

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 23 January 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	31 - 35 Brick Street, London, W1J 7HQ,		
<b>Proposal</b>	Demolition of 31-35 Brick Street and 37-49 Brick Street and the erection of a stepped ground plus four - seven storey building; including an additional basement level, to be used for up to 135 hotel bedrooms and function and meeting rooms in connection with the existing hotel (Class C1) at 108-115 Piccadilly (Park Lane Hotel). The replacement of the existing first floor link bridge; the creation of a basement servicing tunnel between the Park Lane Hotel and 31-49 Brick Street; the creation of associated car and cycle parking and servicing facilities; the replacement of the existing rear canopy of the Park Lane Hotel on Brick Street; the removal of part of the rear ground and first floor stair block to create a new rear entrance; the recladding of the rear ground floor including new windows and door and other associated works. (SITE INCLUDES 31-35 BRICK STREET AND 37-49 BRICK STREET)		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Sir Richard Sutton Ltd		
<b>Registered Number</b>	1. 17/08589/FULL 2. 17/08590/LBC	<b>Date amended/ completed</b>	28 September 2017
<b>Date Application Received</b>	25 September 2017		
<b>Historic Building Grade</b>	108-115 Piccadilly and 37-49 Brick Street are Grade II listed 31-35 Brick Street is unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following:

- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including improvements to footpaths and Brick Street changes to on-street restrictions (waiting and loading restrictions);
- ii. A financial contribution to the carbon offsetting fund carbon offsetting fund of £76,500 (index linked and payable prior to commencement of development).
- iii. Crossrail payment (currently calculated at £215,025 but will be reduced to approximately £38,775 following offset against Mayoral CIL as allowed by the SPG).

- iv. Parking Management Plan to include the valet parking and how the car lift management will operate and lift maintenance;
- v. An employment and training strategy for the construction and operational phase of the development;
- vi. S106 monitoring costs.

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

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

(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which 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

3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The application site comprises three buildings within the Mayfair Conservation Area. The main building has frontages on Piccadilly and to the rear on Brick Street and is a purpose built hotel with 303 bedrooms. The hotel is linked to 37-49 Brick Street via a bridge link oversailing the highway at first floor level, this property is ancillary to the main hotel, but does not contain any hotel bedrooms or facilities. The building adjacent to Nos.37-49 is also ancillary to the hotel, but is not physically linked.

Permission is sought for the demolition of 31-35 and 37-49 Brick Street and the erection of a stepped ground plus four – seven storey building. An additional sub-basement level is proposed and this will facilitate the creation of a service tunnel under the Brick Street to link the main hotel to the ancillary buildings. The new buildings will be used as 135 hotel bedrooms, with function space and meeting rooms at ground floor level. The existing car parking will be retained, but the number of spaces will be reduced. The existing bridge link will be demolished and replaced at first floor level. Internal and external alterations are proposed within the main hotel and listed building consent is sought for these works.

The applicant has requested five years to implement their proposals rather than the normal three years. This is considered acceptable.

The key issues for consideration are:

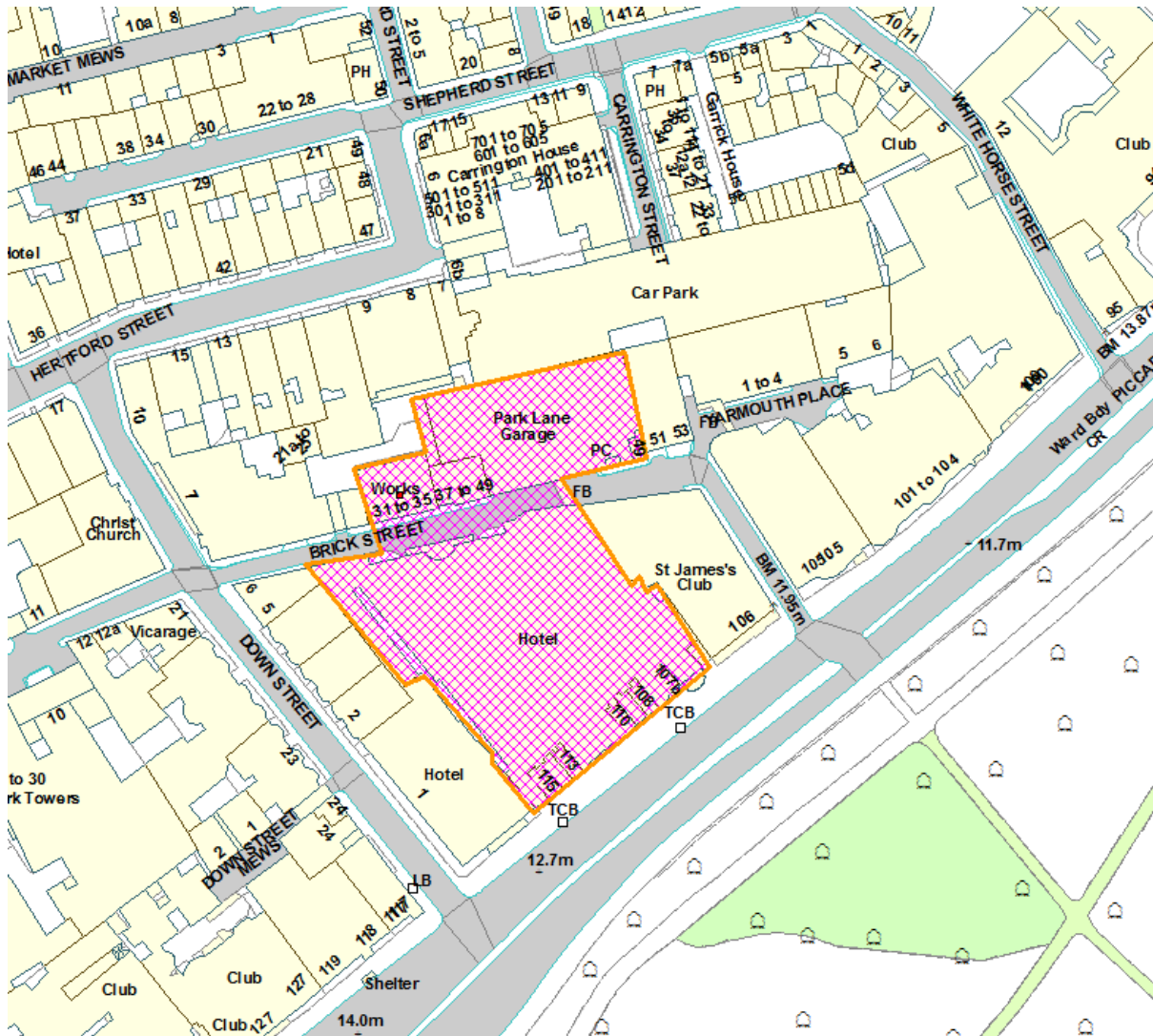
- The height and bulk of the new building and the impact on the Mayfair Conservation Area;
- The impact of the new building on residential amenity
- The creation of new hotel bedrooms and the impact on the character and function of the area.

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<p>The proposals are considered to comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and planning permission and listed building consent are recommended for approval.</p>
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### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Park Lane Hotel – frontage on Piccadilly



View of the application site (on both side of the street) looking east down Brick Street.

Main hotel entrance



Brick Street looking west



## 5. CONSULTATIONS

### COUNCILLOR ROBERTS

Any response to be reported verbally.

### COUNCILLOR GLANZ

Any response to be reported verbally.

### COUNCILLOR CHURCH

Any response to be reported verbally.

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

### HIGHWAYS PLANNING

Concern raised to the car lift proposals, lack of cycle parking for the hotel and height of the bridge link.

### CLEANSING

No objection.

### ENVIRONMENTAL HEALTH

Objection to air quality.

### BUILDING CONTROL

No objection.

### TRANSPORT FOR LONDON

Any response to be reported verbally.

### THE ROYAL PARKS

Any response to be reported verbally.

### DESIGNING OUT CRIME OFFICER

No objection, the applicants should continue to liaise with the Designing Out Crime Officer.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 521

Total No. of replies: 14 letters of objection on all or some of the following grounds:

#### Land use

- The site is an unsuitable location for additional hotel floorspace;

#### Amenity

- Loss of daylight and sunlight.
- Loss of privacy.

#### Highways/Traffic

- Submitted transport statement is misleading
- Servicing to the hotel will increase and have an adverse impact on Brick Street

#### Basement

- Additional basement levels are inappropriate in this area

#### Design

- Buildings are out of scale with existing buildings and dominate the area.
- Detailed design is too plain and dull.
- Height and bulk too high for the area.

#### Other

- Impact of the construction on surrounding properties (noise, dirt, dust, disruption and access to existing garages)
- Inability to let properties out during the construction.
- Construction timeframes especially with other developments in the area.
- Loss of property value.
- No SEMP submitted with the application.
- Lack of consultation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises three buildings;

1. 108-115 Piccadilly (Park Lane Hotel), this is a Grade II listed building, with frontages on Piccadilly and Brick Street. The building comprises, two sub-basement levels, ground and eight upper floors. There is also a large plant area at ninth floor level. The building was built in 1927. The hotel now comprises 303 bedrooms with ancillary facilities (ballroom/restaurants and bars) over the lower floors. The main reception and drop-off for guests is located to the rear on Brick Street.
2. 37-49 Brick Street comprises basement, ground and four upper floors, there is a bridge link at first floor level over sailing Brick Street which connects Nos.37-49 to the main hotel. As a result of this physical link, Nos. 37-49 is considered to be within the curtilage of the listed building. The basement and ground floor accommodate 78 parking spaces and plant rooms and the upper floors are used as ancillary hotel space.

The rear elevation overlooks Carrington Street Car Park and the buildings on Hertford Street.

3. 31-35 Brick is also unlisted, and comprises basement, ground and two upper floors. The building is not physically linked to the hotel, but is used as ancillary hotel space.

Brick Street is unusual as part of it is located behind the main street in a cul-de-sac which is accessed via a tunnel under 29 Brick Street



## 6.2 Recent Relevant History

### 31-35 Brick Street

Certificate of existing lawful use was refused in February 2000 for the use of the building for business purposes (Class B1)

Reason for refusal – insufficient information has been submitted to demonstrate that on the balance of probability, that the use has been in operation for a continuous period of at least ten years immediately prior to the date of application. The submitted information is considered to demonstrate that the building has been accepted for purposes ancillary to the hotel use at 107-115 Piccadilly and that the use of the building falls within Class C1 of the Town and Country Planning (Use Classes) Order 1987.

The appeal against this decision was dismissed, therefore the lawful use of 31-15 Brick Street is for ancillary hotel purposes.

### 8-9 Hertford Street

A certificate of lawful use existing was granted on 30 March 2004 for the use of Flats 2, 3, 101, 103, 104, 203, 301, 302, 303, 304, 401, 402, 403 and 404 as temporary sleeping accommodation (lettings of less than 90 consecutive nights)

A certificate of existing lawful use granted on 13 October 2010 for the use of flat 201 for short-term letting for temporary sleeping accommodation.

Therefore 15 of the 20 flats within 8-9 Hertford Street are lawfully used for short term letting purposes.

### Development Site at Carrington Street Car Park, 51-53 Brick Street and 1-6 Yarmouth Place

An application is pending for the above site following a resolution to grant planning permission for the demolition of existing buildings on site and redevelopment to provide up to 30 residential units (Class C3), office floorspace (Class B1), gymnasium (Class D2), retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace; creation of a new pedestrian link through the site between Yarmouth Place and Carrington Street; erection of buildings either side of the new pedestrian link between 4 and 8 storeys in height; excavation to create additional basement accommodation; provision of on site car parking, cycle parking and delivery bay on Yarmouth Place; new landscaping including improvement works to Yarmouth Place; associated alterations. This application is subject to a S106 legal agreement which is likely to be signed shortly.

## 7. THE PROPOSAL

Permission is sought for the demolition of 31-49 Brick Street and rebuilding to provide a ground plus a stepped four to seven storey building. Excavation is proposed to create an additional sub-basement level under 31-35 Brick Street and this will be used as a plant room. A service tunnel is proposed under the road which will connect Nos. 31-35 to the main hotel. The first floor bridge link is to be reinstated, albeit in a slightly different location.

The existing sub-basement level under Nos.31-49 will continue to be used for car parking (50 spaces) with plant rooms and hotel back of house. Access to the car park will be gained via Brick Street and a car lift down to basement level. The ground floor of the new building will be used as meeting rooms and pre-function areas. The upper floors of the building will be used as 135 hotel bedrooms.

At first to fourth floor the building will be set back from the rear boundary with Carrington Street car park. At fifth floor level the building is set back on the eastern elevation, and green roofs are proposed on the flat roofs. At seventh floor level the building is further set back on the eastern elevation, a roof terrace is proposed at this level. Photovoltaic panels are proposed at roof level. The height of the building adjacent to 51-53 Brick Street follows the same height as that proposed (with a resolution to grant) within the Carrington Street car park scheme.

Alterations and partial demolition is proposed to the rear of the hotel on Brick Street. This will allow for a larger drop off area, which will be set back from the highway. This will also allow for the creation of a new entrance to the rear of the hotel, which will allow guests to access the new reception lobby. Internal alterations are proposed to the Oak Room, which was constructed at the same time as the hotel in 1927. The Oak Room will become the new reception for the hotel.

Below are the existing and proposed land use figures for the hotel.

1. 31-49 Brick Street

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	5264	8731	+3567

2. Park Lane Hotel

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	23335	23333	-22

3. Combined

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	28499	32044	+3545

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Extension of hotel floorspace

Objections have been received to the increase in hotel floorspace and bedrooms which will result in the intensification of the use. The objections also state that the proposals do not comply with London Plan or City Plan policies.

The existing buildings on-site are in use as hotel floorspace, with the Brick Street buildings being used for ancillary purposes. However, as the whole site falls within Class C1 the upper floors of the existing buildings could be converted to hotel bedrooms without planning permission.

The proposal increases the amount of hotel floorspace by 3545sqm, 135 additional hotel bedrooms are proposed (total of 448). London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. Part C of the strategic policy states that within the CAZ, strategically important hotel provision should be focussed on its opportunity areas. Strategically important hotel provision is defined as 100,000sqm in the City, 20,000sqm in Central London and 15,000sqm outside Central London. The policy goes on to state that the further intensification of provision in areas of existing concentrations should be resisted, except where this will not compromise local amenity or the balance of local land uses. The proposal increases the amount of hotel floorspace by 3545sqm and therefore there is no policy presumption for this to be located in an opportunity area.

City Plan Policy S23 states that new hotels will be directed to the Core CAZ. This policy does not directly refer to the extension of hotels. However, UDP Policy TACE 2 (A) states that within CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for extensions to existing hotels where: no adverse environmental and traffic effects would be generated; and adequate on-site facilities are incorporated within developments proposals significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis.

Brick Street is not predominantly residential; City Council records indicate that council tax is being paid on 29 Brick Street which is adjacent to the application site (although other council records indicate that this property is also in use for short term letting purposes). There is also a residential property in the rear cul-de-sac, but apart from these properties, Brick Street is commercial in character. The proposals will increase the number of hotel bedrooms and this is likely to increase the number of traffic movements per day, but it is not considered that this will be adversely affected. The setting down area for taxis will be improved on Brick Street, coaches are unable to drop guests at this hotel due to the existing bridge link across Brick Street.

It is considered that the extension to the hotel floorspace complies with the policies set out above and the objections received are not considered sustainable to justify a reason for refusal.

The objection states conference facilities are not appropriate in the area. The ground floor of the new building will be used as meeting rooms, but due to the size of the space at ground floor it is not considered that this will attract conference sized attendances. Furthermore, it is not unusual for hotels to have ancillary meeting rooms, it is considered that the objection on this ground is not sustainable to justify a reason for refusal.

The proposal does not generate a requirement to provide affordable housing.

## 8.2 Townscape and Design

The hotel was built from in the mid 1920's by Henry Tanner. It is listed for the important interior of eastern block of hotel. The significant interiors include the Silver Gallery, staircase, Ballroom and adjoining rooms of the late 1920s fitted out in sumptuous Art Deco style, as well as the Ballroom in the basement. It is listed grade 2 and within the Mayfair Conservation Area, and adjacent to Green Park which forms part of the Royal Parks Conservation Area.

The two unlisted buildings on the north side of Brick Street which are part of the site also date from the 1920's and are utilitarian in design. They are linked to the main hotel building with a bridge at first floor level and so are within the curtilage of the principal listed hotel building. They are considered to make a neutral contribution to the character and appearance of the Mayfair Conservation Area and do not contribute to the special architectural and historic interest of the listed building. The buildings lie within the setting of the both the hotel and the grade 1 listed 106 Piccadilly.

To the north and east of the Brick Street buildings is the Carrington Car Park site where planning permission was granted in 2017 for demolition and redevelopment.

### **The proposals**

The proposals raise key urban design and conservation issues:

- a. Demolition and redevelopment of the Brick Street buildings
- b. Replacement of the bridge link
- c. Alterations to the rear of the hotel on Brick Street
- d. Internal alterations at ground floor level in the hotel

#### **a. Demolition and redevelopment of the brick Street buildings**

Given the limited interest of the existing buildings, it is considered that demolition and redevelopment is acceptable in principle, subject to the design qualities of any new building and its impact on heritage assets.

The new building has been designed to have the appearance of three new buildings. The massing steps up progressively eastwards, from 5 to 7 to 8 storeys. The height of the eastern building would be very similar to the height of the Brick Street part of the approved Carrington Car Park redevelopment. The new buildings will appear behind 106 Piccadilly in views from Green Park and Piccadilly, but the impact on these views and the setting of the listed building is considered limited and acceptable.

Objections have been received with respect to the proposed height and bulk, stating that the buildings are out of character in terms of their scale in Brick Street. Reference is made to the 'mews character' of the street. However, this is not considered to be correct. The street may once have had a small scale mews character, but that was lost in the twentieth century with the development of the hotel and other buildings, including those on the north side of the street. In the context of Brick Street today, and the planning permission for the redevelopment of the Carrington Street Car Park, the height and bulk are considered acceptable.

Different bricks and fenestration are used on each of the three facades. The windows are recessed, flush and projecting. The use of projecting windows is not normally

considered appropriate in many historic, conservation area contexts, but in this case, given the existing undistinguished character of this part of Brick Street, the fenestration is acceptable.

The buildings have a stone clad base which is set back from the existing building line to create more space for pedestrians. Again, in many locations a recessed frontage would not be appropriate in urban design terms, but given the narrowness of the existing pavement, and the benefits of widening it, it is considered appropriate and acceptable.

#### **b. Replacement of the bridge link**

Whilst the use of bridge links across the highway is normally unacceptable in urban design and conservation terms, it is acceptable here given the historic nature of the link. The existing bridge is unattractive and its replacement is acceptable in principle. The proposed design is a black metal framed structure with glazed inserts. This is an eye-catching design and a significant improvement on the existing arrangement.

#### **c. Alterations to the rear of the hotel on Brick Street**

These are relatively minor changes, involving a new canopy, alterations to the windows and new stone cladding, and they will improve the appearance of the rear entrance.

#### **d. Internal alterations at ground floor level in the hotel**

The existing reception area at the rear of the hotel is small and in need of improvement. The proposal involves relocating the reception into the Oak Room. This is an attractive Jacobean style room, with timber panelled walls and a decorative plaster ceiling. Although an original part of the interior it is not one of the most important internal spaces referred to in the list description.

The proposals involve creating openings in the panelled walls (north side) to provide access to Brick Street, and a new lift. These have been designed to limit the loss of historic fabric, although there is a degree of harm to the special interest of the room. This is compensated to a degree by the restoration of windows and panelling in the east wall. On balance, these works are considered to be acceptable in historic building terms.

#### **Conclusion on urban design and conservation matters**

It is considered that this is a high quality modern redevelopment which, subject to the use of high quality materials and details, should contribute positively to the character and appearance of the Mayfair Conservation Area. It will not harm the special interest of the listed building or the settings of adjacent listed buildings. The internal alterations to the listed building are acceptable in historic building terms. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 9 and DES 10.

### **8.3 Residential Amenity**

#### **Daylight and Sunlight**

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact of the proposals on a number of surrounding properties. It also assesses the cumulative impact of these proposals and the proposals at Carrington Street car park.

The following properties have been assessed:

#### 10 Hertford Street

Objections have been received from the occupiers of 10 Hertford Street on the grounds that the proposals will lead to a loss of daylight and sunlight. This property is a large single family dwelling, which includes the main house on Hertford Street and a mews property in Brick Street. The cul-de-sac of Brick Street is narrow and the properties are in close proximity to each other. The application site has elevations facing the cul-de-sac. Nos.31-35 is partially in front of the mews house to the rear of 10 Hertford Street. This building is proposed to increase in height from a three storey building to a five storey building. The rest of the application site is set away from the residential windows, however, it is proposed to extend further to the rear and there is also an increase in height, which does have an impact on the daylight and sunlight levels.

Officers have gained access to this property and as mentioned previously, it is a large single family dwelling and the windows to the mews house are the only ones affected by the development. At ground floor level there are two staff bedrooms and a garage. At first floor level there is kitchen/diner at either end of the floorplate with a corridor joining the two areas, there are a total of five windows at this level. At second floor level there is a large living room with four windows. This room also has three windows looking out into the internal lightwell and are therefore not affected by the proposals. There is also a separate study at this level.

At first floor level three of the five windows have been tested, the two corridor windows have not been tested as they do not serve a habitable room (although they lead to the kitchen areas). This approach by the daylight and sunlight consultants is accepted. The losses to the first floor windows range from 25.21% - 56.92%. The existing levels of VSC are low (ranging from 11.9 – 13%). The actual losses to VSC are low (3 – 7.4%).

In terms of the four second floor living room windows, the losses are in excess of those set out in the BRE guidelines (23.37% - 52.72%). However, this room is served by other windows that are not affected by the proposal. Furthermore, there are other living rooms, habitable rooms in the main house that are not affected by the proposals and on this basis the losses of VSC to this property is acceptable.

In terms of sunlight, there are losses in excess of the BRE guidelines of APSH to the windows at ground, first and one window at second floor level. None of the windows at ground and first floor level receive winter sunlight. The window at second floor level (study) loses all of its winter sun. There are losses to APSH at first floor level, but these are within the BRE guidelines. It is considered that the windows at ground (bedrooms) and first floor level will retain good levels of APSH for this urban context and are therefore considered acceptable.

8-9 Hertford Street

This property is located to the rear of the application site. There is parking at basement level which is accessed via the Brick Street cul-de-sac. The upper floors are in use as 20 residential units. There are four flats per floor at first, second, third and fourth floor level (two at the front and two at the rear) with three flats at ground floor level and a penthouse flat at fifth floor level.

The planning history for the site indicates that 15 of the 20 units are used lawfully as temporary sleeping accommodation (stays of less than 90 days). These units are operated by a management company who occupies the ground floor reception/lobby area.

Six objections have been received (four from the temporary sleeping accommodation units). On the grounds that there will be a loss of daylight and sunlight to the residential units.

The residential windows on the rear elevation are set back, and there are balconies in front of the windows, for each of the units. This has also created overhangs over the windows. The submitted report, in line with the BRE guidelines has assessed two scenarios; with and without the balconies.

The existing balcony restricts the amount of light the residential windows receive as the balcony cuts out light from the top part of the sky. Any obstruction opposite may result in a large relative impact on VSC. The table below should the losses in VSC to the windows with the balconies in place.

Level	Window	Room use	Existing	Proposed	Loss	% Loss

Ground	W1	Bed	4.4	1.4	3	<b>68.18</b>
	W3	Living room	8.6	2.6	6	<b>69.77</b>
	W2	Living room	7.9	3	4.9	<b>62.03</b>
	W4	Bed	6.9	1.5	5.4	<b>78.26</b>
1 <sup>st</sup>	W1	Bed	7.9	4.6	3.3	<b>41.77</b>
	W3	Living room	8.6	3.1	5.5	<b>63.95</b>
	W2	Living room	8.9	6	2.9	<b>32.58</b>
	W4	Bed	8.4	3.2	5.2	<b>61.90</b>
2 <sup>nd</sup>	W1	Bed	8.1	5	3.1	<b>38.57</b>
	W2	Living room	8	5.8	2.2	<b>27.50</b>
	W3	Living room	8.1	3.1	5	<b>61.73</b>
	W4	Bed	7.9	3.5	4.4	<b>55.70</b>
3 <sup>rd</sup>	W1	Bed	9.6	7	2.6	<b>27.08</b>
	W2	Living room	9.5	8.2	1.3	13.68
	W3	Living room	9.9	5.4	4.5	<b>45.45</b>
	W4	Bed	9.5	6.4	3.1	<b>32.63</b>
4 <sup>th</sup>	W1	Bed	11.4	9.5	1.9	16.67
	W2	Living room	11.5	10.9	0.6	5.22
	W3	Living room	11.8	8.2	3.6	<b>30.51</b>
	W4	Bed	11.4	9.6	1.8	15.79
5 <sup>th</sup>	W1	Bed	12.6	11.4	1.2	9.52
	W2	Living room	16.2	14.6	1.6	9.88
	W3	Living room	16.5	14.3	2.2	13.33
	W4	Bed	18.6	15.3	3.3	17.74

The submitted results show that the percentage losses of VSC without the balcony are approximately half of those same windows with the balcony. This indicates that the presence of the balcony is the main factor in the loss of VSC rather than the proposals. In addition, whilst some of the percentage losses are high, existing levels are low and as a result the percentage losses are consequently high. The fifth floor windows (lawful residential use) comply with the BRE guidelines in both scenarios.

It is considered that in these circumstances that the losses to VSC are acceptable and the objections are not considered sustainable to justify a reason for refusal.

In terms of sunlight, the 'with' and 'without' balcony scenario has been run again. The 'without' balcony scenario indicates that the all the windows tested would receive 25% APSH and only one window would suffer losses above those recommended in the BRE guidelines. In terms of winter sunlight, 19 of the 24 windows would receive winter sunlight in excess of those recommended in the BRE guidelines and 18 windows would still comply with the guidelines with the proposed scheme.

Taking the actual position on site (with balconies) only three of the windows tested receive over 25% of existing levels of APSH, with the same three windows complying with the BRE guidelines with the proposed scheme. In terms of winter sunlight, 19 windows receive over 5% and 16 windows will retain over 5% with the proposed scheme.



It is clear that the presence of balconies has an impact on the existing levels of sunlight (APSH and winter) that the windows receive. However, taking the actual situation on-site the losses of sunlight are not so substantial to justify the refusal the planning application.

#### 7 Hertford Street

This building is situated to the north of the application site. This building is used for office purposes on the lower floors with one residential flat over fourth and fifth floor levels. The residential flat is triple aspect with windows facing north (over Hertford Street), south and east.

In terms of the residential windows, there are losses to VSC (ranging from 11.76-28.57%), the two windows that breach the BRE guidelines are bedroom windows. Bedroom windows are afforded less protection than other habitable rooms. Furthermore, the resultant levels of VSC is good for this urban location and therefore the losses are acceptable. The proposed sunlight levels are within BRE guidelines.

#### Carrington House

Carrington House is located to the north of the application site and contains 73 flats in a U-shaped building, with a courtyard situated in the middle. The residential windows overlook the existing courtyard, the application site and Carrington Street. Officers accessed a number of these flats during the application for Carrington Street car park.

There are losses to VSC to the majority of the windows. However, only five of the windows tested lose over 20% VSC and this is where the existing levels are already very low. The cumulative levels show that the proposals will not have an adverse impact on VSC levels if the proposals at Carrington Street car park are built.

In terms of sunlight, there are losses to APSH and winter sunlight over 20% to the windows on the lower floors. These windows will retain good levels of sunlight and on this basis the losses are considered acceptable. There are losses to sunlight over the upper floors but these are within the BRE guidelines.

#### Garrick House

Garrick House is a residential mansion block comprising 33 residential flats. This property is effectively divided into three properties with three separate entrances.

The flats in Garrick House are dual aspect and are typically arranged with the living rooms to the front overlooking Carrington Street with rear-facing windows serving bedrooms and bathrooms.

Three windows in Garrick House lose over 20% VSC, these windows are stairwell windows at basement and ground floor level. Stairwell windows are not protected by the BRE guidelines and therefore the losses are considered acceptable.

With regards to sunlight there are losses to ASPH and winter sunlight over 20% to the lower floors. The existing levels of sunlight are low and the actual losses appear high. However, the losses are considered acceptable.

The cumulative levels show that the proposals will not have an adverse impact on the daylight or sunlight if the Carrington Street car park scheme is built.

### **Sense of Enclosure**

Objections have been received from some of the occupiers of 8-9 Hertford Street on the increase sense of enclosure to their windows. On the upper floors the existing building does not occupy the full footprint of the site, and there are rooflights at rear ground floor level. There are two extensions to the rear of the site, which extend up to the rooflights. The proposed building will extend to approximately the same location as the existing rear extension. Rooflights and a green roof is proposed at rear ground floor roof level.

The existing building comprises ground and four upper floors, the proposed building is set back from the rear of the site at fifth floor level. As previously mentioned, the windows in 8-9 Hertford Street are set back from the rear elevation, as a result of this, it is not considered that there will be adverse impact on the increase sense of enclosure to these windows.

### **Privacy**

Objections have been received from 8-9 Hertford Street on the loss of privacy as a result of the proposed development. There is already a degree of mutual overlooking between the properties. The rear elevation will have more window openings. The windows in the part of the building directly opposite the residential properties on Hertford Street will include privacy screens (first to fourth floor level). Therefore, it is not considered that there will be an increase in overlooking. The privacy screens will be secured by condition. The rest of the building overlooks the existing car park site and therefore it is not considered necessary to install privacy screens to these windows. In the event that the proposals at Carrington Street car park are implemented, the hotel windows would overlook new office floorspace. This is considered acceptable.

A roof terrace is proposed at seventh floor level, as the terrace is higher than the surrounding buildings it is not considered that there will be an increase in overlooking to the surrounding buildings.

## **8.4 Transportation/Parking**

### **Car parking**

There is off-street car parking (Park Lane Garage) for the existing hotel which is located at basement and ground floor level which has spaces for 78 vehicles. The proposals would reduce the amount of car parking to 50 spaces. UDP Policy TRANS 22 states that for hotels, car parking facilities will not normally be permitted. As there is existing provision for the hotel, the Highways Planning Manager has no objection to the proposal.

Access to car park will be via two car lifts, with an off-street waiting area. The Highways Planning Manager considers that the car park should be served by a ramp to allow vehicles to drive straight into the car park. However, as the number of car parking spaces has reduced, it is acknowledged that cars waiting to access the car park are unlikely to cause congestion on the highway. The Highways Planning Manager has confirmed that the approach is acceptable, subject to the submission of a car park management plan and a lift management plan, both of which can be secured by legal agreement.

### **Servicing**

An objection has been received on the basis that the information within the Transport Statement is flawed and the submitted servicing figures do not accurately represent the existing servicing that takes place.

The existing servicing for the hotel takes place on-street and this is proposed to continue. This does not comply with UDP Policy TRANS20 which requires servicing to take place off-street. The submitted Transport Statement indicates that there will not be an increase in the number of servicing vehicles visiting the site as a result of the additional 135 hotel bedrooms. It is considered that there will be some increase in the number of servicing vehicles, however, the Highways Planning Manager agrees that there is space to accommodate more vehicles on Brick Street without causing unnecessary congestion or road safety problems and therefore the hotel can continue to be serviced from the street. A Servicing Management Plan is recommended to be secured by condition.

On this basis the objections received to the servicing of the hotel are not considered sustainable to justify a reason for refusal.

### **Bridge Link**

There is an existing bridge link connecting the main hotel with the buildings on Brick Street. The bridge link is approximately 4.7m above ground floor level. A new bridge link is proposed in a slightly different position. This will also be 4.7m above ground floor level. For new bridges over the highway, the City Council would normally insist on a minimum height of 5.1m. The applicants have stated that the floor levels between the existing hotel, the bridge and the new buildings has been established to allow for level access. If the bridge link is raised in height, internal steps would be introduced which would not be acceptable in terms of disabled access. On balance, it is considered that the proposals do not make the existing situation worse and the proposed bridge link is considered acceptable.

### **Cycle parking**

Ten cycle parking spaces are proposed at basement level; this provision is sufficient for the new hotel bedrooms but not for the existing hotel. It is considered that as this is an extension to an existing hotel, it is not considered reasonable to require cycle parking spaces for the existing hotel.

## **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcome.

## **8.6 Access**

Level access is proposed to the main hotel lobby and to the other areas of the main building. Level access is also proposed to the new buildings with lift access to the new hotel bedrooms. The bridge link at first floor level also allows customers to access the main hotel without the need leave the hotel buildings.

## **8.7 Other UDP/Westminster Policy Considerations**

**Plant**

New plant is proposed within the basements and within an enclosed plant room at seventh floor level. Environmental Health has no objection to the proposals and the plant is likely to comply with the City Council's standard noise conditions. However, as the plant has not been selected a condition requiring the submission of a supplementary noise report is recommended.

**Air Quality**

The proposal includes the installation of a CHP unit and two boilers and the submitted Air Quality report illustrates a substantial impact at receptors from the operation of the building and associated plant.

City Plan Policy S31 states that the council will require a reduction of air pollution, with the aim of meeting the objectives for pollutants set out in the national strategy. The existing air quality in the vicinity of the proposed development already exceeds nitrogen dioxide levels. However, it is noted that the CHP and two boilers will replace two 30-year-old boilers and the applicants have stated that the new system will be more efficient which will therefore provide a significant overall reduction in emissions when compared with the existing system.

Environmental Health have objected to the proposals (CHP and new boilers) as they are likely to have a substantial effect upon air quality. Furthermore, the CHP unit does not meet the Emissions Standard as defined in the Mayor's Sustainable Design and Construction SPG 2014. Environmental Health have stated that an extended exhaust gas cleaning system could be fitted to the CHP to reduce NOX emissions and this is secured by condition.

Further mitigation measures are proposed to limit exposure to future users of the development, these include: limited opening of windows on the façade of the building; no balconies; locating air intakes away from the roadside; closure of air intakes during peak-hour traffic flows and NOX filters installed as part of the ventilation system. The mitigation measures in the report will be secured by condition.

**Contaminated Land**

Historic records indicate that Nos.31-35 were used by the Woman's Printing Society as a publishing house from 1908 until approximately 1950. Environmental Health has stated that due to this previous use, further investigations to the extent of contaminated land are required and this will be secured by condition.

**Biodiversity**

Green roofs are proposed at roof level, these are welcomed. Conditions are recommended to ensure that the roofs and walls are maintained and they include a variety of plant species.

**Sustainability**

The London Plan requires non-domestic building to be 35% below Part L 2013 of the Building Regulations.

The submitted documents indicate that the non-domestic elements of the proposal will be 24.6% below Part L 2013 of the Building Regulations. To address the shortfall the applicants are willing to contribute £76,500 to the carbon off-setting fund which is compliant with the Mayor's guidance. This is acceptable and will be secured by a legal agreement.

The submitted Sustainability Statement indicates that the new building will achieve a BREEAM Excellent rating. This is welcomed and secured by condition.

In terms of on-site renewables, photovoltaic panels are proposed at roof level. The area allocated at roof level would allow for either 100 PV panels (160sqm) facing south-east or 85 PV panels (135sqm) facing south. It is considered the maximum amount of panels should be provided, a condition is recommended to ensure that at least 160sqm of panels are provided.

### **8.8 London Plan**

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

The draft 'Heads' of agreement are proposed to cover the following issues:

- Highway Alterations including works immediately surrounding the site required for the development to occur, including improvements to footpaths and Brick Street changes to on-street restrictions (waiting and loading restrictions);
- Carbon off-setting payment of £76,500;
- Crossrail payment (currently calculated at £215,025 but will be reduced to approximately £38,775 following offset against Mayoral CIL as allowed by the SPG).
- Parking Management Plan to include how the automatic system, valet parking and car lift management will operate and lift maintenance;
- Employment and Training Strategy;

The estimated CIL payment is : £956,497

### **8.11 Environmental Impact Assessment**

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

### **8.12 Other Issues**

**Period for Commencement**

The applicant has requested five years to implement their proposals rather than the normal three years. The applicants have put forward the following arguments. Firstly, that the applicants have just completed an extensive refurbishment of the hotel and time is required to put funds in place to implement these proposals. Secondly, the applicant requires time to explore whether this project can be aligned with the proposals at Carrington Street Car Park.

An objection has been received on the basis that a longer time frame will give uncertainty to surrounding occupiers as to when the development will be started and finished. It is considered that a five-year consent is acceptable due to the scale of the development. The objection received is noted, however the City Council do not get notified of start dates, therefore there is uncertainty in both three and five year scenarios.

The objection also requests that a clause be added to the legal agreement to ensure that any demolition and basement excavation be completed within 9 months. This is not considered to be a reasonable request.

**Basement**

The proposal includes the excavation to create an additional sub-basement level under part of the application site. Objections have been received to the non-compliance with City Plan Policy CM28.1. Objections have also been received to the impact of the basement excavations.

City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ. An objection has been received to the extent of the proposed basement on the basis that it would affect the character of Brick Street. The proposed basement would not extend under the whole of the site and would be used as a plant room. It is not considered that this would affect the character of Brick Street. The objection received on this ground is not considered to be sustainable to justify a reason for refusal.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, as the site is located within the Core CAZ, the excavation of more than one basement level complies with this section of the policy.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining

buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the

decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

### **Flood Risk**

The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. However, the proximity of the hidden River Tyburn close to the site's eastern boundary, will mean careful excavation will be needed to ensure it is not damaged.

### **Construction impact**

A number of objections have been raised to the lack of a construction management plan, the impact the construction including construction traffic will have on existing residents and businesses in the area and the associated noise/dust and disruption. Objections also state that workers will block access to existing garages etc. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

Objections have been received on the grounds that the works and the proposed development will have an impact on property values. This is not a planning consideration and permission cannot reasonably be withheld on these grounds.

Objections have been received to the delay in receipt of the consultation letters. The City Council has no control over the posting of the consultation letters and it is unfortunate that some of these letters were delayed. However, due to the scale of the application, there has been sufficient time between the receipt of the letters and the drafting of the committee report for comments to be taken into account.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Historic England, dated 4 October 2017
3. Responses from Cleansing dated 13 October 2017 and 17 November 2017
4. Response from Thames Water, dated 20 October 2017
5. Responses from Environmental Health dated 23 October 2017, 24 November 2017 and 2 January 2018 and 10 January 2018



6. Response from Historic England (Archaeology), dated 26 October 2017
7. Response from Designing Out Crime, dated 20 October 2017
8. Response from Highways Planning Manager, dated 7 December 2017
9. Response from Building Control, dated 18 December 2017
10. Letter from occupier of Christ Church, Mayfair, Down Street, dated 12 October 2017
11. Letters from Harding Chartered Surveyors on behalf of the owners of 29 Brick Street, dated 18 October 2017
12. Letter from occupier of 65 Quail Lane, Martinez, dated 19 October 2017
13. Letter from occupier of 9 Hertford Street, London, dated 19 October 2017
14. Letters on behalf of the freeholder and owners of flats within 8-9 Hertford Street, dated 19 October 2017
15. Letter from occupier of Flat 102, 9 Hertford Street, dated 19 October 2017
16. Letters from occupier of Penthouse, 9 Hertford Street, dated 19 October 2017 and 20 October 2017
17. Letters from the managing agent of Flat 3 and Flat 501 of 8-9 Hertford Street, dated 19 October 2017
18. Letter from occupier of Flat 301, 9 Hertford Street, dated 19 October 2017
19. Letter from occupier of Flat 303, 9 Hertford Street, dated 19 October 2017
20. Letters from occupier of Flat 304, 9 Hertford Street, dated 19 October 2017
21. Letter from occupier of 9 Hertford Street, London, dated 19 October 2017
22. Letter from managing agents of 7 Down Street, dated 20 October 2017
23. Letter from occupier of Forsters LLP, 31 Hill Street, dated 20 October 2017
24. Letter on behalf of the occupier of 10 Hertford Street, dated 1 November 2017

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

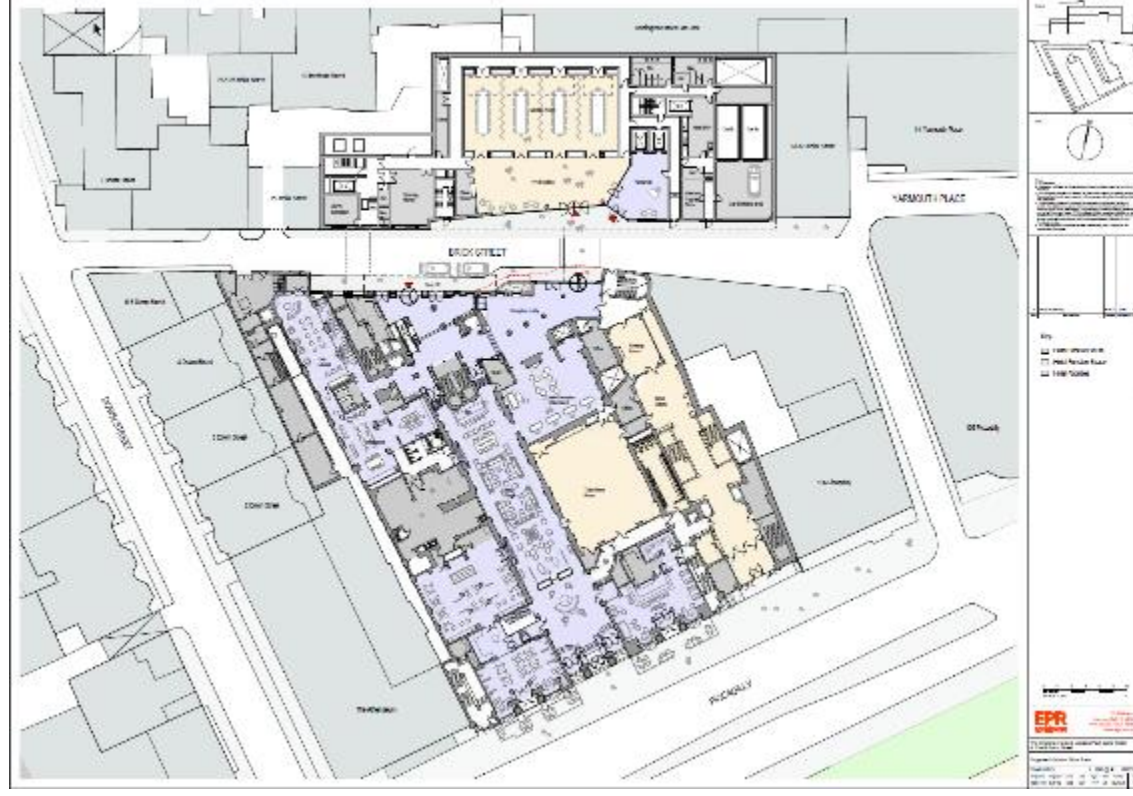
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

### 10. KEY DRAWINGS

Site context



Proposed ground floor



Proposed third floor plan



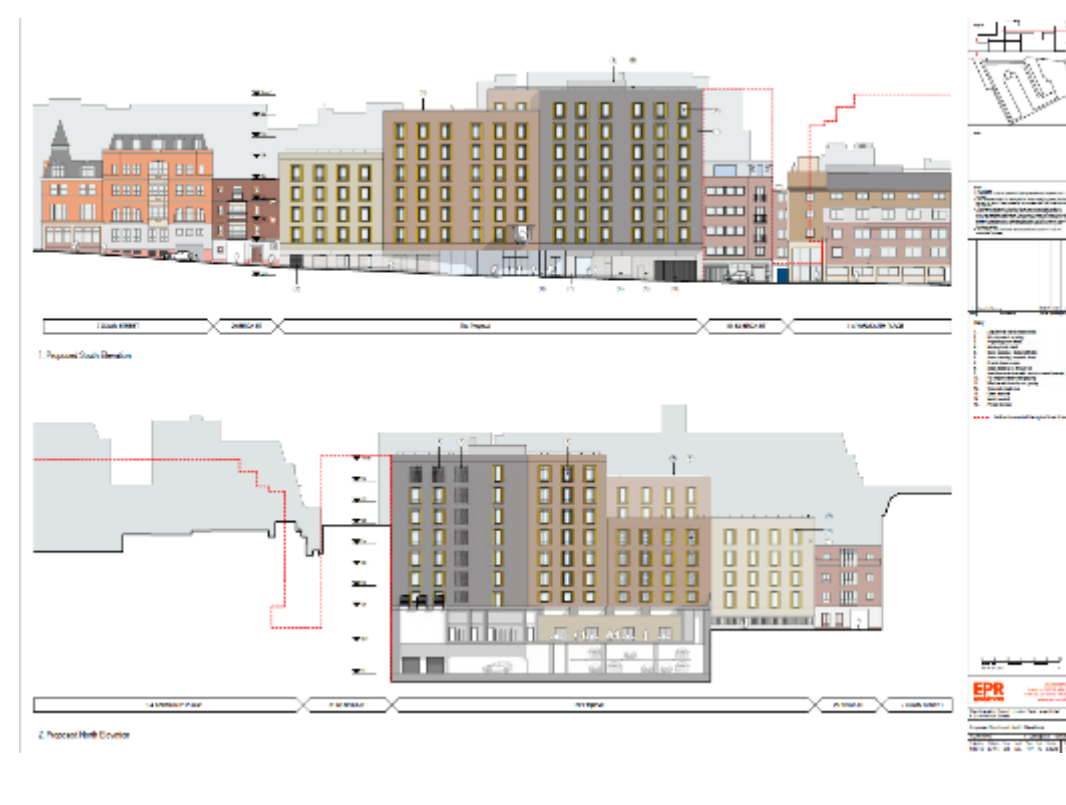
Proposed sixth floor plan



### Existing and Proposed South Elevation



### Proposed North and South elevation



Proposed view of bridge link



**DRAFT DECISION LETTER**

**Address:** 31 - 35 Brick Street, London, W1J 7HQ,

**Proposal:** Demolition of 31-35 Brick Street and 37-49 Brick Street and the erection of a stepped ground plus four - seven storey building; including an additional basement level, to be used for up to 135 hotel bedrooms and function and meeting rooms in connection with the existing hotel (Class C1) at 108-115 Piccadilly (Park Lane Hotel). The replacement of the existing first floor link bridge; the creation of a basement servicing tunnel between the Park Lane Hotel and 31-49 Brick Street; the creation of associated car and cycle parking and servicing facilities; the replacement of the existing rear canopy of the Park Lane Hotel on Brick Street; the removal of part of the rear ground and first floor stair block to create a new rear entrance; the recladding of the rear ground floor including new windows and door and other associated works. (Linked application - 17/08590/LBC) (SITE INCLUDES 31-35 BRICK STREET AND 37-49 BRICK STREET)

**Reference:** 17/08589/FULL

**Plan Nos:** 10519-EPR-B1-TP-A-0101 1, 10519-EPR-00-B2-TP-A-0100 2, 10519-EPR-00-01-TP-A-0103 1, 10519-EPR-00-02-TP-A-0104 1, 10519-EPR-00-03-TP-A-0105 1, 10519-EPR-04-TP-A-0106 1, 10519-EPR-00-05-TP-A-0107 1, 10519-EPR-00-06-TP-A-0108 1, 10519-EPR-00-EL-TP-A-0120 1  
10519-EPR-00-B2-TP-A-0200 2, 10519-EPE-00-B1-TP-A-0201 1, 10519-EPR-00-GF-TP-A-0202 1, 10519-EPR-00-01-TP-A-0203 1, 10519-EPR-00-02-TP-A-0204 1, 10519-EPR-00-03-TP-A-0205 1, 10519-EPR-00-04-TP-A-0206 1, 10519-EPR-00-05-TP-A-0207 1, 10519-EPR-00-06-TP-A-0208 1, 10519-EPR-00-07-TP-A-0209 1, 10519-EPR-00-RF-TP-A-0210 1, 10519-EPR-00-SC-TP-A-0230 1, 10519-EPR-00-SC-TP-A-0231 1, 10519-EPR-00-EL-TP-A-0220 1, 10519-EPR-00-EL-TP-A-0221, 10519-EPR-00-EL-TP-A-0241 1  
Structural Assessment by Taylor Whalley Spyra (INFORMATION ONLY), Air Quality Assessment (REF: DM/CC/P17-1318/01 Rev 1)

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

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

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

Reason:

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

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

- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising 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. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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)

- 4 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include: , A. the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works., B. the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting materials. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in stage 2 WSI.

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

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

Reason:

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

- 6 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)

- 7 You must apply to us for approval of details of the following parts of the development: - servicing management plan. 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 details. (C26DB)

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)

- 8 (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.

- 9 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.

- 10 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 8 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.

- 11 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology

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

Reason:

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

- 12 You must apply to us for approval of details of the following parts of the development: drainage strategy detailing any on and/or off site drainage works. You must not start work until we have approved what you have sent us. You must then carry out the work according to these details (C26CB)

Reason:

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- 13 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 water 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 terms of the approved piling method statement.

Reason:

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

- 14 You must provide the waste store shown on drawing 10519-EPR-00-B2-TP-A-0200 Rev 2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the waste store. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 15 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application: green biodiverse roofs. You must not remove any of these features. (C43FA)

Reason:

To 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. (R43FB)

- 16 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to Condition 15. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To 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. (R43FB)

- 17 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 18 You must provide the environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in the submitted energy statement and sustainability statement. , , 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)

- 19 You must provide at least 160sqm (equivalent to 100 panels) of photovoltaic panels as shown on drawing 10519-EPR-00-RF-TP-A-0210 Rev 1

## 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)

- 20 The glass that you put in the corridor windows at first to fourth floor levels in the north elevation must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

## Reason:

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

- 21 You must install privacy screens to the hotel bedroom windows at first to seventh floor level on the north elevation. You must apply to us for approval of a sample of the privacy screen (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the screen we have approved and must not change it without our permission.

## Reason:

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

- 22 All vehicles must enter and exit the site in forward gear from the car park

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

## Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in S25 and S28 of Westminster's City Plan

(November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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

Reason:

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

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

Reason:

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

- 26 You must apply to us for approval of detailed drawings of the following parts of the development - New facades - typical details at all levels. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25

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

- 28 The development must begin within five years of the date of this decision.

Reason:

At the request of the applicant, and as allowed under Section 91 of the Town and Country Planning Act 1990 (as amended), a longer period for commencing the development is considered acceptable in this instance, in particular due to the scale and complexity of the development and to assist the applicant in securing funding for this scheme, which provides for the renewal and growth of hotel uses in the West End.

- 29 The roof terrace at seventh floor level shall only be used by hotel guests and only between the following times 08.00 - 21.00.

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)

- 30 You must provide the mitigation measures as set out in the submitted Air Quality Assessment (Ref:DM/CC 1318/01 rev A) ) before you start to use any part of the development. , , You must not remove any of these features.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application set out in S31 of Westminster's City Plan (November 2016)

**Informative (s)**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With regards to Condition 4, written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 Condition 11 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below., , Contaminated Land Officer, Environmental Health Consultation Team , Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP , , Phone: 020 7641 3153 , (I73AB)

- 6 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; , \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. , , Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm). , , It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following. , \* Window cleaning - where possible, install windows that can be cleaned safely from within the building. , \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained. , \* Lighting - ensure luminaires can be safely accessed for replacement. , \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). , More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm). , , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 9 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at [www.hse.gov.uk/pubns/indg244.pdf](http://www.hse.gov.uk/pubns/indg244.pdf). (I80DB)
- 10 Manual-handling accidents account for 38% of all reported accidents. Careful consideration at the design stage can eliminate or reduce the need for manual handling within buildings, for



example the location of delivery areas in relation to store rooms and access to and the position of plant rooms., , There is more guidance on the Health and Safety Executive website at <http://www.hse.gov.uk/msd/index.htm>. (I80EB)

- 11 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: , \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; , \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained; , \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; , \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 12 Buildings must be provided with appropriate welfare facilities for staff who work in them and for visiting members of the public., Detailed advice on the provision of sanitary conveniences, washing facilities and the provision of drinking water can be found in guidance attached to the Workplace (Health, Safety and Welfare) Regulations 1992. [www.opsi.gov.uk/SI/si1992/Uksi\\_19923004\\_en\\_1.htm](http://www.opsi.gov.uk/SI/si1992/Uksi_19923004_en_1.htm), , The following are available from the British Standards Institute - see <http://shop.bsigroup.com/>: , BS 6465-1:2006: Sanitary installations. Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances , BS 6465-3:2006: Sanitary installations. Code of practice for the selection, installation and maintenance of sanitary and associated appliances. (I80HA)
- 13 Condition 8 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 14 You are advised that you will require an undersailing licence for the service tunnel and an oversailing licence for the bridge link. Please contact Jeff Perkins on 0207 641 2642.
- 15 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to

environmentalsciences2@westminster.gov.uk. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. You are urged to give this your early attention

- 16 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i. The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including improvements to footpaths and Brick Street changes to on-street restrictions (waiting and loading restrictions);
  - ii. A financial contribution to the carbon offsetting fund carbon offsetting fund of £76,500 (index linked and payable prior to commencement of development).
  - iii. Crossrail payment
  - iv. Parking Management Plan to include how the automatic system, valet parking and car lift management will operate and lift maintenance
  - v. S106 monitoring costs. (I55AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

### **DRAFT DECISION LETTER**

**Address:** 31 - 35 Brick Street, London, W1J 7HQ,

**Proposal:** Demolition of 37-49 Brick Street and the erection of a stepped ground plus four - seven storey building; including an additional basement level, to be used for up to 135 hotel bedrooms and function and meeting rooms in connection with the existing hotel (Class C1) at 108-115 Piccadilly (Park Lane Hotel). The replacement of the existing first floor link bridge; the creation of a basement servicing tunnel between the Park Lane Hotel and 31-49 Brick Street; the creation of associated car and cycle parking and servicing facilities; the replacement of the existing rear canopy of the Park Lane Hotel on Brick Street; the removal of part of the rear ground and first floor stair block to create a new rear entrance; the recladding of the rear ground floor including new windows and door and other associated works. (SITE INCLUDES 31-35 BRICK STREET AND 37-49 BRICK STREET)

**Reference:** 17/08590/LBC

**Plan Nos:** 10519-EPR-B1-TP-A-0101 1, 10519-EPR-00-B2-TP-A-0100 2, 10519-EPR-00-01-TP-A-0103 1, 10519-EPR-00-02-TP-A-0104 1, 10519-EPR-00-03-TP-A-0105 1, 10519-EPR-04-TP-A-0106 1, 10519-EPR-00-05-TP-A-0107 1, 10519-EPR-00-06-TP-A-0108 1, 10519-EPR-00-EL-TP-A-0120 1, , 10519-EPR-00-B2-TP-A-0200 2, 10519-EPE-00-B1-TP-A-0201 1, 10519-EPR-00-GF-TP-A-0202 1, 10519-EPR-00-01-TP-A-0203 1, 10519-EPR-00-02-TP-A-0204 1, 10519-EPR-00-03-TP-A-0205 1, 10519-EPR-00-04-TP-A-0206 1, 10519-EPR-00-05-TP-A-0207 1, 10519-EPR-00-06-TP-A-0208 1, 10519-EPR-00-07-TP-A-0209 1, 10519-EPR-00-RF-TP-A-0210 1, 10519-EPR-00-SC-TP-A-0230 1, 10519-EPR-00-SC-TP-A-0231 1, 10519-EPR-00-EL-TP-A-0220 1, 10519-EPR-00-EL-TP-A-0221, 10519-EPR-00-EL-TP-A-0241 1, , 10519-EPR-01-XX-TP-A-0330 1, 10519-EPR-01-00-TP-A-0320 1, 10519-EPR-01-XX-TP-A-0310 1, 10519-EPR-01-00-TP-A-0300 1, 10519-EPR-01-XX-TP-A-0350 1, 10519-EPR-01-00-TP-A-0340 1

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

### 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 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either: , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or,

(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

### **Informative(s)**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.