

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 October 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	37 Conduit Street, London, W1S 2YF		
Proposal	Excavation to provide a second basement level, demolition and re-build of the 6th and 7th floors and extension to form new 8th and 9th floors, erection of rear extension from ground to new 9th floor level, all to enlarge existing hotel (Class C1). External alterations including alterations to the appearance of the existing facades.		
Agent	HGH Consulting		
On behalf of	Westbury Hotel Ltd		
Registered Number	20/07862/FULL	Date amended/ completed	14 December 2020
Date Application Received	9 December 2020		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission – adverse impact on the appearance of the building, the character and appearance of the Mayfair conservation area and the setting of neighbouring listed buildings

2. SUMMARY

The application site is an unlisted building, the Westbury Hotel, located in the Mayfair Conservation Area. Permission is sought to extend the hotel, through the re-construction of the sixth and seventh floors, the erection of two additional storeys at roof level, and a full height rear extension, and excavation of a sub-basement to house plant currently located at roof level. Alterations are also proposed to the facades on New Bond Street and Conduit Street.

The main issues for consideration are:

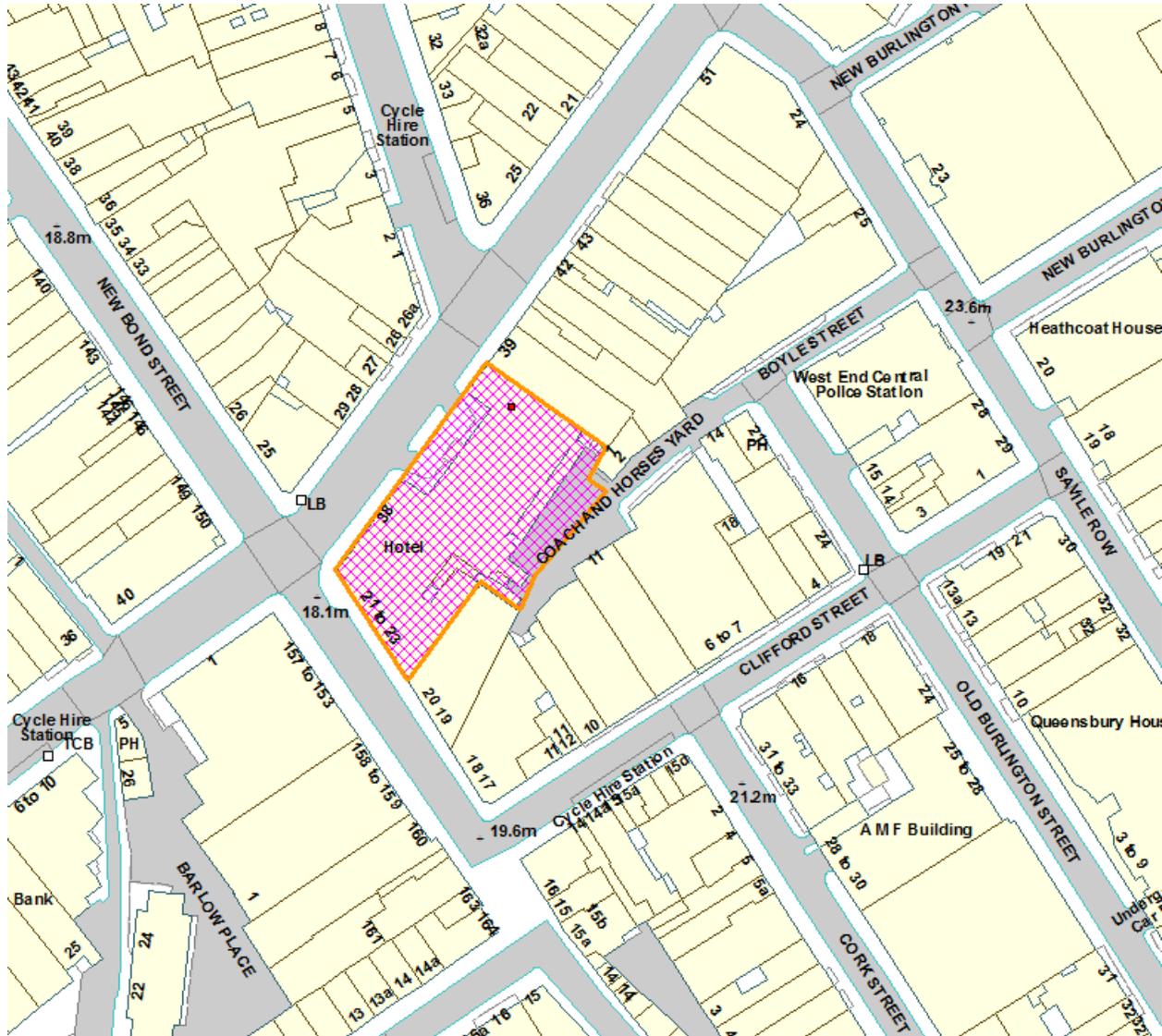
- The impact on the appearance of the building and the character and appearance of the Mayfair Conservation Area
- The impact on the setting nearby listed building, namely the grade II* listed Time and Life building, grade II* listed 8 Clifford Street and grade I listed St George's Church.
- The impact on residential amenity.

The site is located in a predominantly commercial area of the Central Activities Zone, where an

extension to the hotel is acceptable in land use terms. The scheme would not result in any adverse highways or amenity issues. However, it is considered that the proposed increase in height and bulk resulting from the roof extensions would harm the appearance of the building and the character and appearance of the Mayfair Conservation Area. Furthermore, the increased height and bulk would be harmful to the setting of the grade II* listed Time and Life Building, the grade II* listed 8 Clifford Street and grade I listed St George's church.

For these reasons the proposal is considered to be contrary to City Plan policies, the application is therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

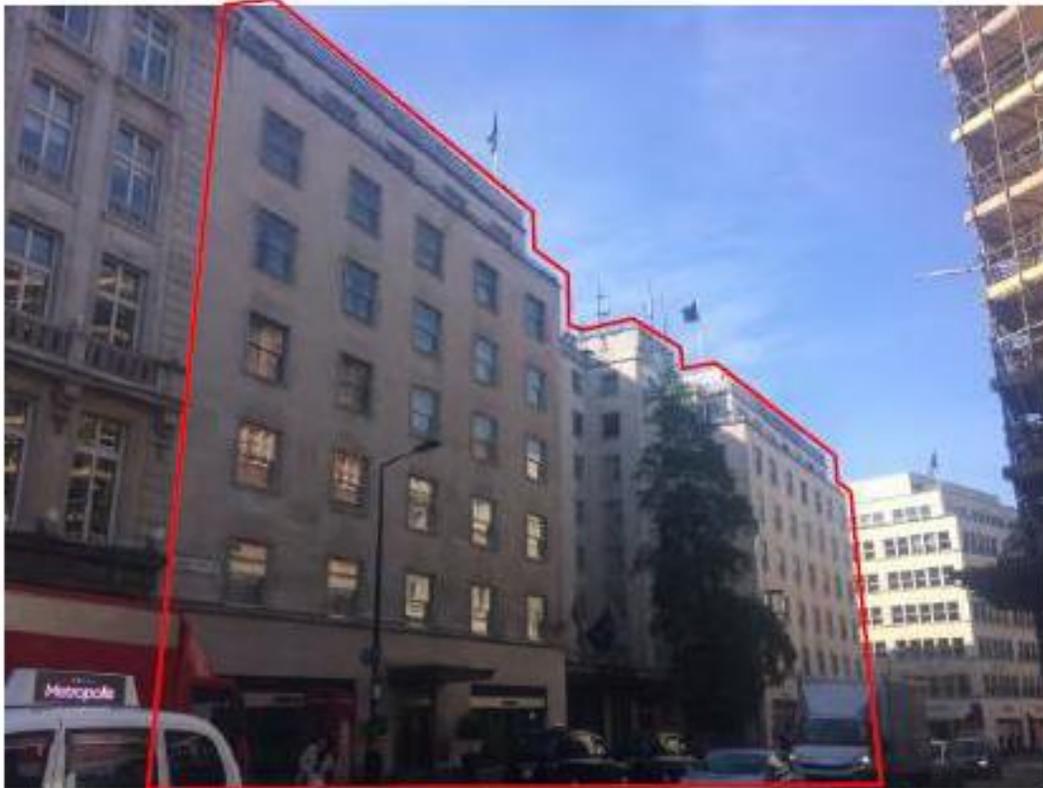


Figure 10: Looking at the north west elevation of The Westbury Hotel (outlined in red) from Conduit Street.

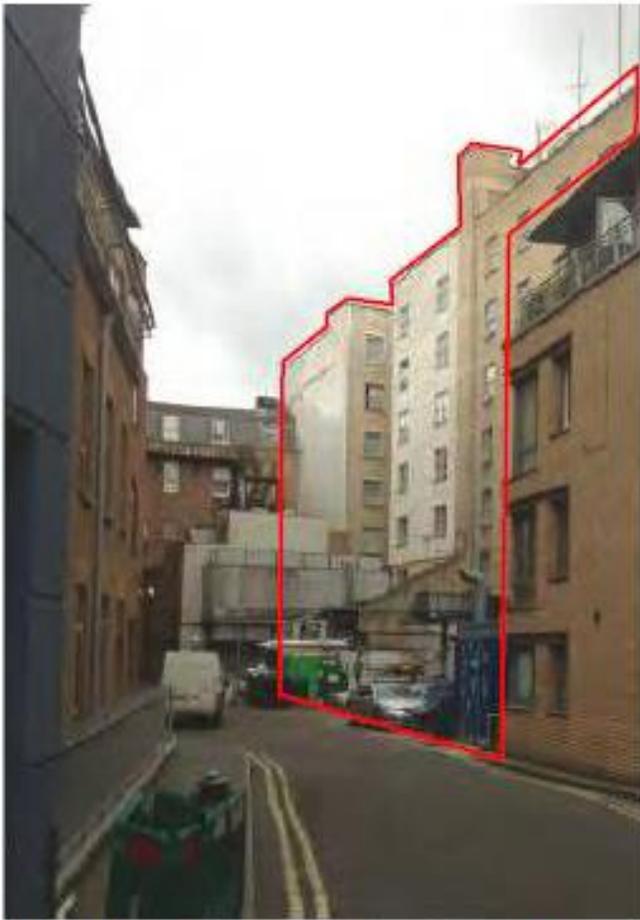


Figure 11: View to the rear of The Westbury Hotel on Coach and Horses Yard.

5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to comment

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions

LONDON UNDERGROUND

Any response to be reported verbally

RESIDENTS' SOCIETY OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

MAYFAIR RESIDENTS' GROUP

Any response to be reported verbally

WASTE PROJECT OFFICER

No objection subject to condition

HIGHWAYS PLANNING MANAGER

No objection subject to conditions

ENVIRONMENTAL HEALTH

No objection subject to conditions

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 91

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is an unlisted building in use as a hotel (the Westbury Hotel) located in the Mayfair Conservation Area. The building has frontages on Conduit Street, New Bond Street and Coach and Horses Yard. The falls within the Central Activities Zone (CAZ) and the West End Retail and Leisure Special Policy Area (WERLSPA).

The building is within the setting of a number of listed buildings, including the Church of St George (Grade I), the Time and Life Building (Grade II*) and No.8 Clifford Street (Grade II*).

The existing hotel comprises a single basement level and seven floors of a accommodation above, with a significant amount of plant set back at roof level (eighth floor). The ground floor provides a restaurant, two private dining/meeting rooms and a bar ('the Polo Bar') and hotel kitchens. There are 225 hotel bedrooms on the upper floor and rooms on the sixth and seventh floors benefit from balconies.

The rear of the building fronts onto Coach and Horses Yard which functions as a servicing yard. A number of informal car parking spaces are currently used by hotel staff. The hotel is serviced entirely from the rear, with vehicles required to reverse into the yard.

6.2 Recent Relevant History

19/04899/FULL

Excavation to provide a second basement level, demolition and re-building of the 6th and 7th floors and extension to form new 8th floor; erection of rear extension from ground to new 8th floor level, all to enlarge existing hotel (Class C1). External alterations including alterations to the appearance of the existing facades.

Application Permitted 09 March 2020

17/10621/FULL

Erection of a ground floor rear extension, demolition and re-build of the 6th and 7th floors, and extensions to form new 8th floor. Extension at basement level and formation of second basement level, all to enlarge existing hotel (Class C1).

Application Permitted 10 December 2018

17/02513/FULL

Use of part of the ground floor for retail purposes (Class A1) in connection with the existing retail unit fronting New Bond Street and associated external alterations to the Conduit Street facades.

Application Permitted 30 May 2017

11/01292/FULL

Excavation to create a basement on the Coach and Horses elevation to provide storage space for the existing hotel. Installation of a new electricity sub-station.

Application permitted 14 July 2011

7. THE PROPOSAL

The main aspects of the current proposal are set out below: including:

- the demolition and reconstruction of the sixth and seventh floors
- the erection of two additional floors stepped back from both the New Bond Street and Conduit Street frontages.

- the excavation of a second basement level to enable the existing basement to be remodelled to provide a spa and conference facilities.
- the erection of a full height rear extension stepped back above ground floor level.
- the installation of mechanical plant within the second basement, on the deck above the delivery ramp and on first to fifth floor decks within a lightwell adjacent to both Washington House and 1-2 Coach and Horses Yard
- the provision of first to eighth floor levels within the rear lightwell
- the removal of a number of roof level telecommunications antennae.

The development would provide a total of 224 hotel rooms (10% of which are accessible). Whilst the proposed rooms are much larger, this is a reduction of 1 room compared with the existing situation. The existing restaurant would be enlarged to the rear.

The proposals will provide the following changes to floor areas within the Hotel:

Level	Increase (GIA)
Basement - 2	+722 sqm
Basement - 1	+110 sqm
Ground Floor	+198 sqm
1 st floor	+174 sqm
2 nd floor	+174 sqm
3 rd floor	+174 sqm
4 th floor	+174 sqm
5 th floor	+174 sqm
6 th floor	+111 sqm
7 th floor	+221 sqm
8 th floor	+827 sqm
9 th floor	+967 sqm
Net Increase	+4,026 sqm

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increased hotel accommodation

London Plan Policy E10 seeks to achieve 58,000 net additional hotel bedrooms by 2041, of which at least 10 per cent should be wheelchair accessible.

Policy 15 (Visitor Economy) of the Westminster City Plan sets out the proposed approach to maintaining and enhancing the attractiveness of Westminster as a visitor destination by balancing the needs of visitors, businesses and local communities. The policy (Part G) states that new hotels and conference facilities will be directed to the commercial areas of the CAZ.

Policy MSG2 of the Mayfair Neighbourhood Plan (MNP) also encourages the increased density and intensity of commercial uses in this location, designated as East Mayfair within the MNP.

The hotel is located on a busy commercial street located in the heart of Mayfair and the West End Retail and Leisure Special Policy Area (WERLSPA). The building has a frontage on New Bond Street which forms a key part of the commercial centre/route in the West End. There is limited residential accommodation in the area.

Whilst the scheme would result in the loss of a single hotel bedroom, additional ancillary floorspace would be provided and facilities upgraded, and the proposal accords with adopted land use policies.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of the effect on the setting of a conservation area, City Plan Policy 39(B)(i) requires development to ensure heritage assets (which includes conservation areas) and their settings are conserved and enhanced, in a manner appropriate to their significance. Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Permission has recently been granted, after extensive negotiation to ensure it was acceptable in design and heritage asset terms, for major expansion of the building including a roof extension. The key issues previously, and now, are the design of the building and its size (height and bulk) in relation to its surroundings.

The existing hotel is amongst the largest, buildings in the area. It is somewhat awkward in composition, and, although it looks to the Time & Life building on the opposite side of New Bond Street, it is not of the same architectural quality. As previously approved the alterations included amendments to the facades to improve their appearance and, crucially, to maintain clearly subordinate massing in townscape terms. With appropriate massing and set-backs commensurate with those of the Time & Life building, the approved development maintained the setting of the Time & Life Building, as well as appearing suitably scaled in longer views from surrounding streets and from the upper floors of nearby buildings.

The approved proposal involved, amongst other things, reconstruction of the sixth and seventh floors with an additional storey of accommodation at eight floor level which expanded the overall footprint of the plant room at that level. The current proposal also seeks to reconstruct the sixth and seventh floors with an additional storey inserted to the same design beneath a set-back ninth floor. However, this significant increase in height and bulk is considered to harm the appearance of the building, making it far too big, and would be harmful to the setting of designated heritage assets.

The architectural massing of the building is poorly resolved, as proposed. The sixth to eight floors are not well proportioned in relation to the floors below and are too high in relation to the Time & Life Building. This is particularly noticeable in eastward views from Bruton Street. In other views, this significant increase in height and bulk appears overly dominant in views along New Bond Street and Conduit Street. The additional storey is also considered to have a significant adverse impact on the northward view along Cork Street, which is terminated by the grade II-Star listed 8 Clifford Street. Currently, the eighth floor plant room is visible above the roofline of 8 Clifford Street and the approved development would be similarly visible – in that respect the impact of the approved building on the setting of 8 Clifford Street would be neutral. However, as proposed, with a ninth floor, the extended hotel would dominate the view along Cork Street and would be unacceptably obtrusive above the roofline of 8 Clifford Street, greatly to the detriment of its setting.

Since the application was submitted works to improve the public realm in Hanover Square are nearing completion. Relocation of the cabmens' shelter, along with thinning of the trees, has reopened the vista taking in St George's Church. The Westbury Hotel terminates the southward view and in the context of this highly unusual piece of eighteenth century town planning, with the splayed building line in St George's Street giving prominence to the church's portico and tower, the increased height of the hotel as proposed would further swamp the church's outline in this historic view. This is a view which has been recorded by artists on numerous occasions, and the detrimental impact of the hotel extension does nothing to 'remedy past damage' as set out in City Plan policy 40.F but is considered to cause further harm to the view and to harm the setting of the church by further diminishing its impact in the view.



(Elias Martin. View of Hanover Square, 1769, oil on canvas. Private collection)

Also, since submission, the application has been revised to set-back the top floor in an effort to mitigate its impact on the setting of 8 Clifford Street. However, this relatively modest change has not been successful in mitigating the impact of the proposal. The previously approved alterations and extensions, which are substantial, are considered to be the maximum achievable on this site without causing significant harm to designated heritage assets.

In this context, the proposal is considered to be too ambitious in its desire to create more space. The proposed façade changes were considered sufficient to make the approved extensions acceptable. However, as now proposed, they are less well-proportioned and considered unacceptable. Moreover, Officers' do not consider that there is any way in which the design could be changed to make it acceptable; additional set-backs would recreate the incongruous, multi-stepped, effect that the approved scheme was designed to avoid. The proposal is simply too big for its context. Consequently, it draws unwarranted attention to itself. This is unacceptable in design and heritage asset terms.

While the harm in heritage asset terms is 'less than substantial' the harm is widespread and affects views, and the settings, of buildings of great importance.

Due to their height and bulk the rebuilt upper floors and roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area and the setting of the grade I listed St George's church, the grade II-Star listed Time and Life Building, and the Grade II-Star listed 8 Clifford Street. This would not meet Policies 38, 39, and 40, of the City Plan 2019 - 2040 (April 2021) and the public benefits proposed, which comprise; improvement to ancillary hotel accommodation; increased average room size, increase in jobs, increase cycle parking provision, enclosed waste storage and improved environmental performance of the building which, for the most part have been achieved within the extant scheme, would not outweigh the less than substantial harm that would

be caused to the designated heritage assets listed above. Therefore, the recommendation to refuse permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

The nearest residential dwellings are within 26-27 Conduit Street which is directly opposite the front of the hotel. There are further residential units to the rear within Coach and Horses Yard.

Sunlight and Daylight

A full sunlight and daylight assessment was submitted to support the application which assesses the impact of the proposed hotel extensions on the following buildings:

- 26-27 Conduit Street
- 14 Coach and Horses Yard

Daylight

The most commonly used method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable, and the adverse effect would have to be taken into account in any decision-making. The Building Research Establishment guidelines seek to protect light to principal including living and dining rooms, habitable kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can be used to plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. If, following construction of a new development, the NSL moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

The assessment indicates that there would be no material losses of VSC or NSL to habitable rooms as a result of the proposal with the exception of two rooms within 26-27 Conduit Street. Whilst there is no breach of VSC to any of the windows serving the living room at fourth floor level, the assessment indicates that the daylight distribution would see a reduction of 34%, which is above the 20% threshold. However, this room is served by multiple windows and retains a sky view to more than 60% of the room, with only the rear portion of room being affected. Given that there is no breach of VSC and that the greater part of the room be unaffected, it is considered that the impact on daylight to this room could not justifiably form the basis of a recommendation for refusal.

The assessment indicates that a fifth floor living room would see a 53% reduction in daylight distribution. This room, which is 5m deep, is served by four small, high level,

oculus windows and, a dormer window at the rear and, consequently, the level of light received is already limited. The submitted daylight assessment does not include the rear dormer and it is considered that if this, unaffected, window was included within the assessment, any reduction daylight distribution would be within acceptable parameters. Furthermore, there is no material loss of VSC to the windows serving this room and it is not considered that the impact on this daylight to this room could support a recommendation for refusal.

Sunlight

With regard to sunlight, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

Whilst there are minor material losses to individual windows serving a second floor living room and a bedroom to a flat at 26-27 conduit Street, as these rooms are lit by multiple windows there would be no material loss of sunlight to these rooms as a whole.

There would be no material losses of sunlight to any other habitable rooms as a result of the proposal.

Sense of Enclosure

Given the distance between and relationship to, the hotel and neighbouring properties, it is not considered that the proposal would materially reduce outlook from residential premises in the vicinity.

Privacy

The proposal introduces new windows to the front and rear of the building within the proposed extensions. However, these windows would be in similar positions to existing windows on the floors below, to both the front and rear. Consequently, their installation would afford any significant increase in the potential for overlooking.

The proposal also includes the creation of terraces to the rear light well at first to fifth floor level adjoining Washington House and the rear flank wall of 1-2 Coach and Horses Yard. Given that there are no residential windows visible from the proposed balconies, this part of the scheme is acceptable in overlooking terms.

8.4 Transportation/Parking

Cycle Parking

The proposal includes the provision of 28 long-stay spaces and 62 short-stay spaces within the building in secure locations. The proposed cycle parking exceeds London Plan standards and this aspect of the application is acceptable

Servicing

City Plan Policy 29 requires servicing, collection and delivery needs should be fully met within a development site, which the building does not currently have.

Policy MSD2 of the Mayfair Neighbourhood Plan requires all new developments to demonstrate that the proposed waste and servicing arrangements will not adversely impact on the amenity of neighbouring occupiers.

Servicing is currently undertaken from Coach and Horses Yard which is approximately 7.5m wide at its widest point. Owing to the use of part of the yard for vehicle parking (approximately 8 parking spaces), servicing vehicles either have to reverse in, or reverse out as there is insufficient space to turn around in the Yard - which is undesirable.

It should be noted that in 2011, 2017 and 2020, permission was granted for a single storey rear extension in the same location as that currently proposed. The acceptability of the loss of the parking spaces, and the creation of a prospective turning space has already been established.

The proposal would increase the overall amount of floorspace dedicated to ancillary services, which will increase the amount of servicing required by the site. The applicant has shown that the existing deliveries have capacity to accommodate the extra goods required, and that there would be no increase to the number of servicing trips. On this basis, the proposal is considered acceptable in principle highways. Had the scheme condition would have been recommended requiring the submission of delivery and servicing management plan.

8.5 Economic Considerations

The proposed development will help support and enhance London's visitor economy and stimulate its growth. The applicants have advised that the proposal would provide approximately 255 jobs during the construction phase and will provide approximately 110 jobs once the development is complete. Had the application been considered acceptable in townscape and design terms an Employment and Skills Plan, including operational phase employment targets and a financial contribution of £130,482, to support the Westminster Employment Service would have been secured by S106 legal agreement.

8.6 Access

The main entrance will remain as existing and will be managed by 24hr door staff. Basement access will be via both stairs and a lift. Level access is proposed to the main hotel lobby and to the other areas of the main building.

8.7 Other Westminster Policy Considerations

Plant

Plant will be located within the new basement, at first floor level (within an enclosure in the rear light well and on the deck above the delivery ramp) and on first to fifth floor decks within a lightwell adjacent to both Washington House and 1-2 Coach and Horses Yard. There would be no plant at main roof level, with the exception of an internally routed extract duct, terminating above main roof.

The Environmental Services Officers has assessed the submitted acoustic report and consider that the proposed plant is likely to comply with the City Council's noise policies.

Refuse /Recycling

The existing waste storage is, informally, located in a number of bins on Coach and Horses Yard. The proposal includes a designated refuse store within the ground floor rear extension, with direct access to Coach and Horses Yard for collection. This would significantly improve the current waste storage situation and is considered to be acceptable.

Biodiversity

City Plan Policy 34 states that 'developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme'. The only biodiversity feature proposed is a planting within the rear lightwell and the scheme makes little contribute to greening in the city. If the proposal was considered acceptable, an amending condition would have been imposed requiring the provision of living green roof at main roof level, which totals 967 sqm, alongside the 500 sqm of photovoltaic panels (PVs) required to meet the carbon reduction discussed below.

Sustainability

An Energy Statement has been submitted in support of the proposal. The energy and sustainable design principles of the building include:-

- Improved performance of building with high performance façade and glazing fabric, with low U values (retains heat), air permeability and solar transmission, reduction in solar gain.
- Air source heat pumps (ASHP) to provide heating, cooling, ventilation and hot water (low carbon technology for heating).
- Mixed mode air condition (natural/mechanical)
- Water and light efficiencies
- Improved energy efficient building services reducing emissions.
- Cycle facilities to promote sustainable travel.
- Installation of 500 sqm of PVs at main roof level.

Due to the proposed measures, carbon emissions would reduce from 162.6 to 41 tonnes of carbon per annum. This represents an improvement of 77% when compared to the existing building and is 35% lower than the notional building target emissions specified within Part L of the building regulations.

Policy 36 of the City Plan requires that all development to reduce on-site energy demand and maximise the use of low carbon energy sources and for major development to be net zero carbon, following the London Plans' energy hierarchy (Lean, Clean, Green, Offset) with a minimum 35% beyond Part L to be provided on site. Given site constraints including the sensitive location of the proposal in heritage terms, and given that all of the substructure and the majority of the structure is being retained, it is acknowledged that other carbon saving measures, such as ground source heating pumps or wind turbines, are not suitable in this location. Due to the need to balance the design impacts, the requirement for ventilated plant and operational costs, the applicant is not able to fully meet the requirement to be net zero carbon. As allowed for under the policy, had the proposals otherwise been considered acceptable, a carbon off-set payment of £252,000 would have been secured with a S106 agreement.

Air Quality

City Plan policy 31 requires major developments to be at least Air Quality Neutral. The submitted Air Quality assessment considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once, operational. The Environmental Services Officer is satisfied that the Air Quality assessment has demonstrated that the proposal development is air quality neutral in terms of its on-going operational impact.

Archaeology

The proposed basement excavation may have an impact on below ground archaeology and, although there is limited potential for any surviving below ground archaeological remains, if the proposal was considered acceptable, a condition to secure watching brief and site recording would have been recommended.

Basement Excavation/Construction

The application involves the excavation of an additional basement level beneath part of the footprint of the site, which is dealt with under City Plan Policy 45. The extent of the proposed basement is compliant with Policy 45.

As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The application has been assessed by the Building Control Officer who has advised that the structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and was located at 3/4m below ground level, a case has been put forward by the applicants to implement groundwater water systems during construction where necessary. The basement construction method, using piles is considered appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

Whilst no consultation response has been received from London Underground, given that the extent of the proposed basement excavation is as previously approved, to which London Underground raised no objection subject to a condition requiring the submission of detailed design and method statements (to demonstrate, to the satisfaction of LUL engineers, that the development would not have detrimental effect on underground tunnels and structures), had the application been considered acceptable, the same condition would have been recommended.

Similarly, a condition would also have been imposed requiring the applicant to sign up to

the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Services Officers would liaise with both the applicant and neighbouring occupiers during the construction process , undertaking regular site visits to monitor construction operations and ensure compliance.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.12 Planning Obligations

If the proposal had been considered acceptable a legal agreement would have been required to secure the following 'Heads of terms':

- a. A financial contribution towards employment, training and skills of £130,482 (index linked) payable on commencement of development
- b. A financial contribution towards Council's Carbon Off-set Fund of £252,000 (index linked) payable on commencement of development.
- c. Costs of monitoring the S106 agreement.

The proposed development would be Community Infrastructure Levy (CIL) liable.

The estimated CIL payment which the proposed development would attract is :-

- Mayoral:-£322,080
- Westminster:- £805,200

8.13 Environmental Impact Assessment

These proposals are of insufficient scale as to trigger an environmental impact assessment.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS

Existing Conduit Street Elevation



Proposed Conduit Street Elevation



Existing New Bond Street Elevation



Proposed New Bond Street Elevation



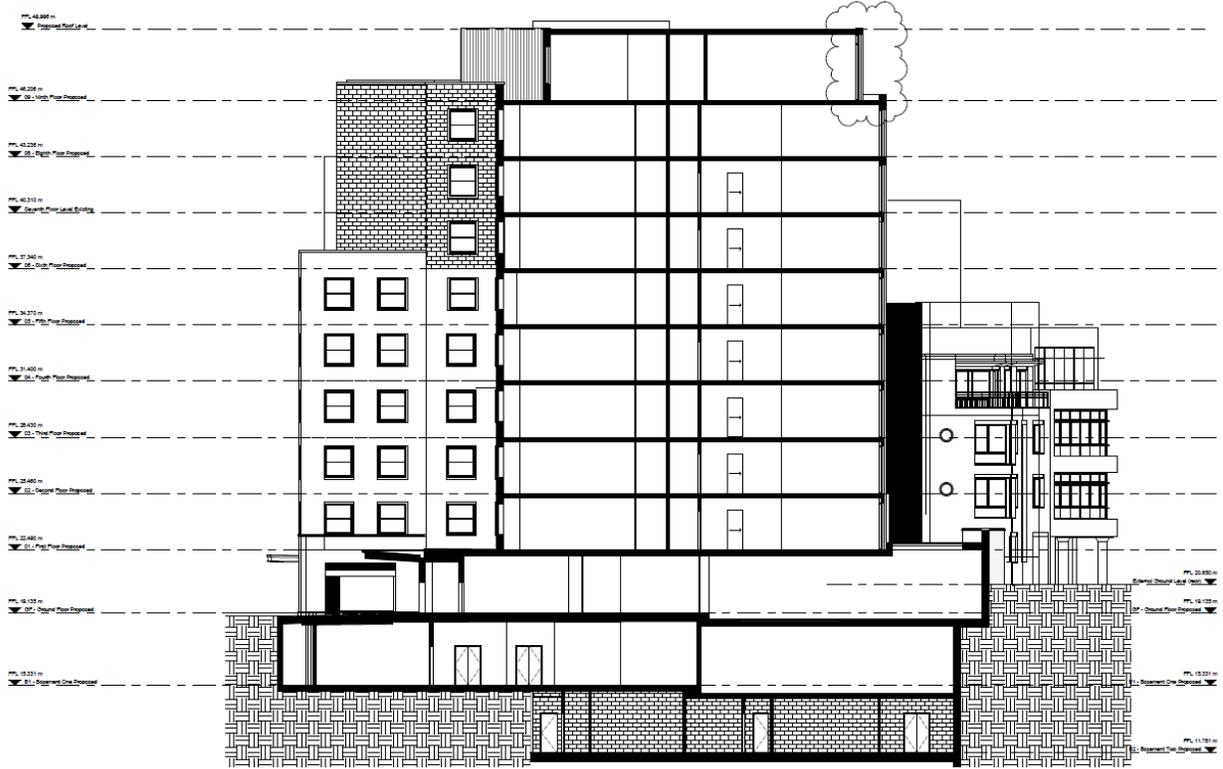
Existing Coach and Horses Yard Elevation



Proposed Coach and Horses Yard Elevation



Proposed Section



DRAFT DECISION LETTER

Address: 37 Conduit Street, London, W1S 2YF,

Proposal: Excavation of extension to provide a second basement level, demolition and re-build of the 6th and 7th floors and extension to form new 8th and 9th floors, erection of rear extension from ground to new 9th floor level, all to enlarge existing hotel (Class C1). External alterations including alterations to the appearance of the existing facades.

Plan Nos: 1220 A, 1221 A, 1222 A, 1223 B, 1224 A, 1225 A, 1226 A, 1226 A, 1227 A, 1228 A, 1229 A, 1230 C, 1231 C, 1232 A, 1233 D, 1234 C.

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

Reason:

- 1 Because of their height and bulk the rebuilt upper floors and roof extension would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet Policies 38, 39, and 40, of the City Plan 2019 - 2040 (April 2021).
- 2 Because of their height and bulk the rebuilt upper floors and roof extension would harm the setting of the Grade I listed St George's church, the grade II-Star listed Time and Life Building, and the Grade II-Star listed 8 Clifford Street. This would not meet Policy 39 of the City Plan 2019 - 2040 (April 2021).

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 so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.