

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site At 8-10 Grafton Street, 11-14 Grafton Street, 22-24, Bruton Lane, and 163-164 New Bond Street, London		
Proposal	Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street and a linked 11 storey building (plus two storey and part three storey basement) on Bruton Lane/Barlow Place comprising up to six residential units (Class C3), use of the remaining floorspace for use as a hotel and associated facilities (Class C1), retail (Class A1), flexible retail/restaurants (Class A1 and A3), flexible hotels/restaurants (Classes C1 and A3), and flexible hotel/restaurants/bars (Classes C1, A3 and A4), flexible hotel/spa (Classes C1 and D2), creation of a recessed drop off onto Grafton Street, creation of terrace areas at ground/first floor level overlooking Bruton Lane and at sixth floor level on the Grafton Street building, installation of plant at roof level and associated provision of open space and landscaping. (Site includes 163-164 New Bond Street).  Dismantling of the Grade II listed shopfront and re-erection in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street.		
Agent	Gerald Eve LLP		
On behalf of	O & H Grafton Developments Ltd		
Registered Numbers	19/02260/FULL and 19/02262/LBC	Date amended/ completed	25 March 2019
Date Application Received	25 March 2019		
Historic Building Grade	The Wartski Shopfront is Grade II listed, the rest of the site is unlisted.		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to referral to the Mayor of London and subject to S106 legal agreement to secure the following:

- i) A financial contribution to the carbon offsetting fund of £1,800 (index linked and payable prior to commencement of development;
- ii) Highway works to renew the footways around the site, providing access to and egress from the

porte cochere; to make adjustments to the TfL cycle hire station on Grafton Street; to make adjustments to the motorcycle bay in Bruton Lane;

- iii) Stopping up order and possibly dedication of highway;
- iv) Dismantlement and re-instatement of the listed 'Wartski' shopfront;
- v) Demolition clauses;
- vi) Travel plan; and
- vii) costs of monitoring the S106.

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 Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Place Shaping and Town 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 Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

5. Grant conditional listed building consent.

6. 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 four separate addresses fronting onto Grafton Street, New Bond Street and Bruton Lane. The buildings are in use for office, residential and retail purposes, although the majority of the site is vacant. The buildings are unlisted, but the shopfront at 14 Grafton Street is Grade II listed (Wartski shopfront). Two separate consents have previously been granted for 8-10 Grafton Street and 22-24 Bruton Lane and 11-14 Grafton Street and 163-164 New Bond Street.

Permission is sought for the demolition of all the building on-site and redevelopment to provide a seven-storey building fronting Grafton Street and a linked 11 storey building to the rear in Bruton Lane/Barlow Place, sub-basement levels are proposed under the whole of the site. It is proposed to use the building as a hotel, flexible uses are also proposed to include restaurants, bar and spa uses. The existing residential floorspace will be re-provided and extended to include six flats in the Barlow Place building. A porte cochere is proposed on Grafton Street which will allow guests to be dropped off within the building. The ground and first floors of the Grafton Street building will be used for retail

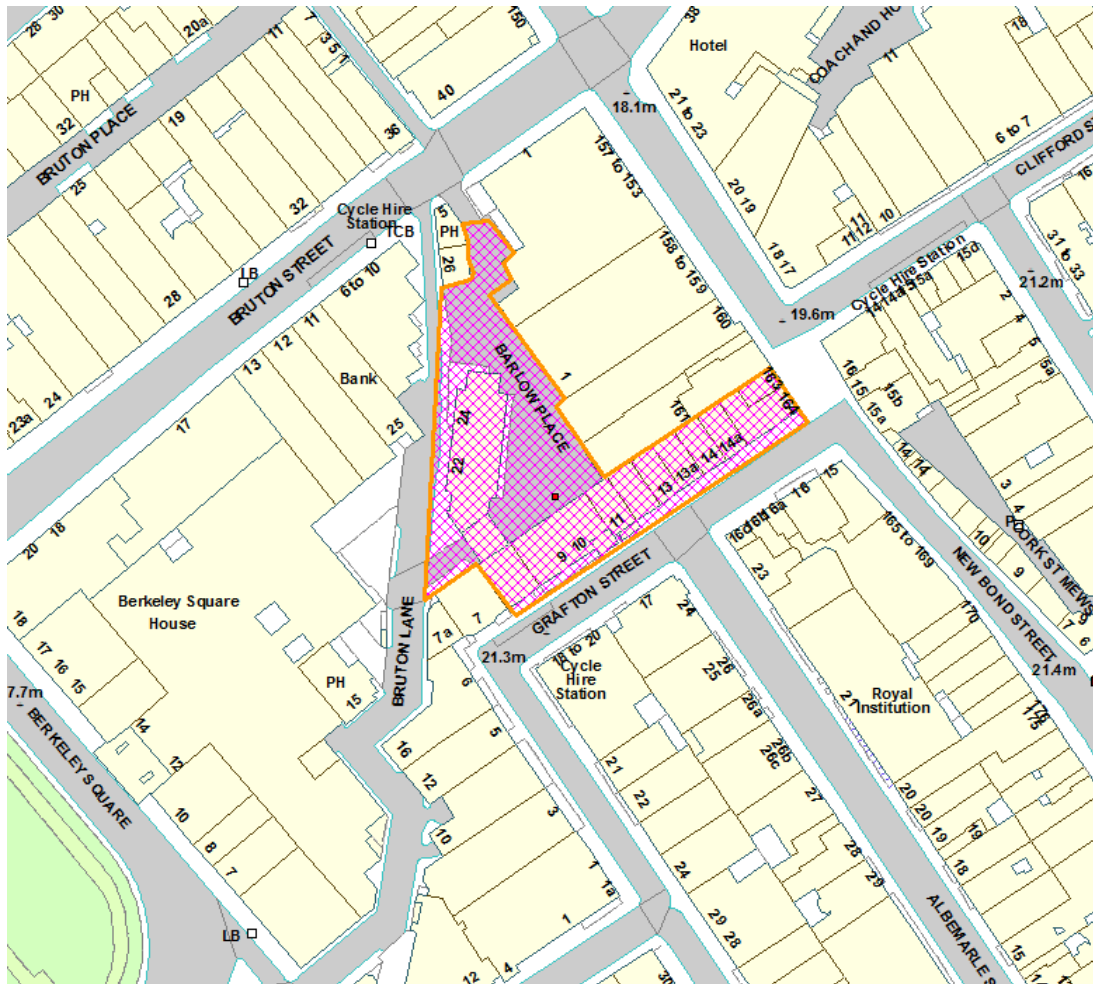
purposes. The existing 'Wartski' shopfront will be dismantled and relocated to the Barlow Place building and listed building consent is sought for this aspect of the proposals.

The key issues for consideration are:

- The impact of the proposals on the Mayfair conservation area;
- The impact of the proposals on residential amenity; and
- The relocation of the 'Wartski' shopfront.

The proposals are considered acceptable in land use, amenity, design and conservation grounds and are in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Grafton Street frontage





New Bond Street elevation



Bruton Lane elevation



Wartski Shopfront





## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

- Principle of a hotel in this location is strongly supported.
- Loss of office floorspace is acceptable in this instance.
- High quality design although the applicant should consider improvements to the porte cochere entrance.
- Less than substantial harm caused by relocation of Grade II listed Wartski shopfront offset by economic benefits and continued use of Barlow Place.

### LONDON UNDERGROUND LIMITED

No objection, subject to conditions.

### TRANSPORT FOR LONDON

No objection.

### THAMES WATER UTILITIES LTD

No objection, subject to conditions.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Authorisation granted for the relocation of the Grade II listed shopfront.

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

Any response to be reported verbally.

### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

### ENVIRONMENTAL HEALTH

No objection.

### HIGHWAYS PLANNING MANAGER

No objection.

### WASTE PROJECT OFFICER

No objection.

### BUILDING CONTROL

Any response to be reported verbally.

### ARBORICULTURAL SECTION

Any response to be reported verbally.

### WCC ECONOMY TEAM

Any response to be reported verbally.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 625

No. responses: 4 letters of support received.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application comprises four separate addresses, 8-10 Grafton Street and 22-24 Bruton Lane are linked at ground floor level to fifth floor level and 11-14 Grafton Street and 163-164 New Bond Street are linked on all floor levels.

- 8-10 Grafton Street is an unlisted building comprising basement, lower ground, ground, first to fourth floors with a set-back fifth floor level. The lawful use of the part lower ground and ground floor is for retail purposes, with offices on the upper floors. The building was built in the late 1950's/early 1960s and includes a flying freehold over the entrance of its neighbour (No.7) which is Grade II listed.
- 22-24 Bruton Lane is linked to Nos.8-10 but on a different street frontage, the building has facades to both Bruton Lane and Barlow Place. This building comprises basement, lower ground, ground and six upper floors and was last in use for office purposes. Due to the height difference between Grafton Street and Bruton Lane, the ground floor level of the Grafton Street building equates to the second-floor level of the building in Bruton Lane.
- 11-14 Grafton Street and 163-164 New Bond Street is an unlisted building comprising basement parking (accessed from Barlow Place), seven retail (Class A1) units at ground floor level, offices at first to third floor levels and two residential flats at fourth floor level. The main building on Grafton Street dates from the early 1970s and includes a shopfront (known as the 'Wartski' shopfront) at No. 14 which is listed Grade II.

Bruton Lane connects Berkeley Street to the south and Bruton Street to the north. It serves as a servicing route to the rear of several buildings on Berkeley Square and to buildings on Grafton Street and Bruton Street. Barlow Place is a private road at the rear of New Bond Street and is within the applicant's ownership. It provides access, parking and servicing area for several of the retail units on New Bond Street.

The wider surrounding area comprises commercial uses, including the International Shopping Frontage of Bond Street. The nearest residential properties are located to the rear of 160 New Bond Street and 1 Barlow Place. The site is within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ).

## 6.2 Recent Relevant History

### 8-10 Grafton Street and 22-24 Bruton Lane

Planning permission was granted on 19 December 2014 for the demolition of all existing buildings and redevelopment to provide (i) a six storey building (plus three storey basement) on Grafton Street comprising dual/alternative retail, restaurant or office use (Class A1/A3/B1) at ground and basement level 1, car parking and plant installation at basement level 2 and office use (Class B1) at first - fifth floor levels with plant enclosure at rooftop level; (ii) an 11 storey (plus two storey basement) building on Barlow Place comprising car parking and residential storage at basement levels and dual/alternative retail or restaurant (Class A1/A3) use at ground floor, and residential use (Class C3) at first - tenth floors containing 15 residential units. Creation of roof terraces and plant enclosure at roof level and balconies at all floor levels. Associated provision of open space and landscaping.

Planning permission was granted on 3 April 2008 for the redevelopment to provide i) a 7 storey plus basement office building on Grafton Street comprising ground floor retail use, offices and roof plant enclosure and ii) an 11 storey plus basement building, with roof level plant enclosure, comprising a mix of offices and 11 self-contained flats, fronting Bruton Lane; provision of open space and associated landscaping.

### 11-14 Grafton Street and 163-164 New Bond Street

Planning permission was granted on 29 April 2016 for the demolition of 11-14 Grafton Street and 163-164 New Bond Street, excavation of new sub-basement storey, and erection of replacement building over sub-basement, basement, lower ground, lower ground mezzanine, ground and part five and part six upper storeys for use as car / cycle parking and refuse store at sub-basement level, plant at part basement level, retail (Class A1) at part basement, lower ground, lower ground mezzanine, part ground, first and part second floor levels, Class B1 offices at part ground (reception), third and fourth floors; dual/alternative use as office (Class B1) and/or retail (Class A1) at part second floor level, two flats (Class C3) at fifth and six floor levels and installation of plant at roof level.

### Berkeley Square House – Starwash site

Planning permission was granted on 29 September 2015 for the erection of a basement, ground plus six storey building to the rear of Berkeley Square House [former 'Starwash' site] comprising restaurant (Class A3) at basement and ground floor levels, offices (Class B1) at first floor level and residential (Class C3) on upper floors, with private roof terrace at roof level in connection with a residential unit and installation of plant and photovoltaic panels at roof level; use of part of basement and ground floor of Berkeley Square House for restaurant (Class A3), plant accommodation and storage area; installation of plant within an acoustic enclosure to first floor roof; new access and servicing arrangements and other associated works. This permission has not been implemented.

## 7. THE PROPOSAL

Permission is sought for the demolition of all the existing buildings and redevelopment to provide a six-storey building on Grafton Street and a link 11- storey building located between Bruton Lane and Barlow Place. Three sub-basement levels are proposed and

these would extend under the whole of the site. The Grafton Street building and Barlow Place building will be separated at ground floor level and above, and this will create a gap between the buildings.

A porte cochere is proposed to allow for an internal drop-off point and this will have two access points on Grafton Street.

The majority of the site will be used as a hotel (Class C1) including 83 bedrooms. Retail floorspace is proposed at lower ground floor, ground floor and first floor level of the Grafton Street building. Flexible restaurant/hotel floorspace is proposed at part ground, part first and flexible restaurant/bar/hotel floorspace at sixth floor level. Further flexible floorspace is proposed at basement level -1 which could be used as spa/hotel floorspace. Six residential units are proposed and these will be located over the second and third floor level of the Barlow Place building. The ground floor of the Barlow Place building will be used flexibly between retail or restaurant uses.

Servicing for the site will take place via a dedicated service bay on Bruton Lane

Listed building consent is sought for the dismantling and relocation of the 'Wartski' shopfront from Grafton Street to the Barlow Place building.

Table 1. Land use table

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	8,067	0	-8,067
Retail	1,345	1,797	+452
Residential	485	608	+123
Hotel	0	12,345	+12,345
Flexible Hotel/Restaurant	0	1,514	+1,514
Flexible Hotel/Restaurant/Bar	0	536	+536
Flexible Hotel/Spa	0	597	+597
Flexible Retail/Restaurant	0	243	+243
Total	9,897	17,640	+7,743

The hotel would be operated by LVMH's Cheval Blanc brand, which currently has four resorts and hotels globally.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use

The proposals result in the loss of office floorspace. Office floorspace is not protected where it is going to another commercial use. Therefore, the loss is acceptable. The GLA have also confirmed that while the office space supports the strategic functions of the CAZ, so does the provision of a hotel.



**Residential use**

There are two residential flats at fourth floor level of Nos. 11-14 comprising 1 x 2 bed and 1 x 3 beds, the existing residential accommodation has a shared access with the offices. Six residential units are proposed over 608sqm (increase of 123sqm), the increase in residential floorspace is acceptable and complies with UDP policy H3 and City Plan policy S14. The proposed mix of units comprises 4 x 1 beds and two studio flats. No family sized units are proposed and this does not comply with UDP policy H5 which requires 33% of housing developments to consist of family accommodation (3 beds or more).

The proposed units will be located within the Barlow Place building at second and third floor level with the entrance on Bruton Lane. The units comply with the minimum space standards set out in the London Plan (2 x 68.1sqm, 2 x 76.7sqm and 2 x 49.7sqm). It is regrettable that no family sized accommodation is proposed, however, given the location, on balance this is acceptable. One of the residential units will be wheelchair user accessible and this is considered acceptable and secured by condition.

Environmental Health have raised concerns that the internal activity from the hotel will have an impact on the proposed residential and have requested that standard internal noise conditions are imposed. With these conditions it is considered that the residential flats will be adequately protected.

The residential floorspace does not generate a requirement for affordable housing.

**Hotel use**

The proposal will result in a new hotel comprising 12,345sqm with 83 hotel bedrooms.

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. City Plan Policy S23 states that new hotels will be directed to the Core CAZ. 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 new 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.

This area is predominantly commercial, however there are five residential flats to the rear within 1 Barlow Place, two flats on the upper floors of 160 New Bond Street and a single-family dwelling house at 5 Grafton Street. Therefore, it is not considered that this area is predominantly residential. The proposed hotel will contain 83 bedrooms and potentially 2,293sqm of ancillary entertainment floorspace, this ancillary floorspace will be accessible to members of the public and hotel guests.

Due to its central London location is likely that most guests will arrive by taxis or public transport, and they would utilise the porte cochere, this will minimise the impact on the public highway, this is considered acceptable.

As the hotel does not include large conferencing facilities or event space and due to the constraints of the highway around the application site, it would be difficult for coaches to

service the hotel. The applicants have also stated that they will not take group bookings for hotel rooms therefore reducing the likelihood of coaches visiting this hotel. The GLA have requested that a condition is imposed preventing coaches arriving at this hotel. The applicants have stated in the Operational Management Plan (OMP) that they will not accept coach party bookings, as the OMP is secured by condition, it is not considered necessary to add a further condition in this regard.

In line with London Plan policy 4.5, 10% of the hotel rooms will be wheelchair accessible, this will be secured by condition.

The proposals are considered to be in line with London Plan policy which encourages an increase in visitor accommodation throughout the city. A hotel would provide a more appropriate strategic use of this site considering its location within the International shopping and leisure destination of the West End.

### **Retail floorspace**

There is existing retail floorspace at basement and ground floor level along Grafton Street comprising 1345sqm, it is proposed to increase the amount of retail floorspace by 452sqm (total 1797sqm), this could potentially increase to 2,040sqm, if the flexible floorspace in Barlow Place is implemented as retail.

The proposed retail floorspace is considered to be of a better quality than the existing floorspace, with an improved street presence on Grafton Street and New Bond Street, which will be complementary to the International Shopping Frontage. It is considered that a retail unit on Bruton Lane will enliven this currently underused area. The increase in retail floorspace is acceptable and in line with Policy S21 of the City Plan.

### **Restaurant/Bar floorspace**

New restaurant floorspace is proposed comprising 2,293sqm. The applicants have applied for all of this space to be used flexibly between hotel and restaurant/bar floorspace. This allows the applicant a certain amount of flexibility as to how the spaces are used. As the ancillary floorspace could be used by hotel and non-hotel guests the total amount of entertainment floorspace must be considered in light of the entertainment policies.

The restaurant/bar floorspace will be divided throughout the site, a flexible retail/restaurant space is proposed at ground floor level within the Barlow Place building, a flexible hotel/restaurant is proposed at ground floor level which will lead to a terrace overlooking Bruton Lane (this terrace is technically at first floor level), a flexible hotel/restaurant is proposed at first floor level with a further flexible hotel/restaurant/bar at sixth floor level. External terraces are proposed overlooking Grafton Street and Bruton Lane.

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. The proposal is for a 'large-sized' entertainment use and UDP Policy TACE10 applies, which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500sqm will not generally be appropriate within Westminster.

Table 2. Entertainment table

Location	Use	Covers	Open to non-hotel guests?	Hours open to non-hotel guests
Lower Ground floor – Barlow Place building	Flexible retail/restaurant	75	Yes	07.00 – 19.00 daily
Ground floor	Flexible Hotel/Restaurant	120	Yes	06.00 – midnight daily
First floor	Flexible Hotel/Restaurant	52	Yes	18.00 – 01.00 daily
Sixth floor	Flexible Hotel/Restaurant/Bar	70 covers plus 40 on the terrace	Yes	11.00 – midnight daily.

All of the restaurant/bar floorspace will be open to non-hotel guests and the majority of the entertainment space will have opening hours that are consistent with the core hours set out in the UDP (midnight on Sunday to Thursdays and 00.30 on Friday and Saturdays). However, the restaurant at first floor, is proposed to be open until 01.00. In this location, which is not predominantly residential, the slightly later closing time for non-hotel guests is considered acceptable.

External dining areas are proposed at ground/first floor level and at sixth floor level. The ground/first floor terrace will be located above the entrance to the servicing/loading bay and opposite the former 'Starwash' site. Bruton Lane is commercial in nature and terrace in this location is considered acceptable. The proposed restaurant/bar at sixth floor level includes terraces overlooking Bruton Lane and Grafton Street. The roof terrace on the Grafton Street elevation, will be set back and also higher than the nearest residential at 5 Grafton Street. Environmental Health have also assessed the potential noise outbreak from the terrace at sixth floor level in relation to the potential impact on nearest residential property. A noise assessment has been submitted and concludes that speech sound will have a low impact on residential properties. Environmental Health have requested a condition restricting the playing of music on the terraces and that they should not be used between 23.00 – 07.00. However, it is recommended that the terrace should be closed at 22.00 to ensure that noise disturbance is reduced.

The proposed entertainment floorspace is considered acceptable and will complement the character and function of the area. There is a limited number of other entertainment uses in the vicinity of the site and it is not considered that the entertainment floorspace will lead to a cumulative impact in the area.

An OMP has been submitted with the application, and this will be secured by condition. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

The proposed spa floorspace is considered acceptable.

## 8.2 Townscape and Design

The application site is on the northern side of Grafton Street with a short section on New Bond Street, and secondary frontages to Bruton Lane and Barlow Place, all in the Mayfair Conservation Area and in the Great Estates area of archaeological priority.

Grafton Street was designed and developed by Sir Robert Taylor on behalf of the 3rd Duke of Grafton from 1768-1770s and there are several surviving buildings from this date in the area including a group of grade I and grade II listed eighteenth century houses situated on the southern arm of Grafton Street, a group of five houses with shop-fronts below at Asprey's at 165-169 New Bond Street (listed at Grade II). The development is also within the setting of the grade II-star listed 'Time Life' building at No. 1-4 Bruton Street and the grade II listed No. 161-162 New Bond Street.

The shopfront at Wartski jewellers, dating to 1974, at 14 Grafton Street is listed at Grade II

All of the buildings on the site are to be demolished including the much altered 163 New Bond Street which is a surviving part of Sir Roger Taylor's development that was granted a certificate of immunity from listing in 2016. Also forming part of the site is the grade II listed shopfront of 'Wartski'.

The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset, because of its heritage interest, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed development is mostly within the outline of the previously approved developments on the site. The detailed design of the new buildings harmonises with the historic character and appearance of development in the conservation area. The use of brick for the Grafton Street façade and the chosen brick colour, combined with the height and detailed design of the new façade, enhance the setting of the nearby listed buildings by recreating the architectural order of the street that was lost in the 1960s. The roof form is an attractive feature that includes a raised feature to provide a focus for the view north along Albemarle Street.

Key views of the site from surrounding streets have been provided, and in all these views the development will be an improvement in comparison to the existing buildings as a result of the improved façade designs and more appropriate palette of materials. The development as a whole will therefore enhance the character and appearance of the



conservation area. The proposal would rise above surrounding buildings in several views including the Grade II star 1-4 Bruton Street. However, the high quality of the roof design minimises the harm to these buildings and overall causes less than substantial harm to the conservation area. It is also considered that proposal would cause no harm to the heritage asset at 7-7A Grafton Street (Grade II listed), by virtue of the demolition of the existing unsympathetic office block and its replacement with a sympathetically design hotel and would enhance the setting of the 7-7A Grafton Street.

A porte cochere is proposed and this creates a large void within the street, where buildings generally form a continuous alignment. The GLA have commented that in views along Albemarle Street, the porte cochere would interrupt and detract from the frontage. Public art is proposed for the ground floor façade on Grafton Street which would improve the frontage, this is also considered to be an acceptable location in principle and details may be secured by condition. On balance, it is considered that the porte cochere is acceptable.

The grade II listed Wartski shopfront, which is a rare surviving example of 1970s retail design, is to be dismantled and re-erected in Barlow Place. The relocation of the shopfront to an appropriate position in the development which allows its continued use, is acceptable in design and heritage asset terms and ensures that its special interest will be maintained. It is considered that this would result in less than substantial harm to the heritage asset. The shopfront would also be taken out of its mid-20<sup>th</sup> century architectural context with the demolition of the office block. Nonetheless, this harm is offset by the loss of the empty office block and its replacement with a hotel, providing new economic activity though jobs and guests as well as very high-quality design and materials. The harm is further offset by the fact that the 'Wartski' shopfront would continue to front a retail unit on Barlow Place. As with previous approvals for its relocation, this will be secured by a legal agreement.

Historic England have confirmed that no archaeological recording is required on the basis that previous analysis has shown the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Nevertheless, the circular staircase in No. 163 New Bond Street, which dates from the eighteenth century, should be fully recorded with drawings and photographs before it is demolished to ensure that its details are retained in the historic environment record. This may be dealt with by condition.

### **8.3 Residential Amenity**

#### **Daylight and Sunlight overview**

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, 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.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and these are analysed below.

### **1 Barlow Place**

This building comprises five residential units at ground to fifth floor level, which are all single aspect, overlooking Barlow Place. Two windows serve each of the living rooms at ground to third floor level and three windows serve the living room to the maisonette at fourth and fifth floor level. The windows currently overlook the east elevation of 22-24 Bruton Lane and therefore the outlook from these windows is currently poor. As with the 2014 consent, the proposed Barlow Place building will be separated from the Grafton Street building and a gap between the buildings will be created. The outlook from the existing residential windows at 1 Barlow Place will be improved.

However, despite this gap there will be losses of VSC to the flats in 1 Barlow Place in excess of 20%, ranging from 7.97% to 62.18%. It is appropriate to consider the consented scheme as the baseline position when assessing the losses daylight and sunlight. There are additional losses in VSC from the consented scheme ranging from 0.02% to 4.21%. These are minimal additional losses and on this basis, it is considered that the loss of daylight is acceptable.

Similarly, there are losses to above 20% of APSH to three of windows in 1 Barlow Place. However, five windows see an improvement in sunlight levels, from the consented position and this is considered acceptable.

### **160 New Bond Street**

Planning permission was granted 22 January 2013 for the redevelopment behind the retained front façade of No. 160 to improve the retail floorspace and to reconfigure the residential accommodation in that building. That scheme has been implemented and

the rearranged residential floorspace is located at fourth and fifth floor level and situated to the front of the building overlooking New Bond Street, therefore set back further away from Barlow Place at the rear. The main windows to the residential units would overlook New Bond Street, but there is a living room window at fourth floor level and a bedroom window at fifth floor level which would face west towards the current application site, though set well back from the site boundary. In acknowledging this relationship between the application site and 160 New Bond Street, the proposals would create a gap that would actually improve the situation for the residential units at 160 New Bond Street.

One window at fourth floor level will have a reduction in VSC levels over 20% (21.36%) this is a minor transgression and considered acceptable. The losses to sunlight are within BRE guidelines.

### **Sense of Enclosure**

With regard to increase sense of enclosure, the principle of development of similar height and bulk has previously been granted and it is considered that the proposed building would not materially worsen any potential sense of enclosure.

### **Privacy**

There is already a large amount of mutual overlooking between the existing windows to the rear and the residential windows at 1 Barlow Place. Projecting windows are proposed in the Barlow Place building. However, due to the Barlow Place building being set further north than existing, it no longer directly overlooks the residential windows.

External terraces are proposed at ground/first floor level on Bruton Lane and sixth floor level overlooking Grafton Street. As mentioned earlier, there are no residential properties in Bruton Lane directly opposite the application site. The Grafton Street terrace is set back and due to the orientation of the nearest residential at 5 Grafton Street, it is considered that the any overlooking from the terrace will be minimal.

## **8.4 Transportation/Parking**

### **Car Parking**

No off-street car parking is proposed for the development, which is welcome in terms of the hotel and retail elements of the proposals. However, six residential units are proposed, which represents an increase of four units over existing. UDP TRANS23 requires sufficient off-street parking to be provided to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for six spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is below 80%. During the day the uptake is 64%. On this basis, as the stress levels in the area are below 80%, the Highways Planning Manager has no objection to the lack of off-street car parking.

One blue badge car parking space is proposed, accessed via Barlow Place, this is in line with London Plan policy and secured by condition.

### **Servicing**

An off-street servicing bay is proposed on Bruton Lane and all servicing is intended to take place from this bay, this is considered acceptable and in line with UDP TRANS20. The applicant has indicated that there will be 35 trips per day and this will require careful management to prevent vehicles arriving at the same time. A draft Servicing Management Plan (SMP) has been submitted and a condition is recommended securing a final version.

### **Porte Cochere**

The proposals include a porte cochere, which will allow guests of the hotel and restaurant to be dropped off within the site, rather than on the highway. Two vehicular access points are required. The Highways Planning Manager considers that the benefit of all the picking up/setting down activity taking place off-street outweighs the potential conflict there may be between vehicles entering and exiting the site and pedestrians. TfL have stated that the porte cochere should be designed in line with their streetscape guidance and there should be an innovative solution to ensure safe crossing and visibility is maintained.

### **Cycle parking**

Cycle parking is proposed for the all parts of the development in line with the London Plan, full details have not been submitted and a condition is recommended requiring these details and layouts. The GLA and TFL have requested details demonstrating how at least 5% of the cycle spaces will cater for larger cycles including adapted cycles for disabled people, a condition is recommended. A further condition is requested by the GLA and TFL requiring details of end of journey facilities (showers/lockers etc), the applicant has agreed to this condition.

There is an existing Cycle Hire Stand outside Nos. 7 and 8 Grafton Street, there is also an existing motorcycle parking bay on Bruton Lane. As a result of the proposal, both of these stands will be required to be moved. This will be secured via S106.

Landscaping works are proposed to Barlow Place, including re-paving, tree planting and shared surfaces are shown in the submitted scheme. In highways terms the works are acceptable considering that Barlow Place is entirely within the applicant's ownership (but will be publicly accessible).

## **8.5 Economic Considerations**

The economic benefits generated by the scheme are welcomed.

## **8.6 Access**

Level access will be provided to all new entrances, with lift and stair access to the upper floors.

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

### **Basement excavation**

The proposal includes excavation to create additional sub-basement levels under application site. City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ.



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.

**Plant**

Internal plant rooms are proposed over the basement levels and enclosed at roof level. The extract duct for the potential restaurant uses will be routed internally and extract at the roof level of the Barlow Place building. Environmental Health have no objection to the proposal and subject to the imposition of the standard noise conditions.

**Refuse /Recycling**

A dedicated refuse and recycling store is proposed, which will include provision for general waste, recycling, specialised provision for food waste, glass crushing and compactors. The Waste Project Officer has no objection to the size and location and it will be secured by condition.

**Sustainability**

An energy statement has been submitted setting out how the development proposes to reduce carbon dioxide emissions. The strategy comprises; energy efficiency measures (including a range of passive design features and demand reduction measures); glazing methods to reduce demand for cooling and overheating risk; and renewable technologies (PV panels and air source heat pumps). This would achieve an 84% carbon dioxide reduction compared to the 2013 Building Regulations for the domestic element and 36% reduction for the non-domestic element. These savings meet the targets within Policy 5.2 of the London Plan. To enable the development to meet the zero-carbon target for the domestic element, the applicants have offered to make a contribution to the City Council's carbon off-setting fund of £1,800.

The GLA have commented that the applicant should consider scope for additional measures aimed at further carbon reductions such as PV panels. The form of the roofs on both buildings does not allow further panels to be added.

The applicants have confirmed that the building will be designed to incorporate a possible future connection to a district heating network and this is in line with the comments made by the GLA.

The proposed development (for both hotel and retail elements of the scheme) are proposed to exceed the minimum requirement for BREEAM 'Excellent' rating. This will be secured by condition.

**Biodiversity**

Green roofs are not proposed, (for the same reason that additional PV panels are not proposed) due to the undulating design of the roof. The GLA recognise that there is little space for further urban greening, but have requested that a condition is imposed for this matter to be explored further.

**Air Quality**

City Plan policy S31 states that the council will require a reduction in air pollution, with the aim of meeting the objectives for pollutants set out in the national strategy.

An Air Quality Assessment has been submitted which indicates that for the building and transport emissions calculates that the development will be air quality neutral, which is considered acceptable.

Environmental Sciences were initially concerned that the report did not include the traffic generation figures, negotiations are ongoing, and it is recommended that this aspect with dealt with by condition.

### **Contaminated Land**

Historic maps suggest that a smithy was in use in the vicinity of 22-24 Bruton Lane and as the proposal includes sensitive end uses and basement excavation, it is considered reasonable to require an assessment to determine whether remediation at the site is required, which is secured by condition.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

## **8.9 Neighbourhood Plans**

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until it the referendum process has been properly completed.

## **8.10 London Plan**

The application is referable to the Mayor of London and a Stage 1 response has been received which is generally supportive of the scheme.

## **8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; to ensure that the development does not interfere with the existing London Underground tunnels; to ensure that an independent review of energy efficiency measures are submitted and to ensure that the development provides air quality measures.

The applicant has agreed to the imposition of the condition.

## 8.12 Planning Obligations

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

- i) A financial contribution to the carbon offsetting fund of £1,800 (index linked and payable prior to commencement of development;
- ii) Highway works to renew the footways around the site, providing access to and egress from the porte cochere; to make adjustments to the TfL cycle hire station on Grafton Street; to make adjustments to the motorcycle bay in Bruton Lane;
- iii) Stopping up order and possibly dedication of highway;
- iv) Dismantlement and re-instatement of the listed 'Wartski' shopfront;
- v) Demolition clauses;
- vi) Travel plan; and
- vii) costs of monitoring the S106.

The estimated CIL payment is : £1,987,375.00

## 8.13 Environmental Impact Assessment

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

## 8.14 Other Issues

### Construction

The GLA and TfL have requested that the conditions are attached securing a Demolition and Construction Management Plan. Prior to June 2016, the City Council secured CMP's 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 developments will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning has no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

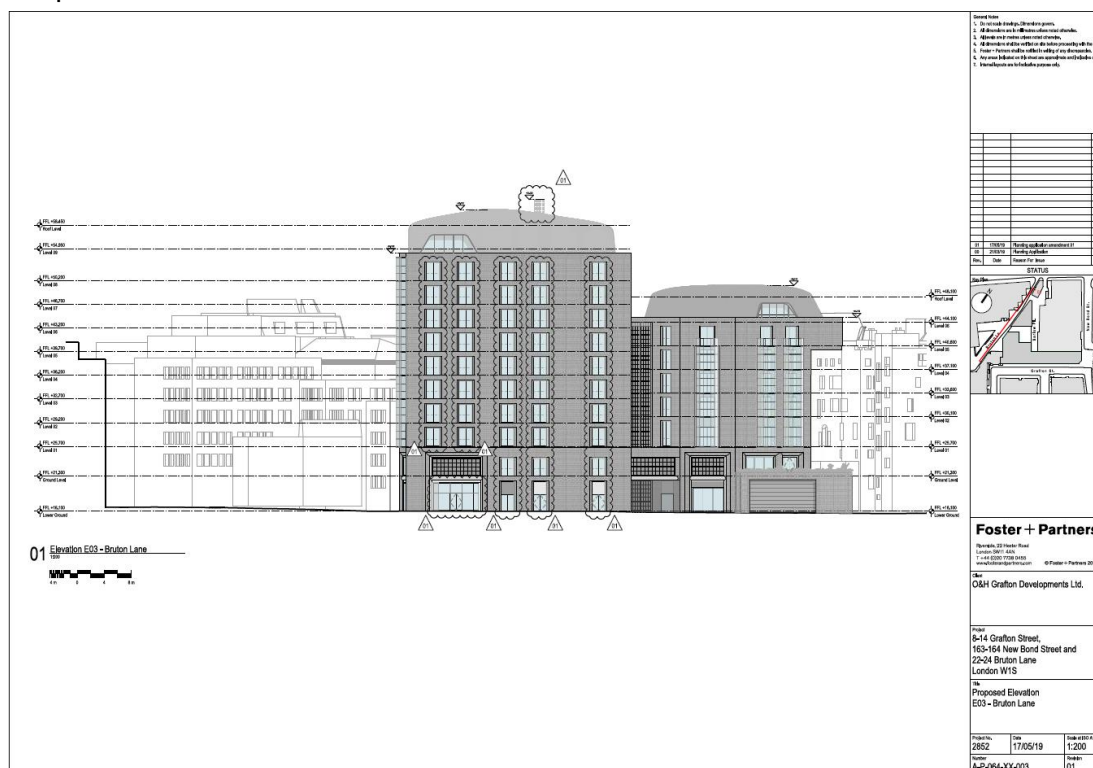
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

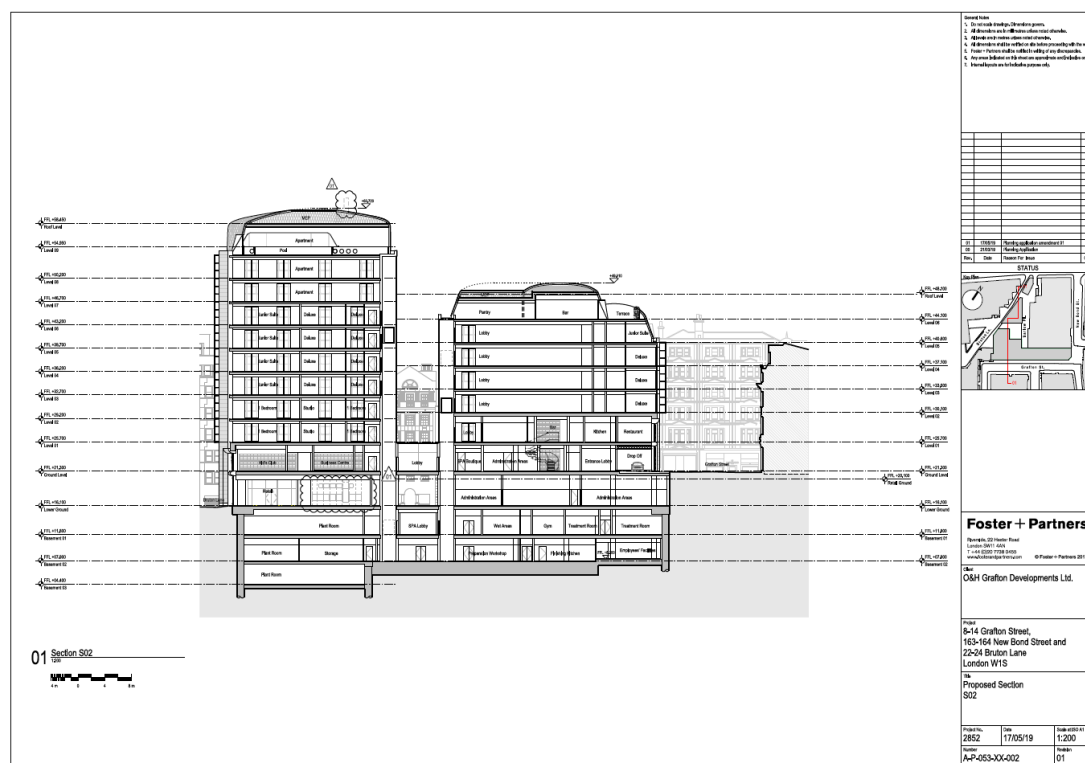




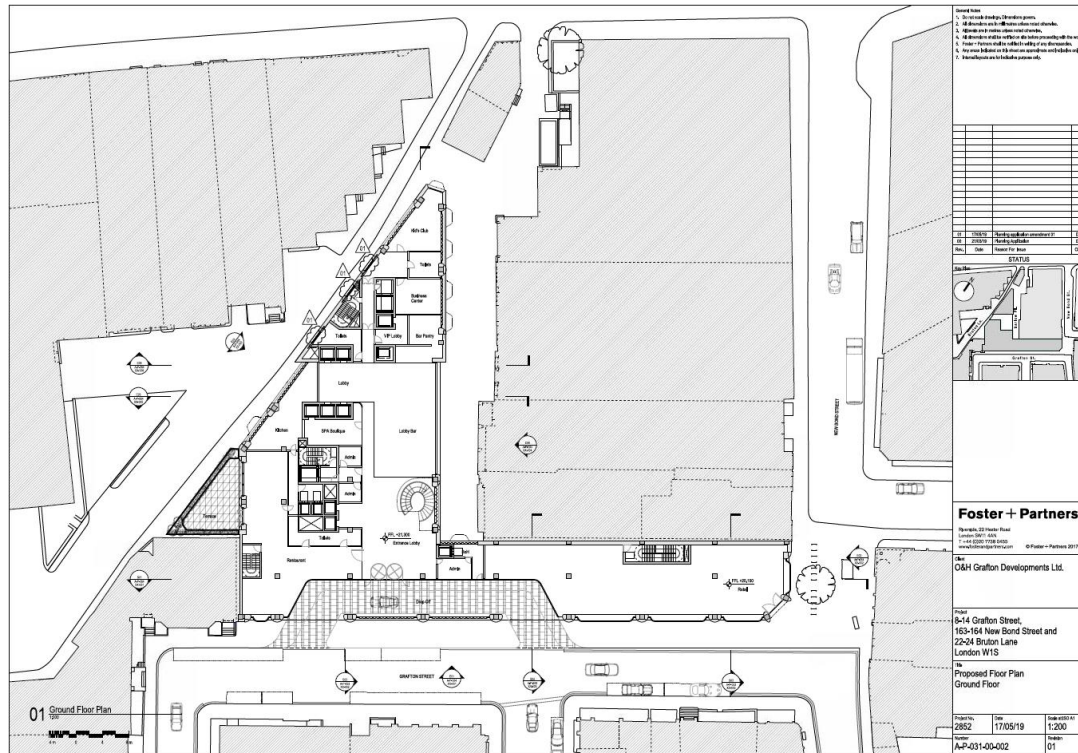
## Proposed Bruton Lane elevation



## Proposed section



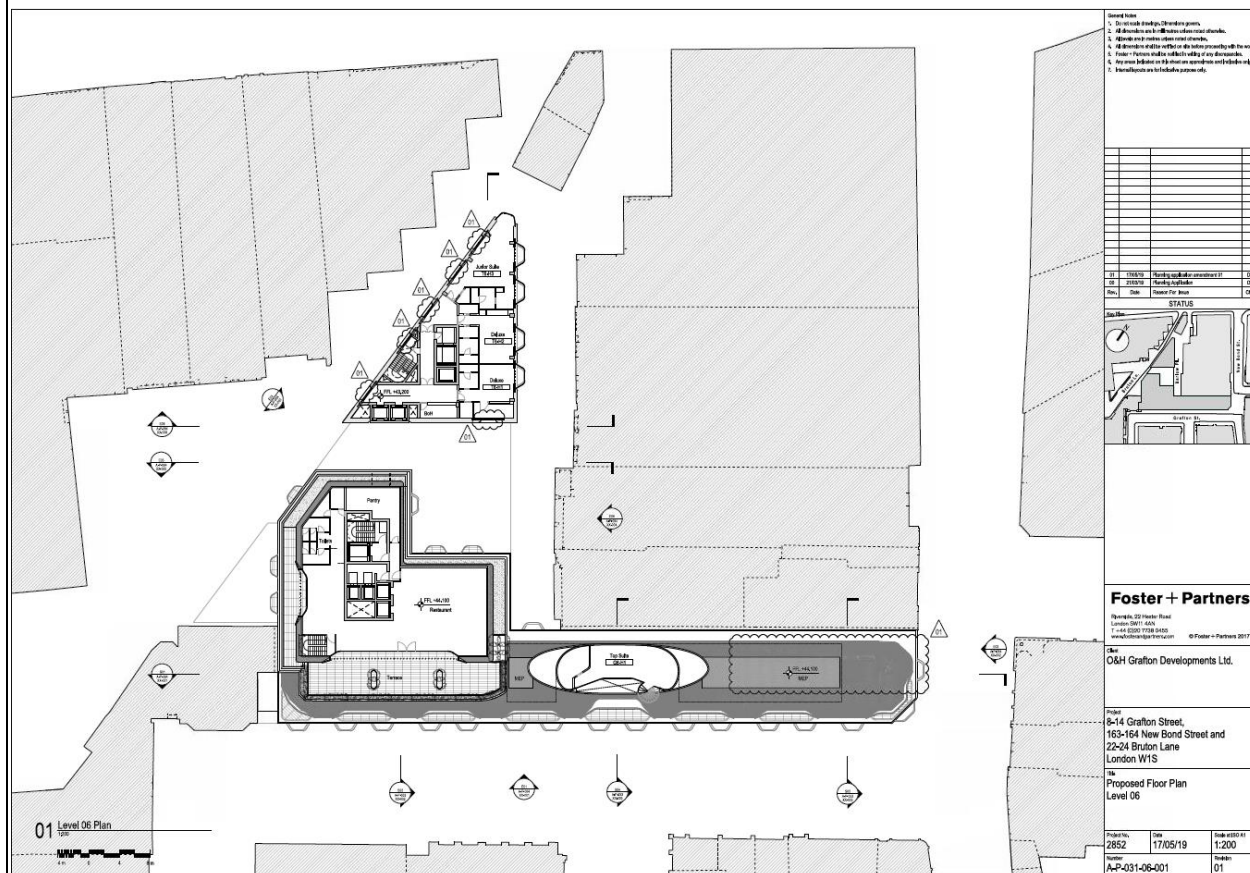
## Proposed ground floor plan



## Proposed fourth floor plan



## Proposed sixth floor plan





**DRAFT DECISION LETTER**

**Address:** Development Site At 8-10 Grafton Street, 11-14 Grafton Street And 22-24, Bruton Lane, London

**Proposal:** Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street and a linked 11 storey building (plus two storey and part three storey basement) on Bruton Lane/Barlow Place comprising up to six residential units (Class C3), use of the remaining floorspace for use as a hotel and associated facilities (Class C1), retail (Class A1), flexible retail/restaurants (Class A1 and A3), flexible hotels/restaurants (Classes C1 and A3), and flexible hotel/restaurants/bars (Classes C1, A3 and A4), flexible hotel/spa (Classes C1 and D2), creation of a recessed drop off onto Grafton Street, creation of terrace areas at ground/first floor level overlooking Bruton Lane and at sixth floor level on the Grafton Street building, installation of plant at roof level and associated provision of open space and landscaping. (Site includes 163-164 New Bond Street).

**Reference:** 19/02260/FULL

**Plan Nos:** DEMOLITION  
 A-P-013-00-001 00, A-P-013-00-002 00, A-P-013-00-003 00, A-P-013-01-001 00, A-P-013-02-001 00, A-P-013-03-001, A-P-013-04-001 00, A-P-013-05-001 00, A-P-013-B1-001 00, A-P-013-RF-001 00, A-P-013-XX-001 00,  
 PROPOSED  
 A-P-031-B1-001 00, A-P-031-B2-001 00, A-P-031-B3-001 00, A-P-031-00-001 02, A-P-031-00-002 01, A-P-031-01-001 01, A-P-031-02-001 01, A-P-031-03-001 01, A-P-031-04-001 01, A-P-031-05-001 01, A-P-031-06-001 01, A-P-031-07-001 01, A-P-031-08-001 01, A-P-031-09-001 01, A-P-031-RF-001 01, A-P-053-XX-001 00, A-P-053-XX-002 01, A-P-053-XX-003 01, A-P-064-XX-001 01, A-P-064-XX-002 01, A-P-064-XX-003 01, A-P-064-XX-004 01, A-P-064-XX-005 01, A-P-064-XX-006 01, A-P-064-XX-007 00, A-P-199-00-001 00, 0710133-HL-XX-XX-DT-M-570-5000 P1, 0710133-HL-XX-XX-GA-M-570-5006 P1  
 Operational Management Plan dated 18 February 2019, Structural survey by Ramboll dated March 2019 (INFORMATION ONLY)

**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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 Prior to the commencement of any: (a) demolition, and/or, (b) earthworks/piling and/or , (c) construction , on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - a typical example of each different window and external door type. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of a scheme of public art on the Grafton Street façade. You must not start work on the public art until we have approved what you have sent us, before the occupation of the hotel, you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

## Reason:

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

- 6 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

## Reason:

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

- 7 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings, unless otherwise agreed in writing by the Local Planning Authority. (C26KA)

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the



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

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace, unless otherwise agreed in writing by the Local Planning Authority. (C26NA)

Reason:

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

- 9 Prior to occupation, you must provide confirmation that either: a) all surfacewater network upgrades required to accommodate the additional flows from the development have been completed; or b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied., , Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows from the new development. Any necessary reinforcements works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 10 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each stage of the development for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:
- provide details on all structures;
  - accommodate the location of the existing London Underground structures and tunnels;
  - accommodate ground movement arising from the construction thereof
- Ground Movement Assessment will be required; and, - mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels. The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprises within the development hereby permitted which are required by the approved design statements in order to procure the

matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 11 (a) You must apply to us for approval of a written proposal for recording the circular staircase in No. 163 New Bond Street with detailed measured drawings and photographs. (b) After we have approved the proposal under part (a) you must then carry out the recording work according to the written proposal and submit the completed recording work to us for approval. You must not demolish the staircase or use any part of the new building until we have confirmed in writing that you have carried out the recording work in accordance with the written proposal.

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)

- 12 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed

part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

**Reason:**

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 14 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 15 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14, 15 and 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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. (R51AB)

- 17 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm and shall be representative of the activity operating at its noisiest. (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use.

The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest. (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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. (R47AB)

- 18 Prior to the occupation of the hotel part of the development, 10% of the hotel rooms shall be designed to be wheelchair accessible units. You must not remove the 'wheelchair accessible units', unless otherwise agreed in writing by the Local Planning Authority

**Reason:**

To ensure that an acceptable standard of hotel bedroom units is provided, in line with London Plan policy 4.5.

- 19 Prior to the occupation of the residential part of the development, at least one of the dwellings shall be designed as an M4(3) wheelchair user accessible dwelling and all other dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. You must not remove the 'wheelchair user dwelling', unless otherwise agreed in writing by the Local Planning Authority.

**Reason:**

To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with London Plan policy 3.8.

- 20 Prior to occupation of the development, you must submit and have approved in writing a Servicing Management Plan. The plan should identify the process, internal storage locations, scheduling of deliveries and staffing.

Reason:

In the interests of public safety 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. (R24BC)

- 21 You must apply to us for approval of details showing that 5% of the approved cycle parking spaces will cater for larger cycles, including adapted cycles for disabled people. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation of the hotel. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 22 You must retain the blue badge car parking space as shown on plan number: A-P-031-00-001 02, unless otherwise agreed in writing by the Local Planning Authority

Reason:

To comply with Draft London Plan Policy T6

- 23 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain on the premises within the hotel restaurants, bars, spas and other ancillary facilities except between 06.00 - 01.00 daily.

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)

- 24 Customers shall not be permitted on the roof terraces at ground/first before 07.00 or after 23.00

or sixth floor levels before 07.00 or after 22.00 hours each day.

Reason:

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

- 25 You must not play background music on the terraces at ground/first and sixth floor level, which would be audible at the site boundary. (C13IA)

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)

- 26 You must carry out the measures included in your operational management plan dated 18.02.2019 at all times that the hotel (and other uses) are in use, unless otherwise agreed in writing by the Local Planning Authority. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10, TACE2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 27 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes, unless otherwise agreed in writing by the Local Planning Authority. (C23AA)

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)

- 28 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)

- 29 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

## 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)

- 30 You must provide, maintain and retain the energy efficiency measures as set out in the submitted energy statement Hoare Lea dated 21 March 2019. You must not remove any of these features, unless otherwise agreed in writing by the Local Planning Authority. (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)

- 31 Pre Commencement Condition. You must apply to us for our written approval of an independent review of the energy efficiency measures, to be provided within 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 energy efficiency measures 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)

- 32 You must provide the waste store shown on drawing A-P-031-00-001 02 before occupation. 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)

- 33 You must not allow more than: - 75 covers in the lower ground floor - Barlow Place building;, - 120 covers in the ground floor restaurant, - 52 covers in the first floor restaurant , - 130 covers in the sixth floor restaurant/bar, at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 34 Prior to the commencement of the basement excavation works, you must apply to us for approval of details on how the design and structure of the development shall be of such a standard that it will protect noise sensitive dwellings within the development from groundborne noise from the transmission of underground train operations so that they are not exposed to levels indoors of more than 35dB LASMax within habitable rooms during the day and night and that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations. , , You must not commence the basement excavation works until we have approved what you have sent us and then carry out the development in accordance with the approved details.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 35 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 Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is

occupied. 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)

- 36 Prior to commencement; you must apply to us for approval of a detailed air quality assessment for road traffic emissions. Any required mitigation measures must be identified, and the approved mitigation measures implemented and permanently retained thereafter.

Reason:

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

- 37 You must apply to us for approval of detailed drawings of the following parts of the development - end of journey facilities for cyclists. 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 provide end of journey facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 38 You must apply to us for approval of details which includes a feasibility study of the practicability of urban greening on the development. If the feasibility study indicates that further urban greening can be implemented, 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 make sure that the development provides the environmental sustainability features as set out in S28 or S40, or both, 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, neighbourhood plan (where relevant), 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 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. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition). You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., 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.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You should take this minimum pressure into account in the design of the proposed development.
- 4 The proposed development is located within 15m of Thames Water's underground assets, as

such the development could cause the assets to fail if appropriate measures are not taken. Please read the Thames Water's guide 'Working near our Assets' to ensure your workings are in line with the necessary processes you need to follow.

- 5 You are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regards to: demolition, excavation and construction methods.
- 6 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,
  - the lower ground floor of the Barlow Place building can change between the retail (Class A1) and restaurant (Class A3) uses
  - the ground floor of the Grafton Street building can change between the hotel (Class C1) and restaurant (Class A3) uses
  - the first floor of the Grafton Street building can change between the hotel (Class C1) and restaurant (Class A3) uses
  - the sixth floor of the Grafton Street building can change between the hotel (Class C1), restaurant (Class A3) and bar (Class A4) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 7 In line with Policy D11 'Fire safety' of the draft London Plan, you should submit a fire statement, produced by a third part suitable qualified assessor.
- 8 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 9 The Servicing Management Plan (SMP) should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well. It should clearly outline how servicing will occur

on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e. set out how the occupant is expected to service the unit). A supplier instruction sheet is a helpful part of the SMP.

- 10 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 11 The term 'clearly mark' in condition 32 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 12 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 13 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)
- 14 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)

- 15 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.
- 16 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.
- 17 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)

- 18 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 19 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to; Section 2 - New ductwork system cleanliness, Section 3 - Design and access to the internal surfaces of the ventilation system, Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning). Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 20 You are advised that you are required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meeting the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and be contacted at: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)
- 21 It is anticipated that the assessment of Condition 34 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the following points relating to standard deviation taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 34 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation may be deployed. Measurement assessment of Condition 34 may require that third parties allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 34 through measurement. If access is not, made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the adjacent properties. It is possible that existing background, ambient and maximum levels within the adjacent properties could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment.



- 22 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]. 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises). This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 23 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) Carbon offsetting payment;
  - ii) Highway works to renew the footways around the site, providing access to and egress from the porte cochere; to make adjustments to the TfL cycle hire station on Grafton Street; to make adjustments to the motorcycle bay in Bruton Lane;
  - iii) Stopping up order and possibly dedication of highway;
  - iv) Dismantlement and re-instatement of the listed 'Wartski' shopfront;
  - v) Demolition clauses;
  - vi) Travel plan; and
  - vii) costs of monitoring the S106. (I55AA)
- 24 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

**DRAFT DECISION LETTER**

**Address:** Development Site At 8-10 Grafton Street, 11-14 Grafton Street And 22-24, Bruton Lane, London

**Proposal:** Dismantling of the Grade II listed shopfront and re-erection in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street.

**Reference:** 19/02262/LBC

**Plan Nos:** A-P-013-00-003 00, A-P-013-XX-001 00, A-P-064-XX-004 01, A-P-031-00-001 02, A-P-199-00-001 00

**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 You must apply to us for approval of a method statement for the dismantling, storage and reconstruction of the 'Wartski' shopfront at 14 Grafton Street. You must not start any work on the shopfront for its removal until we have approved what you have sent us and you must then carry out the work to the shopfront in accordance with the details we have approved.

**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)

**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, the London Plan 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 2.4 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.

Item No.
<b>2</b>