interior spaces referred specifically in the list description also causes harm to the special interest. It is debatable whether or not this is substantial or less than substantial harm to the listed building. Historic England takes the view that it is less than substantial, the Twentieth Century Society considers that it is substantial.

On balance it is considered that it is less than substantial harm, because the facades and the diagrid structure are largely retained. Therefore, with reference to the NPPF, it is necessary to consider whether or not there are public benefits to outweigh the harm to heritage assets which have been identified.

The applicant has stated that for a hotel scheme to be viable additional floor space is required, hence the need to extend the building. The proposed extensions have been carefully designed to respect the retained facades, drawing inspiration from Saarinen's ideas, and are of high design quality. If the need to extend the building is accepted then the design approach is appropriate.

It is also argued that it is necessary to improve access, and therefore necessary to alter the existing entrances including the removal of the existing steps and the demolition of the lobbies. When viewed in conjunction with the removal of the glaxis, there are urban design benefits in creating a more active ground floor frontage and improving the immediate public realm around the building. The removal of all the security measures around the building further enhances the area. The design of the new entrances is in the spirit of the original building and the applicants have stated that they will retain and reuse as much original historic fabric as possible. This can be reserved for later negotiation and approval by condition.

The proposed increase in height and bulk has an impact on the building's architectural relationship with its neighbours, especially the lower buildings to the west, and on the character and appearance of the conservation area. However, given the large scale of the existing buildings in Grosvenor Square, including No. 20 to the north, which is being redeveloped and extended at present, the proposed massing is not considered harmful.

Overall, it is concluded that this is a high quality, well designed scheme, which alters but respects Saarinen's original design. Although it is harmful in parts, it results in public benefits which outweigh that harm. It will contribute positively to the character and appearance of the Mayfair Conservation Area. The scheme is therefore considered to comply with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 6, DES 9 and DES 10.

The proposal, which involves the creation of additional basements, is considered to comply with the Council's recently adopted basement policy: as the site is free-standing, it does not adjoin any residential properties, which is one of the key criteria in the policy. The applicant has also demonstrated that the basements will not extend beneath the public highway by more than 1.8m, which is another criterion. Information has been submitted taking account of site-specific ground conditions and a signed proforma Appendix A has been submitted demonstrating that the applicant will comply with the relevant parts of the Council's Code of Construction Practice.

8.3 Residential Amenity

Kitchen Extraction

The scheme proposes that all the kitchen extract systems discharge into a basement (- 3) lightwell within Blackburne's Mews. The applicant claims that it is not possible to fit any more plant into the building risers itself as there is insufficient space. Given that the majority of the building is being rebuilt, this argument is not accepted. Similarly arguments about the architectural diagrid feature on the first floor ceiling restricting service risers is not accepted given that a significant part of it is to be rebuilt.

The Council has a well-established approach to commercial kitchen extracts terminating at roof level. Whatever filtration systems are proposed for low-level extraction they are not considered to be reliable and only high level extraction can ensure that occupiers in adjoining properties are not affected by cooking smells. The proposed low level extract may be at third sub-basement level but it is very likely that within a short period, cooking fumes would disperse within Blackburne's Mews, to the detriment of residential amenity.

A condition therefore requires that details of a high level extraction system are submitted for approval before any works commence.

Mechanical Plant and Noise Levels

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The scheme incorporates plant within the building at basement level, with a small number of items at roof level. Environmental Health have queried the acoustic information that has been submitted, which has implications for setting the noise level criteria, including acceptable noise levels for emergency generator plant. However, it is considered that this matter can be addressed by conditions, including the requirement for a supplementary acoustic report to be submitted. All plant will be conditioned to minimise noise levels and vibration. Conditions will also ensure that the design of the entertainment uses is such that they will not cause a noise nuisance.

Sunlight and Daylight

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on

internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. The 'no sky line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The application site occupies a complete freestanding block but has residential properties opposite along Blackburne's Mews, Upper Brook Street and Upper Grosvenor Street. There have been some objections to the loss of daylight and sunlight. One of these objections is from a resident in Lees Place, whose third floor flat looks towards the application site – although the new higher building will be visible from their flat, they are considered to be too far away from it (approximately 76m) to be affected by the development.

A detailed daylight and sunlight assessment has been submitted which shows that properties in Blackburne's Mews (including those on the corner with Culross Street) and to the north of the site along Upper Brook Street, will lose daylight and sunlight. This is mainly due to the infilling of the existing open area at the rear and middle of the site, as well as the increase in height from the additional storeys. The key changes are summarised in the following table (which gives details of the impact on habitable rooms, when they can be identified, like living rooms and kitchens but does not consider the impact on non-habitable rooms like bedrooms and bathrooms).

Window/room	Existing VSC	Proposed VSC	VSC Loss (%)	Existing APSH (by room)		Proposed APSH (by room)	
				Annual	Winter	Annual	Winter
1A Culross Street							
Ground kitchen, window 1	21.9	13.4	-8.5 (-38.8)	No material losses of sunlight – these windows do not face within 90 ⁰ of due south			
Ground kitchen, window 2	22.2	13.5	-8.7 (-39.2)				
Ground floor, room unclear, window 1	23.6	14.1	-9.5 (-40.3)				
Ground floor, room unclear Window 2	23.7	14.1	-9.6 (-40.5)				
1 st floor, living/dining room? Window 1	23.9	15.2	-8.7 (-36.4)	53	7	46 (-13%)	7 (0%)
1 st floor, living/dining room? Window 2	24.6	15.4	-9.2 (-37.4)				

2 Culross Street							
Ground floor, kitchen, window 1	23.2	12.9	-10.3 (-44.4)		No material losses of sunlight		
Ground floor, kitchen window 2	23.0	12.8	-10.2 (-44.3)				
1st floor, room unknown, window 1	25.0	14.8	-10.2 (-40.8)				
1st floor, room unknown, window 2	24.7	14.7	-10 (-40.5)				
4 Blackburne's Mews							
Ground floor, kitchen	19.6	12.9	-6.7 (-34.2)		Not facing within 90 ⁰ of due south		
Ground floor, dining room	18.1	12.3	-5.8 (-32)		49	1	40 (-18%) 0 (-100%)
1 st floor, living room, window 1	23.6	15.9	-7.7 (-32.6)		70	14	64 (-9%) 13 (-7.1%)
1 st floor, living room, window 2	22.9	15.8	-7.1 (-31.0)				
7 Blackburne's Mews							
1 st floor, living room window 1	11.6	7.7	-3.9 (-33.6)		No material losses of sunlight to habitable accommodation		
1 st floor, living room window 2	13.6	8.9	-4.7 (-34.6)				
1 st floor, living room window 3	16.0	10.9	-5.1 (-31.9)				
8 Blackburne's Mews							
Ground floor, living room	0 [due to recess/ overhang]				No material losses of sunlight – no windows facing within 90 ⁰ of due south		
Ground floor, kitchen	0 [due to recess/ overhang]						
1 st floor, living room, window 1	22.7	14.8	-7.9 (-34.8)				
1 st floor, living room, window 1	23.0	14.9	-8.1 (-35.2)				
1 st floor, living room, window 1	23.3	15	-8.3 (-35.6)				
2 nd floor, living room, window 1	25.0	17.1	-7.9 (-31.6)				
2 nd floor, living room, window 2	25.3	17.3	-8.0 (-31.6)				
2 nd floor, living room, window 3	25.6	17.4	-8.2 (-32.0)				
3 rd floor, living room	24.7	18.3	-6.4 (-25.9)				

There are also losses of sunlight to the properties to the north of the site (1-5 Upper Brook Street), which are south facing. However, apart from one ground floor window (room use unknown) all annual losses of sunlight are well within the 20% maximum recommended by the BRE Guidelines (with most losses below 10%). In percentage terms there are considerably more windows which lose over 20% of winter sunlight, in some cases up to one third, but most still retain exceptional levels of winter sunlight, often well about the minimum 5% of annual probable sunlight hours in the winter months recommended by the BRE (typically between 6 – 20 annual probable sunlight hours for winter).

The most affected properties therefore are the five properties within Blackburne's Mews that face the rear of the application site. Whilst the losses of daylight and sunlight to these buildings are unfortunate, it is considered that they are not so bad as to justify a refusal.

Arguably the existing situation is exceptionally good for this central London location, with the large set back of the upper floors of the existing embassy providing unusually good daylight and sunlight conditions for the properties behind. There have been three objections from residents in these buildings: one is concerned only with disruption during building works, one refers to an unspecified “negative impact” and only one sets out detailed concerns about the impact on her amenity – however she has not provided contact details (or even a full address) so it has not been possible to visit her property to assess the impact.

As the applicant’s daylighting consulting states, the majority of losses to the rear properties can be attributed to existing architectural features such as overhangs or projecting masses that limit existing daylight and are therefore not directly attributable to the proposed development. Many of the affected windows also have low levels of existing light, making them sensitive to even modest alterations, meaning that small losses of light can equate to large percentage alterations which may not necessarily be perceivable. It is therefore considered that the losses of daylight and sunlight are within acceptable limits and that adequate lighting will remain to affected properties. Accordingly any objections on these grounds are not considered to be sustainable.

Privacy, Sense of Enclosure and Light Pollution

There have been objections that the proposal will result in overlooking of neighbouring residential properties. There is already a degree of overlooking between the existing building and for the majority of neighbouring buildings the situation will not be worse. Part of the rear first floor which faces Blackburne’s Mews appears to be used as part of the consular function, with considerable activity being visible from the buildings opposite. It is accepted that the proposed retail and restaurant uses at ground and first floor level will be more intensively used than existing, but subject to their opening hours being restricted, this is not considered to adversely impact on neighbouring residents and overlooking and light levels are unlikely to be significantly different from the existing situation. Furthermore, the proposed units at the rear are only to be used for retail purposes (rather than restaurant), thereby minimising any potential impact. However, it is considered appropriate to ensure that any windows at rear ground and first floor levels to these units are kept shut to minimise noise nuisance.

The proposed ‘infill’ of the upper floors (bringing them closer to Blackburne’s Mews) is a significant change from the existing situation, and the new rear elevation will provide small balconies for the rear hotel bedrooms from second to sixth floor levels. However, these are still set back from the site boundary by approximately 8m, and from the buildings opposite by approximately 25m. Given this, it is not considered that there will be any loss of amenity from overlooking, nor that there will be a material loss of amenity due to increased sense of enclosure.

Roof terraces are proposed at seventh floor level, for the hotel suites at this level and the restaurant/bar. Two of the rear terraces have been amended to set them back from Blackburne’s Mews, and on the whole it is not considered that there will be any loss of amenity from overlooking. However, there is a rear roof terrace for the restaurant/bar and it is considered to be appropriate to restrict the use of this terrace until 23.00 hours to ensure that there is no late night noise disturbance from residents in Blackburne’s Mews and Culross Street.

It is considered that the properties opposite the site on Upper Brook Street and Upper Grosvenor Street are at a sufficient distance from the site (26m/27m) for them not to detrimentally overlooked. They are also shielded to a large extent by the large London Plane trees along these frontages (trees that are to be retained, subject to adequate safeguards).

8.4 Transportation, Parking and Servicing Issues

Car Parking – Hotel plus Ancillary Uses

The applicant indicates the existing site has 75 car parking spaces. The proposal, through redevelopment of the basement areas, reduces this to 32 car parking spaces. There is also the garage at ground floor, adjacent to the car lift entrance. The reduction of non-residential car parking is supported by TRANS21 and TRANS22. (One car parking space will provide disabled access – the applicant advises that as vehicles will be valet parked, this is an appropriate level of provision.)

However, TRANS22 states for hotels and related activities with hotel developments that “Car parking facilities will not normally be permitted. All developments will however be required to assess and meet expected demand for parking and servicing from coaches, mini-buses and for people with disabilities.” These requirements are reflected in TRANS2, TACE4, TACE8, TACE10, as they apply to the hotel and ancillary uses. The Greater London Authority has also commented that the amount of parking should be reduced.

The applicant makes the case the site is well served by public transport and other sustainable transport options and this is agreed. Given the continuing improvements in public transport and change in approach to private motor vehicle trips, the need for on-site car parking provision for visitors/guests is no longer a need of development in Westminster and the City Plan policies reflect this. Westminster also promotes a traffic reduction strategy and new developments are expected to support this by not providing excessive on-site car parking (STRA25 and TRANS1). This will encourage sustainable transport modes to be used to access a site. By limiting parking on-site, then people will not be encouraged to drive to a development and are more likely to make use of other sustainable transport options, such as public transport or cycling.

The Highways Planning Manager therefore considers that the proposal is not consistent with STRA25, TRANS1, TRANS22 and the excessive car parking for the hotel use will increase trip generation associated with the hotel by private motor vehicle: he does not consider that the specific operational need for car parking for a hotel use has not been demonstrated.

The concerns of the Highways Planning Manager about excessive car parking and trip generation are noted. The applicant's view is that there are material considerations which outweigh the normal policy presumption against on-site parking provision, including the desirability of providing levels of parking expected of a high quality hotel. Whilst it is considered that reduced parking might be preferable, the level of parking is, on balance, considered to be acceptable.

The London Plan requires at least 20% active provision of electric vehicle (EV) charging points and the provision of seven (21%) EV points is welcomed.

Vehicle Lifts and Access Point

The 32 car parking spaces will be accessed via two car lifts from Blackburne's Mews. The two car lifts are setback from the highway boundary and do provide an area of vehicle waiting space. The use of two car lifts for the number of car parking spaces proposed is welcomed. It is noted that all vehicles are able to enter and exit the site in forward gear, which is also welcomed. The layout of the car park is considered to be functional.

The applicant indicates that one car lift cycle time is 2 minutes 28 second between first being used by a vehicle to when it would return to street level and be ready to be used again. The applicant argues that given the two lifts, the lift cycle time, number of car parking spaces and trip generation calculations, queuing on the highway (Blackburne's Mews) would be rare. The design of the car lift, including vehicle setbacks and visibility splays, is considered acceptable.

Management and Maintenance of the car lift will need to be secured by Grampian condition. It is common for car lifts/stackers to fall into disrepair and the associated basement parking becoming unused, leading to increased pressure on on-street parking spaces.

Trip Generation

The Highways Planning Manager comments that hotels, particularly large or intensively used hotels, often generate significant amounts of activity - visitors arrive and depart early and late, and taxi, car and coach movements during the night can be very disruptive to the amenity of nearby residents. Restaurant, banqueting or conference facilities exacerbate the problem by attracting visitors in addition to those staying at the hotel. Vehicles can also cause disturbance and air pollution by parking with engines running. Several objectors refer to increased traffic generation creating problems and disturbance.

The proposed uses will alter the trip generation profile significantly compared to the existing use, irrespective of the reduction in parking capacity. There will be much more activity associated with the site in the evening and night periods.

The applicant estimates that the existing use would generate a total of 3,782 trips to or from the site daily (though the exact time period covered is unclear from the information – it does not cover period before 0700 or after 1800). No figures are provided for the existing use outside of these hours, but it would not be expected to generate significant trips during the evening, night or early morning.

The applicant anticipates up to 14,991 daily trips to or from the site, when the ballroom is in use, by all modes of transport. The modal split provided suggests up to 1,737 trips by vehicle (car or taxi) to or from the site and an increase of 1,280 compared with the existing use. It is accepted that there would be peaks (such as when the ballroom event started and finished) and less vehicle activity (early morning) and the number of vehicle movements would be less as people share taxis. Taxis are expected until at least 03.00

each day, with the peak when the ballroom is in use (the hour before an event start time is expected to be the peak of taxi movements) and as guests leave a ballroom event.

The majority of vehicle activity (other than vehicle access to the basement car parking) will occur on the highway. Within the highway network it is accepted that the proposed use would not be significantly detrimental on the operation of the highway, however it is likely that there will be localised congestion due to the increase in vehicle activity associated with the site. This in part would be balanced by the increase in active vehicle frontage created by the proposed re-opening to vehicular traffic on the western side of Grosvenor Square. Overall, there will be a significant change to the existing trip profile of the site in terms of peak hours of people arriving and/or departing by all modes.

The reinstatement of vehicular flow on the western arm of Grosvenor Square within the existing highway network context will result in traffic flow changes within the area. However, no broad change in traffic flows is considered incompatible with the operation of the wider highway network and will effectively reinstate a historical (pre-“temporary” security measures) vehicle route within the wider highway network. This needs to be subject to a detailed design and layout of the highway, which will need to be subject to separate highways consideration and approval, but at this stage it is considered that the principle can be agreed.

There has been an objection that the proposal will generate increased pedestrian activity, including large numbers of staff walking to and from the hotel. This objection is not considered to be sustainable given the high levels of pedestrian activity that already exist in the area.

Servicing

Policies S42 and TRANS 20 require adequate off-street servicing provision. Despite the proposal being substantial demolition and rebuilding, the proposal relies, in part, on on-street servicing. This is primarily due to the restricted vertical clearance provided within the new servicing bay. This issue has been raised with the applicant’s architects, who are concerned that having to redesign and enlarge the service bay to accommodate larger vehicles will have significant knock-on implications for the design of the this part of the building, including the internal layout at ground and first floor level. The applicant also contends that the majority of servicing will take place within the service bay and that there will only be an occasional need for larger service vehicles being loaded and unloaded within Blackburne’s Mews. However, this has not been substantiated, nor does it take account of regular collection of waste by larger refuse vehicles.

The applicant suggests the current site receives approximately 40 deliveries per day and the proposed use will increase this to 100. The off-street servicing bay has provision for up to three 7.5t delivery vans (similar to a large white van). The applicant has calculated that if each vehicle had an average dwell time of 15 minutes, then the off-street servicing bay could accommodate all these deliveries off-street within a 10 hour window. Broadly the figures are considered reasonable. While it is possible some deliveries would take longer than 15 minutes, it is accepted that some would be shorter.

However, vehicles larger than a large white van will need to stop and service from Blackburne’s Mews. For similar hotel lead schemes, the expectation has been between

30% and 40% of deliveries could be in vehicles larger than a large white van, including food, laundry, refuse as well as equipment associated with ancillary uses (such as functions within the ballroom). With the proposed restaurants potentially operated independently from the hotel, the figure for large vehicles could potentially be at the higher end. The Highways Planning Manager expects that these types of vehicles would have a longer dwell time than those vehicles using the off-street servicing bay. It is also possible that larger vehicles might be preferred by the hotel operator, to reduce the number of trips, as they could accommodate more goods that may otherwise be spilt across two or more deliveries. From the information submitted by the applicant, it is difficult to determine exactly how often or for how long larger vehicles might be present for this proposal.

Larger service vehicles would not only potentially block access to the off-street servicing bay; they would also block other traffic in Blackburne's Mews. Combined, the Highways Planning Manager advises that the servicing of the proposed development could result in localised congestion, particularly in Blackburne's Mews.

Given that the majority of the servicing should be within the site, it is considered that a limited amount of servicing from the Mews might be acceptable subject to safeguarding conditions. This would include a requirement for the submission of a robust Servicing Management Plan, that must identify in detail the process, storage locations, scheduling of deliveries and staffing arrangements, as well as how delivery vehicle size will be managed. This should help 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 vehicles and pedestrians.

It is noted that the applicant indicates that hotel staff will manage traffic on taxi arrivals and departures, particularly with regard to the indicative lay-bys on the main frontages. The Highways Planning Manager advises that this is incorrect, as only the police have the power to manage/move-on vehicles on the highway. However, it is considered as part of an updated operational management plan, the issue of taxi usage could be adequately dealt with.

Waste

The proposal includes adequate waste storage within the rear ground floor service area, for all uses. The waste storage is considered consistent with the requirements of S41 and TRANS3. Although waste collection will occur from the highway, rather than from within the site, this is considered to be acceptable, but the hours of waste collection will need to be restricted by condition, to minimise potential loss of amenity of local residents.

Coaches

Policies TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. The Highways Planning Manager has concerns that without sufficient coach facilities, coaches may stop in the carriageway and obstruct through traffic. The applicant maintains that coaches will not be associated with this particular hotel, although no evidence is provided for this conclusion. However, it is noted that with the removal of the existing security features, kerb space will be available that could accommodate coaches should they arrive at the hotel. Coach parking is available in the area, including established bays on Park Lane. While the Highways Planning Manager does not raise an

objection on this matter, he advises that further details should be secured via a revised servicing management plan.

Cycle Parking

For the hotel use, London Plan Policy 6.9 requires 1 space per 20 bedrooms. 137 rooms would therefore require 7 cycle parking spaces for staff. The applicant has indicated 10 spaces for this use.

London Plan Policy 6.9 requires 1 cycle parking per 250m² of A1 non-food retail and 1 cycle parking space per 175m² of A3 restaurant, so that in this case 37 cycle parking spaces would be required if this was all A3 (the higher standard). The applicant has allocated 26 cycle parking spaces for these uses on an assumed split between different types of uses within the A class (some with a lower cycle parking requirement). Whilst a robust approach would have been to provide the larger amount of cycle parking, what is proposed is considered to be acceptable. London Plan Policy 6.9 requires 1 cycle parking per 8 staff for the spa/leisure: the applicant has indicated 3 cycle parking spaces, which equates to 24 staff, which on balance is also considered reasonable.

The cycle parking is located within the basement car parking areas and would be accessible by internal lift. The cycle parking is considered to be secure, accessible and weather proof.

Canopies

Canopies are proposed for the main entrance on Grosvenor Square and the two side entrances. Canopies or awnings need to maintain a minimum of 2.6 metres vertical clearance to allow for pedestrian passage and 1 metre from the kerb edge to allow for sufficient clearance from vehicles and placement of essential street furniture. Where they are over the carriageway, structures over the highway need to provide 5.3 metres clearance to ensure clearance for vehicles. The drawings appear to indicate no incursion within this space, albeit, the canopy on Grosvenor Square is close to the reinstated carriageway. The matter should be conditioned.

Public Realm

The proposals include changes to the public realm, including a combination of hard and soft landscaping and changes to the carriageway and footways on all frontages of the site. It is noted that these are on public highway, land outside the control of the applicant. Any works on the highway would need the separate approvals of the relevant Highway Authority, which would be dealt with post-planning permission for a development. What has been submitted, in terms of alignment of junctions, kerb lines and footway widths, raise issues of practicality as well as being different to the historic layout of the square and will need to be subject to rigorous detailed design and assessment. This will also need to take account of relocated items such as statues, memorials and street furniture.

With limited kerb space available, vehicles dropping off, collecting and waiting on the surrounding highway is likely to result in localised congestion. While the applicant is proposing lay-bys within the highway to accommodate vehicles, these may be incompatible with wider highway schemes, demand for other users (including formal taxi

ranks) and operation of the highway. This is a matter raised by the Greater London Authority and Transport for London (TfL). At this stage the proposals for the highway must be treated as indicative only, especially as they are not essential for the development to proceed, and will need to be subject to separate highways consideration, consultation and approval. Any materials used will need to be consistent with the Westminster palate, to ensure longevity of the materials and minimise on-going maintenance costs.

However, the removal of security features associated with the US Embassy is welcomed. These features include retractable bollards, security gates, fencing, bollard lines and planters performing security functions. The previous permission associated within the site relating to the security huts at the front of the site required that these areas were dedicated as highway if the huts were no longer required. As this is the case, with the US Embassy leaving the site, the applicant is aware that this land must be dedicated as highway. This will mean the developer is responsible for ensuring the area is to a specification required by the Highway Authority and dedicated prior to occupation of the new use.

It is noted that there have been indications from TfL that a new taxi rank is likely to be required within the vicinity of the site. While this is noted, the precise location and size of such a facility would be subject to the detail highway design process – which will also ensure other highway users (including pedestrians, cyclists and motorists) are all jointly considered and prioritised. It is noted that the construction time for the proposal is several years and changes within the wider highway network, increasing change within the taxi and private hire industry and other wider highway and transport schemes are likely to impact the allocation of highway space in the area. TfL and some of the objectors refer to other highways proposals such as Quietway cycle routes and the potential pedestrianisation of Oxford Street – these are all matters that would need to be considered in progressing the highways proposals.

A large number of replacement street trees are indicated to be located in places that are unlikely to be achievable for reasons including displacement of on-street residential car parking spaces, conflict with vehicle access to the proposed development, and being located over the proposed extended basements (and therefore unlikely to have sufficient soil depth). Any replacement street tree planting will need to be agreed with the Council's Tree Officers as part of the integral highway detail design process.

8.5 Economic Considerations

The applicant advises that the proposal will make the following economic benefits, which are noted and welcomed:

- a) Construction Employment - It is estimated that the construction of the development will generate c. 3,400 gross job years over the 44 month construction period; this is equivalent to 340 Full Time Equivalent (FTE) positions or 925 annual jobs. It is estimated that construction workers will spend £733,000 in the local area per year, which is equivalent to £2.7 million over the course of the construction period.
- b) Operational Employment - Once the hotel is operational, it is estimated to support between 455 and 635 jobs directly. This is equivalent to between 370 and 555 FTEs.

- c) The hospitality sector can provide job opportunities to a wide range of people with different qualifications, skill sets and work experience. Many of the job opportunities offered in retail and hospitality will be accessible to locally unemployed people in Westminster.
- d) The Proposed Development will also support indirect employment through supply chain impacts and increased expenditure of both workers and visitors. Once displacement, supply chain and induced impacts as a result of worker and visitor expenditure are taken into consideration, it is estimated that the scheme will support between 810 and 1,145 jobs, which is equivalent to between 665 and 980 FTEs.
- e) Visitor Expenditure - A world class hotel at the site would attract wealthy visitors who will contribute significantly to the level of expenditure in the local area on retail and leisure activities. A significant proportion of guests are expected to be international visitors: 82% of all overnight stays to London in 2014 were overseas visitors. It is expected that the total expenditure of hotel guests outside of the hotel will be between £27m and £40m per year, making a significant contribution to the Westminster economy.
- f) Wider Economic Benefits – Westminster’s luxury hotels are crucial for attracting high value tourism and business to London. Sufficient future provision of high quality hotels is crucial to ensure that future economic growth in Westminster, and London more generally, is not constrained as demand for luxury accommodation continues to grow. The scheme will contribute to Central London’s and Westminster’s excellent visitor accommodation and cultural offer, supporting London’s growth and wider economic function as a tourist and business destination; and
- g) Enhancing the character and function of retail in Mayfair.

8.6 Access

Disabled access to the existing site is severely limited by the glacis and steps to the main and side entrances. The proposed new building will provide a good level of inclusive access, including a new level access to the main entrance (at ground floor level) and step-free access to the other entrances. 10% of the hotel rooms will be designed in accordance with Part M space standards, and 5% of them fitted out as wheel-chair accessible and the remaining 5% easily adaptable to meet the needs of a wheelchair user.

8.7 Other UDP/Westminster Policy Considerations

Trees

The existing site has a number of mature London Plane trees along the Grosvenor Square, Upper Brook Street and Upper Grosvenor Street frontages. The Council’s Tree Officer has expressed concerns about the proposal’s impact on these trees: permission is sought to remove the six trees along the Grosvenor Square frontage, on the grounds that this will help reduce the impact of construction works in Blackburne’s Mews (although that will still need to be used to some extent). The Tree Officer is also concerned that the proposed works will also have a detrimental impact on the retained trees.

Some additional information has been provided that gives some comfort with regard to tree retention and it is considered that this matter can be adequately dealt with by condition. The loss of the six mature trees at the front of the site is regrettable, but on the basis that it will ameliorate the impact of the construction this is on balance considered to be acceptable, subject to safeguarding the provision of replacement trees.

The applicant's aspirations for tree-planting in Blackburne's Mews are noted but the information provided is insufficient to enable a proper assessment, and again this will need to be conditioned.

Comments from the London Parks and Gardens Trust about the inadequacy of the landscaping proposals are noted, but this is a matter that will need to be developed further as part of the public realm proposals.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The design of the scheme has sought to maximise its environmental performance, with the hotel and retail components targeting an 'Excellent' BREEAM rating. The proposed development will result in an overall carbon reduction of 30.53% compared to a new build part L 2013 compliant building. Whilst this falls slightly short of the Mayor's target of a 40% reduction, the applicant considers that this is the best reduction that can be achieved given the specific historic and site constraints. This carbon reduction is in line with Westminster's City Plan Policy S40.

A range of carbon reduction and energy efficient measures have been considered and assessed by the applicant, a number of which cannot be taken forward for a number of site specific reasons, including the listed nature of the building, the urban context of the site and limited roof space available for plant. Notwithstanding these limitations, all viable carbon reduction measures have been integrated into the proposed design, including energy efficient passive design measures (improvements to the existing thermal performance, high efficiency water cooled chillers and ice storage, heat recovery from extract air and mixed mode ventilation in hotel bedrooms from openable windows), energy efficient plant measures, the incorporation of a combined heat and power unit ('CHP') and the possibility of connecting to future district heating systems.

In line with London Plan Policy 5.2, the Energy Strategy has followed the approach of the Mayor's Energy Hierarchy, which is set out in the Strategy as follows:

1. Be Lean – A wide range of passive and energy efficiency measures are incorporated into the scheme design, including improved levels of thermal insulation and building air tightness, maintenance of high daylight infiltration reducing reliance on artificial lighting, efficient artificial lighting and controls, as well as high efficiency building services that exceed Building Regulations requirements.
2. Be Clean – All low carbon technologies have been assessed for viability in the proposed scheme. Gas fired CHP is proposed for the development, with the potential to connect to neighbourhood heating schemes in the future. The applicant is also committing to meeting with adjacent developers, freeholders and planning bodies to discuss opportunities for energy sharing.
3. Be Green – A detailed assessment of renewable energy opportunities and viability has been undertaken, which has determined that none of these technologies were viable for the scheme.

Aside from specific carbon reduction measures, the Sustainability Statement sets out other areas of the design where sustainable features have been incorporated to reduce the energy demand from the proposed building. These features include:

1. Water efficiency – potable water features will be maximised;
2. Materials – materials will be sustainably and responsibly sourced wherever possible;
3. Waste – measures will be put in place for the minimisation of waste;
4. Health and wellbeing – consideration has been given to the design of the internal hotel accommodation to ensure sufficient ventilation, thermal comfort, daylight and lighting conditions for guests;
5. Flooding and water pollution – water run off rates will be minimised through the use of Sustainable Urban Drainage (SuDs) systems and the incorporation of a green roof;
6. Air and noise pollution – dust and particulate matter during the construction stage and vehicle exhaust emissions and air/noise pollution from building systems will be minimised; and
7. Promotion of sustainable transport – the proposal will encourage sustainable modes of travel through the provision of cycle parking spaces, the reduction of on-site car parking spaces and through the Site's location in a highly publicly accessible area.

These measures are considered to be acceptable. It is noted that the Greater London Authority (GLA) has commented in detail on this aspect of the proposals and although noting that the on-site carbon dioxide savings fall short of the London Plan target, they accept that there is little further potential for further on-site reductions. However, the GLA does advise that the shortfall in CO₂ reductions, equivalent to 92 tonnes of CO₂ per annum, is met off-site, and they have requested details of this prior to the scheme being referred back to them. It is considered that this matter could be adequately dealt with as part of the proposed Grampian condition to secure the other benefits (see below): based on the Council's current policy, this would amount to £207,000 towards the Council's carbon offset fund.

Biodiversity

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity and other green infrastructure. The proposal incorporates some areas of green roof at seventh floor

level and rear second floor level: these adjoin the bar/restaurant and hotel suites and therefore the biodiversity benefits are considered to be limited.

Crime and security

The applicant has met with the Crime and Prevention Design Officer. The crime and security measures are at an early stage of development and will be developed further.

8.8 London Plan

The scheme is referable to the Mayor of London due to its floorspace and height. The Greater London Authority have commented in detail on the scheme (see section 5 above) and the applicant has held separate discussion with them. The scheme will need to be referred back to the Mayor following the decision of the Planning Applications Committee.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016.

For the reasons outlined above, it is considered necessary to secure the following:

- a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street;
- b) all associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square (to be implemented prior to the occupation of any part of the development);
- c) all associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works (to be implemented prior to the occupation of any part of the development);
- d) the relocation of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission;
- e) management and maintenance of the car lifts;
- f) a contribution of £207,000 towards the Council's carbon offset fund.

Whilst these items might normally be secured by a S106 legal agreement, the applicant has asked for a Grampian condition that effectively postpones this matter and enables the planning decisions (if approved) to be issued much sooner. There is not considered to be a fundamental objection to this approach.

The applicant advises that the Mayoral Community Infrastructure Level (CIL) charge would be £1,183,361, and the Council's CIL £3,895,200. These figures will need to be verified in due course.

In discussions the applicant has requested that the Westminster CIL is partly used to fund its public realm proposals. However, at the current time the CIL arrangements do not make this possible.

8.11 Environmental Impact Assessment

In June 2016 the Council determined that a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 that an Environmental Impact Assessment is not required. This was on the basis that the proposed development is not a Schedule 1 nor a Schedule 2 development [specified types of development]. Nor is the proposed development considered to be of more than local significance or have a significant effect on an particularly sensitive or vulnerable location or have unusually complex and potential hazardous environmental effects as defined by Schedule 2 of the Regulations. Accordingly the Council agreed that the scheme falls outside the EIA Regulations and is not 'EIA development' and the submission of an Environmental Statement under the Regulations is not required.

8.12 Conclusion

Notwithstanding the objections that have been received, the proposals for this important site are considered to be acceptable (subject to conditions). They will enable public access to the building and have the potential to bring welcome improvements to the public

realm around the site, though this will need separate highways approval. There will be some impact on occupiers of adjoining residential properties, particularly those in Blackburne's Mews, but this impact is considered to be within acceptable limits. Therefore the applications are recommended for approval, subject to referral to the Mayor of London.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Cllr Paul Church, dated 23 August 2016
3. Letter and attached report from the Greater London Authority dated 5 September 2016
4. Letter from Transport for London dated 18 August 2016
5. Letters from Historic England dated/received 9 August, 23 September and dated 5 October 2016
6. Letter from the Twentieth Century Society, dated 16 August 2016
7. Email from LAMAS dated 2 September 2016
8. Email from the Designing Out Crime Officer dated 5 August 2016
9. Memoranda from the Tree Section dated 20 October and 1 November 2016
10. Memorandum from Environmental services dated 5 August 2016
11. Memoranda from the Projects Officer (Waste) dated 16 August and 2 November 2016
12. Letter from the London Parks and Gardens Trust dated 18 August 2016
13. Memorandum from Building Control dated 29 July 2016
14. Letter from occupier of 48 Upper Grosvenor Street, dated 5 August 2016
15. Letter from occupier of 8F Blackburne's Mews, dated 13 August 2016
16. Letter from occupier of 7 Culross Street, dated 5 August 2016
17. Letter from occupier of 84 Warwick Avenue, London, dated 10 August 2016
18. Letter from occupier of St Gatien, All Saints Road, Newmarket, dated 17 August 2016
19. Letter from occupier of 48 Upper Grosvenor Street, dated 31 July 2016
20. Letter from occupier of Flat D, 8 Lees Place, dated 6 August 2016
21. Letter from occupier of 34 Grosvenor Square, dated 15 August 2016
22. Letter and email from occupier of 80 Park Street, dated 30 August 2016
23. Letter from an occupier of Blackburne's Mews, dated 15 August 2016
24. Letter from occupier of 7 Blackburne's Mews, London, dated 20 September 2016
25. Letter from occupier of 30 Culross Street, dated 3 August 2016
26. Letter from occupier of 37 Upper Brook Street, dated 4 August 2016
27. Letter from occupier of 7 Culross Street, dated 5 August 2016
28. Letter from occupier of 17 Grosvenor Square, dated 28 July 2016
29. Letter from occupier of 46 Upper Grosvenor Street, dated 17 August 2016
30. Letter from occupier of 37 Upper Brook Street, dated 16 August 2016
31. Letter from Eaton House Property Management, 39-40 Upper Grosvenor Street, dated 20 September 2016

Selected relevant drawings

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

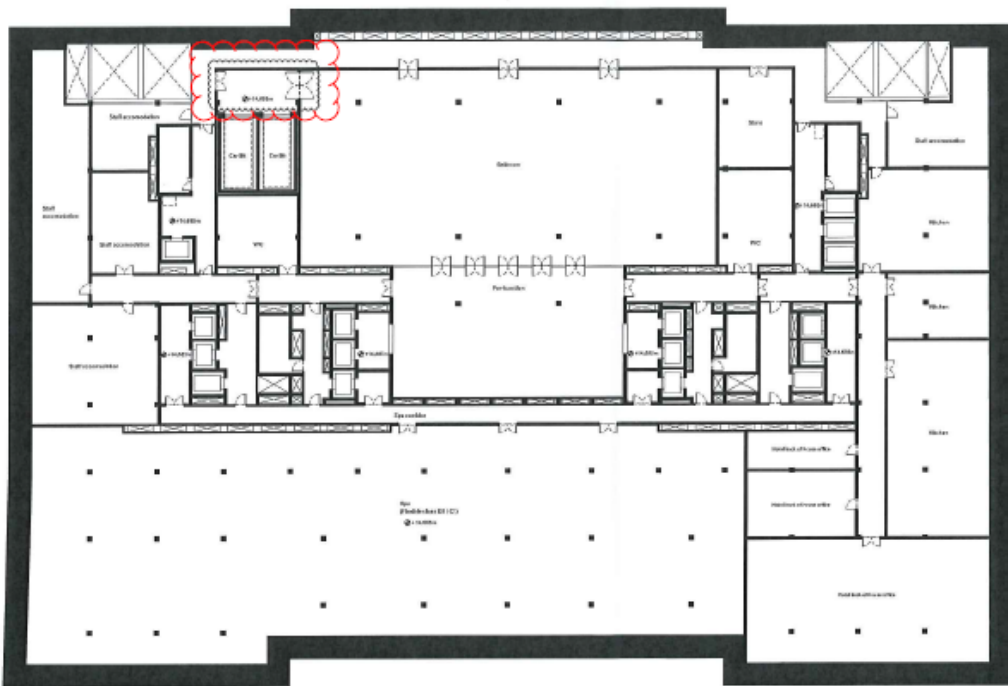
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

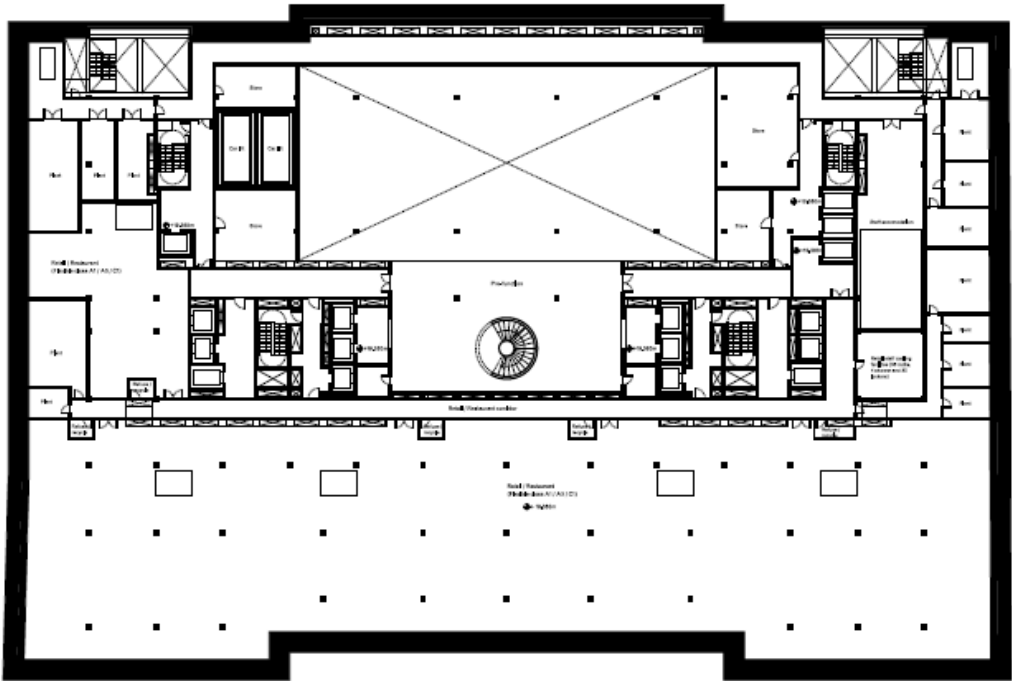
Proposed basement level 3



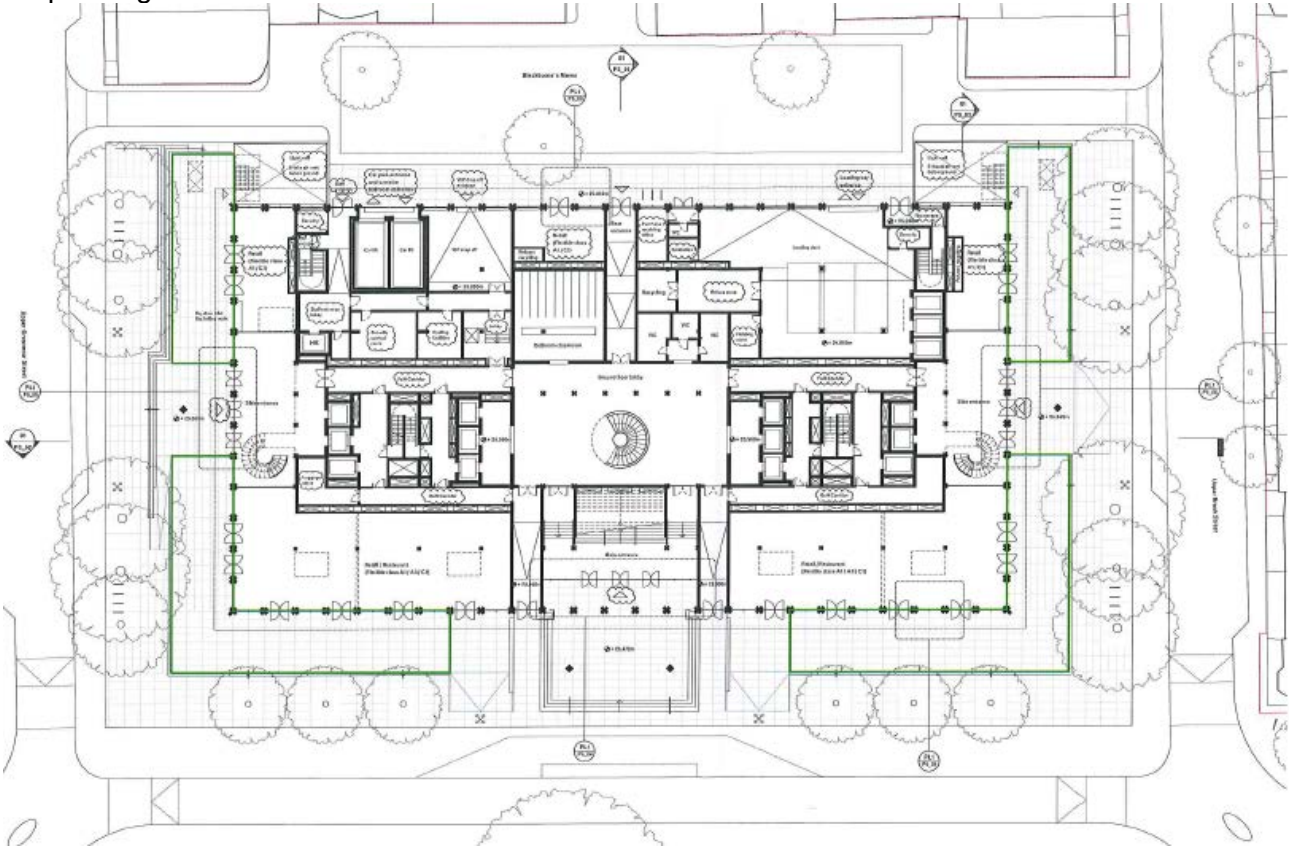
Proposed basement level 2



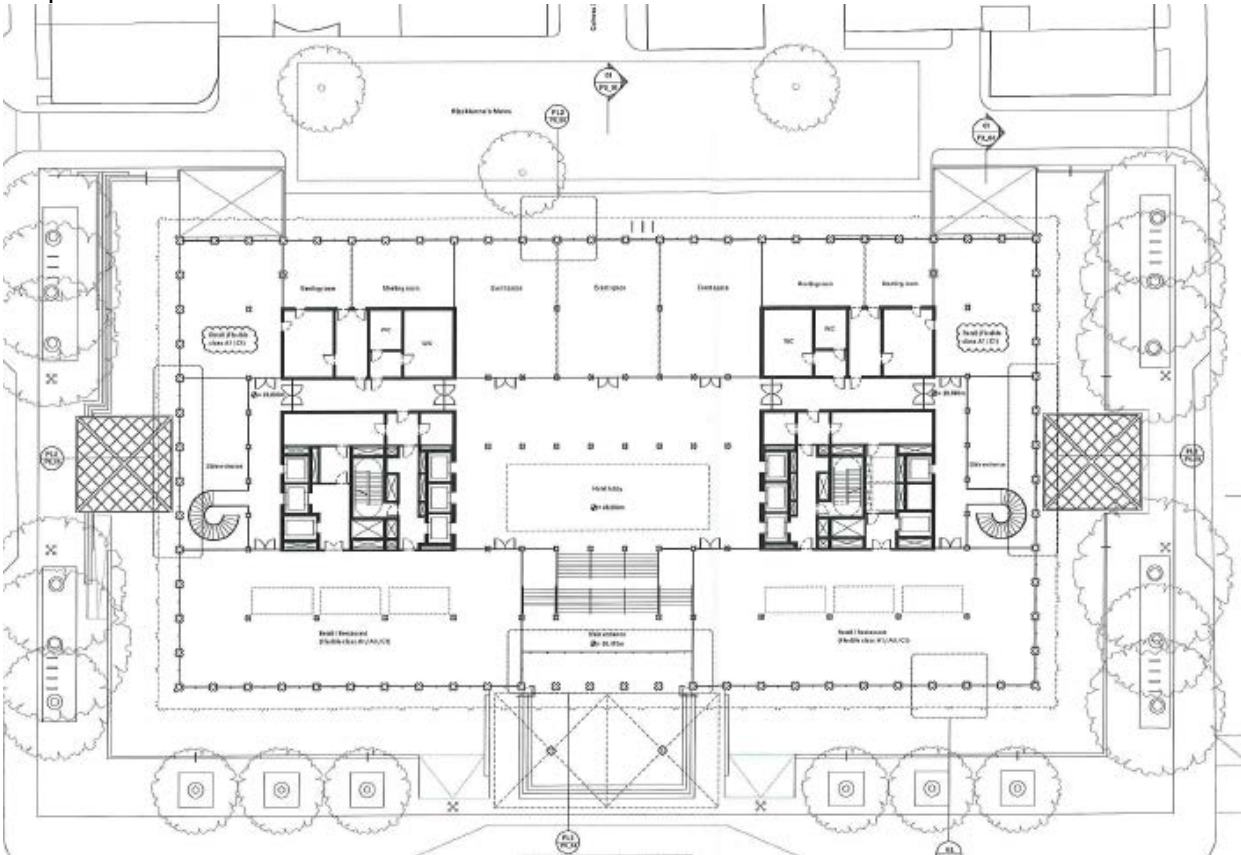
Proposed basement level 1



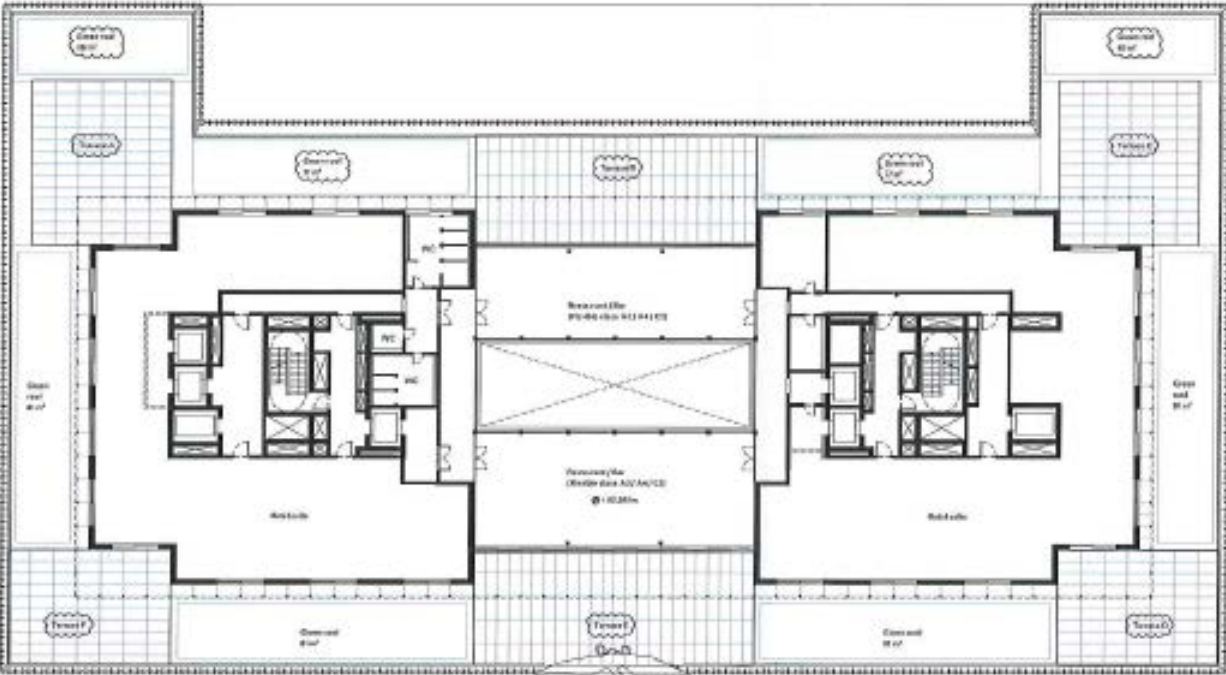
Proposed ground floor



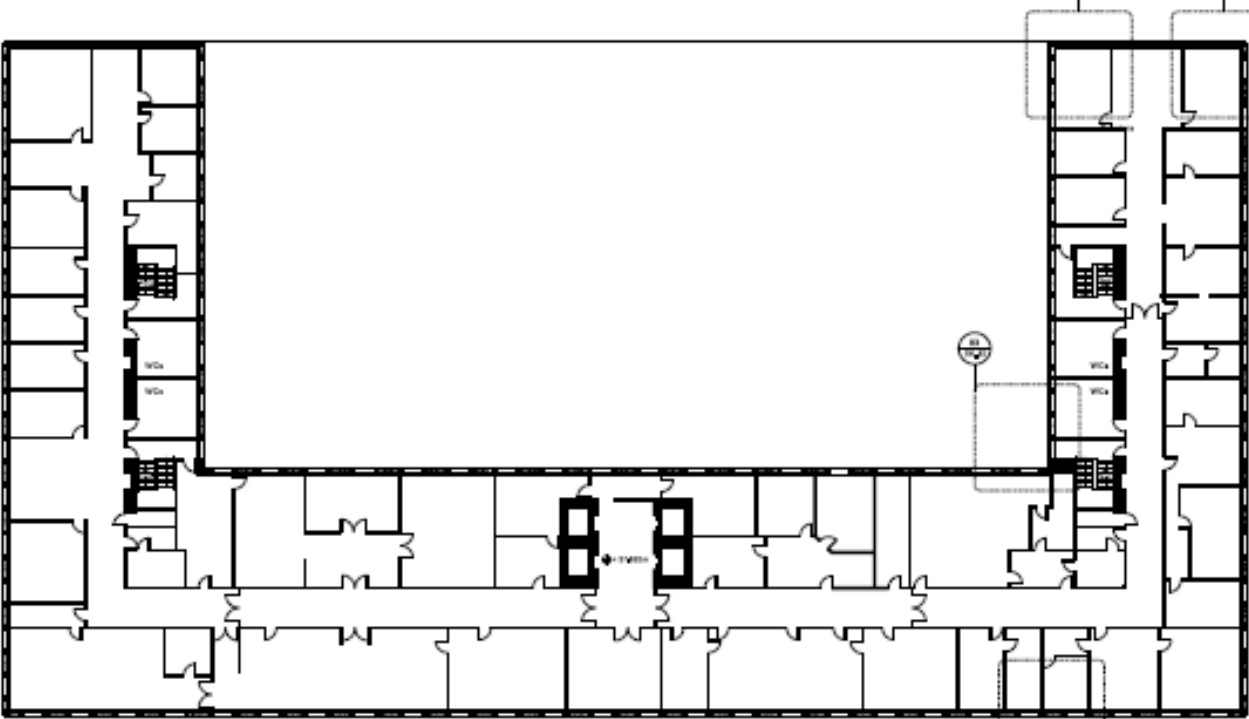
Proposed first floor



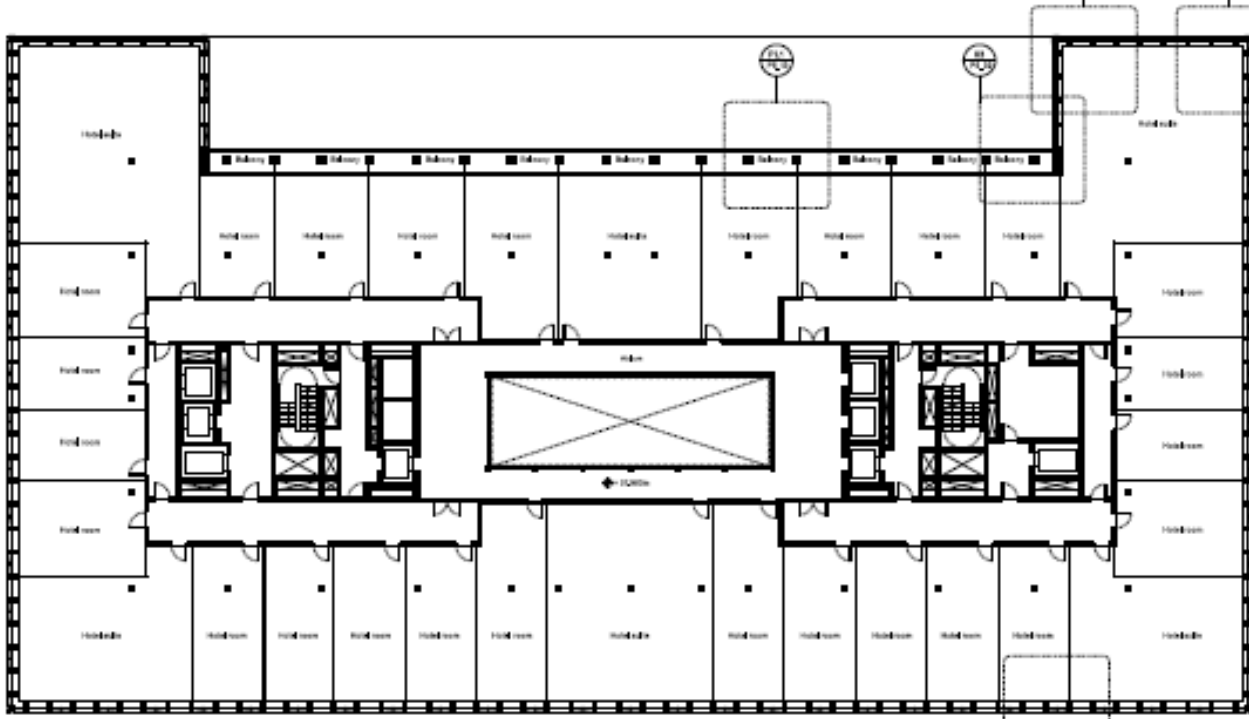
Proposed seventh floor



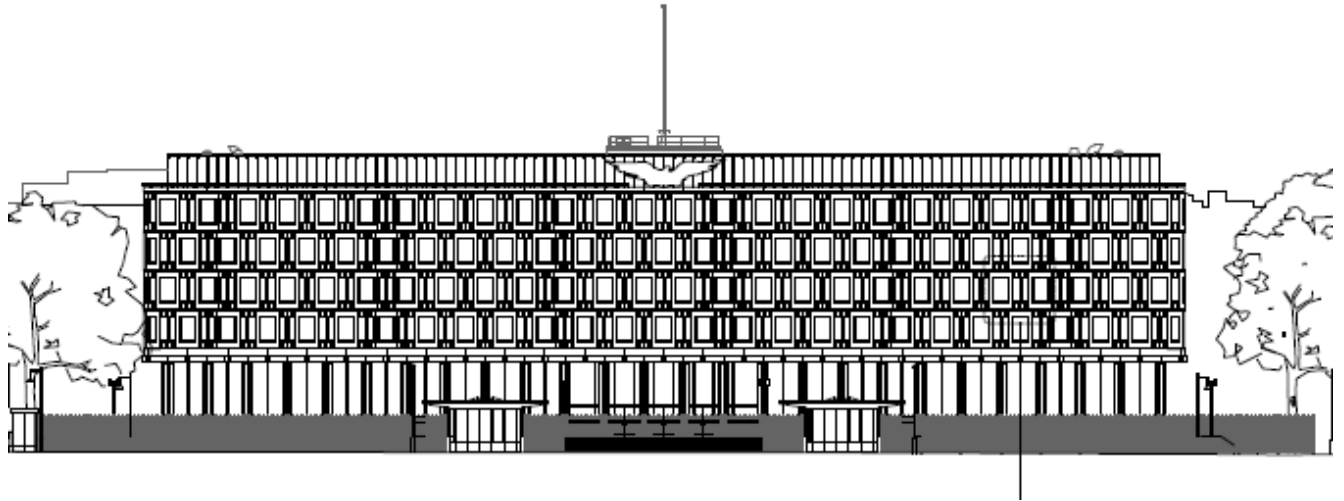
Typical upper floor (third) existing



Typical upper floor (third) proposed



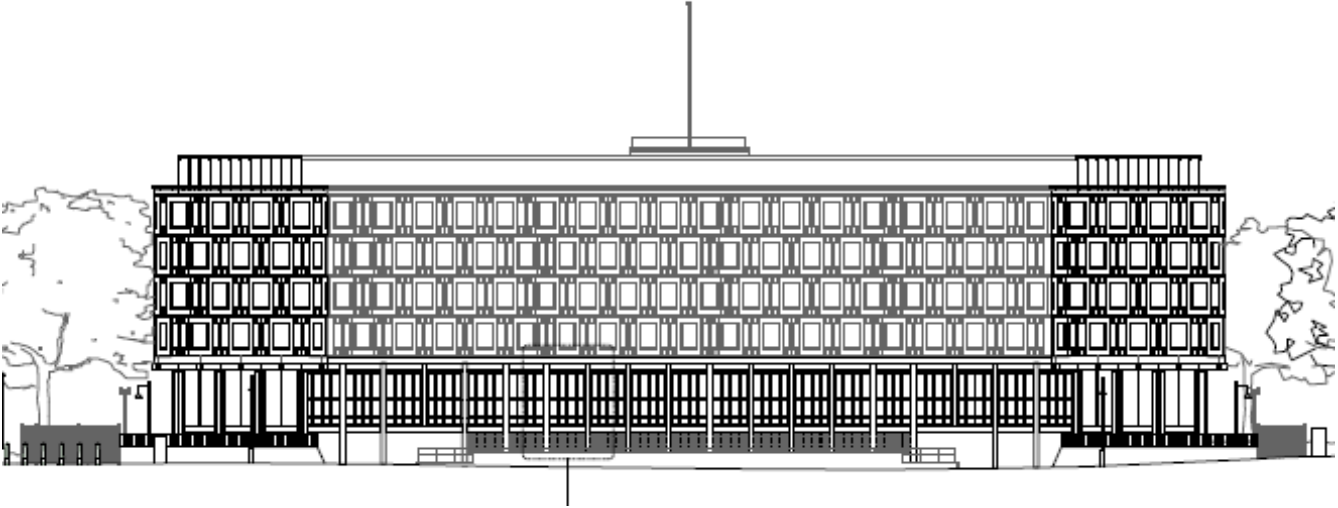
Existing Grosvenor Square façade



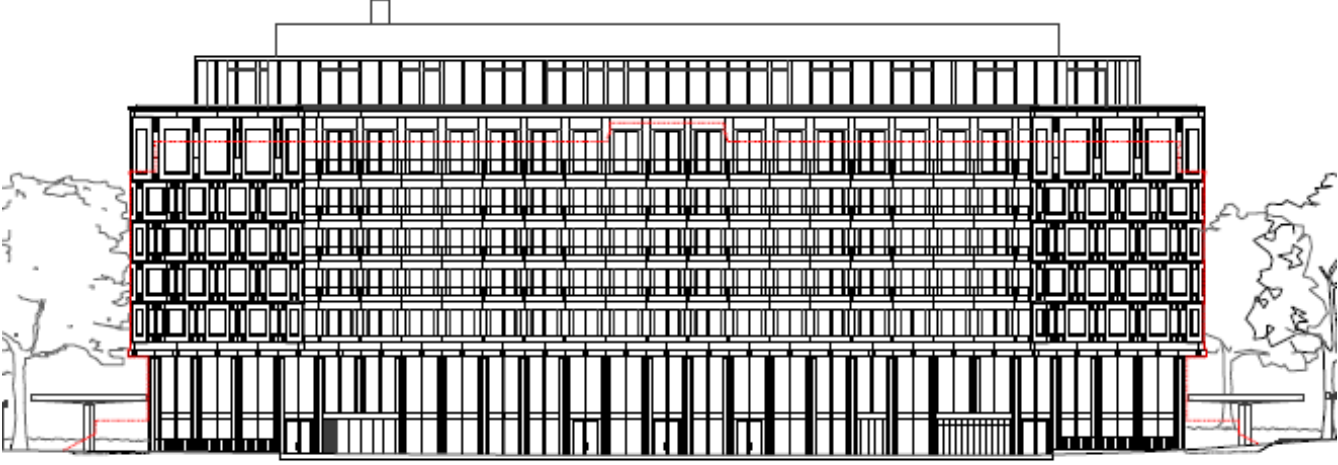
Proposed Grosvenor Square façade



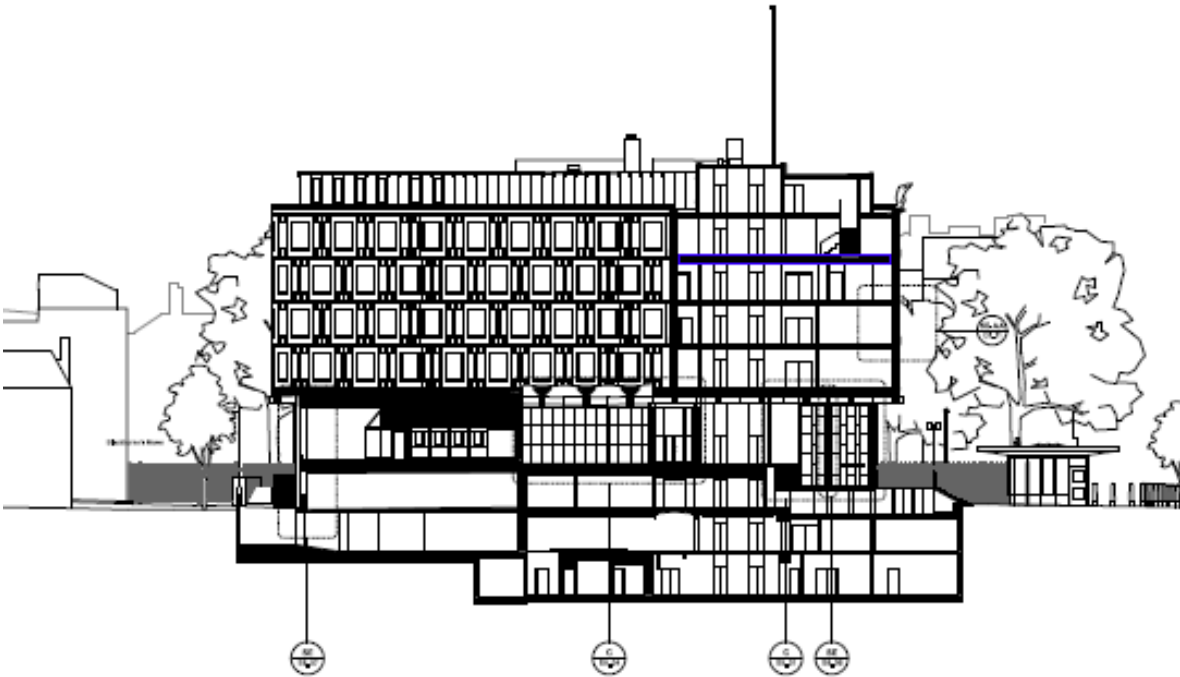
Existing Blackburne's Mews façade



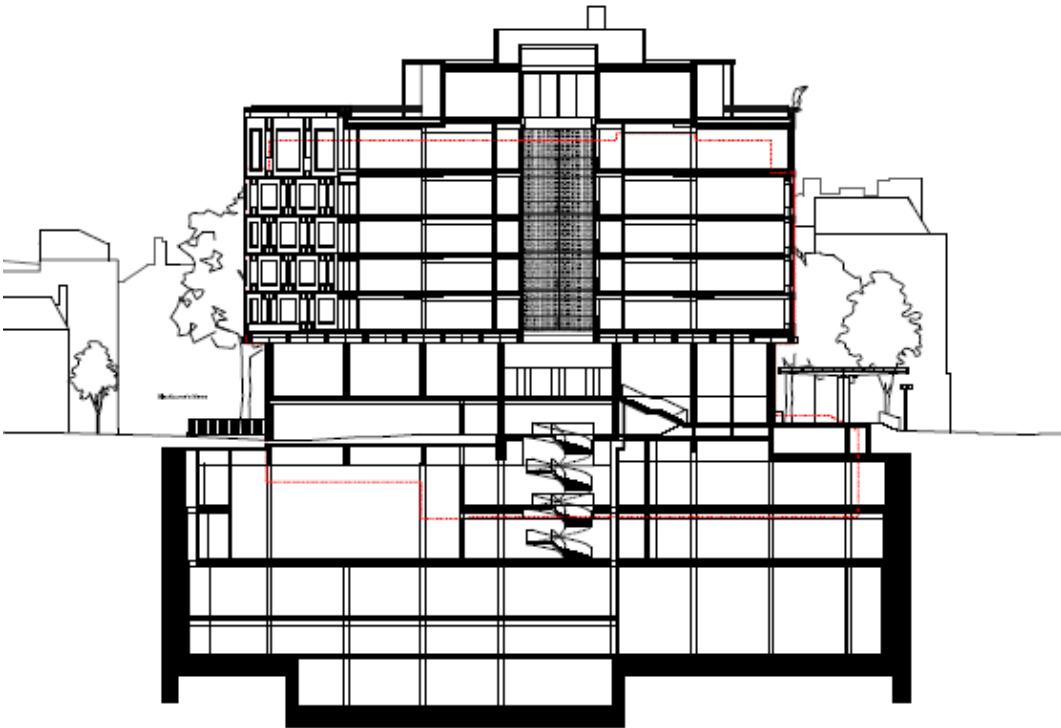
Proposed Blackburne's Mews façade



Existing section A



Proposed section A



DRAFT PLANNING DECISION LETTER

Address: American Embassy, 24-31 Grosvenor Square, London, W1A 1AE,

Proposal: 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 glaxis & 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.

Reference: 16/06423/FULL

Plan Nos: Existing: Location Plan 1120_P_EO_00 and Site Plan 1120_P_EO_01;; Proposed: 1120_P_PO_01 Rev 01, 1120_P_P1_00 Rev 02, 1120_P_P1_01 Rev 01, 1120_P_P1_02, 1120_P_P1_03, 1120_P_P1_04, 1120_P_P1_05, 1120_P_P1_06, 1120_P_P1_RF, 1120_P_P1_B1, 1120_P_P1_B2 Rev 01, 1120_P_P1_B3M, 1120_P_P1_B3, 1120_P_P1_B4, 1120_P_P3_01, 1120_P_P3_02, 1120_P_P3_03, 1120_P_P4_01, 1120_P_P4_02, 1120_P_P4_03, 1120_P_P4_04, 1120_P_P4_05, 1120_P_P6_01, 1120_P_P6_02, 1120_P_P6_03, 1120_P_P6_04, 1120_P_P6_05, 1120_P_P6_06, 1120_P_P6_07, 1120_P_P6_08, 1120_P_P6_11, 1120_P_P6_13, 1120_P_P6_15, 1120_P_P6_21, 1120_P_P6_31, 1120_P_P6_32, 1120_P_P6_33.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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 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 S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings and/or full particulars of the following parts of the development - , , 1. Typical external details of extensions (all levels) , 2. Alterations at ground floor level including shopfronts and signs , , 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. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 You must apply to us for approval of the management plans dealing with the following parts of the

development - a strategy for shopfronts and signs. 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. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 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 S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 8 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 9 **Pre Commencement Condition.** Notwithstanding what is shown on the approved plans, you must apply to us for approval of detailed drawings and supporting information showing the following alterations to the scheme: replacement of the low level kitchen extract system to get rid of all cooking smells, with a ventilation system that discharges all cooking fumes at roof level, including details of how it will be built and how it will look. You must not begin any works allowed by this permission until we have approved what you have sent us. You must then carry out the work according to the approved details and thereafter permanently maintain the high level extraction.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 11 (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 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 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 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 L A90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the

noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

- 12 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within any of the uses 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 by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within any of the uses 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 by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;,, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;,, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;,, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;,, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), 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.

- 13 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 14 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 11 of this permission. You must not commence any of the uses approved in the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (July 2016), by contributing to reducing excessive ambient noise levels.

- 16 You must provide the following features to ensure that the development can achieve air quality 'neutral', as set out in your application: a catalytic convertor to the combined heat and power (CHP) unit. This must be fitted before any of the uses hereby approved commence and you must then not remove this feature (except if replaced with alternative equipment that achieves the same or better air quality).

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 17 In the event that the units at 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 area at seventh floor level designated as 'Restaurant/Bar (Flexible Class A3/A4/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 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.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (July 2016).

- 18 Customers shall not be permitted within the retail units at rear ground and first floor levels (fronting Blackburne's Mews) before 07.00 hours or after 23.00 hours each day.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 Customers shall not be permitted within the retail/restaurant units at front ground and first floor levels (fronting Grosvenor Square), including the retail/restaurant floorspace at basement level, before 06.00 hours or after 00.00 hours midnight each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 20 Non-hotel guests shall not be permitted within the bar/restaurant at seventh floor level (or any similar facilities providing food and beverages that are created within the hotel in the future) at the following times: before 06.00 hours or after 02.00 hours.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 21 The terraces at seventh floor level shall not exceed the areas shown on drawing number 1120_P_P1_07 Rev 02. Terraces A, C, D and F shall only be used in connection with the adjoining hotel suites and shall not be used in connection with the Restaurant/Bar at this level. In the event that Terrace B is used by customers of the Restaurant/Bar, it shall only be used between 07.00 and 23.00 hours.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 22 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes Order) 1987 (as amended or any equivalent class in any order that may replace it), the retail accommodation hereby permitted shall not be used as a food supermarket or similar food outlet.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 23 Departures from any functions in the hotel ballroom after midnight or before 07.00 hours shall be via the main hotel entrance on the Grosvenor Square frontage only, and not from any of the entrances on Blackburne's Mews, Upper Brook Street or Upper Grosvenor Street (except in cases of emergency).

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 24 You must apply to us for approval of an updated management plan to show how you will prevent customers who are leaving the building (all uses) from causing nuisance for people in the area, including people who live in nearby buildings. You must not start any of the uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is in use. (C05JB)

Reason:

To make sure that the uses will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 8-10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 25 Notwithstanding what is shown in the submitted proposals, you must apply to us for approval of a revised strategy for managing VIPs arriving at and departing from the building that completely avoids the use of Blackburne's Mews. You cannot commence any of the uses within the development until we have approved what you have sent. The building must then be used in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 26 **Pre Commencement Condition.** No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and , , a) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;, , b) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To protect the heritage of the City of Westminster as set out in S25 of Westminster's City Plan (July 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 27 **Pre Commencement Condition.** You must apply to us for approval of a combined construction management plan/method statement explaining the measures you will take to protect the trees on and close to the site that are to be retained. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 28 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within six months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 29 You must plant new trees to replace those which are shown to be removed or transplanted or 'assessed for relocation' on drawing P2007114 rev 04 26/05/16. The replacement trees must be planted no later than the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 30 With regard to the retained trees around the development site:, , (a) You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the supervision schedule. You must apply to us for our approval of the details of such supervision including:, o identification of individual responsibilities and key personnel., o induction and personnel awareness of arboricultural matters., o supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., , You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule., , (b) You must produce written site supervision reports as detailed in part (a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To protect the trees and the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 31 You must provide the waste store shown on the approved drawings before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using any part of the building. You must store waste inside the property and only put it outside just before it is going to be collected. No waste shall be left or stored outside of the property (either on public highway or private forecourt areas). You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 32 All windows at rear first floor level on the Blackburne's Mews frontage shall be kept permanently closed. All openings at rear ground floor level shall be kept closed when not in use, including the doors to the service bay and the car lifts.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 33 The flat roof at rear second floor level fronting Blackburne's Mews must not be used for sitting out or for any other purpose except as an escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 34 You must not use any part of the development until we have approved appropriate arrangements to secure the following., a) the removal of the security fences, security huts, gates, raised planters and bollards surrounding the site and situated within Grosvenor Square, Blackburne's Mews and Culross Street;; b) All associated costs for the re-introduction of vehicular traffic on the west side of Grosvenor Square (to be implemented prior to the occupation of any part of the development);, c) All associated costs for highway works immediately surrounding the site required for the development to occur, including alterations of vehicle crossovers in Blackburne's Mews, and associated works (to be implemented prior to the occupation of any part of the development);, d) the relocation of the statues of President Reagan and President Eisenhower and associated works, subject to securing separate planning permission;; e) management and maintenance of the car lifts;; f) a contribution of £207,000 towards the Council's carbon offset fund. , , In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (July 2016) and in TRANS 18 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 35 You must provide the access for people with disabilities as shown on the approved drawing(s) and as

outlined in the Design and Access Statement dated June 2016 ('Revised Chapter 17', issue date '16.10.28') before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 36 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 37 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 38 You must apply to us for approval of an updated Servicing Management Plan (SMP) that takes account of all the uses in the development. The plan must identify the process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing coach party arrivals and departures. You must not commence any of the uses hereby approved until we have approved what you have sent us. The SMP must thereafter be maintained and followed by the occupants for the life of the development, unless a revised strategy is approved (in writing) by the Local Planning Authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 39 The car parking spaces shown on the approved drawings shall only be used for car parking for hotel guests and ancillary users uses in the development and for no other commercial use.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R22AB)

- 40 A minimum of 20% of the car parking spaces in the basement car park shall be provided with electric vehicle charging points available for use prior to the commencement of the hotel use and thereafter maintained in working order.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 41 You must apply to us for approval of a vehicle signalling system for the car parking/lift. You cannot commence the hotel use until we have approved what you have sent us and thereafter it must be maintained in working order for the life of the development.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 42 All vehicles must enter and exit the site in forward gear.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 43 All structures (canopies, etc) should maintain a 2.6 metres vertical clearance from the footway highway surface at all times. No canopy structure should extend within 1 metre of the highway carriageway.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 44 The area designated as 'Loading Dock' at rear ground floor level must be used only for parking, access, loading, unloading and manoeuvring for vehicles servicing the development and for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 45 All servicing must take place between 07.00 and 18.00 hours on Monday to Saturday and between 10.00 and 17.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles, including any activities associated with the hotel ballroom, and collection of rubbish.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 46 You must apply to us for approval of a management plan (with detailed drawings of the proposed layouts) dealing with the use of external seating areas, including details of all types of furniture, the number of seats, tables and other items and where they are to be stored when not in use. The area to be used for outdoor seating shall not exceed the areas shown on drawing number 1120_P_P1_00 Rev 02. You can only put the tables and chairs on the forecourt areas between 07.00 and 23.00 hours. The outdoor seating shall not commence until we have approved what you have sent us. and must then be managed according to what we have approved.

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007, and to make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable and that no additional furniture, equipment or screening is placed on the forecourt to the detriment of the character and appearance of the area and adjacent listed building. This is as set out in TACE 11 and DES 7 of our Unitary Development Plan that we adopted in January 2007.

- 47 You must provide the environmental sustainability features (environmentally friendly features) detailed in the 'Energy strategy' dated June 2016 and 'Sustainability appraisal' dated June 2016 before you start to use any part of the development. You must not remove any of these features, except where they are to be replaced with new equipment that matches or exceeds the environmental benefits of the original features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (July 2016). (R44AC)

- 48 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs at rear second floor and at seventh floor levels, 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.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 49 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.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order 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.

- 50 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a

maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

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 Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, 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 Under condition 34, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure the items listed in condition 34 as set out in the application submission. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
- 3 You must ensure that the details you submit to satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction.
- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 5 Condition 27 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of: , * the order of work on the site, including demolition, site clearance and building work; , * who will be responsible for protecting the trees on the site; , * plans for inspecting and supervising the tree protection, and how you will report and solve problems; , * how you will deal with accidents and emergencies involving trees; , * planned tree surgery; , * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development; , * how you will remove existing surfacing, and how any soil stripping will be carried out; , * how any temporary surfaces will be laid and removed; , * the surfacing of any temporary access for construction traffic; , * the position and depth of any trenches for services, pipelines or drains, and how they will be dug; , * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed; , * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site; , * the place for any bonfires (if necessary); , * any planned raising or lowering of existing

ground levels; and , * how any roots cut during the work will be treated.

DRAFT LISTED BUILDING DECISION LETTER

Address: American Embassy, 24-31 Grosvenor Square, London, W1A 1AE,

Proposal: Alterations to the existing building at 30 Grosvenor Square including retention and repair of the front and side façades, part demolition and replacement of the rear façade, rear extension of the second to fifth floors, removal of existing and introduction of a new sixth floor, introduction of a new set-back seventh floor, extension of the existing basement levels to include two additional basement levels (including one mezzanine level), replacement of all windows with double glazing, installation of roof plant and plant screen; internal reconfiguration and refurbishment works including extension of the diagrid and removal in part, replacement of internal ground and first floor columns and slab, part replacement of the second floor slab and replacement of third and fourth floor slabs and internal remodelling of front and side entrances; external works including removal of the glaxis and balustrade, reconfiguration of front and side entrances and steps and addition of canopies over each entrance and relocation of Eagle sculpture to centre of the front elevation of new sixth floor (all in connection with the use of the building as a hotel use and associated facilities).

Reference: 16/06463/LBC

Plan Nos: Existing: Location Plan 1120_P_EO_10 and Site Plan 1120_P_EO_11;, Demolition: , 1120_P_D0_01, 1120_P_D1_00, 1120_P_D1_01, 1120_P_D1_02, 1120_P_D1_03, 1120_P_D1_04, 1120_P_D1_05, 1120_P_D1_06, 1120_P_D1_RF, 1120_P_D1_B1, 1120_P_D1_B2, 1120_P_D2_01, , 1120_P_D3_01, 1120_P_D3_02, 1120_P_D3_03, 1120_P_D4_01, 1120_P_D4_02, 1120_P_D4_03, 1120_P_D4_04, 1120_P_D4_05, 1120_P_D4_11, 1120_P_D4_13, 1120_P_D4_14, 1120_P_D6_01, 1120_P_D6_02, 1120_P_D6_03, 1120_P_D6_04, 1120_P_D6_05, 1120_P_D6_06, 1120_P_D6_07, 1120_P_D6_08, 1120_P_D6_11, 1120_P_D6_31, 1120_P_D6_32, 1120_P_D6_33, 1120_P_D6_51, 1120_P_D6_53, 1120_P_D6_54., , Proposed: 1120_P_PO_01 Rev 01, 1120_P_P1_00 Rev 02, 1120_P_P1_01 Rev 01, 1120_P_P1_02, 1120_P_P1_03, 1120_P_P1_04, 1120_P_P1_05, 1120_P_P1_06, 1120_P_P1_RF, 1120_P_P1_B1, 1120_P_P1_B2 Rev 01, 1120_P_P1_B3M, 1120_P_P1_B3, 1120_P_P1_B4, 1120_P_P3_01, 1120_P_P3_02, 1120_P_P3_03, 1120_P_P4_01, 1120_P_P4_02, 1120_P_P4_03, 1120_P_P4_04, 1120_P_P4_05, 1120_P_P6_01, 1120_P_P6_02, 1120_P_P6_03, 1120_P_P6_04, 1120_P_P6_05, 1120_P_P6_06, 1120_P_P6_07, 1120_P_P6_08, 1120_P_P6_11, 1120_P_P6_13, 1120_P_P6_15, 1120_P_P6_21, 1120_P_P6_31, 1120_P_P6_32, 1120_P_P6_33.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

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 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 S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings and/or full particulars of the following parts of the development - , , 1. Typical external details of extensions (all levels) , 2. Alterations at ground floor level including shopfronts and signs , 3. Entrance lobbies north and south showing reuse of existing materials , , 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. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either: , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. , You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

- 7 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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 March 2012, the London Plan March 2016, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, 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 character of this building of special architectural or historic interest. , In reaching this decision the following were of particular relevance: , S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.