

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 14 February 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	22 -23 Hanover Square, London, W1S 1JA,		
Proposal	Demolition and redevelopment to provide a new building on three basement levels, lower ground, ground and first to ninth/eleventh floors to provide a hotel with ancillary bars / restaurants / leisure facilities and private dining / meeting rooms (Class C1), up to 81 residential units (Class C3), flexible / alternative restaurant (Class A3) / hotel restaurant (Class C1) / retail (Class A1) use on part ground and part lower ground floors, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Brook Street and associated works.		
Agent	DP9		
On behalf of	Eros Limited		
Registered Number	16/07404/FULL	Date amended/ completed	1 September 2016
Date Application Received	3 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

For Committees' views

1. Does the Committee consider, in view of the previous scheme which provided 41 flats and delivered £12m of S106 contributions for affordable housing and public realm improvements, that the applicant's total proposed contribution of £12m for affordable housing, public realm improvements and CIL (£2,476,452) is acceptable?

2. If so, does the Committee still consider that, as previously, £2m should be directed to public realm improvements, or should the entire sum remaining after the CIL payment is deducted (i.e. £9,523,548) be directed to the City Council's affordable housing fund?

3. Subject to 1 and 2 above and referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:

i) a contribution of either: (a) £9,523,548 towards the City Council's affordable housing fund (index

linked and payable upon commencement of development) or (b) a contribution of £7,523,548 towards the City Council's affordable housing fund (index linked and payable upon commencement of development) and £2m towards public realm improvements in Hanover Square.

ii) costs relating to highways works around the site to facilitate the development (including creation of a relocated crossover)

iii) provision of unallocated residential parking

iv) lifetime car club membership (minimum 25 years) for each residential unit payable on first occupation

v) A lift management and maintenance plan

vi) an employment and training opportunities strategy

vii) monitoring costs

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:

a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The existing, unlisted, office building dates from the 1920s and occupies a prominent site on the south-west corner of Hanover Square, within the Mayfair Conservation Area. Permission was granted on 29 April 2016 for the redevelopment of the site to provide a new building, comprising a single block, on three basements, lower ground, ground and first to ninth floors, to provide a hotel with ancillary drinking/dining and leisure facilities, a flexible restaurant (Class A3)/retail shop (Class A1) or ancillary hotel dining space (Class C1) on part lower ground/part ground floors, up to 41 market flats and residents' parking (41 spaces) and ancillary hotel accommodation in the basements. Permission is now sought for a revised scheme in the form of two, linked, blocks above ground level rising to eleventh floor level at the rear. Proposals for the hotel and flexible Class A3/A1/C1 space are similar to those approved. However, the development would provide 81 flats and basement parking for 40 cars.

The key issues for consideration in this case are:

* The impact of the proposed building on the townscape and the character and appearance of the Mayfair Conservation Area.

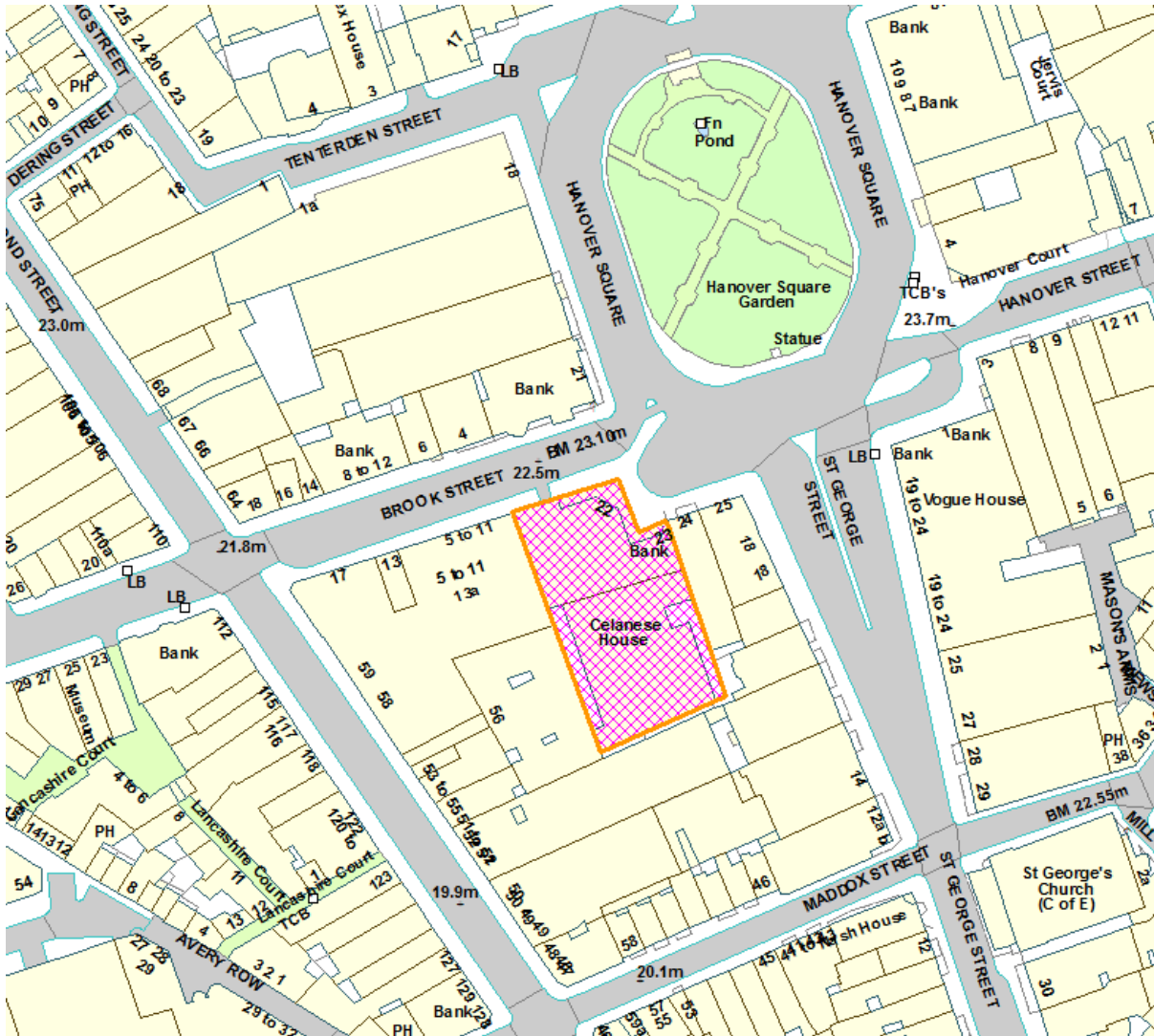
* The acceptability of the scheme in land use terms.

Whilst the existing building contributes to the character and appearance of the conservation area, the replacement building, which is similar in term of its detailed appearance to the approved development, is considered to be an innovative design and improves the site's relationship with neighbouring listed buildings. These benefits are considered to outweigh concerns about the increased building height at the rear of the site. The proposed mix of uses is considered appropriate to the Core Central Activities Zone and, subject to conditions, the proposals are considered acceptable in amenity and highways terms.

The development is generally considered acceptable in land use terms. The applicants have submitted a viability report which concludes that the development could not support the provision of any on-site affordable housing, which is accepted, nor any financial contribution to the City Council's affordable housing fund in lieu of on-site provision. Based upon the increase in residential floorspace the policy compliant affordable housing contribution would be £15,673,000. The applicant has now offered an affordable housing contribution of £7,523,548 (which is the £10M secured under the previous permission less the Westminster CIL) plus, as secured under the approved scheme, £2M towards public realm improvements in Hanover Square. However, as previously, officers consider that this public realm contribution is not necessary to make the scheme acceptable in planning terms and, therefore, does not meet the tests relating to planning obligations. In addition, there is no policy which enables affordable housing contributions to be diverted to finance public realm improvements. Consequently, it is considered that the proposed public realm contribution should be added to the affordable housing fund (total £9,523,548). Notwithstanding this, the City Council's viability consultant considers that the scheme could support a £12M affordable housing contribution in addition to the Westminster CIL (total £14,476,452).

Given that the approved scheme is similar to the approved development, but provides a significant number of additional flats, and in view of the package of s106 planning obligations secured under the extant permission, the Committee's views are sought as to the acceptability of the applicant's proposed offer and to the principle of diverting £2m towards public realm improvements.

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



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Development considered acceptable in principle, subject to conditions. The maximum affordable housing contribution should be secured. See TfL comments in relation to parking and highways issues.

CROSSRAIL

No objection subject to safeguarding conditions

LONDON UNDERGROUND LIMITED

Any response to be reported verbally

TRANSPORT FOR LONDON

The level of car parking provision is excessive (based on 44 spaces), a car-free scheme should be considered; each wheelchair accessible home should be provided with a blue badge space and electric vehicle charging points. Cycle parking provision should accord with London Plan standards and staff cycle facilities (including showers) should be provided. Delivery and Service and Construction Logistics Plans should be secured. Council should consider further enhancements to the Hanover Square public realm scheme as part of the s106 agreement.

THAMES WATER

Request conditions and informatives regarding safeguarding of the subsurface sewerage infrastructure and drainage.

HISTORIC ENGLAND subject to conditions

Council to determine as it thinks fit

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions

RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

CLEANSING

Objection – refuse storage arrangements indicated on plans are inadequate, revised details required. Bins should be marked for general waste, food waste and recycling in accordance with adopted protocols.

HIGHWAYS PLANNING

Level of parking provision acceptable subject to appropriate mitigation measures; cycle parking provision acceptable. Provision of a single car lift could lead to vehicles queuing on highway. A Servicing Management Plan is required to demonstrate that development can be serviced without detriment to the operation of the highway.

ENVIRONMENTAL HEALTH

No objections subject to conditions, including those requiring the submission of additional information relating to plant noise and noise transmission through the building structure;

and operational controls on the hotel and entertainment uses and compliance with the Code of Construction Practice.

AFFORDABLE HOUSING SUPPLY MANAGER

The scheme should deliver the maximum viable affordable housing contribution

METROPOLITAN POLICE (DESIGNING OUT CRIME)

General advice regarding security measures

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 223

Total No. of replies: 2

No. of objections: 1

No. in support: 0

Light to art viewing gallery in neighbouring offices must be protected

Noise disturbance and loss of privacy to local residents during the course of construction; impact of construction traffic on noise, local highway network and access to the area; area has already been affected by construction works associated with the Crossrail development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site, known as Celanese House, is an unlisted building located on the south-west corner of Hanover Square at its junction with St George Street and Brook Street. The building is located within the Mayfair Conservation Area and the Core Central Activities Zone. The site adjoins a listed building at 24 Hanover Square, is at the rear of listed buildings at 14, 15, 16 and 17 St. George Street and opposite those at 20 and 21 Hanover Square. With the exception of nos. 15 St. George Street and 20 Hanover Square (Grade II*), all these neighbouring buildings are Grade II listed.

The building was purpose-built as offices in the 1920s. It has Portland stone facades to the front and glazed brick to the rear. The building was extended at the rear in the 1930s and a seventh floor added in the 1950s. The accommodation comprises basement, ground and seven upper floors, with a roof level plant room. The building steps back on fifth, sixth and seventh floors, providing a series of terraces. A ground floor parking/servicing area is accessed from Brook Street, and provides 10 parking spaces. A secondary means of escape, from offices in the neighbouring Fenwicks store, runs across the site.

The building is currently sub-let to a serviced office provider whose lease expires in March 2017.

Hanover Square is characterised by commercial uses - principally large office buildings with retail and restaurant uses at street level and some residential flats on the upper floors. The Fenwick department store and neighbouring commercial buildings are located immediately to the west of the site on Brook Street/New Bond Street. The buildings to the east and south are in office/commercial use, with the exception of a national embassy at 16 St George Street.

Oxford Circus and Bond Street underground stations are in close proximity. The new Bond Street West Crossrail station entrance, with over- station development, is under construction on the opposite side of Brook Street. A number of other sites on the square are also under development or have been recently completed, including those at 5 Hanover Square, 7-10 Hanover Square/Princes Street and 18-20 Hanover Square (Crossrail), all of which include new flats.

Records indicate that the nearest residential properties are the two flats on the top floors of 21 Hanover Square, flats on the upper floors of each of the buildings at 46-58 Maddox Street (which are separated from the application site by offices comprising the rear part of office developments on New Bond Street and St George Street), and five flats on the upper floors of 25-27 St George Street.

6.2 Relevant History

29 April 2016: Permission granted for demolition of the existing building and the erection of a new building on three basement levels, lower ground, ground and first to ninth floors to provide a hotel (51 rooms) with ancillary bar/lounge/restaurant/gym/ swimming pool and private dining rooms/meeting rooms (Class C1), up to 41 self- contained flats with terraces at sixth and eighth floor levels; a flexible/alternative restaurant (Class A3)/hotel restaurant (Class C1)/retail (Class A1) use on part ground and part lower ground floors; basement car parking (41spaces) and cycle parking, plant at basement and roof levels; creation of living roof and installation of photovoltaic panels, alterations to existing access on Brook Street and associated highway works. This permission was subject to a s106 legal agreement to secure:

- i) a contribution of £10M towards the City Council's affordable housing fund (index linked and payable upon commencement of development)
- ii) a contribution of £2M towards public realm improvements in Hanover Square
- iii) compliance with the City Council's Code of Construction Practice and submission of a SEMP (Site Environmental Management Plan) with an annual cap of £32,000.
- iv) costs relating to highways works around the site to facilitate the development (including creation of a relocated crossover).
- v) provision of unallocated presidential parking
- vi) monitoring costs

This permission has not been implemented.

7. The Proposal

Permission is, now sought for the demolition of the existing buildings and for the redevelopment of the site to provide a 5* boutique hotel, incorporating restaurant/bar/lounge areas, with a flexible hotel/retail/restaurant use on part ground/part lower ground floor, 50 hotel bedrooms and up to 81 flats.

The approved scheme provided accommodation in a single block, rising up to ninth floor level. From first floor level, the proposed building would comprise two separate blocks, linked by a central lift /stair core, rising to ninth floor level at the front of the site and up to eleventh floor level at the rear. Additional plant enclosures would be sited on the rear roof, surrounded by an area of green roof. A new communal (residential) roof terrace would be provided on the front block, also enclosed by an area of green roof.

The proposed building layouts are similar to those under the approved scheme. Three new basements would be excavated providing residential parking (40 cars on levels B2 and B3 accessed via a single car lift on the Brook Street frontage), 152 cycle spaces, plant rooms, refuse stores and back of house accommodation for the hotel. A hotel gym/spa and pool and additional back of house hotel accommodation, would be located at first basement level (B1)

The lower ground floor (existing basement level) would provide the hotel reception, bars and dining areas, adjacent to an internal courtyard. Additional back of house facilities, refuse stores, private dining rooms/meeting rooms and the lower level of the proposed flexible (Class A1, A3, C1) unit would also be located on this floor.

The hotel entrance is located adjacent to 24 Hanover Square and takes the form of a gated, covered, public walkway. A “front of house” area would lead to separate hotel and residential lobbies/cores, and provides access to the access to a double height, hotel courtyard below, with stairs and a lift provide access to the public bars and dining areas. The main access would be gated at night, providing secure access for residents and hotel guests only.

The ground floor frontage would be occupied by the upper floor of the “flexible” unit which would operate as either as a hotel restaurant, an independent restaurant (Class A3), or as retail shop. The residential car lift and hotel servicing/goods access are located on the westernmost part of the Brook Street frontage. The servicing access would also serve as the reconfigured escape route from the adjacent Fenwicks store.

All hotel bar, dining and spa facilities would be open to the general public and would also be available to occupants of the new flats.

Hotel bedrooms would be provided at rear ground to fifth floors. Flats would be provided in the front block and on the sixth to eleventh floors at the rear. Some flats would benefit from private terraces and new a communal terrace for residents is now proposed on the front roof.

As previously, the application is referable to the Mayor as the new building would be more than 30m tall.

The current application has been revised to:

- delete alternative proposals for the use of the fifth floor rear as either a hotel bedrooms or flats.
- omit one of two car lifts to provide a single car lift with a consequent reduction in the width of the pavement crossover. The car lift has also been set further back from the site boundary. The second car lift is replaced with a goods lift. This arrangement increases the length of the active building frontage on Brook Street and has resulted in the reconfiguration of the parking layouts, reducing the number of spaces from 44 to 40.
- increase the provision of “back of house” hotel accommodation on all lower floors.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing, approved and proposed floorspace figures are set out in the tables below:

GEA	Existing m2	Approved m2	Proposed m2
Offices (B1)	11601	0	0
Residential (C3)	0	9948	9265
Hotel (C1)	0	6184	7429
Flexible A1/A3/C1	0	598	559
Parking/servicing, plant, refuse etc	692	2324	1756
Total	12,293	19054	19009

GIA	Existing m2	Proposed m2
Offices (B1)	11321	0
Residential (C3)	0	9766
Hotel (C1)	0	7002
Flexible A1/A3/C1	0	567
Parking		874
Total	11321	17335 16461 excl parking

8.1.1 Loss of offices

The proposal would result in the loss of 11,601 m2 (GEA) of office floorspace.

All applications submitted after 1 September 2015 which involved the replacement of offices with new residential floorspace, were determined in accordance with a 'presumption in favour of sustainable development', as required by national policy. This meant that within the Core CAZ (and in other specified locations) housing was no longer considered acceptable in principle where it resulted in the loss of office floorspace. The conversion of offices to alternative commercial floorspace remained acceptable. However, as the previous application was submitted prior to 1 September 2015, it was considered in the context of adopted UDP and City Plan policies. Consequently, there was no land use objection to the loss of office floorspace.

These emerging policies now form part of the revised City Plan (November 2016). Under policy S20, on sites within the Core CAZ, the replacement of office floorspace with residential floorspace will only be acceptable where the Council considers that the benefits of the proposals outweigh the contribution of the office floorspace, including the degree to which employment and housing targets are being achieved, the extent to which the office floorspace contributes to meeting Westminster's business and employment needs and the extent to which the mix of type, tenure and size of housing exceeds Westminster's needs. Where this is not met, due to site constraints/and or viability, the floorspace will be retained as B1 office floorspace. Other relevant considerations may relate to the significant benefit to the value of heritage assets and/or significant townscape improvements but these and any other benefits will be considered in the context of the priority to retain office floorspace.

As previously, the current application includes an assessment of the contribution of the existing building to the office market and the impact of the loss of office floorspace. It concludes that:

- there is limited demand for a large headquarters office building in Mayfair due to considerable occupier costs. The previous tenant vacated the premises and sub-let the building to a serviced office provider on a short lease
- typical demand is currently being for premises of between 3,000 and 5,000 sq ft. the building provides inefficient and inconsistent accommodation, which does not readily lend itself to a multi-let arrangement.
- significant new office development scheduled in the immediate area, means that the loss of existing offices will not undermine the Mayfair office market
- the proposed hotel use will support a minimum of 101 full-time-equivalent jobs, many providing local employment opportunities, with a potential greater number of jobs created as a result of longer opening hours, shift patterns and part-time employment. The submitted draft Operational Management Plan states that hotel management will actively encourage the use of local services – florists, newsagents etc. Additionally, significant employment opportunities will be created during the course of construction.

Where appropriate, City Plan policy S19 requires new development to contribute towards initiatives that provide employment, training and skills development for local residents and ensure that local people and communities benefit from opportunities which

are generated from development. The GLA has requested that a condition be imposed requiring further information in relation to job and training opportunities for local residents. The applicants have indicated their willingness to accept such a condition in relation to construction jobs only. As this is a Level 1 development, the applicants will be required to submit an Employment and Training Skills Plan as part of the COCP, in relation to construction jobs. This would require the applicants to liaise with the Council's Economic Development Team and to ensure that a minimum of 10% of employees/contractors are drawn locally. The Plan would also require the construction to support a number of apprenticeships and start-up positions. It requires the developer to submit employment/training reports to the Economic Development Team on a quarterly and year-end basis.

An employment and training opportunities strategy for the completed commercial development would be secured as part of the s106 legal agreement.

The revised scheme will include a slightly higher proportion of replacement commercial floorspace (42%) than the approved development (36%). The development will provide 81 new flats (rather than the 41 flats previously approved) and will also deliver some benefits in townscape/heritage terms. In these circumstances, notwithstanding the change in policy, it is considered that it would be difficult to resist the loss of the existing offices. However, in accordance with the Council's normal procedures, it is recommended that the life of any new permission be limited to the expiry of the extant permission. Subject to such a condition, which is acceptable to the applicants, is considered that a departure from policy S20 can be justified and that the loss of the existing offices is acceptable.

8.1.2 Mixed use policy

Policy S1 is concerned with the control of the balance and mix of uses within the CAZ, which contribute towards the unique character of Westminster. To achieve this, the policy seeks to accommodate the economic functions that contribute to London's world class city status whilst building sustainable residential communities at the same time.

Given the nature of the existing building, the fact that the site is being redeveloped and that the amount of additional residential floorspace proposed, policies S1 4(B) and (C) are relevant. Where the net additional floorspace (GIA) is increased by between 0% and 50% of the existing building floorspace, policy S1 4(B) requires the net additional residential floorspace to be accompanied by an appropriate amount of commercial and/or social and community floorspace. However, where the net additional floorspace is increased by more than 50% of the existing building floorspace, policy S1 4(C) requires the net additional residential floorspace to be accompanied by an equivalent amount of commercial floorspace and/or social and community floorspace. In both of these scenarios, the commercial and/or social and community floorspace can be provided on-site, off-site, by mixed use credits (Policy CM47.2) or by an appropriate payment in lieu to the City Council's Civic Enterprise Fund. However, these options will not apply where an active frontage is required at ground floor level, which must be provided on-site.

UDP policies are based on gross external floorspace and the UDP glossary contains advice on floorspace measurement and the areas to be included/excluded. City Plan policies are based on the gross internal floorspace (GIA). The City Plan does not contain

comparable advice relating to the floorspace measurement (GIA), however, this advice is contained within guidance relating to the measurement of floorspace for the purposes of calculating the Westminster CIL. In these circumstances, officers consider it reasonable to require the floorspace (GIA) to be calculated in accordance with this published advice.

Using a proposed floorspace figure of 17335 m², the net additional floorspace would represent a 53% increase over the existing building floorspace requiring the equivalent provision of residential and commercial floorspace within the development. However, the revised scheme provides 9766 m² of residential floorspace (including 874 m² of residential parking), and 7569 m² of commercial floorspace. The applicants consider that the proposed floorspace figure should exclude the parking area (giving a proposed floorspace figure of 16461 m²). This would provide a net increase in overall floorspace of 5140 m² (45%), meaning that an “appropriate”, rather than an equivalent, amount of commercial floorspace would be required.

The applicants acknowledge that floorspace measuring guidance in relation to the Westminster CIL includes parking areas within the assessment of GIA. Nevertheless, they consider that this area should be discounted from the total as the UDP definition of GEA, excludes car parking (on the basis that this space could not be occupied for any other purpose) and because the City Plan does not include floorspace measurement guidance. However, for the reasons set out above, officers consider that the parking areas should be included and that policy S1 4(C) is applicable in this case.

The applicants have provided a statement to address the requirements of Policy S1 consider that the proposal is acceptable for the following reasons:

- The proposed building represents a 45% increase on the existing floorspace and policy S1 4B applies. The scheme provides an appropriate amount (44%) of commercial floorspace, only slightly less than the equivalent figure .
- Should the Council consider that an appropriate amount of commercial floorspace is not being provided, or that an equivalent amount of commercial floorspace should be provided under S1 4C, the applicant does not own any other sites in Westminster that could accommodate the balance of the commercial floorspace could be provided and does not have any registered mixed use credits. A “without prejudice” offer of financial contributions towards affordable housing provision and public realm improvements has been made, which is the maximum level of contributions that the scheme can support.
- The proposals includes 325m² (GIA) more commercial floorspace than was previously approved.
- There is a significant increase in the number of new flats (from 41 to 81) which meets policy objectives on housing delivery.
- Any new permission would be would be implemented within the timescales previously envisaged, with no longer term impact on the supply of commercial floorspace within the CAZ.

- The development will provide economic benefits to this part of Mayfair and will generate a significant number of jobs and training, contributing to economic growth in London.
- Given the significant new office development in the area, replacing office floorspace with an hotel and flats will contribute to a balance of uses within this part of the CAZ. The hotel and restaurant uses will complement the residential use and support surrounding business and retail uses.
- The slightly higher proportion of residential floorspace within the scheme would provide an appropriate balance in the context of surrounding commercial uses, and would not upset the balance of uses within this part of Mayfair.
- The scheme would meet the objective of Policy S1, which was adopted after the previous consent was approved and when the design of the current scheme had been substantially developed. and is appropriate in the context of the extant permission.

Setting aside the issues of viability and planning obligations, which are explored below, as it is acknowledged that the scheme would provide more commercial floorspace, and significantly more flats than previously approved and would provide only slightly less than the equivalent floorspace requirement under policy S1 4C. Consequently, subject to a condition restricting the life of the permission to that of the existing approval, it is not considered that the application could justifiably be recommended for refusal on the grounds that the balance of residential and commercial uses would be unacceptable in the context of policy S1.

8.1.2 Residential use

The number, size and layouts of the approved flats was largely informed by the building form and available lighting. Significant areas towards the centre of the residential floorplates received relatively poor level of natural light. The design of the current scheme, allows better light penetration into the centre of the site, enabling the re-planning of the accommodation and includes more, smaller, flats.

The amended scheme would provide up to 9265 m2 (GEA) of new residential floorspace which is supported by policies H3 of the UDP and S14 of the City Plan..

6.1.2. i Number of units, residential mix and standard of accommodation

A comparison of the approved and proposed residential units is set out below

Units	Number		Percentage -%		Area GIA m2	
	Approved	Proposed	Approved	Proposed	Approved	Proposed
Studio	0	8		10		37-38
1 bed	3	31	7	38	102	58-63
2 bed	22	28	54	35	115-176	79-121*
3 bed	14	8	34	10	233-257	110-156**
4 bed	2	6	5	7	392	180-291***

Total	41	81				
--------------	----	-----------	--	--	--	--

*21 units at 91 sqm or below

** 7 units at 117 sqm or below

*** 4 units at 180 sqm

City Plan Policy S14 and S15 require the number of residential units on development sites to be optimised and an appropriate mix of unit size and type to be provided. UDP policy H5 normally requires at least 33% units to be family-sized. In this case 14 (17%) of the 81 units include 3 or more bedrooms. Of the 41 flats in the approved scheme, 16 (39%) were family-sized.

Although the proportion of family sized units has been reduced, a similar number of family sized units would be provided. Policy H5 states that a lesser proportion of family sized units may be acceptable in busy areas. This is a central location which will become significantly busier once Crossrail is operational, and the number of flats being provided has doubled, optimising the number of units on the site. In these circumstances, the range, mix and number of units is considered acceptable.

The London Plan states that care should be taken with creating single-aspect north-facing flats, but this is sometimes difficult to avoid in large-floorplate developments. Of the 41 approved flats, 11 (27%) are single aspect, including five north-facing flats. A slightly greater proportion (33%) of the proposed units (27 flats) are single aspect, but none of these are north-facing.

The new flats meet the Mayor's dwelling space standards set out in London Plan Policy 3.5. They are designed in accordance with Lifetime Homes Standards and 10% of the units have been designed to be easily adaptable to wheelchair accessibility standards. All units have level access from the lift lobbies. The final flat layouts will be determined at a later stage. The applicants propose that a condition be attached to any planning permission requiring the submission of final layouts for approval.

Background noise levels in this area of the City are high. UDP policy ENV6 requires new residential developments to provide adequate protection from existing background noise as well as from noise within the development itself - in this case, the hotel and commercial uses. The redevelopment will incorporate double glazed windows and sufficiently high specification building fabric necessary to meet modern performance standards. All residential windows are openable. However, a system of mechanical ventilation is proposed should residents choose to keep their windows shut.

The Environmental Health Officer has reviewed the submitted noise report and has requested that conditions are imposed to ensure that satisfactory noise levels are achieved within the new flats, in relation to potential noise and vibration nuisance from external and internal noise sources. Further information is also required with regard to noise/vibration transmission between the commercial and residential/hotel bedroom uses and from internal mechanical equipment i.e. the lifts and CHP plant.

It is considered that the new flats, due to the extent of glazing and their location on the site and relationship with neighbouring buildings, would benefit from good levels of natural

light and overall the quantity of the new residential accommodation is considered acceptable.

Some, private and communal amenity space is provided in the form of roof terraces. The EHO has expressed some concern regarding poor air quality and potential noise disturbance to future residents using these spaces. Although these concerns are noted, the choice as to whether to use the terraces, which are situated high above street level, lies with future occupants of the flats, who may also choose to keep their windows open. As previously, it is not considered that these concerns could reasonably justify withholding planning permission.

8.1.2 ii Affordable Housing

Policy H4 of the UDP and S16 of Westminster's City Plan and Interim Guidance Note Implementation of Affordable Housing are relevant to consideration of the application. In new housing developments of either 10 or more additional units, or where over 1000m² of new residential floorspace is created, a proportion of that floorspace is expected to be provided as affordable housing.

Given the increase in new residential floorspace (9265 m² GEA) the scheme would be expected to deliver 2316.25 m² of affordable housing, (equating to 28.95 units). Where on-site provision is accepted as being impractical or unviable, the housing may be provided on a donor site and, if this is not feasible, the affordable housing requirement can be met through a financial contribution to the City Council's affordable housing fund. On the basis of the proposed residential floorspace, this sum would equate to a contribution of £15, 673,000 (rounded down).

8.1.2.i. a Viability assessment

The Council previously accepted that, as the sole building frontage has to accommodate the hotel and restaurant entrances, car lift and servicing access, that it would not be possible to introduce a separate entrance and access core to the serve affordable housing without materially affecting the scheme's viability and compromising the building frontage. The applicants have advised that they do not own a donor site, either in the vicinity or elsewhere in the borough, where the affordable housing requirement could be provided. On this basis, as previously, it is accepted that the best means of addressing the Council's affordable housing policy is via a contribution to the Council's affordable housing fund.

(The viability appraisal submitted in support of the previous application concluded that that scheme could not support any contribution to the Council's affordable housing fund. However, the applicants proposed to make contributions to the affordable housing fund and towards public realm improvements in Hanover Square. As the scheme did not trigger a public realm contribution under the SPG on Planning Obligations, and as the wider public realm works were not considered necessary to make the development acceptable, officers considered that the proposed public realm contribution should be used for affordable housing. The Council's viability consultant advised that the scheme could support an affordable housing contribution of £14,250,000. Prior to the committee meeting, the applicants increased their offer, proposing a £10M contribution for affordable

housing and £2M for public realm improvements and the Committee resolved approve the scheme subject to this increased offer).

The viability report prepared in respect of the current scheme also concludes that the provision of on-site affordable housing is unviable and impractical, and also that the scheme is unable to support any affordable housing contribution. However, the applicants now propose to make a £7,523,548 contribution towards the affordable housing fund (which reflects the £10M secured under the previous scheme, less the Westminster CIL of £2,476,452). In addition, as previously, they propose to contribute £2M towards public realm improvements in Hanover Square. The appropriateness of the proposed public realm contribution is explored in section 8.9.

The viability report has been reviewed by consultants acting on behalf of the City Council. Whilst they concur that the affordable housing could not practically/viably be provided on site, they consider that the sales values for the proposed flats have been underestimated and on the basis of the information supplied by the applicants, consider that the scheme could support a £12M contribution to the City Council's affordable housing fund (a figure considered to fall within acceptable tolerances of professional disagreement in viability assessments), in addition to the Westminster CIL. The Council's Housing Supply Manager considers the development should deliver the maximum, viable, affordable housing contribution based on the advice of the Council's viability consultant. The Committee's views are therefore sought on the following matters:

Firstly, given that the approved scheme, which provided only 41 flats, delivered £12M of s106 contributions for affordable housing and public realm improvements, whether the applicant's proposed total contribution of £9,523,548 (for affordable housing and public realm improvements) for a similar scheme which provides significantly more flats, is acceptable in the light of the advice given by the Council's viability consultant

Secondly, if this level of contribution is considered acceptable, whether the Committee still considers that £2M should be directed to public realm improvements in Hanover Square or now considers that the total sum should be directed to the affordable housing fund.

8.1.3 Hotel/entertainment uses

8.1.3.1 Hotel use

The scheme would result in the introduction of a 50 bedroom hotel incorporating ancillary facilities. Depending on the future use of the flexible use unit on part lower ground/part ground floors, the hotel would measure either 7429 m² or 7988 m²(GEA). As previously, all hotel entertainment and leisure facilities would be open to the general public and to occupants of the new flats.

Even taking into account recent permissions for new developments incorporating new residential floorspace, Hanover Square (including the surrounding streets) is still predominantly commercial in character. In these circumstances, as previously, the introduction of a new hotel on this site is considered acceptable in principle in land use terms under UDP policy TACE 2 and City Plan policy S23.

8.1.3.2 Entertainment/spa uses

The hotel would provide bars, restaurants and leisure facilities. In this case the hotel would provide 936sqm entertainment floorspace (10 sqm more than previously) as follows:

Hotel restaurant/bars – capacity 225

Hotel lobby/lounge – capacity 10

Private dining/meeting rooms – capacity 60.

Spa/gym – capacity 50

(In addition the flexible floorspace could potentially provide a second hotel restaurant, or independent restaurant (Class A3) of 559m², with a customer capacity of 140):

This total dining/drinking capacity (465 customers) with a potential additional 140 customers in the flexible A3/hotel dining space, is the same as that under the approved scheme and would be controlled by condition. Again, it is intended that these facilities will be open to the general public between 07.00 and 24.00 each day. Only hotel residents and their guests would be permitted to use the private dining/meeting rooms and the lobby bar after this time - between 24.00 and 02.00. Residents of the flats in the development would enjoy the same access to hotel facilities as hotel guests.

The approved scheme included a flexible use unit (598 m² GEA) which could potentially provide a large, independent restaurant (Class A3). This unit is now slightly smaller at 559 m². Although UDP policy TACE 10 states that large entertainment uses will only be approved in exceptional circumstances, and City Plan policy S24 confirms that large scale entertainment uses will not generally be appropriate within Westminster, it was previously considered that, given the character of the area, subject to appropriate operational controls, that the proposed hotel and/or independent entertainment uses would, not have an adverse impact upon the character or function of the area.

This remains a speculative proposal. The application is ,again, supported by a draft Operational Management Strategy which includes measures designed to ameliorate the impact of the hotel and entertainment uses on residents' amenities and local environment quality. These measures are discussed in section 8.3 below. The impact of the proposals on traffic and parking is set out in section 8.4.

8.1.4 Retail use

.Although policy S21 directs new retail floorspace to the shopping centres, the supporting text acknowledges that retail development may also be appropriate in other parts of the Core CAZ, where it can be introduced sensitively. Although not in a designated shopping centre, the site is directly adjacent to the Fenwick store and is located close to the boundary with the West End Retail Special Policy Area. The retail unit would create an active ground floor frontage, which is welcomed. Again, it is considered that such a use could be introduced without detriment to the character of the area.

The current scheme, again, includes fully opening frontages to the ground floor unit. Should the retail use be implemented, this is likely to involve alterations to the shopfront design.

8.2 Design/townscape

8.2.1 Existing building

No. 22-23 Hanover Square is an imposing building faced with Portland stone. It was built in 1928 and stands at the south-west corner of the square, in the Mayfair Conservation Area, and it is next to No. 24 and opposite No. 21 which are grade II listed buildings. They are both part of the first phase of development in Hanover Square and are substantially smaller than No. 22, as are the unlisted buildings in Brook Street which also adjoin the site.

While No. 22 is an imposing building, this is mainly because of its size. Any architectural merit that it possesses is modest and its contribution to the square and conservation area is greatly diminished because of its somewhat elephantine scale, which is most unfortunate and detracts from neighbouring and nearby listed buildings. Furthermore, it has been extended at roof level and it is of no merit at the back or internally. Redevelopment of the site therefore offers the opportunity to create a better building and one which improves the setting of designated heritage assets.

8.2.2 Proposed building

Permission was recently granted for redevelopment of the site, and approval is now sought for a revised proposal. As before, the scale of excavation is substantial. An outline submission has been prepared setting out the likely impact of the excavation on neighbouring buildings and a proposed monitoring strategy. Full details requiring details of the protection of party walls could be secured by condition.

The new building will be a substantial improvement on the existing. The key benefits offered by the building in townscape terms are derived from its reduced bulk and mass next to the grade II listed No. 24 and the neighbouring unlisted buildings in Brook Street. The reduced height of the building next to No. 24 will greatly improve its setting when seen from Hanover Square, and the careful balancing of horizontal and vertical lines on the new facades recalls the historic architecture of the square, which further enhances the setting of No. 24 and No. 21.

The detailed design and palette of materials creates facades of appropriate scale and detail, with the set-back upper floors of the main block further reducing the apparent size of the building when compared to the existing monolithic structure.

The facades are designed to ensure that their materials and detailed design enhance the conservation area and the setting of neighbouring listed buildings by reintroducing a more appropriate palette of materials particularly as regards their colour and use on the facades. Facing Hanover Square the main structural framework of the building is subtly expressed and formed in dark grey concrete. Infill panels are of elongated dark red brickwork from first to sixth floor levels and of horizontal dark grey, long, bricks on the seventh and eighth floors. The sides and rear of the building are the same from first floor

level. All windows are fitted with interstitial blinds. The top floors are fully glazed, formed from clear glazing panels fitted with interstitial blinds and opaque glass with white horizontal fritting.

The ground floor is fully glazed and all the openings have reveals lined with white powder-coated aluminium panels. Balcony fronts are of white-finished steel slats with glazing behind.

In comparison to the previous scheme, the most significant alteration is the increased height of the building towards the rear of the site, which means it will be clearly visible above the roofline of listed buildings on the west side of St George Street, thus altering their setting in street level views. However, the surrounding context is mixed and noting the extremely prominent corner tower of No. 25 Hanover Square, which dominates the view of the listed buildings in St George Street, and the careful efforts made to lessen the visual impact of the new development, this aspect of the scheme is acceptable particularly given the improvements to the settings of other buildings in Hanover Square and as the design is considered to fully meet UDP policies DES 1, DES 9 and DES 10, as well as City Plan policies S25 and S28 and supplementary planning guidance 'Development and Demolition in Conservation Areas'

A condition is recommended requiring the submission of details of measures to support and protect the party walls to safeguard the adjacent listed building at 24 Hanover Square.

8.2.3 Archaeology

The site lies in an area of archaeological interest. As before, the scale of excavation is substantial. The application is supported by an archaeological desk-based assessment which has been reviewed by officers at Historic England (Archaeology). They have concluded that the archaeological potential of the site is low, and that the excavation of the existing basement will already have compromised archaeological survival across the site. Subject to a condition requiring the submission of a Written Scheme of Investigation, the implementation of a scheme of archaeological investigation undertaken in accordance with this document and the publication of a post-investigation assessment, they have raised no objection to the proposal.

8.2.4 Public Art

UDP policy ENV7 encourages the provision of public art as part of redevelopment proposals and requires the artwork to be spatially related to the development in question, and where fixed to a building, integral to the design of that building.

8.2.5 Public realm improvements

The City Council is developing proposals for public realm improvements in Hanover Square. The enhancement of Hanover Square and its surrounding streets is a key priority of the West End Partnership's 'Public Realm Board', which is tasked with improving the environment of the West End ahead of Crossrail Line 1's opening in December 2018. The scheme includes consideration of traffic flows up to and around the square, the location of taxi, cycle and motorbike facilities and the need to create safe and

hard-wearing spaces for the many visitors that will be arriving into the West End through the new station entrance at the north western corner of Hanover Square.

The applicants have been involved in discussions with Council officers regarding these public realm proposals to consider how their plans for the application site might sit within the wider public realm scheme. The operational requirements of the properties around Hanover square will be incorporated within the design proposals. The applicants have sought to “adapt and guide” the work undertaken and, in relation to the proposed development, anticipate that these might incorporate access to the basement parking areas, on-street servicing and a guest/customer/ resident drop off/pick up point on the south-west corner of Hanover Square.

As previously, it is considered that only highways works associated with the creation of a crossover on Brook Street are necessary to make the scheme acceptable in planning terms. Other works, detailed above, do not form part of the current application and would require separate approvals.

The acceptability of the proposed public realm contribution is discussed in section 8.9 below.

8.3 Amenity

8.3.1 Impact of hotel/entertainment use

The proposed hotel dining/drinking and entertainment use have the potential to impact on the amenity of existing and future residents particularly as a result of increase late night activity, noise and vibration from plant, potential smell nuisance and increased parking and traffic generation.

UDP Policy ENV 6 requires new developments to incorporate design features and operational measures to minimise and contain noise in order to protect neighbouring noise sensitive properties. Activities associated with the proposed hotel use, and particularly non-resident guests arriving at and leaving the restaurants and bars throughout the evening, are likely to have a significantly greater impact on this part of Hanover Square than would the existing office use.

Although the area is largely commercial in character, there is a flat on the top floor of 21 Hanover Square, immediately opposite the proposed hotel entrance and ground floor restaurant, where it is proposed to incorporate fully opening elements to the restaurant frontages. There is an extant permission for an extension to the building to provide another flat at fourth floor level. There are flats in the wider area, including on the east side of St George Street and 81 flats are proposed within the development, some located directly above the hotel entrance and restaurant..

As previously, significant hotel drinking and dining facilities are proposed and there is potential for the introduction of an independent restaurant. The use of these areas would be subject to appropriate management and operational controls. No hotel/restaurant operator has yet been identified. However, the applicants recognise the potential impact of the hotel/entertainment uses upon neighbours' amenity and have submitted a draft

Operational Management Plan, which includes all previous commitments relating to the management and operation of the proposed hotel/restaurant including details of:

- opening hours of “public” facilities (generally 07.00 to 24.00 although hotel residents would be permitted to use the private dining/meeting room and lobby areas from 07.00 until 02.00 the following day);
- controls over the capacity of drinking/dining areas
- site security/management of the hotel entrance
- the provision of a 24 hour complaints hotline for residents and businesses and a commitment to arrange quarterly liaison meetings with local residents’ and business associations
- the closure of the opening elements of the ground floor restaurant facade at 22.00 each day
- control of site servicing and the management of deliveries (from Brook Street between 06.00 and 22.00. Although it is recommended that the finalised OMS include a schedule detailing a maximum number of essential deliveries which would take place between 06.00 and 07.00).
- details of the management of refuse and recycling collections (including glass) to ensure that disruption and noise disturbance is minimised.
- the management of taxis, which would wait only in authorised ranks, unless arrangements change as a result of public realm improvements in Hanover Square.
- an undertaking for the hotel to explore the potential provision of off-site visitor parking through local car park operators
- arrangements with a private car hire company to ensure that departing guests leave with a minimum of disturbance.

It is, again, considered that with such controls in place, the impact on residential amenity would be limited, and acceptable. All details will be subject to the approval of a finalised OMS or separate conditions. Should the flexible use unit be operated as an independent restaurant, a separate Operational Management Strategy will be required in association with that use.

8.3 Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly those in residential use, from the impact of new development and to ensure that neighbouring properties do not experience and material loss of daylight or sunlight, increased sense of enclosure to windows or a loss of privacy, Similarly, policy S29 states that the Council will resist development proposals which result in a material loss of amenity to existing residents.

Up to, and including, fourth floor level, the relationship of the proposed building to its neighbours would be similar to that of the existing building, albeit slightly closer to offices on the rear site boundary. However, accommodation has now been omitted at the centre of the site, which would be re-provided on the rear block.

As previously, additional floorspace is created in place of the existing fifth and sixth floor terraces, which currently step back from the boundary with St George Street, and at seventh floor level, which would be extended over the terrace infills below. In the approved scheme, the two topmost floors are set back from the front building line on three sides, enabling the creation of a “wrap around” terrace to the eighth floor flat. It is now proposed that of the two additional storeys (on what is now the front block), the eighth floor would follow the line of the building below and the upper (ninth) floor would incorporate significant set backs on the northern and eastern frontages to create a terrace.. The roof of this flat would house a communal roof terrace, enclosed by a green/living roof.

Again, the new building is set away from the boundary with 24 Hanover Square, from sixth floor level, creating a gap between the application site and the neighbouring listed building, where none currently exists. Private terrace/balconies would be created at fifth and sixth floor levels.

At the rear of the site, new eighth and ninth floors would replicate the footprint of the building beneath, on what is now the rear block. The most significant change to the approved scheme comes with the addition of two further floors), with the tenth floor following the line of the accommodation below and the eleventh floor set back from the eastern and southern frontages to create a further private terrace. The roof of the eleventh floor flat would accommodate plant for the development and an additional green/living roof.

8.3.1 Daylight and Sunlight

The application is supported by a daylight/sunlight report, based on guidance published by the Building Research Establishment, which assesses the impact of the development on levels of light received to neighbouring residential properties. In this case, the nearest residential building which has the potential to be affected by the proposals is at 21 Hanover Square.

8.3.1.i Daylight

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances.

Records indicate that the only residential property in the vicinity of the site with the potential to be affected by the proposal is on the third floor of 21 Hanover Square. There is

also an extant permission for the erection of a mansard roof extension to create a new fourth floor flat, which includes the reconfiguration of the existing third floor flat.

Third floor windows to the existing flat (overlooking Brook Street) serve bathrooms, a lobby area with access to a small terrace and a dual aspect bedroom, with windows overlooking eastwards towards Hanover Square. The approved plans show that the third floor windows to Brook Street would light a kitchen and a dual aspect living room (also served by the door access to the roof terrace). All windows would continue to receive good levels of daylight, with a maximum loss of 5%. Levels of annual and winter sun would remain unchanged or, where there are losses, windows would exceed the targets for annual and winter sun.

Under the approved scheme, the new fourth floor windows would serve a separate flat. Windows facing Brook Street would light a bathroom, bedroom and a living room, which is served by three other windows overlooking the Square. The report shows that these windows would continue to receive minimum VSC values of 26.5%. All windows would continue to exceed to maximum targets for annual and winter sunlight.

Any reduction in VSC to windows overlooking Hanover Square would be below 1%.

Comments have been received from occupants of the first floor at 24 Hanover Square who have recently occupied the third floor offices as a private art dealership and fitted out the rear room as a private viewing gallery. They consider it vital that light received to this viewing gallery maintained. Given the relationship of rear windows to the proposed development, it is not considered that the level of light received to the neighbouring property would be materially affected.

8.3.1 ii Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values.

Most existing third floor windows at 21 Hanover Square, would experience no loss in annual or winter sun, with improvements to some windows. Any losses are well below 20% and the rooms will continue to receive good sunlight levels.

All windows to the approved fourth floor flat would continue to receive annual and winter sunlight values exceeding the BRE targets.

Given the distance between the application site and other residential premises, and the orientation of other residential windows, it is not considered that any additional properties require testing. In view of the above, it is not considered that the proposals would have an adverse impact on the levels of daylight and sunlight received to neighbouring properties.

8.3.2 Overlooking/sense of enclosure/use of terraces

8.3.2.1 Impact on neighbouring properties

Windows on the lower floors of the development are in a similar location to those within the existing building. New windows on the eastern boundary, at fifth floor level and above, replicate the position of those on the floors below, but are largely at a height above windows at the rear of buildings in St George Street.

Properties to south of the site are in office use. The new upper floors overlook the roof of Fenwicks and other commercial properties in New Bond Street, to the west.

Given the width of Brook Street and St George Street, given the relationship of new windows and terraces with neighbouring properties and the use of these buildings, it is not considered that the occupation of the flats or the use of new terraces would result in a material increase in the degree of overlooking to neighbouring sites.

The Environmental Health Officer has expressed concern that the use of the terrace would result in potential noise disturbance to neighbouring residents. However, given the use of neighbouring buildings and the distance between the terraces and existing flats on neighbouring streets, it is not considered that their use would result in significant disturbance to neighbouring residents.

The additional bulk and massing on the site would not, due to its relationship with adjoining properties, result in any material increase in the sense of enclosure to neighbouring residential windows.

8.3.2.2 Overlooking between the proposed flats and hotel and overlooking/noise disturbance from terraces

There is potential for overlooking between flats in the front and rear blocks and between flats in the front block and hotel rooms at the rear, as well as from the proposed private and communal terraces. The GLA has expressed concern about overlooking between the blocks, particularly as they are separated by a distance of only 5m. However, they consider that the issue of mutual overlooking would be adequately addressed by the incorporation of interstitial blinds within window units, and through careful planning of the flat layouts, details of which would be reserved by condition.

Given the relatively small size of the fifth floor terrace (rear side) it is not considered that its use would have a significant impact on the amenities of residents of the rear block. Direct views from the rear side of the sixth floor terrace to windows in the rear block would be obstructed by the line and proximity of the neighbouring accommodation. Opportunities for overlooking on the large private terraces on the front and rear blocks could be ameliorated through the incorporation of planters, balustrades, or similar devices, (rather than high screening) to prevent access to the roof edges. Views from the communal terrace to flats at the rear would largely be obstructed by stair/lift core. However, views from the unobstructed area of roof on the westernmost side could also be minimised by the inclusion of appropriate mitigation/screening measures. Subject to conditions requiring the installation and retention of the interstitial blinds, the submission of finalised flat layouts and, details of measures to address the potential for overlooking from the larger terraces, it is considered that the scheme would provide an acceptable standard of privacy for future residential occupants.

There is also potential for noise disturbance for future residents of the development as a result, particularly, of the use of the larger private and communal terraces. The City Council does not normally seek to use its planning powers to control to use of domestic roof terraces. Any significant noise disturbance would be subject to control under other legislation. However, it is likely that the use of the communal residential terrace would be controlled by future residents and the building management.

8.4 Highways

A Transport Assessment produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport indeed it is adjacent to the Bond Street underground and Crossrail station. Trip generation modelling, which is considered to be robust, concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

The GLA considers that the applicants should be required to submitted a detailed Travel Plan which assesses the combined impact of these uses upon transport capacity, but given the immediate proximity of this site to a major public transport interchange, the Council's Highways Planning Manager does not consider this requirement to be justified.

8.4.1 Parking

8.4.1.1 Car parking

UDP policy TRANS 23 requires residential parking to be provided at a maximum of 1 space per dwelling, on the basis of one space for each unit comprising two bedrooms or fewer and 1.5 spaces for each dwelling containing three or more bedrooms. On this basis, the development would require the provision of 88 parking spaces for the new flats. The policy also normally requires 1 accessible parking space to be provided for each wheelchair -accessible dwelling. As 10% of all new flats would be designed to be wheelchair accessible, 8 accessible parking spaces would be required.

Parking is provided (40 spaces) for the 81 flats over two basement levels with single spaces and double/triple stackers. Two of the parking bays would be wheelchair accessible. Use of the parking spaces will be managed by on-site valets (who will transfer vehicles parked in one of the standard size bays into the stacker system, and the reverse, as necessary).

If all parking spaces are taken into account, parking would be provided on the basis of 0.49 spaces per unit. However, only 17 of these parking spaces (0.21) can be accessed independently. Access to the reminder is dependent upon another vehicle being moved. Whilst the applicants have advised that car parking will be manged by valets, this arrangement is based on long-term management of the car park rather than a permanent design solution.

Based on car ownership levels, the 81 new dwellings would be expected to generate 23 vehicles. If 17 of the spaces cannot be accessed independently, this means that,

potentially, six vehicles would park on the street. UDP policy TRANS 23 considers a level of on-street car parking occupancy rate of 80% or more to constitute a level of serious deficiency where the addition of parking for one residential unit is likely to have a significant adverse impact on parking levels in the area. The Council's most recent night time parking survey (2015) indicates that the occupancy of Respark bays within a 200m radius of the site is 27%. With the inclusion of all legal parking spaces, including single yellow lines, metered bays and P & D spaces, this figure drops to 12%. However, the daytime parking survey indicates that the occupancy levels within the same site radius is at 81%. Given concerns about the potential for vehicles to be parked on-street, it is vital that parking within the development is provided on an unallocated basis. In addition, in view of the parking shortfall, (40 spaces for 81 flats), it is considered that the applicants should be required to provide lifetime (minimum 25 years) car club membership in association with each of the new flats. These mitigation measures would be secured as part of a legal agreement

Based upon the original proposal (up to 88 flats/44 parking spaces/2 accessible parking spaces - which equates to 0.51 spaces per unit) the GLA, although welcoming the provision of two Blue Badge spaces, considers the level of parking provision to be excessive, given the excellent public transport links in the area. Notwithstanding the fact that they accept that this level of parking provision complies with London Plan standards, they have requested that the level of residential parking be reduced, save for parking provision for disabled residents. (TfL concur with these views but have also requested that each wheelchair- accessible home be provided with a Blue Badge space and an electric vehicle charging point).

The reduced number of spaces now proposed is consistent with London Plan parking standard and, subject to the mitigation measures outlined above, the scheme is considered acceptable on parking grounds. Given that parking will be assisted by valets, the provision of two Blue Badge space, although not compliant with UDP policy, is considered acceptable.

The GLA has requested that all future residents should be prevented from applying for on street parking permits. However, the City Council does not operate such a system, and there is no policy basis for doing so in this case.

8.4.1.2 Car park access

As previously, the parking would be accessed via a single car lift on Brook Street (The scheme has been revised to omit the second car lift originally proposed). As the car lift would be located slightly to the west of the existing garage access, a new crossover would be required. The single car lift has been set back 5m from the building line which, the applicant contends, would allow a vehicle to wait off the highway. However, should a vehicle be exiting the car lift, this space could not be accessed by waiting vehicles. In addition, the visibility display for an exiting vehicle is limited. Based upon the submitted information regarding car lift cycle times, it is likely that if two vehicles arrived at the same time, or if the car lift was already in use, a queuing vehicle would need to wait on Brook Street for approximately three minutes. In these circumstances, the development would be required to incorporate a traffic light system to advise approaching vehicles of the status of the car lift. This is the approved arrangement and could be secured by condition.

The Highways Planning Manager considers that two car lifts should ideally be provided for 40 cars. However, as previously, it is recognised that the introduction of a second car lift would compromise the appearance of the building and adversely affect the pedestrian environment due to the increased crossover width required. As the approved scheme provided 1 car lift to serve 41 spaces, the provision of one lift to serve 40 spaces is considered satisfactory. Subject to suitable controls in a legal agreement to secure continuing management and maintenance of the car lift, to ensure that any lift breakdowns are speedily repaired, the parking access arrangements are considered acceptable.

No car parking is proposed for any of the other uses on the site.

Electric vehicle charging points are proposed for at least 20% of the parking spaces, with a further 20% provision of “passive” spaces for the future expansion of this programme. This would be secured by condition.

No dedicated coach parking or taxi parking is proposed for the development. The previous scheme was considered acceptable on the basis that the Operational Management Plan for the hotel includes an obligation to prevent the hotel taking bookings from guests arriving by coach. The applicants have confirmed that this obligation will form part of the finalised OMP, submitted for approval.

Provision for taxi parking in the area forms part of the design of the wider public realm scheme for Hanover Square.

8.4.1.3 Cycle parking

Cycle parking for the development will be provided in a single area on B2 with a total of 152 spaces - 133 for the flats (including 4 accessible spaces), 11 for the hotel and 8 for the retail unit.

The London Plan requires residential cycle storage to be provided on the basis of 1 cycle space per 1 bed unit and 2 spaces for units with 2 or more bedrooms. On this basis 123 residential cycle spaces would be required, with 3 spaces for the hotel and 4 spaces for the retail unit - making a total requirement of 130 spaces.

While the quantum of cycle parking spaces proposed is considered acceptable. The commercial and residential cycle storage is mixed, which would normally raise concerns about potential access and security issues. However, given that the parking area is to be fully managed, this is considered acceptable in this instance.

The GLA is concerned about the over-provision of cycle parking for the hotel, and about a shortfall of 9 spaces for the flexible commercial use (based on an A1 use) and of 3 spaces for the residential use. Given the proximity of TFI's cycle hire scheme, they consider that funding for cycle hire membership for residents and staff, for a minimum period of 5 years, should be secured as part of the s106. The applicants do not consider that such provision is necessary given the level of cycle parking provision in the area and officers concur with this view.

All cycle parking would be secured by condition. The hotel and shop/restaurant staff shower and changing facilities would be secured under a separate condition.

8.4.2 Site servicing

UDP Policy TRANS 20 and City Plan Policy S42 normally require redevelopment schemes to incorporate adequate off-street servicing facilities. Despite this being a redevelopment, no provide off-street servicing is provided.

The existing offices and the adjacent Fenwicks store are currently serviced from single yellow lines to the west of the existing vehicular access on Brook Street. The development would continue to be serviced from the street, using the service entrance adjacent to the proposed car lift. Although the applicant maintains that on-street servicing could take place under the existing loading restrictions, these arrangements could change as part of the wider public realm proposals for Hanover Square, which are being developed.

As part of the consideration of the previous application it was acknowledged that the creation of an off-street servicing facility, in addition to the car lift entrance, would compromise both the appearance of the building and its important setting. It is considered it important that the street level quality of the Hanover Square frontage is maintained. For this reason, the principle of off-street servicing was agreed under the previous permission.

The development is expected to generate up to 25 servicing trips per day (including waste collections) To accommodate this, the applicants previously proposed to create an additional section of single yellow line (to the east of the site access, closer to Hanover Square) to ease the pressure on the existing kerbside servicing. However, they are now proposing that new double yellow lines be painted along the site frontage and westwards on Brook Street. These proposed changes will need to be considered in the context of the wider public realm proposals for Hanover Square. However the extent of these proposed restrictions appears excessive in the context of the proposals.

There is further concern regarding the very limited space allocated at ground floor level to accommodate servicing activity within the building, with no clear holding area shown, which is not also part of a walkway route. The revised floor plan provides very limited space for goods to be stored temporarily. Consequently, there is the potential that goods would be left on the highway before or after collection to the detriment of highway users and the public realm, which could conflict with refuse collections and access to the car lift. Similarly, the plans provide limited space for waste bins to be stored whilst awaiting collection, which is likely to mean that refuse bins will be stored on the highway with an adverse impact on the public realm, site servicing and parking access. However, it is noted that the Project Officer (Waste) has recommended a condition requiring the submission of amended plans showing refuse/recycling storage arrangements.

In order for the operator to demonstrate that the site will be closely managed it is recommended that a Servicing Management Plan (identifying process, storage locations, scheduling of deliveries and staffing arrangements, the management of vehicle delivery

sizes and measures to ensure that delivery vehicles spend the minimum amount of time on the highway). This SMP would be secured by condition

8.4.3 Other highways issues

Some of the submitted drawings indicate wider changes to the public realm in addition to those considered necessary to make the scheme acceptable. These, necessary, works are limited to the creation of the crossover to accommodate the car lift. There is much wider and more strategic work being undertaken to support the development of the new Crossrail station in the north-west corner of Hanover Square, with potential changes in Brook Street to support this. Whilst those designs are to be finalised, the proposed development will need to accommodate these wider proposals to ensure that unfettered pedestrian movement is maintained.

8.5 Economic Considerations

It is acknowledged that the commercial element of the development will provide significant employment and training opportunities, with particular opportunities for local employment, once completed. During the estimated two and a half year building period, considerable employment would also be generated within the construction industry, which would also be expected to filter down into the supply chain. In addition, available data shows that tourism's impact is amplified throughout the economy, an impact which is much wider than direct spending associated with a hotel stay. The submitted Operational Management Strategy includes a commitment for hotel managers to, where possible, draw staff from the local community and to employ the services of local businesses – florists, newsagents, dry cleaners etc. The benefits for the local and wider West End economy are welcomed.

The GLA has requested condition requiring details of job and training opportunities for local residents arising from the development. This would be secured as part of the COCP as outlined in section 8.1 above. An employment and training opportunities strategy in relation to the completed development could be secured as part of any future legal agreement.

8.6 Access

The proposed building has been designed to meet the relevant access requirements of the Building Regulations and incorporates the principles of inclusive design.

Ten per cent of the new dwellings will be designed for wheelchair users and the remainder will be easily adaptable to suit the individual needs of future occupants. Blue badge parking will be provided in association with the flats. Ten per cent of all hotel rooms will be accessible, with at least two rooms with an interconnecting door to an adjacent standard room.

The building entrances on the site are level with the public pavement and the main cores are fitted with wheelchair accessible lifts that provide level access to all floors.

Accessible parking bays, cycle parking and mobility scooter storage will also be provided. Although the level of disabled parking provision is not policy compliant, this is the most that can be achieved with the proposed layouts. As all parking will be managed by valets, this is considered acceptable.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant noise/kitchen extract systems

The scheme includes the provision of plant for the development within the basements and at main roof level. The application is supported by an acoustic report which has been assessed by the Environmental Health Officer. The site is in an area with ambient noise levels above WHO guidelines. The report does not contain full details of all the proposed plant as the detailed requirements of the future occupiers of the building are not known at this stage. The Environmental Health Officer has considered this aspect of the scheme and has raised no objection subject to standard conditions relating to plant noise and vibration and subject to the submission of a supplementary noise report to demonstrate that the selected equipment will operate in accordance with these conditions.

In addition, full details of all proposed kitchen extract systems, which should discharge above main roof level and incorporate suitable noise and odour attenuation measures, will be required to ensure that the development does not result in any smell nuisance. These details will be required in relation to the hotel and any independent restaurant use and will be secured by condition.

8.7.2 Air Quality

The development is located in an area of poor air quality. City Plan policy S31 requires developments to minimise emissions of air pollution from both static and traffic-generated sources, and requires developments that are more vulnerable to air pollution to minimise the impact of poor air quality on future occupants through the building design and use of appropriate technology.

The submitted air quality assessment acknowledges that mitigation measures will be required to address the impact of construction works and the performance of the completed development. The Environmental Health Officer has assessed the submitted report and has requested that the proposed mitigation measures, in respect of mechanical ventilation systems, be secured by condition. In addition, drawings showing the location and height of the CHP flues and full specifications detailing the level of emissions from the CHP equipment are required, and would be secured by condition. Measures to control dust pollution generated during construction works would be covered under the COCP. Subject to these controls, this aspect of the scheme is considered acceptable.

8.7.3 Refuse/recycling

The submitted plans show that storage areas for waste and recycling will be provided within the basements. Waste will be transferred, by on-site management to the ground level collection point

The Project Officer (Waste) has advised that inadequate (7-day waste storage) is proposed for the flats, for both general waste and recycling. In addition, each residential kitchen should be provided with under-counter waste/recycling storage facilities. Throughout the development, all bins should be of an acceptable size and designated (on the plans) for general waste, food waste, waste cooking oil and recycling in accordance with adopted protocols.

Given the size of the development there is adequate space to accommodate the required waste/recycling storage for the uses proposed and a condition is recommended requiring the submission of revised details.

8.7.4 Impact of construction works

8.7.4.1 Basement excavation

The application involves the excavation of three additional basements below the existing basement level. The site does not adjoin any residential properties

City Plan policy CM28.1, requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development. Applications must be accompanied by a detailed structural methodology statement and separate flood risk, as appropriate. Where the development will have significant impacts on matters covered by the policy, or where work will affect a particularly significant and/or sensitive heritage asset, these reports will be independently assessed. The applicants will be required to confirm that they will comply with the relevant parts of the Council's Code of Construction Practice. In addition, the structural stability of the existing building (where appropriate), nearby buildings and other including the highway and railway lines/tunnels must be safeguarded. The development must not increase the flood risk on the site, or beyond, and must be designed and constructed so as to minimise the impact, on construction and occupation, on neighbouring uses; the amenity of those living or working in the area, on users of the highway and on traffic and the operation of the highway. Significant archaeological deposits must also be safeguarded.

The application is supported by a structural report and a report detailing local ground conditions. Although these reports do not include details of a finalised basement design, they consider local geology and hydrology issues and include suggestions regarding the likely construction method, which are considered acceptable. The application has been reviewed by the Building Control Officer who has confirmed that he has no objection to the outline structural proposals.

8.7.4.2 Construction Management

An objection has been received from one local resident on the grounds that this major development will result in significant noise disturbance and inconvenience from disruption to the road network, and will exacerbate these problems which are already being experienced as a consequence of other major developments in the area. Whilst these

concerns are noted, permission could not reasonably be withheld on these grounds. However, in order to safeguard the amenities of local residents, it is recommended that standard conditions be imposed to limit the hours of construction and excavation works. The applicants have confirmed their willingness to sign up to the Council's Code of Construction Practice, which covers areas such as public access and the highways network, noise and vibration, dust and air quality, waste management and liaison with neighbouring occupiers. This would be secured by condition.

The GLA/Tfl have requested a condition requiring the submission of a Construction and Logistics Plan assessing the impact of construction traffic on the local road network, including cyclists' safety. Again, these measures would be considered as part of the CoCP.

It is considered that these combined measures would adequately address objections relating to construction noise and the impact of construction traffic.

8.7.5 Sustainability and Biodiversity Issues

8.7.5.1 Sustainability

The applicants have submitted a detailed Sustainability and Energy Strategy in support of the proposals.

Policies 5.1 to 5.9 of the London Plan focus on measures to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and this scheme which equates to 35% reduction in carbon dioxide emissions when compared with part L of the Building Regulations (2013). Policy 5.6 in the London Plan requires development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems.

Policy S39 of the City Plan seeks to encourage decentralised energy and to ensure that major developments make provision for site wide decentralised energy generation and where possible connectivity. Policy S40 seeks at least a 20% reduction of carbon dioxide emissions unless it is not appropriate or possible.

A range of passive design features and energy efficient measures is proposed in the development. These include the incorporation of the optimal glazing to balance heat loss:heat gain and daylight requirements; fabric insulation and fabric air permeability levels beyond the requirements of the Building Regulations; energy efficient heating, lighting and hot water systems; the use of mechanical ventilation with heat recovery; design measures to stabilise internal temperature variations and reduce the risk of overheating; variable speed pumping and low energy fans. The applicants anticipate that this would achieve a 1.5% reduction in CO2 emissions when compared with part L of the Building Regulations (2013).(Be Lean)

A gas fired CHP system is proposed, which would deliver a further 23.5% reduction in CO2 emissions beyond the requirements of the Building Regulations (Be Clean).

The development's community heating systems will be designed to enable a future connection and associated internal routing to any future networks in the vicinity of the site.

The report concludes that the development would achieve a BREAAAM 'Very Good' rating with an aspiration for an 'Excellent' rating for the hotel/retail area

The approved scheme included the installation of photovoltaic panels at roof level. However, The Energy Assessment calculates the level of CO2 savings which would be achieved by installing photovoltaic panels on the remaining space and calculates that this would contribute only 0.2% carbon savings. In these circumstances, and as the current proposal prioritises the use of the roof to accommodate plant for the development, to provide areas of living roof and to provide a, new, communal amenity space for use in association with the new flats, this is considered acceptable.

The applicants acknowledge that the overall CO2 saving of 25% is below the London Plan Policy target, but consider that this level of saving represents the maximum viable carbon saving for a mixed use development. This level of savings was considered acceptable under the original scheme. Shortfalls in the level of CO2 savings can be offset through a financial contribution to the Council's carbon offset fund. However, as the scheme does not deliver a policy compliant affordable housing contribution, this carbon-offset would be achieved at the expense of affordable housing. As the Council's priority is to maximise the level of contribution towards affordable housing fund, as previously, it is not considered appropriate to seek a carbon offset. Subject to conditions to secure the sustainability measures proposed, this aspect of the scheme is considered acceptable.

The Sustainability Strategy also includes an assessment of SuDS (Sustainable Urban Drainage Systems). Developers are required to incorporate SuDS into their schemes which include attenuation for surface water run-off (as well as habitat, water quality and amenity benefits).

As the site is already fully developed, incorporating a full basement level, the report concludes that neither the volume nor the rate of surface water run-off will increase as a result of the proposal.

8.7.5.3 Biodiversity

City Plan policy S38 requires new developments to maximise opportunities to create new wildlife habitats. The submitted drawings indicate proposals to install a living roof at the on the front and rear blocks incorporating deadwood piles, bee banks and over 20 planted species, as well as appropriate planting between paving slabs on the proposed terraces. This contribution to the biodiversity of the area is welcomed and details would be secured by condition. It is also likely that the private and communal residential terrace will incorporate some planting.

8.8 London Plan

The proposal to redevelop the site is preferable to the Mayor given that the building exceeds 30m in height. The Stage 1 response, and subsequent correspondence, has been received from the Mayor who has made the following comments:

- The principle of the scheme is supported in strategic terms.
- There is no objection to loss of offices given the significant office development in the area, the employment opportunities offered by the scheme and the principle established by the extant permission.
- New housing is welcomed in principle and the range of unit sizes is considered acceptable. The majority of units exceed minimum internal space standards and the accommodation is of a good quality.
- The maximum affordable housing contribution should be secured (which they consider to be at least £14M based on the Council's assessment of the previous scheme).
- Given the site location and good transport links, the residential density is considered acceptable.
- Child yield for the development is limited. Given the site's proximity to Hanover Square, the absence of play space is considered acceptable
- Further information is required to demonstrate how many jobs will be created in association with the development and how local residents will benefit from jobs and training. The applicants have confirmed that they are willing to accept such a condition but this commitment relates only to construction jobs.
- The provision of the new hotel and flexible retail space is supported.
- The height bulk and massing of the building and use of materials responds well to the site context and is a high-quality design. The building makes efficient use of the site and the residential and hotel elements are well planned. The proposed development would not have any negative impact on neighbouring listed building, the Mayfair conservation area or non-designated heritage assets and is expected to have some positive impacts in townscape terms.
- The distance between the two blocks, at 5m, is considerably less than the recommended minimum between living spaces (18-21 m) but privacy will be maintained through interstitial blinds and flat layouts
- The development achieves London Plan standards with regard to accessibility.
- Valet parking and the creation of two parking bays for disabled drivers is welcomed.
- Further design measures to reduce unwanted solar gains should be investigated. The applicants have since provided additional information together with an explanation of the rationale behind the façade design (including deep window reveals, which will provide a degree of shading, added thermal mass and the use of internal blinds). Based on this information, GLA considers that the risk of

overheating has been minimised as far as possible, and has confirmed that no additional information is required.

- Full calculations should be provided to support savings in CO2 emissions claimed. (This information has since been provided).
- The applicants should investigate the potential for the development to be connected to any district heating network and should confirm that the residential and commercial uses will be connected to the site heat network, (providing a plan showing the route. (This information has since been provided. Council officers have confirmed that, at present, there are no networks in the area that the development can be connected to. On this basis, given the scale of the development, the GLA concurs that is not considered feasible to export heat to neighbouring developments and has confirmed that no further information is required in this regard).
- Full calculations should be provided to support the level of CO2 savings claimed from the CHP system. (This information has since been provided).
- Sustainable drainage measures, including the provision of green roofs, should be secured by condition. The applicants have confirmed that they are willing to accept such a condition
- The proposals are unlikely to have an adverse impact on the public transport system or the road network
- The level of parking provision is considered excessive (based on the original 44 spaces proposed). Given the good public transport accessibility of the site and, while complying with London Plan standard, should be reduced.
- GLA/TfL would encourage the creation of a car free development (with the exception of disabled provision), to allow the provision of more cycle parking or an alternative use. Residents should be prevented from applying for car parking permits as part of the s106.
- There is an over- provision of cycle parking for the hotel but a shortfall of 9 spaces for the flexible commercial use (based on an A1 use) and of 3 spaces for the residential use. Given the proximity of TfL's cycle hire scheme, funding for cycle hire membership for residents and staff, for a minimum period of 5 years, should be secured as part of the s106
- The provision of cycle facilities – showers, lockers etc – is welcomed and should be secured by condition. (This would be secured by condition)
- The development should fund further enhancements to its Hanover Square public realm scheme which should be secured under the s106 agreement. This could include enhanced Legible London signage to help pedestrians and cyclists identify areas of interest. (The current proposals for Hanover Square already include locations for Legible London signage).

- On street servicing is acceptable. The GLA/TfL require the submission of a Delivery and Service Plan is required. (As previously, a Servicing Management Plan could be secured by condition)
- The GLA/TfL require the submission of a Construction Logistics Plan should be secured by condition to manage the impact of the development on the local road network, including cyclists' safety. The applicants have indicated that they would be willing to accept such a condition (These matters would be considered as part of the Code of Construction Practice, and the applicants adherence to the COCP would be secured by condition).
- It is understood that the development will be served by taxi provision included in the Hanover Square public realm scheme. This reinforces the appropriateness of s106 contributions being secured from the developer for this scheme.
- A Travel Plan for each element of the scheme should be secured as part of the s106 agreement. As previously, the submission of a Travel Plan is not considered necessary.
- The development is liable to the Mayoral CIL

The applicants have confirmed their willingness to accept several of the recommended conditions, as detailed above. However, as the number of residential parking spaces is consistent with London Plan parking standards, (and is considered acceptable by the Highways Planning Manager subject to lifetime car club membership in association with each flat), the applicants consider that a reduction on the level of parking provision is unnecessary. The City Council does not support measures to prevent residents applying for parking permits.

As the proposed development follows the existing building line, there is no opportunity to address the shortfall in short-stay visitor cycle parking, which needs to be immediately and easily accessible, at surface level. As the level of cycle trip generation for the proposed development is less than that for the existing office use, there is no need for any site-specific mitigation in respect of cycle parking. There is also general on-street cycle parking which could be enhanced as part of the Hanover Square public realm proposals. On this basis, the applicants do not consider that it would be necessary for the development to fund membership of TfL's cycle hire scheme and officers concur with this view.

It is noted that the GLA also refers to a shortfall in the level of residential parking provision.

As detailed in section 8.4 above, the Highways Planning Manager considers that the level of car and cycle parking is acceptable, subject to appropriate mitigation measures.

8.9 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force. These make 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, whether there is a local CIL in operation or not, 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;
- (c) fairly and reasonably related in scale and kind to the development.

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) imposed 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 the 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 Regulations also prevent “double dipping” where contributions for infrastructure works financed by CIL (which would previously have been financed using pooled public realm contributions) cannot also be financed through s106 contributions.

The City Council introduced the Westminster CIL on 1 May 2016. The Council’s approach to CIL and s106 planning obligations is set out in the Council’s Draft Supplementary Planning Document :The Use of Planning Obligations and Other Planning Mechanisms” (August 2015). This confirms that Section 106 agreements will still be required for infrastructure required to address site specific mitigation – typically for things within or on the boundary of a development which, if they went unaddressed, would mean the development was unacceptable in planning terms and would have to be refused (author’s underlining). CIL, on the other hand, will be used to fund delivery of infrastructure requiring an area-based approach and/or more resources than it is reasonable to expect to be able to secure from a single development. Local authorities were not permitted to pool S106 contributions and from this date, the funding of projects previously financed by pooled s106 contributions was financed through CIL.

The Draft SPD confirms that the Regulations prevent planning obligations from being taken into account if they provide for the funding or provision of “relevant infrastructure” where a CIL has been adopted. “Relevant infrastructure” means any infrastructure at all, unless a charging authority has published a list of infrastructure types or projects that it intends will be, or may be, wholly or partly funded by CIL.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

In March 2015, prior to the introduction of these Regulations, the planning committee resolved to approve a scheme for the over station development at 18-19 Hanover Square and adjacent sites, (14/12787/FULL). In that case, it was considered acceptable to direct a public realm contribution towards the emerging public realm scheme in Hanover Square on the basis that this was an identified scheme, rather than a “pooled” contribution, and could therefore be considered to comply with the CIL Regulations. However, there was a difference between that approved scheme and the previous application for 22-23 Hanover Square (which was considered by the Planning Committee on 20 October 2015) as, while the scheme for the over-station development triggered a public realm contribution under the adopted Supplementary Planning Guidance On Planning Obligations (2008), the scheme for 22-23 Hanover Square did not.

For this reason, the previous committee report recommended that the applicant’s proposed contribution towards public realm improvements should go towards the provision of affordable housing. However, the Committee resolved to approve the application, subject to contributions of £10M towards affordable housing and £2M towards public realm improvements in Hanover Square, with the money to be index linked and paid upon the commencement of development.

For the reasons outlined elsewhere in this report, should the scheme be considered acceptable, a S106 legal agreement would be required to secure the following:

a) A contribution to the City Council’s affordable housing fund of either £12M, £9,523,548 or £7,523,000. This contribution should be index linked and payable upon the commencement of development)

The applicants have submitted a statement to support their view that their proposed £2M public realm contribution should be considered acceptable for the following reasons:

- CIL is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. As a result, some site-specific impact mitigation may still be necessary in order for a development to be approved. Some of these needs may be provided for through CIL but others may not, particularly if they are very local in their impact. Therefore, there is still a legitimate role for development-specific planning obligations to enable the specific consequences of a particular development to be mitigated.
- No more than five pooled obligations since April 2010 may be collected in respect of a specific infrastructure project through section 106 agreements, if it is a type of infrastructure that is capable of being funded by CIL. Public realm improvements are infrastructure (set out in the Council's Regulation 123 List), which may be funded by CIL. No more than five pooled s106 financial contributions have been secured by the Council for the delivery of the Hanover Square Masterplan since April 2010.
- The proposed uses necessitates a change to the public realm in the vicinity of the site to accommodate the increased number of visitors to the building, their means of arrival throughout the day and the 24 hour/7 day nature of the use. These considerations should form part of the Hanover Square Masterplan proposals.

- Public realm improvements which are necessary for the development to function successfully in conjunction with the overall function of Hanover Square would be, by their nature, directly related to the development.
- A financial contribution of £2m out of a cost of approximately £250m (0.8%) to deliver the development is considered to be related in scale and kind to the development.

It is acknowledged that no more than five pooled contributions will have been collected to finance public realm improvements in Hanover Square since April 2010. It is also accepted That the proposed public realm contribution is relatively modest in relation to the cost of the development, and could be considered to be appropriate in terms of its scale. However, the CIL Regulations require a s106 planning obligation to meet all three tests set out above, including the requirement that the obligation is necessary to make a development acceptable in planning terms. Other than the creation of the crossover to accommodate the proposed car lift, no changes are considered necessary to the public realm to make the scheme acceptable . The Hanover Square improvements are largely necessitated as a result of the Crossrail development and, in the absence of the Crossrail development or the Hanover Square scheme, the proposed development would still be considered acceptable in this location.

The proposed contribution to the affordable housing fund of £7,523,548 is significantly less than the £12M that the Council's viability consultant considers that the scheme can support. As adopted policies do not permit affordable housing payments to be diverted to fund other initiatives, it is again considered that the offer of £2M towards public realm improvements should be redirected to the affordable housing fund.

In view of the total package of contributions (for affordable housing and public realm improvements) that was accepted in support of the approved scheme, and as the current development, is similar in many other respects, but provides twice as many new flats, the Committee is asked to consider

- i) whether the that the applicant's total proposed contribution of £12m for affordable housing, public realm improvements and CIL (£2,476,452) is acceptable and, if so
 - ii) whether the £2m currently proposed for public realm improvements is acceptable or whether the entire sum remaining after the CIL payment is deducted (i.e. £9,523,548) should be directed to the City Council's affordable housing fund.
- b) Costs of highways works around the site to facilitate the development (including the creation of a new crossover).
 - c) A Lift Management and Maintenance Plan
 - d) Unallocated residential parking
 - e) Life time car club membership (minimum 25 years) in association with the 81 flats
 - f) an employment and training opportunities strategy

g) Monitoring costs

8.10 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.

8.11 Environmental Impact Assessment

Environmental impact issues are covered elsewhere in this report

8.12 Other issues

8.12.1 Crime prevention

The applicants have met with the Crime Prevention Officer who, whilst having no major concerns about the scheme, provided some advice about the security of the external lobby space at ground floor level, the protection of lift and stair cores and measures associated with deliveries, the use of the fire escape route and staff access. None of these issues raised require amendments to the scheme.

8.13 Conclusion

The site is in an important location on Hanover Square. The proposal will result in a comprehensive redevelopment of the site to provide a mixed use scheme that will contribute to the character and function of this part of the Mayfair Conservation Area.

The new building is considered to be of a high quality design that will be appropriate for the site and will enhance the townscape and the setting of adjacent listed buildings.

Subject to appropriate controls, the scheme is considered acceptable in terms of the amenities of neighbouring occupiers and future residents.

The scheme is generally considered acceptable in land use terms subject to consideration of the proposed package of s106 contributions

9. BACKGROUND PAPERS

1. Application form
2. GLA Stage 1 report dated 24 October 2016 and e-mails dated 11 November and 15 December 2016
3. Email from Transport for London dated 20 September 2016
4. Email from Crossrail dated 16 September 2016
5. E-mail from Thames Water dated 21 September 2016
6. Response from Historic England (Listed Builds/Con Areas), dated 12 September 2016
7. Response from Historic England (Archaeology) dated 14 September 2016
8. Memorandum from Building Control dated 10 January 2017

9. Memoranda from Highways Planning dated 7 October 2016 and 12 January 2017
10. Memorandum from Environmental Health dated 13 December 2016
11. Memorandum from Projects Officer (Waste) dated 19 September 2016
12. Email from Housing Supply Manger dated 2 February 2017
13. Memorandum from Metropolitan Police dated 22 September 2016
14. Letter from occupier of 24 Hanover Square, London, dated 23 September 2016
15. Letter from occupier of Flat 5, 27 St George Street, dated 14 September 2016
16. Email from Housing Supply Manager dated 2 February 2017

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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

Item No.

2

10. KEY DRAWINGS









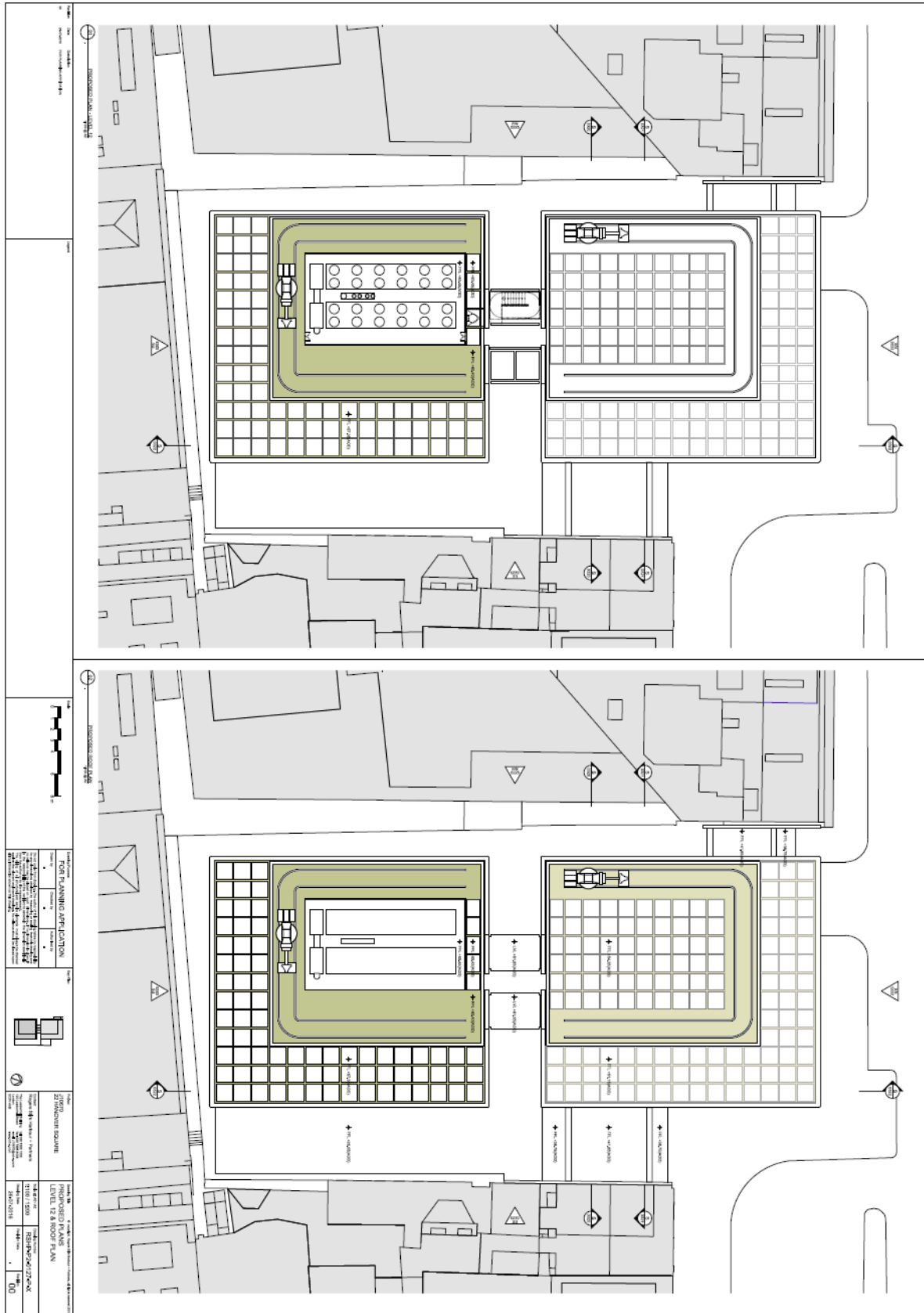
FOR PLANNING APPLICATION
 PROJECT NAME: [unreadable]
 DRAWING NO: [unreadable]
 SCALE: 1:500
 DATE: [unreadable]
 DRAWN BY: [unreadable]
 CHECKED BY: [unreadable]
 APPROVED BY: [unreadable]

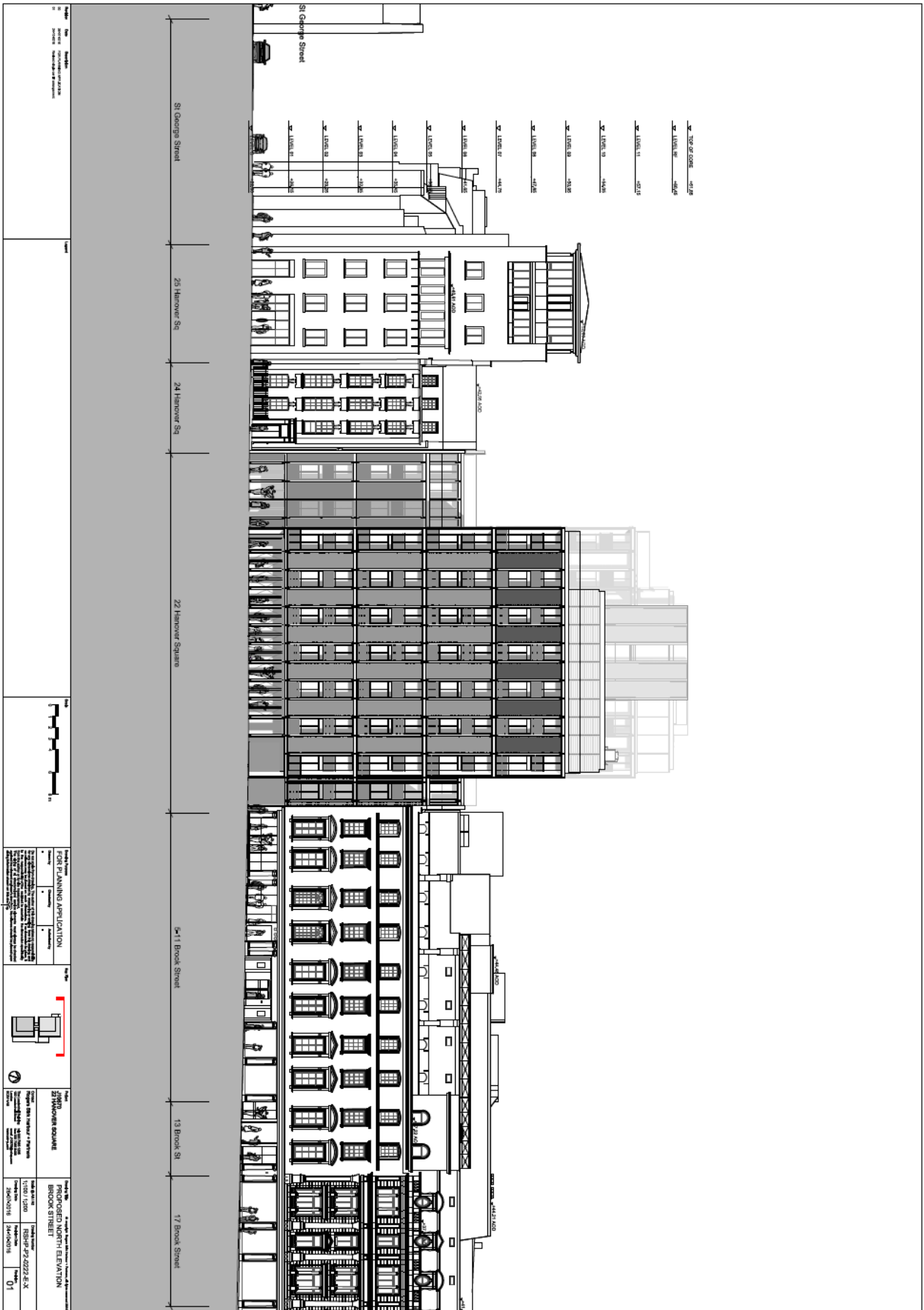
2/10/2020
 10:00 AM
 10:00 AM
 10:00 AM

PROPOSED PLANS
 LEVEL 09 OF 9
 REFERENCE: [unreadable]

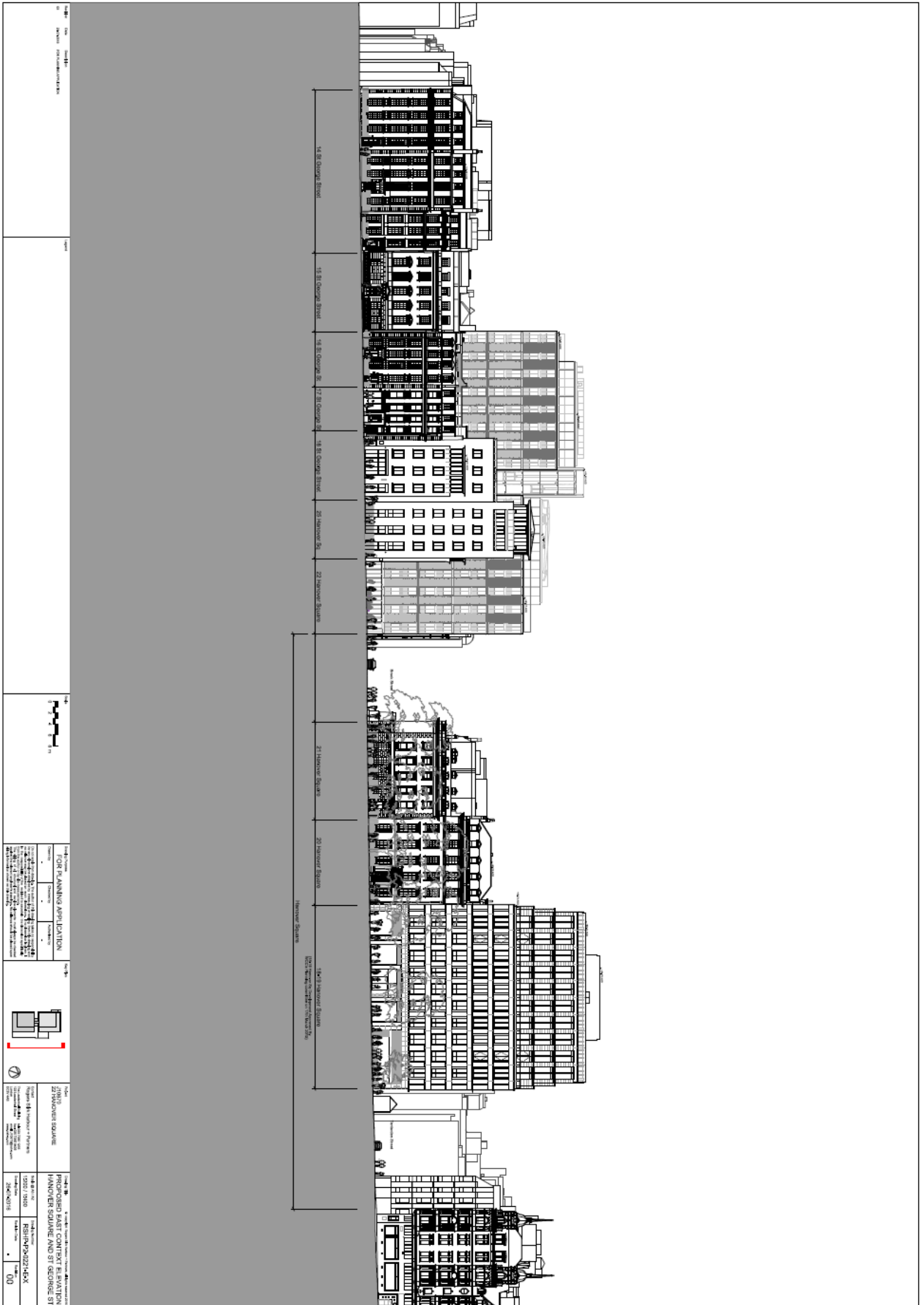
1000 SQUARE METERS
 [unreadable]

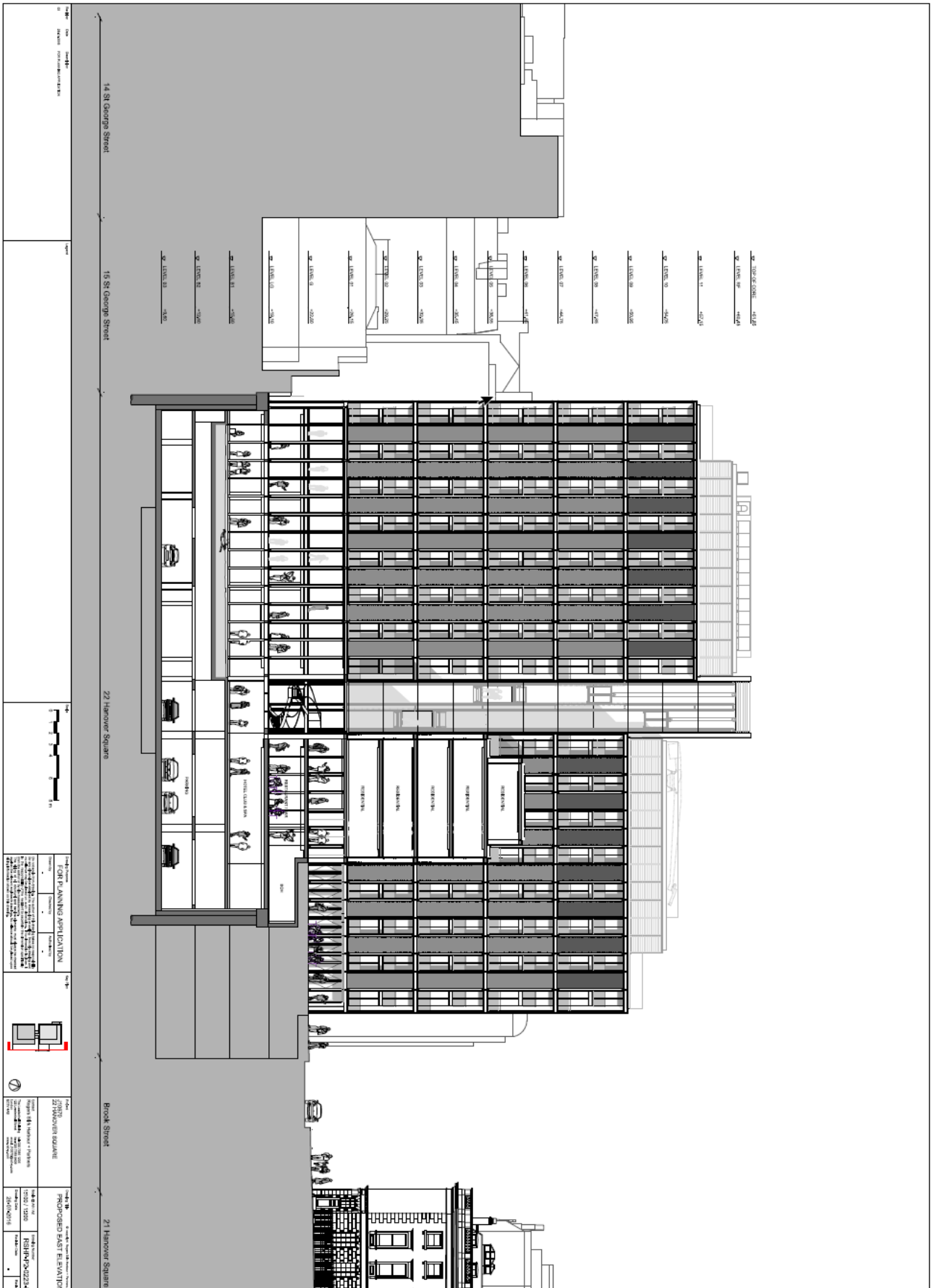
[unreadable]
 [unreadable]
 [unreadable]





<p>DATE: 10/11/2018</p> <p>PROJECT: 22 HANOVER SQUARE</p> <p>CLIENT: [REDACTED]</p> <p>ARCHITECT: [REDACTED]</p> <p>SCALE: 1:100</p>	<p>DATE: 10/11/2018</p> <p>PROJECT: 22 HANOVER SQUARE</p> <p>CLIENT: [REDACTED]</p> <p>ARCHITECT: [REDACTED]</p> <p>SCALE: 1:100</p>
--	--





FOR PLANNING APPLICATION

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



22 HANOVER SQUARE

Project Name: 22 HANOVER SQUARE
 Client: RSHH/P/DOZZIA
 Date: 17/05/2020
 Scale: 1:500

PROPOSED EAST ELEVATION

Architect: RSHH/P/DOZZIA
 Date: 17/05/2020
 Scale: 1:500

DRAFT DECISION LETTER

Address: 22 Hanover Square, London, W1S 1JA,

Proposal: Demolition and redevelopment to provide a new building on three basement levels, lower ground, ground and first to part ninth/part eleventh floors to provide a hotel with ancillary bars / restaurants / leisure facilities and private dining / meeting rooms (Class C1), up to 81 residential units (Class C3), a flexible / alternative restaurant (Class A3) / hotel restaurant (Class C1) / retail (Class A1) use on part lower ground/part ground floors, basement car and cycle parking, plant at basement and roof levels, alterations to existing access on Brook Street and associated works.

Reference: 16/07404/FULL

Plan Nos: Plan Nos: RSHP-P2-/0120-P-X Rev 01, 0121-P-X Rev 01, 0122-P-X Rev 01, 0123-P-X, 0124-P-X Rev 01, 0125-P-X, 0126-P-X, 0127-P-X, RSHP-P2-/0220-E-X Rev 01, RSHP-P2-/0221-E-X,,RSHP-P2-/0222-E-X Rev 01, RSHP-P2-/0223-E-X,RSHP-P2-/0224-E-X,RSHP-P2-/0225-E-X RSHP-P2-/0320-S-X,RSHP-P2-/0321-S-X,RSHP-P2-/0322-S-X, RSHP-P2-/0500-D-X, RSHP-P2-/0500-D-X, RSHP-P2-/0500-D-X, RSHP-P2-/0500-D-X, RSHP-P2-/0511-D-X, RSHP-P2-/0520-D-X Rev 1, RSHP-P2-/0521-D-X, RSHP-P2-/0522-D-X, RSHP-P2-/0523-D-X, RSHP-P2-/0524-D-X,

Air Quality Assessment (Peter Brett Associates July 2016)

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 You must apply to us for approval of material 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to

10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme -,
- the introduction of a scheme of public art in the form of decorative gates to the arcade entrance.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 6 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 of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) 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. (R29AC)

- 7 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the party walls. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28BB)

Reason:

To protect the party walls around the site and the structure, fabric and special interest of the grade II listed building at No. 24 Hanover Square

- 8 No demolition or development shall take place until a written scheme of investigation (WSI.) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include a 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, public 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 archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 9 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority which (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works, (ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures, (iii) Mitigate the effects on Crossrail of ground movement arising from the development,

The development shall be carried out in all respects in accordance with the approved design and method statement. All structures and works comprised within the development hereby permitted which are required by paragraphs (i), (ii) and (iii) of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.,

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 10 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing by, the local planning authority to include arrangement to secure that, during any period when concurrent construction is taking place of both the permitted development and of

the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 11 None of the development hereby permitted shall be commenced until you have submit until a detailed assessment of the impact of the permitted development has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the revised loads transmitted and strains imposed on Crossrail tunnels during the execution of i) scheduled demolition ii) basement excavation iii) construction of the basement iv) construction of the shell and core and v) in the long term do not exceed the design envelope or performance requirements of these structures

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 12 (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 (November 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 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 start work on this part of 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 (November 2016), by contributing to reducing excessive ambient noise levels.

- 14 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.

- 15 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to 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 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 16 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.

- 17 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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.

- 18 (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 (November 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.

- 19 The development shall incorporate air quality mitigation measures as set out in the submitted air quality assessment (PBA July 2016)

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 January 2007. (R13DC)

- 20 You must apply to us for approval of detailed drawings and full particulars, including details of sound and odour attenuation measures, of the design, construction and insulation of the system for the extraction of cooking smells, , i) for the hotel, , ii) for the Class A3 unit on part lower ground/part ground floors, in the event that this use is implemented.,, You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings and must not change it without our permission.

Reason:

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

- 21 You must apply to us for approval of details of the CHP flues, including details of how they will be built and how they will look. You must not begin the uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14BB)

Reason:

To protect the living conditions of neighbouring occupiers and people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013 January 2007. (R13DC)

- 22 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 23 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 24 You must provide each cycle parking space shown on the approved drawings prior to occupation of the building and a minimum of 123 cycle parking spaces for the flats, a minimum of 3 cycle parking spaces for

hotel staff and a minimum of 4 cycle parking spaces for the Class A use shall be retained and the space used for no other purpose.

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.

- 25 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 26 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 27 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
- * between 08.00 and 18.00 Monday to Friday;
 - *between 08.00 and 13.00 on Saturday; and,
 - *not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

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

- 28 Non-resident hotel guests shall not be permitted to access, or to remain within, any part of the hotel except between 0700 and 2400 each day.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 29 Customers shall not be permitted within the Class A3 restaurant hereby approved before 07.00 or after 24.00 each day. (C12AD)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 30 You must not allow more than 395 customers in the hotel restaurants and bars, 10 customers in the hotel lobby/lounge bars and 60 customers in the hotel private dining rooms.

Reason:

In accordance with the submitted application and to ensure that the use will not cause nuisance to people in the area. This is as set out in S21, S23, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 2, TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 31 You must not allow more than 140 customers into the Class A3 restaurant hereby approved at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and ENV 6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 32 All opening windows/doors to the ground floor frontage of the Class A3 restaurant/hotel restaurant (Class C1)/ shop (Class A1) hereby approved shall be closed between 22.00 and 07.00 the following day.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 33 You must apply to us for approval of a management plan including full details of the hotel operation including measures to prevent customers who are leaving the hotel restaurant and bars (Class C1) causing nuisance for people in the area, including people who live nearby and including future residents of the proposed development. You must not start the hotel use 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 hotel is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 34 You must apply to us for approval of a management plan including full details of measures to prevent customers who are leaving the restaurant (Class A3) causing nuisance for people in the area, including people who live nearby and future residents of the proposed development. You must not start the restaurant use 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 restaurant is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 35 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 36 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the proposed living roofs 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 protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

(R43CB)

- 37 Prior to the occupation of the development details of a vehicle signalling system for the proposed car lift shall be submitted to and approved in writing. The approved vehicle signalling system shall be installed, permanently retained and operated in accordance with the approved details.

Reason:

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

- 38 You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary Class A3 use. (C05CB)

Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 39 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application: CHP system. You must not remove any of these 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 (November 2016). (R44AC)

- 40 Prior to the occupation of the development electric vehicles charging points (active) for a minimum of 8 car parking spaces (20%) and electric vehicle charging points (passive) for a minimum of 8 vehicles (20%) shall be provided. These charging points shall permanently retain and maintained for the life of the development.

Reason:

In accordance with policy 6.13 of the London Plan 2015

- 41 All vehicles shall enter and exit the site in forward gear

Reason:

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

2007. (R24AC)

- 42 “No development should occur between the footway and a depth of 900mm.

Reason:

To ensure that services and essential street furniture can be provided as set down in policy TRANS 19 of the City of Westminster Unitary Development Plan adopted January 2007

- 43 All servicing must take place between 0600 and 2200 each day. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 44 At least two of the residential parking spaces hereby approved shall be accessible to wheelchair users.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 45 Prior to occupation you shall submit and have approved in writing by the local planning authority a detailed servicing management strategy. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed 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 (November 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 detailed drawings and full particulars of measures to prevent overlooking from , i) the private terraces at ninth and eleventh floor levels and, ii) the communal terrace at tenth floor level , , to residential windows within the development., , 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 approved details and drawings. (C26DB)

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 47 You must apply to us for approval of a management plan including full details of hotel and shop/restaurant staff cyclist showering/changing/storage facilities. You must not start the hotel or shop/restaurant uses until we have approved what you have sent us. You must then provide the facilities detailed in the management plan at all times that the hotel and shop/restaurant are in use. (C05JB)

Reason:

In accordance with policy 6.9 of the London Plan (March 2016)

- 48 You must apply to us for approval of a management plan to demonstrate that no hotel booking will be taken from guests arriving by coach as confirmed in the email from DP9 dated 26 January 2017. You must not start the hotel use 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 hotel is in use. (C05JB)

Reason:

To make sure, in the absence of coach parking facilities, that the use will comply with TACE 2 6 of our Unitary Development Plan that we adopted in January 2007.

- 49 You must not use the areas of flat roof at first floor level for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 50 You must apply to us for approval of , i) plans showing the layouts of the flats hereby approved and, ii) key plans and detailed drawings showing the location and design of the proposed interstitial blinds., , 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 approved drawings. (C26DB)

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 51 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the approved piling method statement,

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure.

- 52 Any structure (including canopies/awnings) projecting over the footway (highway) must maintain a minimum 2.6m vertical clearance from the footway surface at all times and must maintain a minimum clearance of 1m from the kerb edge.

Reason:

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

- 53 You must apply to us for approval of details of the CHP system to demonstrate that it will operate in accordance with the standards set down in the GLA's SPG on Sustainable Design and Construction. 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 approved details. (C26DB)

Reason:

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

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.