

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 9 August 2022	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, 163-164 New Bond Street, 22-24 Bruton Lane and Barlow Place, London, W1S 4EN		
Proposal	1. Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street ("Building 1") comprising flexible retail/commercial floorspace (Class E) and a further seven storey building (plus three storey basement, plant mezzanine and roof top plant) on Grafton Street ("Building 2") linked to a 12 storey building (plus two storey and part three storey basement) on Barlow Place ("Building 3") comprising up to six flexible residential/aparthotel units (Class C3/C1), a hotel and associated facilities (Class C1), flexible hotel/restaurant/bar floorspace (Class C1/E/Sui Generis), flexible hotel/spa (Class C1/E); and associated provision of open space and landscaping. 2. The temporary dismantlement of the Grade II listed shopfront at 14 Grafton Street and reinstatement 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 Number	1. 22/00178/FULL 2. 22/00179/LBC	Date amended/ completed	20 January 2022
Date Application Received	12 January 2022		
Historic Building Grade	Unlisted, apart from the shopfront at 14 Grafton Street (Grade II)		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

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

- a) An Employment and Skills Plan and a contribution of £203,941.45 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase.

- Complete financial contribution payable prior to the commencement of development.
- b) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development);
 - c) Be seen Energy Monitoring in consultation with the GLA;
 - d) Submission of a Travel Plan prior to occupation of any phase of the development;
 - e) To provide the six residential flats within five years of the commencement of demolition of Phase 1;
 - f) Highway works to renew the footways around the site, including adjustments to the motorcycle bay in Bruton Lane
 - g) Dismantlement and re-erection of the listed 'Wartski' shopfront
 - h) Demolition clauses
 - i) The costs of monitoring the S106 legal agreement.

If the S106 legal agreement has not been completed within 3 MONTHS from the date of the Committee's resolution then:

- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. Grant conditional listed building consent.

3. Agree the reason for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

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, apart from the shopfront at 14 Grafton Street, which is Grade II listed (the “Wartski” shopfront).

There have been a number of permission granted for the site. The most relevant is the permission granted in October 2019 for its complete redevelopment primarily for hotel purposes, with supporting uses, and replacement retail and residential accommodation. Although not implemented, that permission is still extant and therefore a material consideration in the consideration of the current application.

That previous scheme was developed in association with a hotel operator, who has since pulled out of the project, in large part because of the covid pandemic. The current proposals are largely similar to the permitted scheme, except that part of the site is split into a separate building for use as retail and flexible retail/office accommodation. As before there would be a seven-storey building fronting Grafton Street and a linked 12 storey building (which now includes one additional storey) to the rear in Bruton Lane/Barlow Place; sub-basement levels are proposed under the whole of the site. The existing residential floorspace will be re-provided and increased to include six flats in the Barlow Place building: these are considered to be of an acceptable size and standard. This scheme excludes a porte cochere on Grafton Street that was part of the approved scheme, which is considered to be an improvement.

The impact on neighbouring flats in Barlow Place are similar to the approved scheme. There have been no objections from local residents. However, there is a strong objection from the Designing Out Crime Officer about the arrangements in Barlow Place, in particular the access to the flats.

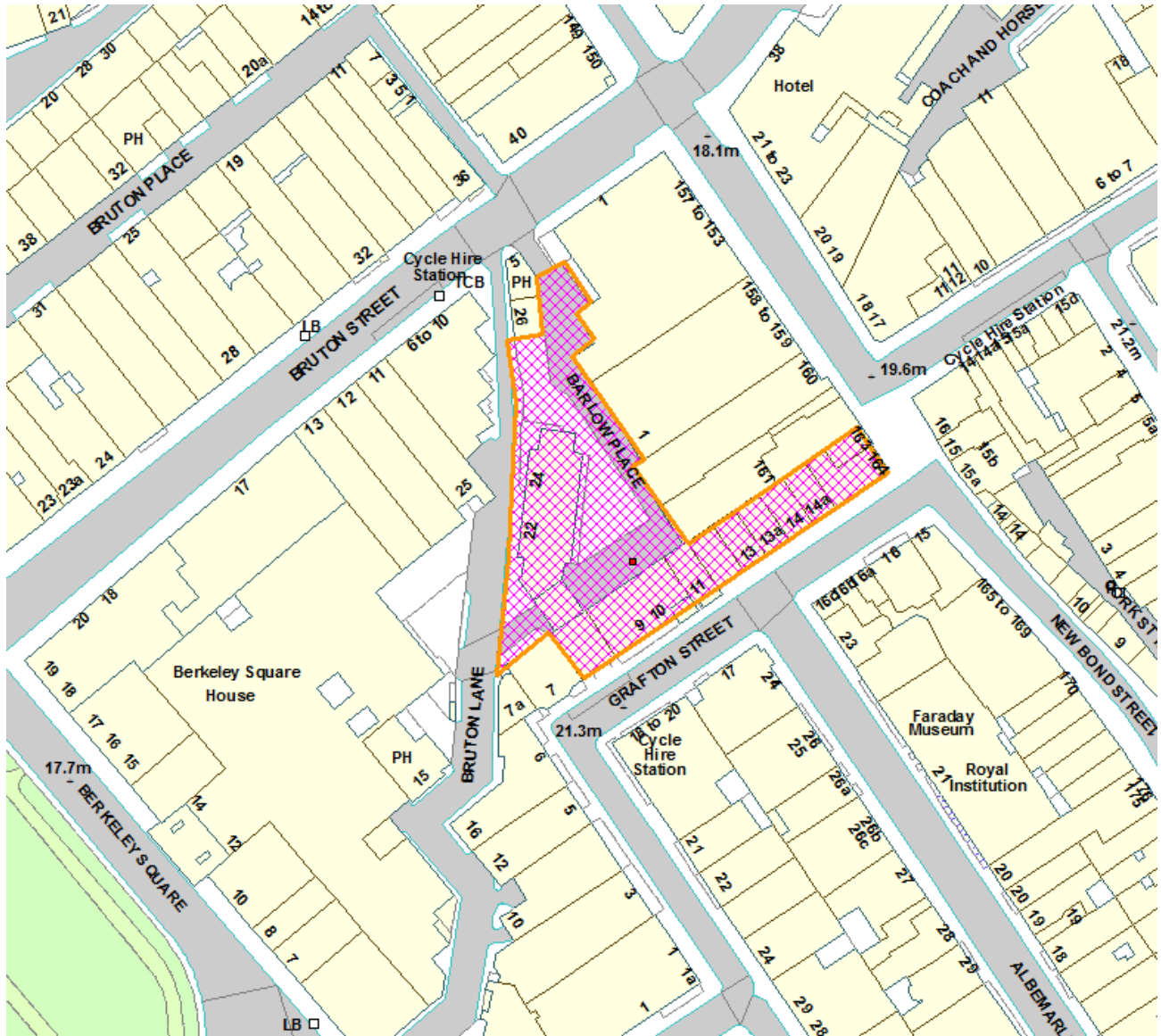
The existing ‘Wartski’ shopfront will be dismantled and relocated to the Barlow Place building and listed building consent is sought for this aspect of the proposals.

The key issues for consideration are:

- The impact of the proposals on the Mayfair conservation area;
- The impact of the proposals on residential amenity;
- The relocation of the ‘Wartski’ shopfront; and crime and security issues.

The proposals are considered acceptable in land use, amenity, design and conservation grounds and are broadly in line with the policies set out in the London Plan and Westminster’s City Plan, bearing in mind the extant permission.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Grafton Street frontage



Wartski shopfront



New Bond Street frontage



Bruton Lane frontage



5. CONSULTATIONS

5.1 Application Consultations

GREATER LONDON AUTHORITY

The Deputy Mayor considers that the application does not yet comply with the London Plan:

- Land use principles: The proposed mixed-use redevelopment comprised of flexible office/retail uses a new hotel and ancillary restaurant, bar and wellness uses are strategic functions of the CAZ and are supported. Whilst the proposal for residential units and/or serviced apartments is also supported in land use terms, further clarification is sought in terms of how the proposed flexible use would operate, the re-provision of existing housing and how this would be secured.
- Heritage and urban design: The proposal would result in 'less than substantial harm' to heritage assets. Whilst GLA officers consider that the public benefits brought forward by the proposal could outweigh this harm, a final assessment will be carried out at Stage 2. Subject to addressing environmental and functional impacts, the building heights proposed would be acceptable in accordance with London Plan Policy D9.
- Sustainable development and environmental issues: Additional information and clarification is required regarding the proposed energy strategy, whole life carbon, and circular economy before compliance with the London Plan can be confirmed
- Transport: The proposal is acceptable in strategic transport terms. Planning conditions and obligations attached to the extant permission, relating to travel plans, construction logistics plans and delivery and servicing plans should be carried over to any new permission. Details of short stay cycle parking and impacts on cycle hire should be resolved.

(The application is referable under the Mayor Order Category 1C(c) of the Schedule to the 2008 Order, as *"Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London."*)

TRANSPORT FOR LONDON

- Consider the proposal to be generally acceptable for pedestrians and that the removal of the porte-cochere provides a safer environment for pedestrians;
- Adequate long-stay cycle parking is provided for the hotel, office & residential uses but there is a shortfall in short-stay cycle parking that should be addressed;
- Whilst most of the servicing in the service bay on Bruton Lane is acceptable, the proposed retail servicing on Grafton Street does not fully meet London Plan policy T7, but it is for the Council to determine the acceptability of this
- Comments about the initial proposed move of the Cycle Hire docking station no longer applicable as this is now staying in its current position.

LONDON UNDERGROUND LIMITED

No objection, subject to conditions.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

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

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend no archaeological requirement.

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Objection:

- The undercroft [where the residential entrance is located] linking Bruton Lane with Barlow Place is an unacceptable design feature and will encourage antisocial activities;
- The design and location of the shared cycle store means that users must enter via Barlow Place, encouraging people into a dead-end space;
- Encouraging people into these areas, away from the main street, will raise the fear of crime and the opportunity for crime to occur, which in turn increases the pressure on the local police;
- Also concerned about the amount of shared space within the development (i.e. the linkages between the hotel and residential accommodation), making each use vulnerable to crime.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objections subject to a number of detailed conditions

HIGHWAYS PLANNING MANAGER

No objection.

WASTE PROJECT OFFICER

Initial objection to inadequate information about waste storage and collection subsequently overcome by revisions and objection withdrawn.

BUILDING CONTROL

No objection.

ARBORICULTURAL SECTION

No objection subject to conditions requiring tree protection measures for the single tree adjacent to the site on New Bond Street and a condition requiring details of the proposed greening and landscaping proposals (of which limited details have been submitted to date).

WCC ECONOMY TEAM

Advise that the scheme should provide an Employment and Skills Plan and a financial contribution of £225,515.12.

[However, following minor changes to the land use figures, the applicant has advised that the contribution now equates to £203,941.45 – confirmation of their calculations is awaited from the Economy Team.]

FIRE HEALTH AND SAFETY EXECUTIVE

Following protracted discussions about the fire safety measures for the proposed residential accommodation, and changes submitted by the applicant, the HSE has asked for details of the package of fire precautions proposed: additional information has been provided by the applicant and a further response is awaited from the HSE.

THAMES WATER UTILITIES LTD

No objection (following the submission of additional information).

NEW WEST END COMPANY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 236; Total No. of replies: 0
No. of objections: 0; No. in support: 0

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) were as follows.

Given the ongoing pandemic and to ensure that as many people as possible would be able to review, a consultation website was created that would enable residents and stakeholders to review the proposals at a time that was convenient to them. The website

had a facility for people to provide feedback to the applicant and also made it clear how to contact the Applicant's team if they had any questions or required further information. The website was live from 6 December 2021 until 13 December 2021 (inclusive).

Stakeholders were notified about the consultation website by individually addressed letters that were sent by Royal Mail first class post on 3 December 2021. 1488 of these were sent out to all addresses within a wide catchment area in the vicinity of the site.

Over the course of the consultation period a total number of 364 unique visits to the consultation website were made. In addition to the above, the applicant and their design team met with a former West End Ward Councillor, Jonathan Glanz, to brief him on the detailed proposals in advance of the public consultation. This briefing took place on 29 October 2021.

The applicant also directly contacted the Residents' Society of Mayfair & St James's to notify them of the proposals and to offer a briefing on them.

During the consultation process with residents, businesses and stakeholders the applicant received overwhelmingly positive feedback. In particular, the following points were raised as part of the process:

- The proposals will create a significant improvement to the public realm in the immediate vicinity to the site. It was mentioned that the current roads to the rear of the site do not reflect the standard for the local area. The proposals could also provide an opportunity to introduce more planting into the area and help to build a green link between Green Park and Berkeley Square;
- The current building is unattractive and the proposed new buildings are designed to a much higher standard. The proposed design will also help to mark the corner of Bond Street and Grafton Street and "draw people from Piccadilly";
- The proposed uses of the new buildings will bring positive benefits to not just this part of Bond Street but also to the wider West End; and
- The proposed new buildings will have a significantly improved level of sustainability and environmental performance and this should be welcomed.

In response to the consultation process, the applicant has confirmed the following:

- A daylight and sunlight assessment will be submitted with the planning application to reassure nearby residents in relation to the impact of the proposals;
- A management plan will be agreed with Westminster City Council that will regulate an "off street" servicing arrangement for vehicles; and
- The 6th floor terrace will close at 11pm [although this has been conditioned to 10pm, as with the approved scheme] and no background music will be played at any time that will be audible outside the property. A noise assessment will be provided to ensure there is no negative impact on neighbours.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

This application site is bounded by Bruton Lane to the north and west, and Barlow Place and New Bond Street to the east, and Grafton Street to the south. It is within the following policy designations:

- Central Activities Zone (CAZ),
- West End Retail and Leisure Special Policy Area (WERLSPA),
- The Great Estates Area of Special Archaeological Priority
- The Marylebone and Mayfair Surface Water Risk Hotspot
- Mayfair Conservation Area

The Grafton Street and New Bond Street buildings are also within the West End International Centre and the Mayfair and St James's Special Policy Area.

The site also falls within the Mayfair Neighbourhood Plan (MNP): Grafton Street is on one of their designated Mayfair Shopping Frontages and Bruton Lane is on the Mayfair Tyburn Opportunity Frontage.

The site is also located above a London Underground Structure/tunnel (the Victoria Line) and within a Surface Water Flood Risk Hotspot.

The site is approximately 0.25 ha. It 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 Grafton Street is an unlisted building comprising basement, lower ground, ground, first to fourth floors with a set-back fifth floor level. It is linked at the rear via a 5-storey 'bridge' over Barlow Place to 22-24 Bruton Lane, which frontages to both Bruton Lane and Barlow Place. This building comprises basement, lower ground, ground and seven upper floors. The buildings date from the 1960s. 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. These buildings were last in use for office purposes but have been vacant since 2013. It is noted that 8 Grafton Street a flying freehold over the entrance of its neighbour (No.7) which is Grade II listed.
- 9-10 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. Its lawful use is as offices with retail at ground and lower ground floor, however the building has also been vacant since 2013.
- 11-14 Grafton Street and 164 New Bond Street is an internally linked 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. 163 New Bond Street is an office building with retail at ground floor. 163 New Bond Street is an older building dating from 1770s which is clad in grey granite. It has been substantially altered over time and is considered to be contrary to the prevailing character of the area. It does not form part of the same frontage as 164 New Bond Street but is a similar height of four storeys, with retail use at ground floor and office floorspace above.

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, but some offices and flats are also accessed from Barlow Place.

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.

7.2 Recent Relevant History

The site has a long planning history, with a number of historic and more recent applications for demolition and redevelopment for mixed use comprising office, hotel, retail and residential uses. The approvals are similar in nature to the proposals presented under this application in terms of range of uses and form of replacement buildings.

The most relevant are as follows:

Development Site At 8-10 Grafton Street, 11-14 Grafton Street, 22-24, Bruton Lane, and 163-164 New Bond Street:

Planning permission (19/02260/FULL) granted on 22nd October 2019 for the 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).

There was an accompanying listed building consent for the 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.

These decisions were subject to a legal agreement that secured 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.

At the present time that permission has not been implemented but it remains valid until 21st October 2022 and as such the permission forms a material consideration of significant weight in the determination of the current, similar proposals.

Prior to that there were some other key decisions:

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

Planning permission (14/00784/FULL) 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. This was subsequently subject to S73 applications for detailed design changes. The applicant states that one of these S73 applications has been implemented but this has not been proven through a Certificate of Lawfulness.

Planning permission (06/06954/FULL) 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 (15/08189/FULL) 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. Again, the applicant claims that this permission has been implemented but no evidence has been submitted of this.

8. THE PROPOSAL

The current proposals follow on from the 2019 consent granted on 22 October 2019 for the comprehensive redevelopment of the site to provide a new hotel, retail, restaurants, a spa and replacement of the existing residential units. The applicant advises that due to the Covid-19 pandemic, the hotel operator withdrew from the scheme, which meant the scheme could not progress as it was very bespoke to that operator (the LVMH [Louis Vuitton Moet Hennessy] Cheval Blanc brand, which provides luxury hotels).

It is still the applicant's wish to create a high end destination hotel which complements the adjacent International Shopping Centre of New Bond Street, and other retail and entertainment uses within the West End, whilst contributing significantly to the provision and quality of visitor accommodation in London, in turn assisting in maintaining London's World City status. The proposals seek a degree of flexibility in terms of land uses, which reflect in part the flexible mix of land uses granted in the 2019 consent.

This application presents a revision to the 2019 consent proposals with the amendments made in response to the global pandemic and changing market demands. The main change is that what was a single building along Grafton Street largely in hotel use has been split into two separate buildings, with a third building in Bruton Lane. The proposed buildings have been attributed references for clarify:

- Building 1 is at the south eastern corner of the Site (broadly aligning with the existing building footprint of 11-14 Grafton Street and 163-164 New Bond Street) and would be occupied as offices and retail. The applicant has committed to restrict the lower ground, ground and first floors as retail, but would like flexibility for the remaining upper floors to be either retail or office: this would allow, for example, potential use of the whole building by a major retail operator.
- Building 2 would occupy the footprint of the existing 8-10 Grafton Street and would be physically linked to Building 3 at the lower levels: this would be primarily used for hotel purposes including an ancillary spa, with some flexible space for hotel/restaurant/bar.
- Building 3 is proposed at 22-24 Bruton Lane and would be mainly occupied for hotel purposes but would include the replacement residential accommodation and a retail unit at its ground floor.

There is a substantial level change of 5m across the site sloping downwards from south to north. As such the ground level on Grafton Street is substantially higher than that on Bruton Lane / Barlow Place, meaning that the floor levels of each proposed building are not positioned at the same level. For example, the ground level of Building 2 along Grafton Street is the equivalent of first floor level of Building 3 along Bruton Lane.

There is currently not another hotel operator involved in the proposals; partly because of this the applicant is now seeking approval for the scheme to be developed in two phases (reflected in the payment of the community infrastructure levies (CIL)).

The current proposal been revised as follows:

- The residential accommodation was proposed to be flexible residential/apartment hotel accommodation – this was because the applicant wanted the option of providing the replacement residential accommodation at an offsite location, in which case the allocated accommodation on this site could be used as part of the hotel. However, the applicant did not have a site available and their proposal to secure this at a later date was not acceptable. It is now proposed to designate this accommodation solely for residential purposes, similar to the last approved scheme.
- The accommodation in Building 1 was originally designated as all flexible

retail/offices; this has been revised to provide a guaranteed minimum amount of retail accommodation (1,605.7 sqm) on the lower ground, ground and first floors; floors 2-6 of Building 1 remain as flexible retail/offices.

- A unit in Building 3 that was to be flexible retail/hotel has been changed to just retail, to address concerns that this space might be used as back of house hotel accommodation that would create a 'dead' frontage in Barlow Place/Bruton Lane, rather than a guaranteed active frontage from a use open to the public.

The applicant has asked that the permission allows for the proposed development to be phased, in which Phase 1 – the office and retail elements - will be provided first, followed by Phase 2 (the hotel and residential elements).

9. DETAILED CONSIDERATIONS

9.1 Land Use

9.1.1 Land Use Overview

The current proposals are largely based upon the 2019 scheme but there is a significant change in the potential increase in retail accommodation and the introduction of replacement office accommodation, both in Building 1. The land use table below shows the existing, approved and proposed floorspace figures.

In general terms the proposals are considered to broadly comply with key policies of the City Plan 2019-2040, in particular:

Policy 1. Westminster's spatial strategy

A. Westminster will continue to grow, thrive and inspire at the heart of London as a World City by:

- 1. Supporting intensification and optimising densities in high quality new developments that integrate with their surroundings and make the most efficient use of land, including through developments that showcases the best of modern architecture.*
- 3. Supporting the growth, modernisation and adaptation of a variety of business space to provide at least 63,000 new office-based jobs alongside other forms of commercial growth.*
- 4. Balancing the competing functions of the Central Activities Zone (CAZ) as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhoods.*
- 5. Protecting and enhancing uses of international and/or national importance, the buildings that accommodate them, and the specialist clusters of uses within the city's most distinct places.*
- 6. Supporting town centres and high streets, including centres of international importance in the West End and Knightsbridge, to evolve as multifunctional commercial areas to shop, work, and socialise.*
- 7. Protecting and enhancing the city's unrivalled heritage assets (including their*

- settings), and townscape value.*
8. *Adapting to and mitigating the effects of climate change, and securing enhancements to the natural environment and public realm, including supporting the delivery of a new North Bank river front destination.*
9. *Prioritising sustainable travel.*
10. *Ensuring sufficient supporting infrastructure is delivered to facilitate growth.*

Table 1: Existing, approved and proposed land uses.

Land Use	Existing GIA (sqm)	Consented (19/02260/FULL)	Proposed GIA (sqm)
Residential (Class C3)	485	608	662 ¹
Office (Class E)	8,067	0	Min – 0 Max – 3,957.8
Retail (Class E)	1,345	1,797	Min. - 1,601.7 ² Max. - 5,563.5
Flexible office/Retail (Class E)	0	0	3,957.8
Hotel (Class C1)	0	12,345	Min - 12,622.5 ³ Max – 13,808.5 ⁴
Flexible Hotel/Restaurant/Bar (Class C1/E/Sui generis)	0	536	1,186
Flexible Hotel/Spa (Class C1/E)	0	597	0 ³
Flexible Hotel/Restaurant	0	1,514	0
Flexible Retail/Restaurant (Class E)	0	243	0
TOTAL	9,897	17,640	20,030

Notes

¹ Includes ancillary space, circulation, etc, including 19.5 sqm for residential cycle store

² This includes 162.5 sqm for the retail unit in Bruton Lane/Barlow Place and the remainder all in Building 1

³ The ancillary spa that was previously listed separately as flexible spa/hotel is now part of the hotel

⁴ Maximum hotel accommodation if including the flexible hotel/restaurant/bar

B. Growth will primarily be delivered through the:

1. intensification of the CAZ, the West End, and our town centre hierarchy with commercial-led and mixed-use development to provide significant growth in office, retail, and leisure floorspace, alongside new homes;

Policy 2. Spatial Development Priorities: West End Retail and Leisure Special Policy Area and Tottenham Court Road Opportunity Area

The intensification of the West End Retail and Leisure Special Policy Area (WERLSPA) over the Plan period will deliver the following priorities:

A. Significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use. Additional commercial floorspace will be provided in a manner that respects its setting, through:...

2. The sensitive refurbishment and extension, or replacement of existing buildings across the WERLSPA.

B. An improved retail and leisure experience that responds to innovation and change in the sector, including the transformation of the Oxford Street District.

C. A diverse evening and night-time economy and enhanced cultural offer.

D. A more co-ordinated approach to managing the area's freight, servicing, and delivery demands.

E. An enhanced pedestrian environment, public realm ...

F. Protection of the unique character of central London's distinct and iconic places and heritage assets.

Although the current scheme is broadly similar to the 2019 approval, it is noted that there is an increase in floorspace of 2,390 sqm. The difference has come about through an additional hotel level in Building 3 and an additional mezzanine level in Buildings 1 and 2 which is dedicated to mechanical, electrical and plumbing (MEP) infrastructure.

9.1.2 Loss of office accommodation

When the 2019 scheme was approved the policies at that time (in the Unitary Development Plan) did not protect office floorspace where it was going to another commercial use. That situation has changed with the adoption of the City Plan 2019-2040 in April 2021. Policy 13 (Supporting economic growth) of that Plan is more protective of office accommodation and states that

D. The net loss of office floorspace from the CAZ:

2. to hotel use will only be permitted where there is no interest in its continued use for office or any other Class E (commercial, business and service) uses education or community use, as demonstrated by vacancy and appropriate marketing for a period of at least 12 months.

London Plan Policy E1 states that improvements to the quality, flexibility, and adaptability of office space of different sizes (for micro, small, medium sized and larger enterprises) should be supported by new office provision, refurbishment, and mixed-use development. Increases in office stock are especially supported in the CAZ. The policy also requires that development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and

affordable workspace

The applicant advises that the offices have been vacant since 2013 and have not been marketed. The applicant's justification for the loss of the offices is that the existing office floorspace is poor quality and is currently in a largely derelict state. Therefore, it is not possible to let the space without significant upgrades to the building. Also, the applicant's intention has always been to bring forward development on the site, so it was not considered prudent to occupy the buildings in the short term. Whilst no specific marketing evidence can be provided, it is considered the dilapidation of the buildings and extended period of vacancy is reasonable justification against the requirements of Policy 13. The GLA comment that on balance and considering that the provision of alternative uses are strategic functions of the CAZ, the loss of office floorspace could be supported at a strategic level.

This is notwithstanding the fall-back of the extant 2019 permission which includes the total loss of existing office floorspace and replacement with a hotel and associated facilities. The extant permission is a material consideration of significant weight in the determination of the current application. The applicant also refers to the employment generation of the proposed uses, which should be considered as a material consideration in justifying the loss of existing office floorspace.

The existing offices at 11-14 Grafton Street are proposed to be replaced by retail and flexible retail/office floorspace. Therefore, part D 1 and 2 of Policy 13 is not relevant as it specifically relates to the loss of existing office space to residential and hotel uses respectively. It is also noted that Class E would allow the existing office accommodation to be used for retail purposes without the need for planning permission. Furthermore, whilst the approved scheme did not provide any replacement office accommodation, in the current scheme there is potential for up to 3,957.8 sqm to be provided, depending on whether the flexible floorspace in Building 1 is used for office or retail. In this respect the current proposal is arguably more compliant with the 'new' City Plan and thus an improvement over the extant scheme.

In terms of employment floor space, Policies E2 and E3 of the London Plan encourage mixed use developments that improve the quality and diversity of employment and office floor space, including the desire for lower cost and affordable workspace. The GLA has stated that the applicant should confirm the scheme provides 10% of the office floorspace as affordable compliant with the Local Plan policy requirement, and that further information on the affordable workspace is required to ensure its design provides suitable premises (and associated amenity) for its future tenants. The GLA's request that this should be secured in the s106 agreement. However, there is no City Plan requirement for affordable workspace, and particularly no 10% requirement as stated in the Stage I report and therefore there are no policy grounds for requiring this in the S106. The proposed office floorspace could potentially be subdivided to provide a proportion of flexible workspace suitable for small and medium sized enterprises (SMEs) either by floor or within each floor, in line with London Plan Policy E2.

9.1.3 Hotel Use

The proposal will result in a new hotel comprising up to 13,808.5 sqm with 94 bedrooms (compared with 93 rooms in the consented scheme). There is some restaurant and bar

floorspace, either ancillary to the hotel or independently operated, as well as an ancillary spa, which will be accessible to members of the public and hotel guests.

London Plan Policy E10(F) states, 'Within the CAZ, strategically-important serviced accommodation [which includes hotels] should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods'. Despite the size of the hotel, it does not fall within the London Plan's definition of 'strategically-important' serviced accommodation, which is limited to accommodation comprising more than 20,000 sqm.

City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel and conference facilities (as defined within the NPPF and London Plan). City Plan Policy 15(G) states that, 'New hotels and conference facilities will be directed to:

1. commercial areas of the CAZ; and
2. town centres that are District Centres or higher in the town centre hierarchy'.

Policy MSG1 of the Mayfair Neighbourhood Plan (MNP) also encourages growth within Mayfair, including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units (where subdivision is appropriate), and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public). Policy MSG2 states that growth is 'particularly encouraged' within Central Mayfair [where the site is located] for commercial growth.

This area is predominantly commercial, although it is noted that 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.

Due to its central London location it is likely that most guests will arrive by taxis or public transport. The previous scheme included a porte cochere at the main entrance on Grafton Street, which was a requirement of LVMH Cheval Blanc, the hotel operator involved at that time. This feature is not included in the current proposals, which is 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 draft Operational Management Plan (OMP) that they will not accept coach party bookings, and 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, and this will be secured by condition.

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

International shopping and leisure destination of the West End.

9.1.4 Retail Floorspace

There is currently 1,345 sqm of retail accommodation on the site, within several shops along Grafton Street and on the short New Bond Street frontage. In the approved scheme 1,797 sqm retail floorspace was proposed; in the current scheme the applicants are seeking some flexibility in the amount of floorspace provided. Apart from the retail unit in Bruton Lane/Barlow Place (162.5 sqm), the majority of the proposed minimum amount of retail accommodation (1,439.2 sqm) would be located on the lower ground, ground and first floors of Building 1, on the corner of Grafton Street and New Bond Street and thus guarantees the replacement of the existing retail floorspace along that frontage. The applicant would like the option to use the upper floors (an additional 3,957.8 sqm) as either office or retail: it is possible, for example, that a high end retailer might want to occupy the hold building, to provide a variety of ancillary retail services.

City Plan Policy 2 supports the intensification of the West End Retail and Leisure Special Policy Area, alongside an improved retail and leisure experience that responds to innovation and change in the sector and a diverse evening and night-time economy and enhanced cultural offer. These objectives need to be balanced against the requirement to protect residential amenity and local environmental quality, as set out within City Plan Policy 7. City Plan Policy 14(A) seeks to enhance and diversity the officer of existing town centre as places to shop, works and spend leisure time. City Plan Policy 14(B) requires uses that provide active frontages and serve visiting members of the public throughout the town centre hierarchy (this includes the West End Retail and Leisure Special Policy Area). City Plan Policy 14(C) requires all development to be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed, with the West End Retail and Leisure Special Policy Area providing a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

Given the majority of the site is located on the International Centre of the West End in a location well known for its retailing, this aspect of the scheme is considered to be acceptable.

Given that the retail unit in Bruton Lane/Barlow Place is immediately below the proposed flats, it is considered to be reasonable to restrict it's opening hours – 07.00 – 21.00 hours daily.

9.1.5 Restaurant and Bar Use

As can be seen in the land use table, the proposed ancillary activities in the hotel have been simplified: flexibility is sought between whether these uses are used as actual hotel accommodation or as a restaurant and/or bar, possibly provided by a third party, albeit within the hotel. Such uses are typically part of the hotel function and whilst there is no objection in principle to these activities, as they could be used by hotel and non-guests they need to be considered against the relevant policies. The plans, indicative, show a restaurant on part ground floor fronting Grafton Street next to the hotel entrance, a bar at the back of the hotel lobby and a restaurant at sixth floor level (all within Building 2).

As well as the policies listed in the above section (2, 7 and 14), policy 16 (A) states that

“proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.”

The proposal has been revised so that the potential amount of restaurant and bar accommodation within the hotel is 1,186 sqm. This is considerably less than in the approved scheme and welcomed. (The approved scheme had a restaurant at first floor level with an external dining area but this has been deleted in the current scheme.) As with the approved scheme, it is proposed to restrict the capacity of the bar and restaurants and restrict the hours that they are open to non-hotel guests:

Table 2: Entertainment table

Location	Use	Covers	Open to non-hotel guests?	Hours open to non-hotel guests
Ground floor (2 locations)	Flexible Hotel/Restaurant/Bar	120 each for restaurant and bar	Yes	06.00 – 01.00 daily
Sixth floor	Flexible Hotel/Restaurant/Bar	70 covers plus 40 on the terrace	Yes	07.00 – 01.00 daily [terrace to close at 22.00].

The proposed restaurant/bar at sixth floor level includes a terrace overlooking Grafton Street. This is slightly set back and also higher than the nearest residential at 5 Grafton Street. 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.

A spa, if provided as an ancillary part of the hotel, is considered to be acceptable.

A draft operational management plan (OMP) has been submitted, and a final version of this will be secured by condition. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

9.1.6 Residential use

Policy 8 (Housing delivery) of the City Plan encourages the creation of new housing and protects all existing residential units, uses, floorspace and land. Policy 10 (Housing for specific groups) seeks a mix of units in terms of size, type, and tenure to secure mixed and inclusive communities, and contribute towards meeting Westminster's housing needs for different groups. Policy 10. B. (Family sized homes) specifies that 25% of all new homes across Westminster will be family sized and that studios will make up no more than 10% of new homes within a single development.

Policy 12 (Housing quality) states that:

- A. All new homes and residential extensions will provide a well-designed, energy efficient and high-quality living environment, both internally and externally. New homes will be designed to a standard that ensures the safety, health and wellbeing of its occupants.*
- B. 90% of all new-build homes will meet Building Regulation requirements M4 (2) "accessible and adaptable dwellings" and 10% of all new-build homes (including changes of use) will meet Building Regulation requirement M4 (3) "wheelchair user dwellings".*
- C. All new homes will meet or exceed the Nationally Described Space Standards (where the units are self-contained).*

External amenity space

- D. All new-build homes will provide at least five sq m of private external amenity space for each dwelling designed for one-two persons or more and, where practicable, a further one sq m for each additional person the dwelling is designed to accommodate. Where it is not considered practicable or appropriate to provide private external amenity space for all or some homes, the following measures will be required:*
 - 1. provision of communal external amenity space; or*
 - 2. provision of additional and/or higher quality public open space.*
- E. Where it is sufficiently demonstrated that it is not practicable or appropriate to provide any type of external amenity space, additional internal living space equivalent to the external requirement set out in clause D will be required.*

London Plan Policy D6 also requires that private outdoor space should be provided for all dwellings.

The residential aspects of this scheme are broadly the same as the approved one, and complies with policy 8 in re-providing residential accommodation to replace the two residential flats at fourth floor level of 11-14 Grafton Street (which comprise 1 x 2 bed and 1 x 3 bed units). The existing residential accommodation has a shared access with the offices, which is not ideal. As with the approved scheme, the proposed units will be located within the Bruton Lane /Barlow Place building (Building 3), with their own access.

In the approved scheme the six units were located at second and third floor level (three units on each floor) and comprised 4 x 1-bedroom and two studio flats - 2 x 68.1sqm, 2 x 76.7sqm and 2 x 49.7sqm (389 sqm useable floorspace, i.e. excluding circulation and ancillary space).

In the current scheme the units are provided at first and second floor level (again, three units on each floor) and comprise 6 x 1-bedroom (2-person) flats - 2 x 56 sqm, 2x 57 sqm and 2 x 65 sqm (356 sqm useable floorspace, i.e. excluding circulation and ancillary space). Whilst this reduction is unfortunate, the amount of residential floorspace (both useable and ancillary) is still greater than existing (useable approximately 285 sqm, total including ancillary 485 sqm) and is considered to be acceptable.

The applicant confirms that these have been reviewed by an access consultant and have been designed to meet the relevant policy requirements of London Plan Policy D6 in terms of internal space standards.

In terms of accessibility, London Plan Policy D5 requires that all new development achieves the highest standards of accessibility and inclusive design. At least 10 per cent of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. City Plan policy 12 requires 90% of all new-build homes to meet Building Regulation requirements M4 (2) "accessible and adaptable dwellings" and 10% of all new-build homes (including changes of use) will meet Building Regulation requirement M4 (3) "wheelchair user dwellings". Two of the proposed flats are designed to M4(3) and four are designed to M4(2).

The proposal does not include any family-sized units and so this does not comply with policy 10.B (25% of housing developments to consist of family accommodation (3 beds or more).) It is regrettable that no family sized accommodation is proposed, however, it was previously accepted that given the location, on balance this aspect of the proposals was acceptable and it is not considered that there are reasonable grounds for taking a different decision in the current proposals. It could be argued that there is an overall slight improvement in that the approved mix of units included two smaller two studio flats that have been replaced with slightly larger 1-bedroom flats.

As before, it is proposed to attach standard internal noise conditions to ameliorate any potential concerns that the internal activity from the hotel will have an impact on the amenity of the new flats

With regard to policy requirements for private external amenity space, this was not provided in the previous scheme and nor is it provided in the current one. The applicant has commented that this is owing to site constraints. It is also considered that adding balconies would compromise the architectural approach to the façade and could create amenity issues for nearby existing residential units in 1 Barlow Place. The proposed development does seek to enhance the public realm to Barlow Place, immediately adjacent to the proposed residential units, which would provide for high-quality public space for residents and visitors alike.

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

Fire Safety

In line with Policy D12 of the London Plan the applicant has submitted a fire safety statement, prepared by a suitably qualified third-party assessor, which addresses the criteria of Policy D12, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Policy D5 of the London Plan requires that the development incorporates fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings. Policy D12 requires the highest standards of fire safety, and it is noted that the proposals include a tall building with a single staircase.

There has been considerable discussion between the applicant and the Health and Safety Executive (HSE) about the circulation arrangements for the new residential accommodation and amendments to the means of escape in Building 3 are proposed. A dedicated escape stair is proposed for the residential dwellings located on the first and second level of Building 3. The new dedicated escape stair will lead out onto Bruton Lane at ground floor of Building 3. It is considered that the additional residential escape stair resolves HSE comments in regards to providing separate escape accesses for different uses. The housekeeping / fire fighting lift, the VIP hotel lift and the hotel stair will no longer serve the residential levels.

A single lift will be provided to the residential areas which will be accessed from ground floor off Bruton Lane and offer access for residents on first and second floors. The dedicated residential lift will be designed as an evacuation lift for residential occupants only in the event of a fire, should it required by a mobility impaired occupant. A lobby access approach is adopted for the residential floors which is proposed to take the form of a common corridor. The travel distances will be limited to 15m from the flat entrance to the stair door. This is considered to adequately address the concerns raised by the HSE.

Phasing Implications for Provision of the Residential Accommodation

The applicant has requested that any approval allows for the scheme to be built in phases (see paragraph 9.8). This has implications for the provision of the residential accommodation, which is currently located in what would be the first phase but which is to be re-provided in the Building 3 at the rear of the site and would be the second phase. (This was not an issue with the previous scheme, which was largely hotel use and would have been a single development.)

Given the need to relocate the residential accommodation, a delay in the reprovision is considered to be reasonable acceptable. The question is how long a delay would be acceptable and it has been agreed with the applicant that there needs to be a specified “longstop” date. Based on the current development programme for both phases of development, the applicant estimates the following timeframes for the total demolition/construction programme (which may be subject to change):

- Office/Retail Phase – 154 weeks (circa 3 years)
- Hotel Phase - 167 weeks (circa 3.2 years)
- Both Phases together – 188 weeks (circa 3.6 years)

It is the applicant's preference to build in flexibility to the longstop given current

economic uncertainty and the need to secure a hotel operator before the hotel phase comes forward. The applicant considers a period of 5 years would provide sufficient flexibility. This is not considered to be unreasonable given the scale of the development and would be secured in the legal agreement.

9.2 Environment & Sustainability

Energy strategy

London Plan Policy SI2 sets out energy strategy requirements for major development proposals; Policy SI3 sets out requirements for energy infrastructure; and Policy SI4 sets out requirements to manage heat risk.

Major development should achieve net zero carbon and energy statements provided with applications should demonstrate how proposals are meeting the net zero carbon target in line with the following energy hierarchy set out in London Plan Policy SI2:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

City Plan Policy 36(B) requires major development to be zero carbon. City Plan Policy 36(C) adds, *'Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement'*.

These requirements are reflected within the Council's Environmental Supplementary Planning Document Adopted 2022.

Policy MES4 of the Mayfair Neighbourhood Plan requires all new non-domestic development to be zero carbon.

The applicant's submission states that the existing buildings are poor in terms of sustainability and energy efficiency. The proposed development involves the reuse of previously developed land and includes replacement buildings which would achieve the highest standard of energy efficiency and sustainability. In line with London Plan Policy SI2 the development will target zero carbon with a total of 53.2% carbon dioxide reduction achieved onsite beyond the Building Regulations Part L 2013 (the 'gas boiler baseline') using SAP 10 carbon factors, with the shortfall to zero carbon being made up through a carbon off-set payment. This is summarised as follows:

Table 3: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	16.7	3
Be Clean: Savings from heat network	0.0	0
Be Green: Savings from renewable energy	282.9	50
Cumulative on-site savings	299.6	53
Carbon shortfall	265.0	-
	Tonnes CO ₂	
Cumulative savings for offset payment	7,950	
Cash-in-lieu contribution	£755,238	

With regard to the Mayor's energy hierarchy, the proposed 'Be Lean' measures include:

- A 'fabric first' approach whereby the materiality of the façade will achieve the optimum balance between natural daylight and passive solar heating.
- Thermal insulation will be controlled by the optimisation of the building fabric in terms of appropriate glazing to control heat loss in winter and summer heat gain.
- Mechanical ventilation with heat recovery to ensure the quality of indoor air is good. Heat recovery will result in a reduction in heating and cooling demand.
- Water efficient fixtures to limit overall water consumption in line with the principles of London Plan Policy SI4.
- Energy efficient lighting design.

The Proposed Development is anticipated to achieve up to 3.1% reduction in CO₂ emissions beyond the 'Gas boiler baseline' prior to the consideration of any Low or Zero Carbon (LZC) technologies, i.e. via passive design and energy efficiency measures. This is due to the high hot waters loads associated with the hotel use in Building 2 and 3. This is typical for buildings with hotel uses as assessed under UK Building Regulations 2013, which normally fail to meet a 15% reduction at the Be Lean Stage. Building 1 achieves a reduction of 27%, whilst the domestic spaces achieve a 12.7% reduction meeting the 10% reduction required at the Be Lean stage for domestic dwellings.

With regards to 'Be Clean' measures, Hoare Lea have investigated the location and availability of area-wide heat networks and communal heating systems. The closest network is the Pimlico District Heating Network which is over 1,000m from the site and therefore it is not possible for the scheme to connect to it. However the scheme will be

futureproofed to ensure connection can be made to a heat network should they become available in the future in line with London Plan Policy SI3 and City Plan Policy 36.

With regard to 'Be Green' measures, a number of renewable technologies have been appraised in terms of their technical, physical and financial feasibility, as potential renewable systems for use on the project. The technologies which best suited the Proposed Development are Air Source Heat Pumps (ASHP) and Photovoltaic (PV) Panels. Approximately 211sqm of roof space will accommodate PV panels. The area available for PVs is limited and in part due to retaining the design integrity of the roofscape of Buildings 1 and 2. The use of ASHP as an efficient and low carbon energy source accords with the hierarchy of heating systems as set out in Policy SI3 of the London Plan.

In terms of 'Be Seen' measures, the proposals will fall under the applicant's corporate energy and carbon monitoring and reporting regime. Effective metering will be enabled by suitable sub-metering infrastructure within the buildings. This will enable Energy Intensity and Carbon Emissions to be monitored, and the data included within Annual Performance and Data Reports. The applicant will also complete and the GLA's suggested "Be Seen" energy reporting protocols via the appropriate webs portals once these are available, at the appropriate stage. This is secured as part of the legal agreement

The submitted Energy Statement concludes that the domestic regulated carbon dioxide emissions are approximately 53.2% lower than a Part L 'gas boiler baseline'.

The combined on-site savings exceed the minimum reduction of 35% but falls short of the zero carbon target. As such a carbon offset payment will be required in line with the Council's City Plan and London Plan Policy. The figure will be based on the shortfall of tonnes of CO2 per year over a period of 30 years at a GLA payment rate of £95 per tonne of carbon dioxide per year, and an indicative figure is shown in the above table.

However, the Mayor of London has requested the submission of an updated energy strategy for the City Council's approval prior to commencement of development. If it is not demonstrated that the development can be operationally zero carbon, the applicant will offset the residual carbon emissions for a notional 30 year development life through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development). This will be secured through the legal agreement.

Whole life-cycle Carbon

London Plan Policy SI2 states that development proposals referable to the Mayor should calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. The GLA had released draft guidance and a reporting template (subsequently adopted in March, after the application had been submitted).

A Whole Life Cycle Carbon Assessment has been submitted in support of the application in accordance with London Plan Policy SI 2. The Assessment demonstrates the project team's early-stage considerations to applying circularity principles to the design proposals (Assessment 1). The Report also includes a second assessment based on future decarbonisation of the UK's electrical grid (Assessment 2).

The report concludes that the life cycle module that constitutes the greatest proportion of the total Whole Life Carbon emissions and represents the greatest opportunity for reduction is the operational utility consumption, B6-B7 at 11,450,690 kgCO₂e in Assessment 1. However, under the decarbonisation scenario in Assessment 2 this drops to 3,787,739 kgCO₂e. This confirms the importance of considering grid decarbonisation when completing carbon emissions assessments on a whole life basis.

The applicant has commented that the scheme achieves just under 60% carbon reduction for energy against 2013 building regulations and 750 kg/m² of embodied carbon (for modules A1-A5). This is aligned to current best practice for residential development since there are no benchmarks available for hotel developments.

The applicant has also explored an option to retain and retrofit/refurbish the existing buildings to deliver a hotel at the site. The retrofit option seeks to upgrade the energy supply through provision of all electric plant, improve the thermal performance of the façade through recladding and provide new cores to comply with fire safety regulations. In spite of these retrofit measures, the energy performance will still be compromised due to the low floor to ceiling height which impacts servicing strategy and daylight provision. The retrofit building would also suffer from ground-borne vibration due to proximity to the tube line which can only be addressed by rebuilding; retrofitting acoustic isolation is not be feasible at basement level without rebuilding.

Furthermore, the retrofit option would only provide 49 hotel rooms on a like for like basis with the proposed development which would result in an unviable scheme, and the quality of hotel accommodation would not be appropriate for the CAZ and WERSPLA allocations nor for this location in the heart of Mayfair.

The whole life carbon has been measured over 60 years in accordance with the UKGBC methodology. The retrofit option uses approximately 47,000 tonnes as opposed to 56,000 tonnes for the replacement building (the proposed development). When the retrofit is pro-rated over the same area as the replacement building it uses approximately 90,000 tonnes, compared to the replacement building option which uses approximately 56,000 tonnes of carbon.

At the request of the Mayor of London, a condition requires the post-construction tab of the Assessment to be provided to the GLA prior to the occupation of each building.

Circular Economy

Policy SI7 of the London Plan requires development applications that are referable to the Mayor to submit a Circular Economy Statement, whilst Policy D3 requires development proposals to integrate circular economy principles as part of the design process.

A Circular Economy Statement has been submitted with the application. The Statement explains the approach taken to design and construction with the overarching aims of reducing material usage, minimising waste, and embedding longevity, flexibility and adaptability. Advances in innovation and best practise over time combined with effective feedback loop mechanisms are expected to lead to continuous improvement as the design and construction develops.

An initial assessment of material efficiency has identified key aspects for consideration within the design which will continue to be progressed and pursued where feasible at the next stages of design: rationalising the structural grid to be as efficient as possible, minimising the quantity of material within the build structure and ensuring that the material composition is as low carbon as possible; superstructure designed for longevity & maintenance; and exploring structural options to minimise the concrete and steel material quantity. In addition, a sustainable procurement plan will be developed to ensure construction partners and the entire supply chain meet relevant sustainability benchmarks and circular economy principles.

The design also includes the following measures to reduce waste at replacement or end of life: all major plant to be dismantled and removed; all services infrastructure through the building to be designed within designated risers and all risers to be accessible; high quality, robust materials palette proposed; and limited provisional retail/ office fit out to allow flexibility for the tenant fit out.

The Mayor of London has again stated that further information and clarifications are sought in terms of materials, key commitments, recycling and waste reporting. A condition on any permission requires a post-completion report to be provided to the GLA.

BREEAM

City Plan Policy 38(E) requires non-domestic developments of 500 sq.m or above to achieve at least BREEAM 'Excellent' or equivalent standard and residential conversions and extensions of 500 sq m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve "Excellent" in BREEAM domestic refurbishment or equivalent standard.

The proposed development will achieve BREEAM 'Excellent' with an aspiration to achieve 'Outstanding' in line with the BREEAM 2018 New Construction assessment. It is anticipated that Building 1 will achieve a score of 80.66% for the retail elements and Buildings 2 and 3 will achieve a score of 79.66% for the hotel. It is important to note that overall the scheme will achieve a BREEAM 'Excellent' rating as well as the separate retail/office (Building 1) and hotel elements (Buildings 2 and 3). In the event that not all buildings are delivered, the built development will achieve an Excellent rating and therefore the phasing of the scheme will not affect its sustainability credentials. A condition requires each individual Building to comply with BREEAM Excellent.

Air Quality

The applicant has submitted an Air Quality Neutral Assessment, demonstrating that the proposal development will be at least neutral in its impact. This is in accordance with City Plan Policy 32.

Odour

The proposal incorporates a high level extract for the hotel's kitchens. Environmental Sciences has requested a condition requiring the submission of details of the extract system.

Land Contamination

At the request of Environmental Sciences, there is a condition requiring the submission

of details about land contamination (which was also secured in the approved scheme).

9.3 Biodiversity & Greening

'Policy G5 Urban Greening' of the New London Plan emphasises the need for a development to contribute to the greening of London by incorporating measures such as high-quality landscaping, green roofs and sustainable drainage. Similarly, Council Policy 34 and the Environmental SPD encourage the provision of greening. The proposed development is intending to get as close to the policy target of 0.3 Urban Greening Factor (UGF) for predominantly commercial developments as possible, within the site constraints.

The urban and historic context has presented limitations to the extents to which landscaping around the development is possible. A portion of the roof spaces across the development have been designed as green roofs and tree and hedge planters have also been maximised within the available footprint. However, much of the roof space contains plant and PVs which curtail what can be provided; the massing of the roof, with strong curved shapes, limits what greening can be provided at this level.

The measures for greening include: a green wall along the building adjacent to the north west of the Site which faces Barlow Place and Bruton Lane and which is within the ownership of the Applicant; planters on the roof terrace of Building 3, and low level planters along Barlow Place and Bruton Lane; green roofs at the connection between Buildings 2 and 3; and soft landscaping along the Grafton Street frontage of Buildings 1 and 2.

The proposed greening results in an Urban Greening Factor of circa 0.18 against a target of 0.3 as set out in the London Plan Policy G5. This is an increase in the urban greening of the site achieved in 2016 (with a UGF of). Given the constraints of the site, the development is considered to comply with the objectives of Policies G5 and G6 of the London Plan, 34 of the City Plan and MGS1.4 of the Mayfair Neighbourhood Plan. A condition requires this matter to be further assessed as the details of the scheme progress.

There is one existing tree close to the site boundary (on the corner of Grafton Street and New Bond Street) – protection of this tree is secured by condition.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or 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 66 of the LBCA Act 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 LBCA 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 effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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.

Bulk, Height & Scale

The proposals have been assessed against the following relevant policies of the City Plan:

- Policy 38. Design principles (including disabled access, where relevant, as part of assessment of people centred design)
- Policy 39. Westminster’s heritage
- Policy 40. Townscape and architecture
- Policy 41. Building height
- Policy 42. Building height in the housing renewal areas
- Policy 43. Public realm
- Policy 45. Basement developments

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, and a group of five houses with shop-fronts below at Asprey’s at 165-169 New Bond Street (listed at Grade II). The shopfront at No. 14 Grafton Street is listed at Grade II. The much-altered No. 163 New Bond Street, which is a surviving part of Sir Roger Taylor’s development, was granted a certificate of immunity from listing in 2016, and again in May 2022. The development is 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.

All of the buildings on the site, including that which contains the Wartski shopfront (14 Grafton Street), are to be demolished. However, the shopfront is to be dismantled for re-erection in the second phase of the new development.

This application is the latest envisaging redevelopment of the site, and it is mostly within the volume of the previously approved schemes. 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 a sense of the eighteenth century architectural rhythm of the street that was lost in the 1960s. The roof form is an attractive feature including a focus for the view north along Albemarle Street. There are also major architectural improvements in Barlow Place and Bruton Lane (delivered by phase two) and this accords with policy MTR of the Mayfair Neighbourhood Plan which seeks to encourage retail and complementary uses and enhanced public realm in along the Tyburn Opportunity Frontage.

The tallest part of the new building is in Barlow Place/Bruton Lane where the existing unattractive tower is to be demolished. While the new building is taller, it is better designed and integrated in to its surroundings because of its detailed design and facing materials. Despite its size, it has minimal impact because of the height of its surroundings and the substantial drop in ground level between Grafton Street and Bruton Lane. Consequently, the height of the new building is not incongruous and it does not have any adverse impact on the skyline.

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 and the setting of surrounding listed buildings.

Public art was previously proposed for the ground floor façade on Grafton Street. However, the design of this part of the development has now changed and another location is to be found on the site. The applicant states (on p.95 of the Design and Access Statement) that, "The key objectives for the public art proposal will be to:

- Enhance the public experience of circulation around and arrival to the site
- Ensure the public experience is memorable, safe and inviting
- Create a unique and enhanced identity for the street and its neighbourhood
- Encourage greater awareness and appreciation of the rich cultural and social history of the site."

These criteria are appropriate and acceptable in design and heritage asset terms.

This is, in principle, acceptable in design and heritage asset terms and the details of the public art may be secured by condition.

The existing Grade II listed shop front of the retail unit at 14 Grafton Street was designed by John Bruckland in 1974, and formed part of the retail unit previously occupied by the jeweller Wartski. It features a white marble plinth with display windows in bronze panels, black polished granite pilasters, and black granite steps leading up to the entrance. The relocation of this 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. The site, in Barlow Place, is acceptable and as with previous approvals for its relocation, this may be secured by condition and 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.

9.5 Residential Amenity

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating that development will be neighbourly by, *'Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking'*. City Plan Policy 33(A) states, *'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'*.

The commonly accepted methodology for assessing the impact of development proposals upon daylight and sunlight is the Building Research Establishment guidance entitled, *'Site layout planning for daylight and sunlight: a guide to good practice'* (the BRE Guide). (It is noted that a revised version of this guidance was published very recently (which mainly amends how the daylight and sunlight are calculated), after the application had been submitted. The older guidance is still considered to be most applicable in this case as it enables a better comparison with the approved scheme.

It should be noted that there have been no objections from local residents.

Sunlight and Daylight

Daylight

The most commonly used BRE 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 BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can 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. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line 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.

Sunlight

With regard to sunlighting, 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.

The applicant has submitted an assessment of the impact of the increase in height and bulk of the proposed development upon the amount of sunlight (the Annual Probable Sunlight Hours), daylight (VSC) and the distribution of that daylight within affected rooms (NSL) to residential properties within the vicinity of the site. The buildings that have been assessed are as follows:

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 previous consents, the proposed Bruton Lane/Barlow Place building will be separated from the Grafton Street building and a gap between the buildings will be created, meaning that the outlook from the existing residential windows at 1 Barlow Place will be improved.

In the approved scheme the link between Buildings 2 and 3 was only at first floor level. This has been revised in the current scheme to include infill links at second and third floor levels as well, although these are set further back from the Barlow Place flats. Given the taller building beyond (Berkeley Square House) this small extra infill is not considered to have a materially detrimental impact on the outlook from the Barlow Place flats.

Despite this gap between the new building there will be losses of VSC to the flats in 1 Barlow Place in excess of 20%: in the last approved scheme these ranged from 7.97% to 62.18%. In the current proposals there are additional losses but these are quite small, with most windows in the flats losing less than an additional 1% of VSC, and a maximum of 1.7% VSC. These are minimal additional losses and on this basis, it is considered that the loss of daylight is acceptable.

Similarly, there are negligible changes to sunlight from the consented position and this is also 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. There are slight losses in terms of daylight and sunlight to the residential windows at fourth and fifth floor compared to the approved scheme but these are within the 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. An external terrace that was approved at ground/first floor level on Bruton Lane is now enclosed within a conservatory extension but wouldn't have caused any overlooking anyway.

There is still an external terrace at sixth floor level overlooking Grafton Street. This 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.

Noise & Vibration

Conditions are recommended to be imposed ensuring that the plant selected will comply with City Plan Policy 33(C).

9.6 Transportation, Accessibility & Servicing

Highway Impact

Relevant City Plan policies include the following:

- Policy 24. Sustainable transport
- Policy 25. Walking and cycling
- Policy 26. Public transport and infrastructure
- Policy 28. Highway access and management
- Policy 30. Technological innovation in transport

The site has a PTAL rating of 6b (excellent) on a scale where 1a is poor and 6b is excellent. This confirms that the site is exceptionally well located and is in close proximity to New Bond Street and Oxford Street, and Green Park and Piccadilly Circus underground stations which offer access to the Victoria, Piccadilly, Jubilee, Central and Bakerloo lines. The Site is also less than 5 minutes' walk away from direct access to numerous bus routes.

Hotel Drop-Off and Pick-Up

The Highways Planning Manager advises that overall the proposals are similar in terms of their transport and highways effects to proposals which have previously been

approved. The proposed trip generation assessment highlights that the development will attract a net increase of 126 two-way AM peak hour trips and 148 two-way PM peak person trips. Overall, 95% of trips will be made by sustainable modes which meets London Plan Policy T1, and the predicted uplift can be accommodated on the strategic network.

The previous development proposals for this site included a *porte cochere* which gave rise to some highway issues, as it would have introduced two vehicular crossovers on the footway on Grafton Street and thereby brought some pedestrian / vehicle conflict. Whilst it might have had some benefits, on balance it is welcomed that it is no longer part of the proposals.

The current proposals envisage drop-off and pick-up would take place at the kerbside on Grafton Street. Initial proposals to move a London Cycle Hire Docking Station to accommodate the revised picking-up and dropping-off arrangements in Grafton Street have now been excluded from the proposals following consultation with TfL and with the Council's own Parking Team. It is now proposed that the Docking Station and associated stands should remain in place with some amendments to be made to other existing on-street parking bays.

A travel plan (TP) containing measures and targets supporting sustainable travel objectives of the London Plan has been submitted. The TP sets out a long-term strategy to facilitate and encourage travel to the hotel and commercial uses by sustainable modes. An updated TP will be secured as part of the legal agreement.

While the revised arrangements are acceptable to officers it should be noted that they will require traffic orders for which there will need to be a separate consultation exercise and that objections to that consultation could make it difficult to implement the scheme. Should that situation arise, alternative arrangements for dropping off arrangements would need to be sought.

Car Parking

There is no off-street car parking proposed, other than one disabled parking bay, which is welcome and in line with what was agreed before and would be in accordance with London Plan Policy T6.1. The GLA have requested that the blue badge parking is provisioned with active Electric Vehicle Charging Points (EVCPs) to meets London Plan Policy T6 and this has been conditioned.

Under the City Plan, off-street parking for the residential use is no longer allowed.

Servicing

London Plan Policy T7 and City Plan Policy 29(B) that requires the servicing, collection and delivery needs to be fully met within a development site. Most servicing, other than some of the retail servicing, is intended to take place off-street from a servicing bay off Bruton Lane as was the case with the consented scheme. The position of the bay would require moving a motorcycle bay a short distance which will need to be subject to a Traffic Management Order consultation (as with the bays on Grafton Street referred to above).

All servicing for the hotel and its ancillary uses can take place off street from within the

on-site service yard. Servicing for the other uses will take place from Bruton Lane, Barlow Place or Grafton Street, as below:

- Bruton Lane – Residential Units within Building Three
- Barlow Place (off public highway) – office floor space as well as waste collection for retail and office floor space in Building One
- Grafton Street – retail units facing Grafton Street within Building One

The proposed arrangement follows the existing situation where, for example, the retail units on Grafton Street receive deliveries from the single / double yellow lines on Grafton Street.

The servicing arrangements are considered to be satisfactory. The new proposals do require an element of servicing of the retail from Grafton Street but this is considered to be acceptable and comparable to the existing situation.

Given the number of trips each day, these will need to be carefully managed to prevent vehicles arriving at the same time and therefore should be subject to a final version of the Delivery and Servicing Management Plan, which will be conditioned.

Construction Traffic

A construction logistic plan (CLP) has been submitted. As commented by the GLA, it should be ensured that the construction vehicles do not adversely affect the bus network on routes to and from the site. Pedestrian and cycle routes should be maintained. As requested by the GLA, the CLP will be secured by condition in line with London Plan Policies T4 and T7.

Oversailing

Some oversailing of the highway is proposed both along Grafton Street and on New Bond Street (from the projecting bays over-hanging the public highway). It has proved difficult to ascertain exactly how much land is over-sailed, but this is not considered to be an issue for the planning application subject to the projections being more than 5.3m high if it is within 1m of the carriageway or more than 2.6m high if not. (In this case the minimum height is 3150mm.)

The applicant has suggested that where oversailing occurs the highway should be stopped-up, but the Highways Planning Manager cannot support this. It is always controversial for the Highway Authority to support stopping-up the highway without very good planning or highway grounds. Under the City Plan, Policy 28 says that “the Council will resist the loss of highway land”. In this case it is more appropriate for the area in question to be the subject of an oversailing licence, where the highway underneath the oversail remains highway.

Cycle Parking

The proposed development offers a total of 130 long-stay cycle parking, which meets the long-stay cycle parking requirements of London Plan Policy T5 for hotel, office, and residential use. 34 short-stay parking spaces are to be provided for the office, hotel and residential units, which is a shortfall of 27 short stay cycle parking spaces compared to minimum standards. The absence of any short cycle parking for retail, restaurant and spa floorspace is contrary to London Plan Policy T5 and the GLA consider that this should be resolved prior to determination: however, it is considered to be reasonable for

this matter to be conditioned. Additional short stay spaces might be possible in Barlow Place, which is not highway, which the Highways Planning Manager thinks is acceptable, given the limited amount of space available on-street.

A TfL cycle hire docking station on Grafton Street was originally proposed to be moved is now to be retained in its current position.

Class E

While the Transport Statement has assessed the proposals very largely to officer satisfaction, additional uses within Class E, including medical, creche, nursery, fitness could all have a potentially unacceptable impact on the local highway network, particularly with regards to private motor vehicle trips (including taxis and private hire) and servicing. Servicing activity may result in localised congestion as well as resulting in unacceptable obstructions to pedestrians' and other highway users' movement. Large groups of people arriving and departing in a short space of time (such as at a creche or nursery) may also result in localised congestion, especially on the footway and to other pedestrians.

The Highways Planning Manager consider that the proposed use of the space is unlikely to be problematic in highway and transport terms, but based on the information submitted with the application, the applicant has not demonstrated that the proposed range of uses within Class E would not have a detrimental impact on the highway. He therefore suggests that a condition is added such that the applicant would have to provide further evidence that other uses within Class E would be acceptable before they could be implemented.

Servicing and Waste & Recycling Storage

Following initial objections from the Council's Projects Officer (Waste), a revised Waste Response Note has been submitted. The changes include:

- The residential and commercial bin stores in Building 3 are now separated and have separate accesses.
- The commercial bin store has been relocated to the pavilion located on the north side of Bruton Place which lies within the ownership of the applicant.
- There is now direct access from the residential entrance/lobby to the residential bin store.
- The waste management strategy has been updated to reflect the revised arrangements and it is intended that this will be secured
- Revised swept path plans are provided to show tracking for waste collection of each individual use (office, retail, hotel and residential).

The waste capacities have been reviewed and continue to be compliant with the relevant WCC standards. An updated waste strategy will be secured via the Delivery and Servicing Management Plan and also within an Operational Management Plan for the site.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their

post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing a major mixed use development that contributes to the international importance of New Bond Street as an important shopping destination and providing a new hotel that contributes to the visitor economy, both providing a number of new jobs. If Building 1 is wholly occupied by a major retailer offering a variety of bespoke services, that would be a welcome boost to the West End that has suffered from the covid pandemic and competition from online retailing.

The applicant advises that with the hotel within Buildings 2 and 3, the Homes and Communities Agency (HCA) density matrix 2015 predicts that 94 jobs would be created. On the basis that all the existing retail floorspace is replaced within Building 1 (1,345 sqm GIA) and the remainder of floorspace within Building 1 comes forward as office (4,052 sqm GIA), the HCA density matrix predicts approximately 77 jobs would be created for the retail element and approximately 312 jobs created with respect to the office floorspace. The proposals will therefore continue to support and enhance the objective of delivering new high quality office floorspace within the Westminster CAZ and in doing so will contribute towards Westminster's target for at least 63,000 new jobs to be supported by new and improved office floorspace over the Plan period (2019 – 2040) (City Plan Policy 13).

Westminster's Economy Team advise that the scale of the development triggers the requirement for an Employment and Skills Plan and a financial contribution of £225,515.12. However, following minor changes to the land use figures, the applicant has advised that the contribution now equates to £203,941.45 – confirmation of their calculations is awaited from the Economy Team. These will be secured in the legal agreement.

The applicant has requested that the payment is paid in two phases to match the phased development; the Economy Team insist that as the financial contribution is calculated for the whole scheme and not for the phases, the full payment is required prior to commencement of the development.

9.8 Other Considerations

Designing Out Crime

Objections have been raised by the Designing Out Crime Officer (DOCO) at the Metropolitan Police: she is particularly concerned about the undercroft that is beneath the link between Buildings 2 and 3 that runs between Bruton Lane and Barlow Place, as well as the proposals for Barlow Place itself, which apart from the undercroft would be a dead end.

Part of the concern is around the lack of activity along Barlow Place. The applicant has undertaken some informal data gathering to understand the current level of activity along Barlow Place. Over a 7 day period, there were between 64 and 153 movements on Barlow Place that included pedestrian, cycle, motorcycle, lorry and van trips generated by staff accessing existing office/retail entrances, residents accessing the 5 existing residential flats located at 5 Barlow Place and delivery and servicing for the existing office, retail and residential premises. 5 Barlow Place's residential entrance is located close to the proposed Building 3 residential entrance.

There is therefore an existing level of activity along Barlow Place. The applicant has argued that the proposed development will create an area of public realm along Barlow Place with an increased level of activity. Not only will natural surveillance in this location increase with glazed street level frontages, but also with hotel room and residential windows fronting Barlow Place that are bay style windows that maximise outlook. In addition, the proposed development will locate several entrances along Barlow Place as set out in the table below.

Table 4: Potential activity generated within Barlow Place

Entrance Type	Entrance Location	Capacity	Number of users
Building 1 office/retail staff entrance	Southern end of Barlow Place	3,957.8 sqm GIA	Approximately 315 staff members
Building 1 retail store staff	Northern end of Barlow Place	Staff capacity based on total retail area of 1,601.7 sqm GIA. Does not account for customers	Approx. 105 staff members split between Building 1 and 3. Does not account for customers using the retail entrance at Building 3
Building 3 retail store – customers and staff	Southern end of Barlow Place		
Building 3 residential entrance	off the middle of Barlow Place	6 x 1 bed 2 person units	12 people
Building 3 hotel entrance	off the middle of Barlow Place	serving 3 upper rooms which can accommodate minimum 1 person each	Minimum 3 visitors
Hotel staff entrance for both Building 2 (56 rooms) and Building 3 (38 rooms)	Southern end of Barlow Place	94 rooms, not accounting for the ancillary areas ie spa area at basement level or restaurant/bar staff	94 staff members
Total number of people accessing Barlow Place as a result of the proposals			Approximately 529 (note shift work so access will be staggered)

The predicted staff numbers are based on the Homes and Community Agency (HCA) employment density guidance (based on NIA sqm) to understand the approximate number of people using the entrances off Barlow Place on a daily basis for the proposed development. There will likely be an element of shift work associated with the hotel and retail employment, thereby creating staggered use of Barlow Place throughout the day.

An indicative Operational Management Plan has been provided that include a set of security measures that the management for the hotel and residential uses will need to sign up to. A final version of this OMP is secured by condition. The applicant, can secure these measures through lease agreements. The applicant has also provided an indicative lighting strategy to help ensure the area in Barlow Place and the undercroft is well lit.

The applicant has been liaising directly with the Designing Out Crime Officer and has made changes to the proposals as a result of these discussions, including the provision of a separate dedicated cycle store for residential uses accessed from Barlow Place, minimising linkages between the residential and hotel uses within Building 3 (although acknowledging the need to comply with fire regulations) and providing further activation on Barlow Place through making the unit fronting onto the public realm dedicated retail space. However, the DOCO has maintained her objections to the proposals.

Given the extant permission it is considered that the proposals cannot be reasonably refused on these grounds, and the applicant considers that they have taken this matter as far as possible at this stage. Final versions of both the OMP and lighting strategy will be conditioned, with a requirement that these are developed in consultation with the DOCO.

Basements, Flood Risk & Sustainable Drainage

Policy 35 of the City Plan addresses the issue of flood risk; Policy 45 is concerned with new basements. The site is within a Surface Water Flood Risk Hotspot and a flood risk, drainage and SUDS strategy has been submitted, along with structural information about the excavation of the basement. Building Control are satisfied with the information submitted. The applicant has also been in detailed dialogue with Thames Water about surface water run-off and waste water, and they are also now satisfied with these aspects of the proposals.

The proposed development includes three levels of basement in each building (a partial third level in Building 3), similar to the extent of the previously permitted schemes on the site. As demonstrated in the reports submitted in support of this application, the proposed basement will: safeguard the structural stability of nearby building and infrastructure (including listed buildings); not increase flood risk on the site or beyond; be designed and constructed to minimise impact on neighbouring sites and occupiers; and not affect significant archaeological deposits. The basement will not adjoin existing residential properties and there will be no external features such as lightwells or means of escape.

City Plan Policy 45 does state that basements development should not comprise more than one storey beneath the lowest original floor level – exceptions may be made on large sites with high levels of accessibility for construction. This is a large site and given the minimal amount of existing residential accommodation in the vicinity and the extant permission, the additional basements are considered to be acceptable in this instance.

Phasing Plans

The applicant wishes to have the option of developing the scheme in separate phases. It is proposed to have four phases, two of which are demolition phases and two construction phases as follows:

- Demolition of office/retail phase
- Construction of office/retail phase (building 1)
- Demolition of hotel phase
- Construction of hotel phase (buildings 2 and 3)

A phasing condition would be required, which has been agreed by the Council on other recent large scale developments (South Molton Street and Cundy Street Quarter).

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

- a) An Employment and Skills Plan and a contribution of £203,941.45 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Complete financial contribution payable prior to the commencement of development.
- b) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development);
- c) Be seen Energy Monitoring in consultation with the GLA;
- d) Submission of a Travel Plan prior to occupation of any phase of the development;
- e) To provide the six residential flats within five years of the commencement of demolition of Phase 1;
- f) Highway works to renew the footways around the site, including adjustments to the motorcycle bay in Bruton Lane
- g) Dismantlement and re-erection of the listed 'Wartski' shopfront
- h) Demolition clauses
- i) The costs of monitoring the S106 legal agreement.

The estimated CIL payment is amended according to the phasing as follows:

Scenario in which the hotel phase comes forward first incurs a total indicative CIL liability of £5,840,719.21.

- WCC CIL: £3,381,917.90
- Mayoral CIL: £2,458,801.31

Scenario in which the retail/office phase comes forward first incurs a total indicative CIL liability of £5,744,595.17

- WCC CIL: £3,444,700.00
- Mayoral CIL: £2,299,895.17

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to

provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of several pre-commencement conditions, as highlighted in the attached draft planning decision, including securing the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.

The applicant has agreed to the imposition of the conditions.

10. Conclusion

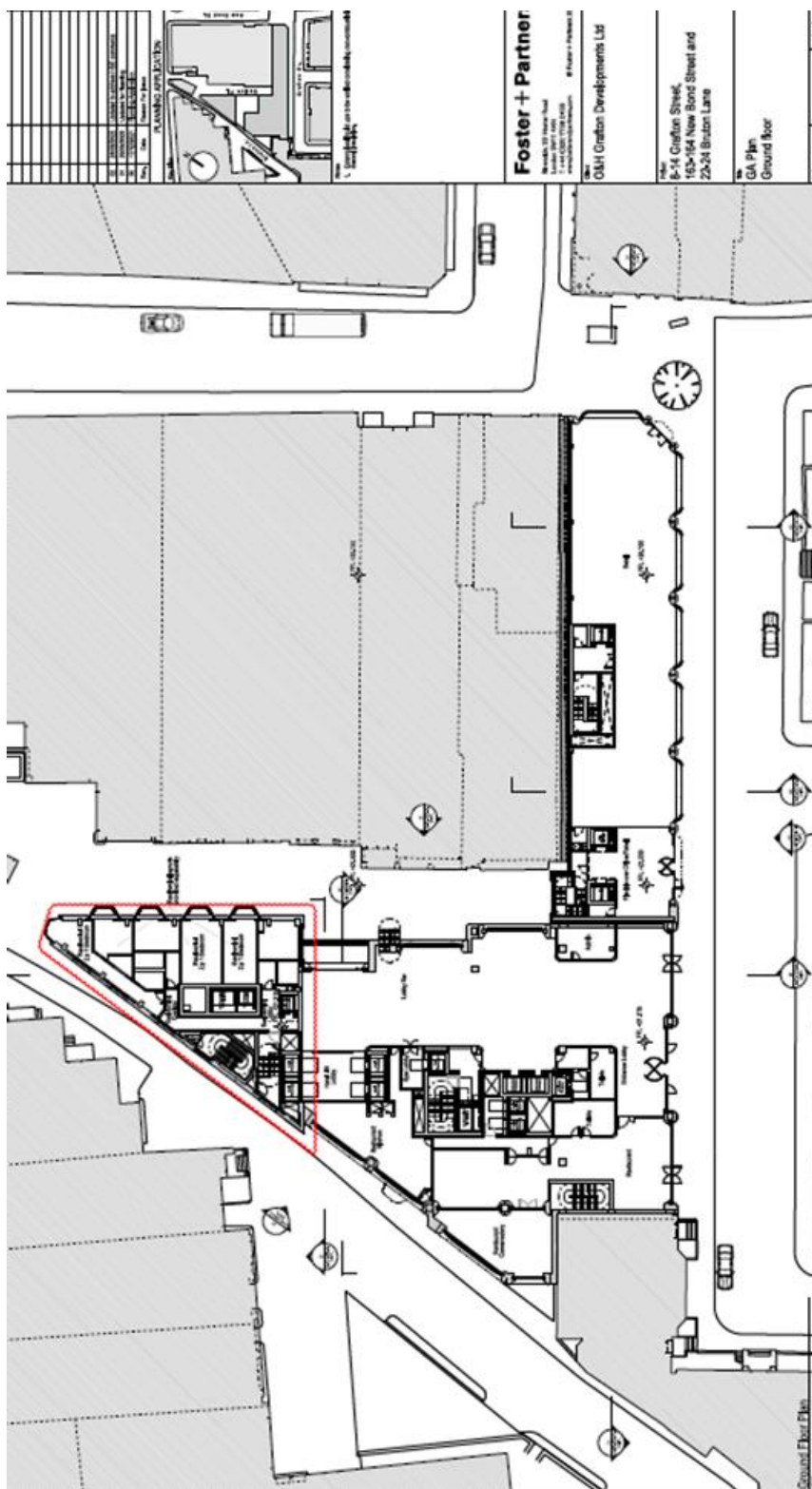
The proposed redevelopment of this site is considered to make a significant contribution to the economic regeneration of this part of the West End following the covid pandemic, enhancing its reputation for high end retailing and providing new visitor accommodation. The proposals are largely similar to the extant planning permission, which is a material planning consideration of some weight. The proposals have the in principle support of the GLA and have resulted in limited consultation responses. However, the concerns of the Designing Out Crime Officer are acknowledged, but bearing in mind the extant permission, it is considered that conditions about operational management and lighting will go some way towards addressing those concerns.

As such, the proposal is considered acceptable and a recommendation to grant conditional permission and consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, subject to conditions and the legal agreement.

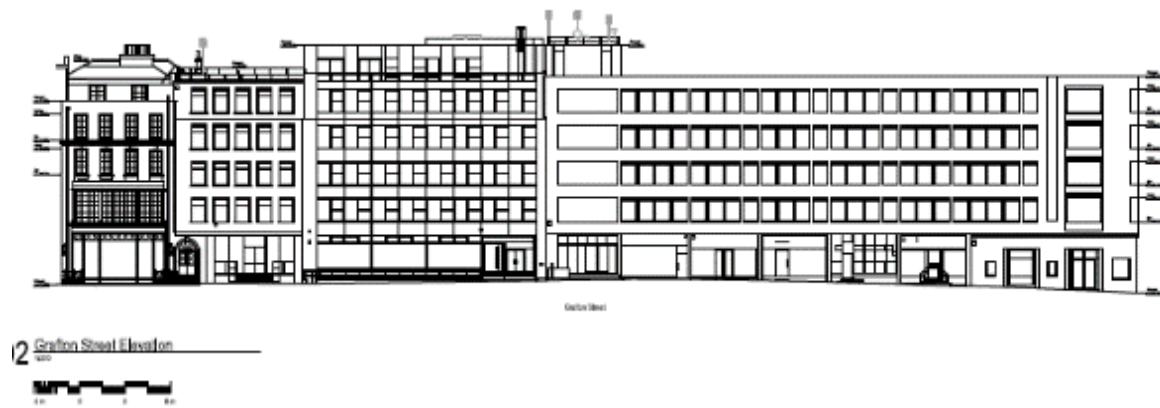
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

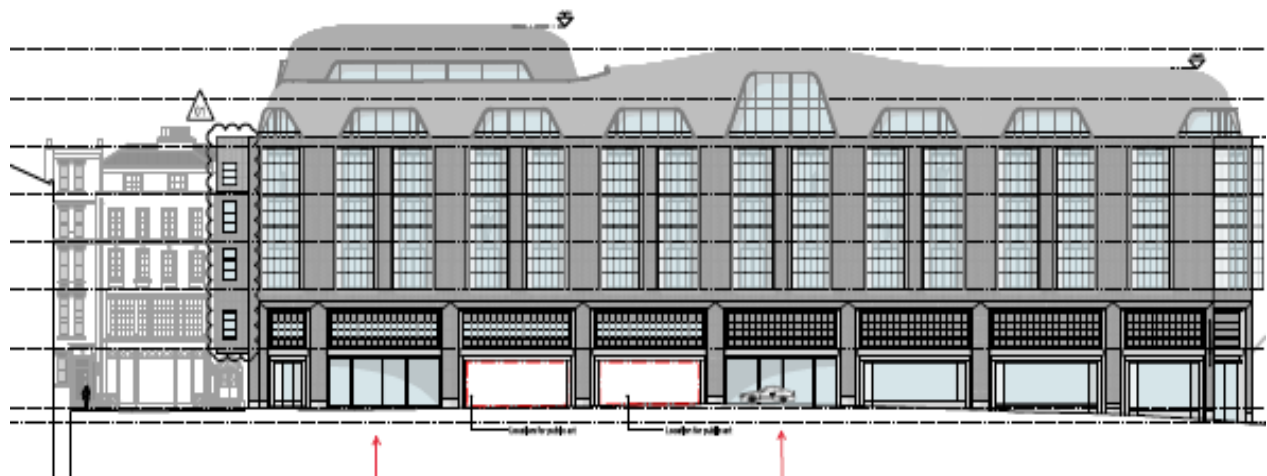
Proposed ground floor plan



Existing Grafton Street frontage



Approved Grafton Street frontage



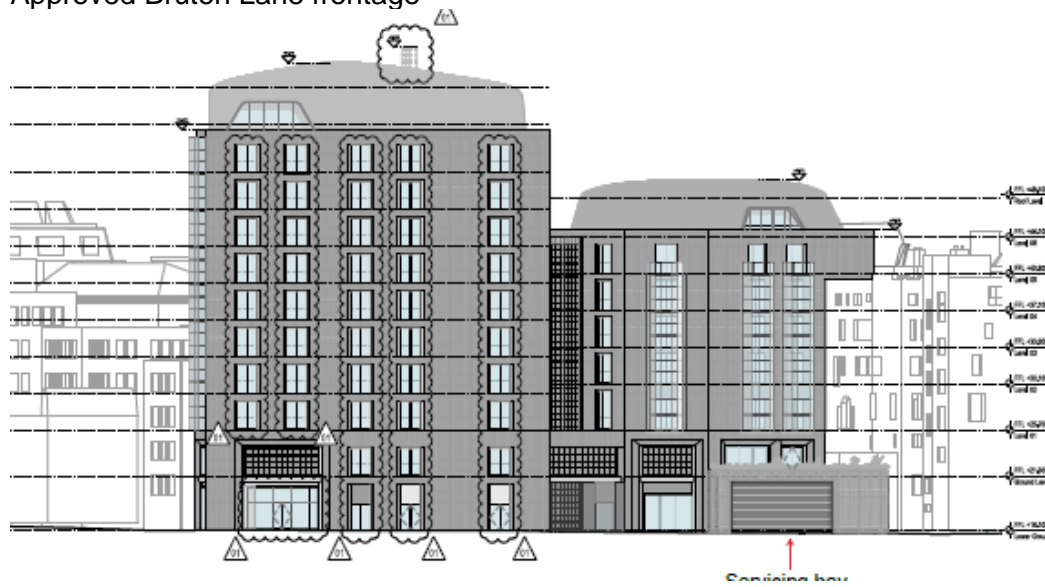
Proposed Grafton Street frontage



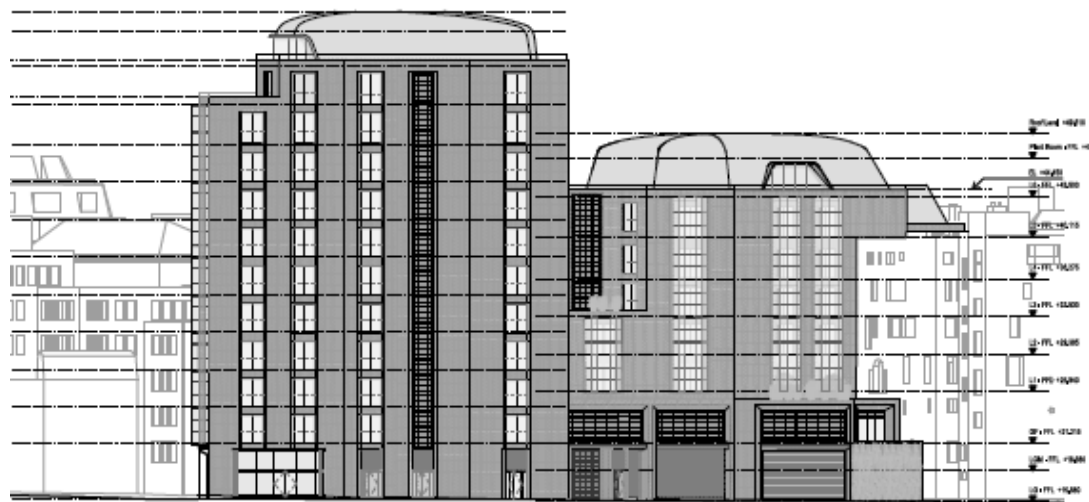
Existing Bruton Lane frontage



Approved Bruton Lane frontage



Proposed Bruton Lane frontage



Approved scheme



Proposed scheme



DRAFT DECISION LETTER (PLANNING)

Address: Development Site At 8-10 Grafton Street, 11-14 Grafton Street And 22-24, Bruton Lane, London, W1S 4EN

Proposal: Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street ('Building 1') comprising flexible retail/commercial floorspace (Class E) and retail floorspace (Class E), and a further seven storey building (plus three storey basement, plant mezzanine and roof top plant) on Grafton Street ('Building 2') linked to a 12 storey building (plus two storey and part three storey basement) on Barlow Place ('Building 3') comprising up to six residential units (Class C3), a hotel and associated facilities (Class C1), flexible hotel/restaurant/bar floorspace (Class C1/E/Sui Generis) and retail floorspace (Class E), and associated provision of open space and landscaping. [SITE INCLUDES 163-164 New Bond Street and Barlow Place]

Reference: 22/00178/FULL

Recommended Condition(s) and Reason(s)

Plan Nos: A-E1-011-X-01-PL Location Plan (Ground floor and below)
 A-E1-011-X-02-PL (Location plan first Floor and above)
 A-B1-031-096-01-PL, A-B1-031-097-01-PL, A-B1-031-098-01-PL Rev 01,
 A-B1-031-099-01-PL Rev 02, A-B1-031-099-01-5-PL Rev 02,
 A-B1-031-100-01-PL Rev 02, A-B1-031-101-01-PL Rev 02,
 A-B1-031-102-01-PL Rev 01, A-B1-031-103-01-PL Rev 01,
 A-B1-031-104-01-PL, A-B1-031-105-01-PL,
 A-B1-031-106-01-PL, A-B1-031-107-01-PL,
 A-B1-031-108-01-PL, A-B1-031-109-01-PL,
 A-B1-031-110-01-PL, A-B1-031-111-01-PL,
 A-B1-031-112-01-PL, A-B1-031-121-01-PL Rev 01,

 A-B1-053-X-01-PL, A-B1-053-X-02-PL, A-B1-053-X-03-PL,
 A-B1-064-X-01-PL, A-B1-064-X-02-PL, A-B1-064-X-03-PL,
 A-B1-064-X-04-PL, A-B1-064-X-05-PL, A-B1-064-X-06-PL,
 A-B1-075-101-01-PL.
 Design and Access Statement dated December 2021;
 Energy Statement Revision 04 dated 06 January 2022;
 Waste Response dated July 2022

Case Officer: Paul Quayle

Direct Tel. No. 07866 039895

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** 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. This condition can be discharged on for each phase of the development. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 You must apply to us for approval of detailed drawings of the following parts of the development -

- (1) 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

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of a scheme of public art on the site. You must not start work on the public art until we have approved what you have sent us. Prior to occupation of the final building to be delivered, 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 secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R26GC)

- 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 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.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 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.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 The development must be implemented in accordance with the measures as set out in the application and as agreed with Thames Water.

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 Pre Commencement Condition.

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 for the more onerous construction phasing 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 comprised 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 ensure a record of the staircase is created and maintained in the Historic Environment Record in accordance with Policy 39 of the City Plan 2019 - 2040 (April 2021).

- 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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472(2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 14 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 15 The design of the separating wall and/or floor of the flexible use Class E and restaurant and bars should be such that the received values do not exceed NR10 in any other noise sensitive space (including the residential flats) via the separating structure.

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the sound insulation will be sufficient to protect residential from external noise and that the development will comply with the Council's noise criteria set out in Conditions 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 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 and associated uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing 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 IN; 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 in writing 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 each phase 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 written 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. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 18 A minimum of 10% of the hotel rooms shall be designed to be wheelchair accessible units, and this minimum proportion shall be retained for the life of the development.

Reason:

To ensure that the proposal provides the inclusive access measures in line with London Plan Policy D5.

- 19 Prior to the occupation of the residential part of the development, the residential flats shall be designed as shown on Drg. No. A-B1-075-101-01-PL (namely two flats designed to M4(3) and four designed to M4(2)), unless otherwise agreed in writing with the City Council.

You must not remove the accessible arrangements within the flats 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 D5.

- 20 Prior to occupation of each phase of the development, you must submit and have approved in writing an updated Delivery and Servicing Management Plan for that phase. The plan should include details of the process, internal storage locations, scheduling of deliveries and staffing for that phase.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021) and Policy T7 of the London Plan. (R24BD)

- 21 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of each phase of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose, unless agreed in writing by the local planning authority. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 22 Prior to occupation of the residential dwellings hereby approved, you must provide and thereafter retain the blue badge car parking space as shown on plan number: A-B1-031-099-01-PL Rev 02, unless otherwise agreed in writing by the Local Planning Authority. This parking space shall be provided with an active Electric Vehicle Charging Point.

Reason:

To comply with 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 24 Customers shall not be permitted on the roof terraces at 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 Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 25 You must not play background music on the terraces at sixth floor level, which would be audible at the site boundary.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 26 Prior to occupation of the hotel development, you must submit and have approved in writing an updated operational management plan (in consultation with the Designing Out Crime Officer at the Metropolitan Police)), that includes the management of the area beneath the undercroft linking Barlow Place and Bruton Lane, as well as the public realm within Barlow Place and along the site's frontage along Bruton Lane. You must then carry out the measures included in the approved operational management plan at all times that the hotel (and other uses) are in use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021), and to reduce the opportunity for crime and anti-social behaviour as set out in Policies 38, 43 and 44 of the City Plan 2019 - 2040 (April 2021).

- 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

30 Pre Commencement Condition.

- a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of each phase of the development prior to completion of superstructure works of each respective phase of the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing 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.

You must not start work on each respective phase of development until we have approved what you have sent us for that phase.

- b) You must apply to us for approval of details of a post construction stage report which demonstrates that each phase met the rating approved in Part (a) of this condition. This report shall be submitted to us within six months of the occupation of any part of each phase of the development. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible and minimises carbon dioxide emissions, as set out in Policy 38 of the City Plan 2019-2040 (April 2021), Policy SI 2 of the London Plan (March 2021), and Policy MES4 of the Mayfair Neighbourhood Plan.

- 31 Prior to occupation of each phase of the development, you must provide the storage of waste and recyclable materials for the relevant building, as shown on drawing numbers A-B1-031-098-01-PL Revision 01 and A-B1-031-099-01-PL Revision 02. The waste storage is to be made permanently available and used for no other purpose.

The waste management for the development must be in accordance with the Waste Strategy Response dated July 2022. No waste should be left on the public highway.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 – 2040 (April 2021). (R14CD)

- 32 At any one time you must not allow more than:

- 120 covers in the ground floor restaurant,
- 120 covers in the ground floor lobby bar, and
- 130 covers in the sixth floor restaurant/bar.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set

out Policies 7 and 38 of the City Plan 2019 – 2040 (April 2021). (R21AD)

- 33 The design and structure of each phase of the development shall be of such a standard that it will protect noisesensitive 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 35 dB LASMax within habitable rooms during the day and night. You must apply to us for approval the proposed isolation measures within an Noise Assessment Report to demonstrate that noise sensitive units with the development will comply with this noise criteria.

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040(April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 34 **Pre Commencement Condition.** Prior to commencement of each phase of the development, you must carry out a detailed site investigation for each phase of the development 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 Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

35 Prior to commencement of construction of each phase of the development details of a system of mechanical ventilation for the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be capable of ensuring that:

1. A system of air quality filtration is installed and or inlets are positioned so that that they are drawing air of a sufficient quality so that the National Air Quality Objectives and WHO guideline levels for Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{10/2.5}) are not exceeded within the properties.*
2. The internal noise levels for the noise sensitive properties do not exceed the noise levels specified in conditions 14 and 15 (applicable to residential aspect of the scheme)
3. The mechanical ventilation is designed in compliance with the current Technical Memorandum produced by CIBSE to prevent overheating when the windows are closed (applicable to residential aspect of the scheme)

The approved system shall be installed and operational before occupation of sensitive uses the system shall be checked and maintained in accordance with the manufacturer's specification and retained unless otherwise agreed by the local planning authority.

*Where Class E is proposed the annual objective/limit values will need to be achieved for all pollutants as there is the potential for them to operate as sensitive uses

Reason:

To make sure that the development provides the air quality mitigation measures included in your application, in accordance with policy 32 of the City Plan 2019 - 2040 (April 2021).

36 You must apply to us for approval of detailed drawings of the following parts of each phase 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 paragraph 10.5.7 of the London Plan March 2021.

37 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 you have applied to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of all

planting, including any trees and shrubs. 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 planting within one planting season of completing the relevant building (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species. (C30BC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 38 Prior to commencement of each phase of the development (excluding demolition works), you must provide further information with regards to a likely connection to the Pimlico district heating network as well as further evidence of communication with the operator/local authority in order to demonstrate that connection has been prioritised and fully investigated.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 39 You must not occupy the residential part of the development until a detailed cost assessment (outlining all cost assumptions and anticipated occupant bills for heating purposes. This should demonstrate that costs to occupants have been minimised and should ensure that there is a sufficient handover so that the building owner/occupants understand how to manage the heating system) has been submitted and approved in writing by the local planning authority in consultation with the Greater London Authority.

Reason:

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

- 40 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the tree adjacent to the site on the corner of Grafton Street and New Bond Street. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building

works. This is set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 41 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:
- (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.
 - (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.
 - (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 42 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole kitchen extract ventilation system and any associated equipment (which must discharge at roof level of the relevant phase of the development). You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BC)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 43 You must only use the part of the property (the ground floor commercial unit in Building 3 on Barlow Place/Bruton Lane) as shown on drawing A-B1-031-099-01-PL Rev 02 we have approved for retail for that purpose. You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

To protect the living conditions of people living in the flats immediately above the commercial unit as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), and to ensure that there is an active use open to the general public that reduces the opportunity for crime and anti-social behaviour as set out in Policies 38, 43 and 44 of the City Plan 2019 - 2040 (April 2021).

- 44 Customers shall not be permitted within the retail unit on the ground floor of Building 3 in Barlow Place/Bruton Lane before 07.00 or after 21.00 on Monday to Saturday and before 08.00 or after 21.00 on Sunday.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 45 You must only use the part of the property (the lower ground, ground floor and first floors of Building 1 on the corner of Grafton Street and New Bond Street) as shown on the approved drawings we have approved for retail for that purpose. You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of retail accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the West End Retail and Leisure Special Policy Area and West End International Centre. This would not meet Policies 1, 2, 13 and 14 of the City Plan 2019 - 2040 (April 2021). Unrestricted Class E use may also have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the economic public benefits of the development are delivered, in accordance with Policies 1, 2, 7, 13, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 46 You must only use the second to fifth floors of Building 1 on the corner of Grafton Street and New Bond Street for either retail or offices. You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05BC)

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of retail or office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Activities Zone, West End Retail and Leisure Special Policy Area and West End International Centre. The office accommodation also contributes to meeting the

business and employment needs of the City. This would not meet Policies 1, 2, 13 and 14 of the City Plan 2019 - 2040 (April 2021). Unrestricted Class E may also result in uses that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the economic public benefits of the development are delivered, in accordance with Policies 1, 2, 7, 13, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 47 You must only use the part of the property as shown on the approved drawings we have approved for flexible hotel/restaurant/bar for that purpose. You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05BC)

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the economic public benefits of the development are delivered, in accordance with Policies 1, 2, 7, 13, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

48 Pre Commencement Condition.

Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, including all buildings outlined on the approved plans (or any subsequent approved revisions thereafter), and the uses within, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved phasing plans.

Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved.

- 49 You must apply to us for a final version of the External Lighting Strategy for Barlow Place, Bruton Lane (frontages of the site) and the undercroft that links the two. This must be done in consultation with the Designing Out Crime Officer. You must not occupy Buildings 2 and 3 until we have approved in writing what you have sent us. You must then permanently maintain the approved lighting features, unless changes are otherwise agreed in writing with the City Council.

Reason:

To protect the environment of people in neighbouring properties and people using this area, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021), and to ensure that there is an active use open to the general public that reduces the opportunity for crime and anti-social behaviour as set out in Policies 38, 43 and 44 of

the City Plan 2019 - 2040 (April 2021).

- 50 The development must be carried out in accordance with the Construction Logistics Plan dated November 2021.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021) and London Plan Policy T7. (R23AD)

- 51 You must apply to us for approval of an assessment demonstrating the feasibility of providing the shortfall of 24 short stay cycle parking spaces. You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the measures included in the assessment and provide any additional parking spaces that have been identified before first occupation of any part of the development.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021) and London Plan Policy T5. (R22FB)

- 52 Prior to the occupation of each phase of the development,

- a) the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance, and
- b) further Circular Economy information and clarifications in terms of materials, key commitments, recycling and waste reporting shall be provided.

The required information should be submitted to the GLA at:

ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of each phase of the development.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

Informatives

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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. 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

- a) An Employment and Skills Plan and a contribution of £203,941.45 (or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Complete financial contribution payable prior to the commencement of development.
- b) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development);
- c) Be seen Energy Monitoring in consultation with the GLA;
- d) Submission of a Travel Plan prior to occupation of any phase of the development;
- e) To provide the six residential flats within five years of the commencement of demolition of Phase 1;
- f) Highway works to renew the footways around the site, and to make adjustments to the motorcycle bay in Bruton Lane
- g) Dismantlement and re-erection of the listed 'Wartski' shopfront
- h) Demolition clauses
- i) The costs of monitoring the S106 legal agreement.

3 With reference to condition 3; please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council 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, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

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 Inspectorate team must

be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

4 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: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.

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).

5 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.

6 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

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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to 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}.

DRAFT DECISION LETTER (LISTED BUILDING CONSENT)

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

Proposal: The temporary dismantlement of the Grade II listed shopfront at 14 Grafton Street and reinstatement in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street. (Linked with 22/00178/FULL)

Reference: 22/00179/LBC

Plan Nos: A-E1-011-X-01-PL Location Plan (Ground floor and below);, A-E1-011-100-41-PL (Demolition Plan Ground Floor);, A-E1-014-X-11-PL (Demolition Elevation New Bond Street & Grafton Street);, A-B1-031-099-01-PL Rev 02 (GA Plan Lower Ground Floor);, A-B1-064-X-04-PL (General Arrangement Elevations, Elevation 04 - Barlow Place - West).,

Case Officer: Paul Quayle

Direct Tel. No. 020 7641
07866039895

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 and storage of the 'Wartski' shopfront (14 Grafton Street), and for its reconstruction within the development site. 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. You must not occupy any part of the development until the shopfront has been reinstalled 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 Policies 38 and 39 of the City Plan 2019 - 2040

(April 2021). (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 (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 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.