

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Site 1: 2 Stanhope Row; 16 Stanhope Row; 36 And 37 Hertford Street 16a, 16B And 17 Market Mews; London; W1J 7BT Site 2: 46 Hertford Street, London; W1J 7DP		
Proposal	Site 1: Demolition of 2-6 Stanhope Row and 16-17a Market Mews, excavation of sub-basement beneath 2-6 Stanhope Row and excavation of basement beneath 17a Market Mews and erection of replacement building over sub-basement, basement, ground - fifth floors (with plant above) (2-6 Stanhope Row) and three-storey building to Market Mews to provided a 29 bedroom hotel (Class C1) with ancillary casino. Demolition of 37 Hertford Street and rear third floor mansard roof of 36 Hertford Street and erection of replacement building over basement, ground to third plus mansard roof to provide 13 residential units (Class C3) provision for cycle parking, refuse storage and rooftop plant, together with other associated works. Site 2: Use of the first to fourth floors as four flats (Class C3) and internal alterations		
Agent	DP9		
On behalf of	Genting UK plc		
Registered Number	Site 1: 15/07611/FULL and 15/07613/LBC Site 2: 15/07614/FULL and 15/07615/LBC	Date amended/completed	18 August 2015
Date Application Received	17 August 2015		
Historic Building Grade	Site 1: 36 Hertford Street – Grade II listed. The rest of the buildings are unlisted Site 2: Grade II listed		
Conservation Area	Mayfair		

1. RECOMMENDATION

Site 1

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

Site 2

1. Grant conditional permission.
2. Grant conditional listed building consent.

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

2. SUMMARY

The proposals comprise two sites; Site 1 relates to the Park Lane Mews Hotel which occupies 2-6 Stanhope Row, this application site also includes 16a, 16b and 17 Market Mews, 16 Stanhope Row and 36 and 37 Hertford Street. It is proposed to demolish to majority of the buildings on-site with the exception of the grade II listed 36 Hertford Street. The hotel floorspace will be replaced albeit with less floorspace and a reduction in hotel bedrooms. Part of 2-6 Stanhope Row will be used as a casino. Residential floorspace will be provided within 36 and 37 Hertford Street. The proposals are linked to Site 2, 46 Hertford Street, a grade II listed building currently in office use. It is proposed to use the first to fourth floors of this building as four residential units. The commercial increase at Site 1 will be partially offset by the increase in residential floorspace across both Site 1 and Site 2 (shortfall of 86m²).

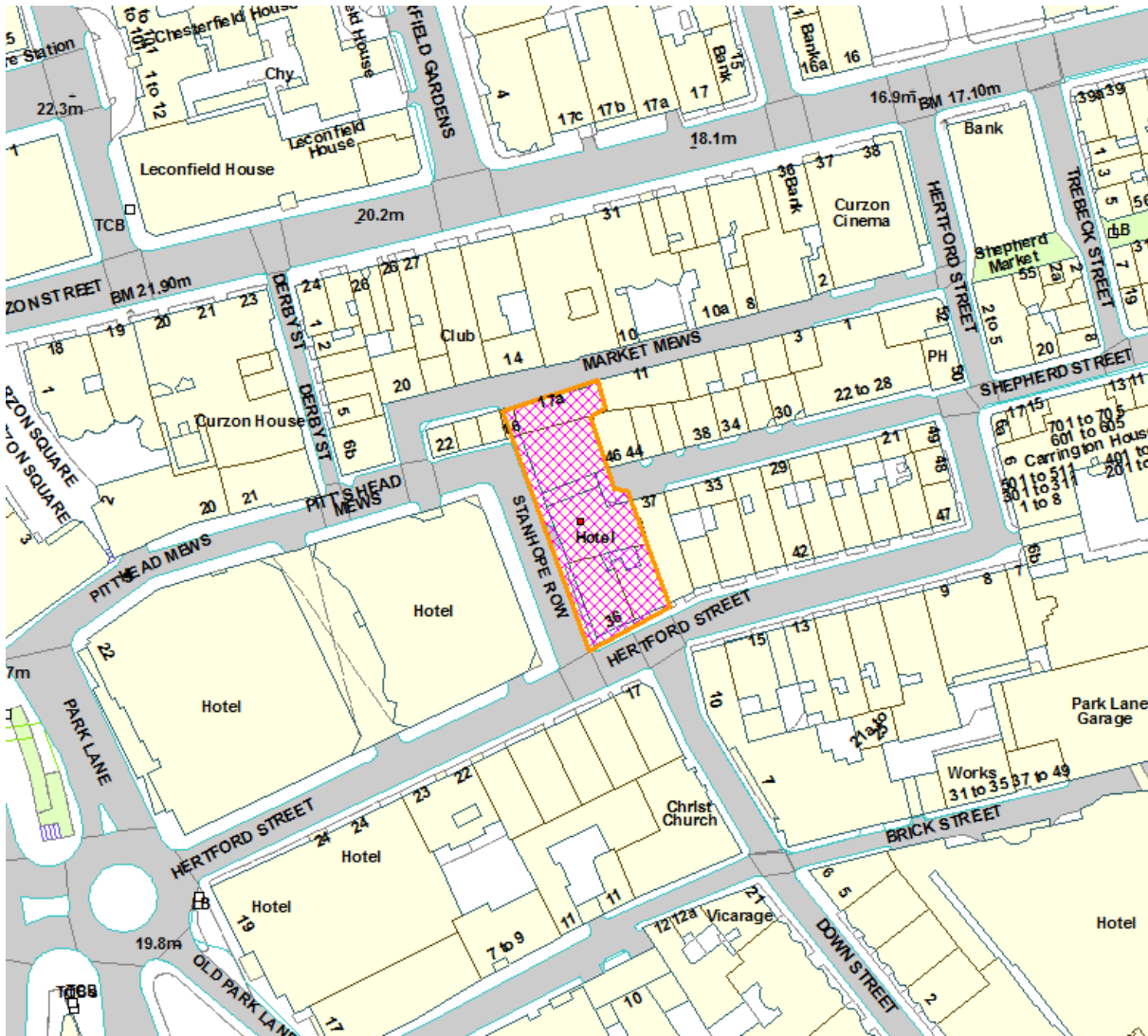
The key issues for consideration are:

- The impact of the hotel/casino use on neighbouring residential amenity; and
- The impact on the new buildings on the character and appearance of the conservation area.

The proposals are considered acceptable in land use, amenity and design and the applications are in line with the City Council's Unitary Development Plan (UDP) and Westminster' City plan: Strategic Policies (City Plan) and the application are recommended for approval

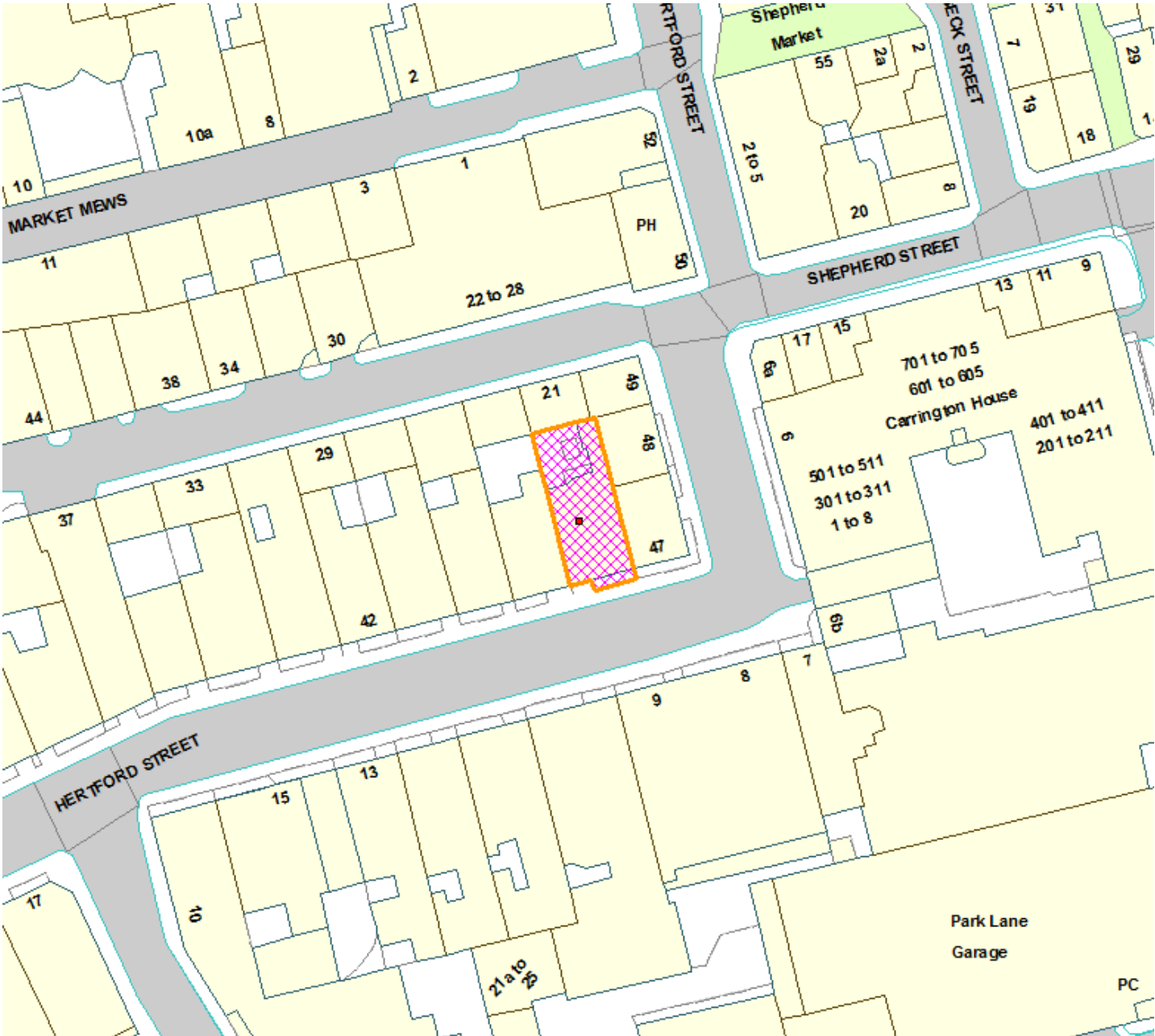
3. LOCATION PLAN

Site 1



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Site 2



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4. PHOTOGRAPHS
Site 1



Park Lane Mews Hotel

36 Hertford Street





16-17 Market Mews 37 Hertford Street 16 Stanhope Row





Site 2

5. CONSULTATIONS

Site 1

HISTORIC ENGLAND

Authorisation received

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

HIGHWAYS PLANNING MANAGER

No objection

ENVIRONMENTAL HEALTH

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 195

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Two letters of objection received from neighbouring residential occupiers raising all or some of the following grounds:

Amenity

- Noise and disturbance from servicing in Market Mews
- Noise and disturbance from people leaving the restaurant and casino

Parking/traffic

- On street parking is inadequate to meet current and proposed demand
- Pedestrian traffic will increase because of the casino use

Other

- Impact of construction traffic on surrounding streets

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Site 2

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

HIGHWAYS PLANNING MANAGER

Objection – no cycle parking provided

ENVIRONMENTAL HEALTH

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Sites

Site 1 comprises five properties within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). These are:

1. Park Lane Mews Hotel, which occupies 2-6 Stanhope Row. This is an unlisted building over basement, ground and five upper floors and provides a 72 bedroom hotel, ground floor dining rooms and reception area and a loading/servicing area at front ground floor. There is an existing ground floor passageway which connects Stanhope Row with Shepherd Street.
2. 16a, 16b and 17 Market Mews is an unlisted building comprising ground floor commercial parking spaces, and two floors of residential accommodation.
3. 16 Stanhope Row is an unlisted building, located next to the existing hotel and the upper floors of this building are connected to the upper floors of 16a-17 Market Mews. Together with Site 2 there are five residential flats.
4. 36 Hertford Street is a Grade II listed building on basement, ground and three upper floors, comprising seven residential flats.
5. 37 Hertford Street is an unlisted building over basement, ground and three upper floors, which suffered bomb damage during World War II. Substantial building works were required to rebuild the property, which is currently used as six residential flats.

Site 2 relates to 46 Hertford Street, this is a Grade II listed building comprising basement, ground, first to fourth floors and is in office use.

6.2 Recent Relevant History

Planning permission was granted on 18 June 2013 for the use of part ground floor to part third floors as a casino (sui generis) and continued use of the remainder of the building as a hotel (Class C1), and the creation of a third floor terrace on 17A Market Mews. This permission has not been implemented.

Planning permission was granted on 4 March 2010 for demolition and redevelopment of 37 Hertford Street, 16 Stanhope Row, 16a, 16b and 17 Market Mews and the Park Lane Mews Hotel (2-6 Stanhope Row) and refurbishment and extension of 36 Hertford Street to provide a new 44 bedroom hotel (Class C1) with restaurant at lower ground floor, and 15 residential units (Class C3), with associated plant. This permission has not been implemented.

This permission followed an almost identical scheme for redevelopment which was refused on the following grounds:

- Because of its detailed design and materials of construction the new development would fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area and the setting of the neighbouring listed building at 36 Hertford Street;
- The proposal would lead to a loss of light for people living in 44-46 Shepherd Street.

7. THE PROPOSAL

The proposals effectively merges the 2010 hotel redevelopment permission and the 2012 casino permission.

Permission is sought to demolish the Park Lane Mews Hotel, 37 Hertford Street, 16 Stanhope Row and 16a, 16b and 17 Market Mews to provide a new hotel with ancillary casino comprising two basements, ground and five upper floors. The new hotel will occupy the original hotel footprint along with 16 Stanhope Row and 16a, 16b and 17 Market Mews. The new ground floor and basement of 16a, 16b and 17 Market Mews will be used as a servicing/loading bay, with casino floorspace and hotel bedrooms on the upper floors. A larger hotel restaurant is proposed at lower ground floor with a hotel lounge and bar at ground floor level. The entrance to the hotel and casino is also proposed at ground floor level. Gaming areas are proposed at first floor level and fifth floor level. The casino will also occupy part of the second to fourth floors (lift access). The remaining upper floors will be used as hotel bedrooms. There will be an overall reduction in the number of hotel bedrooms from 72 to 29.

37 Hertford Street will be rebuilt, with increased floor to ceiling heights, and to include a mansard roof. Extensions are proposed to the rear, including the infilling of a lightwell at second to fifth floor levels.

No.37 will be linked to 36 Hertford Street at ground to fifth floor levels and will provide 13 residential units. The proposal includes the rebuilding of an existing mansard roof on 36 Hertford Street. No.37 will include a new lift access provide access to the upper floors of the residential accommodation.

The main differences between the consented scheme and the proposed scheme are as follows:

- The hotel includes an ancillary casino comprising 666m²;
- The residential flats will be provided in 36, 37 and 46 Hertford Street, rather than the provision of a penthouse apartment to the top floor of the hotel; and
- The number of hotel bedrooms reduces to 29, from 44 in the approved hotel scheme and 31 in the approved casino scheme.

The proposals at Park Lane Mews Hotel (Site 1) will be linked to 46 Hertford Street (Site 2), which is also in the applicant's ownership. It is proposed to use the upper floors of the property as four residential units, thereby bringing the total number of units across the site to 17. The basement and ground floor of the property will remain in office use.

Below is a table detailing the existing and proposed floorspace figures for all the proposals.

	Existing	Proposed	+/-
Hotel floorspace	3188	1880	-1308
Casino floorspace	0	666	+666
Restaurant floorspace	120	348	+228
Shared floorspace (services/stairwells etc)	N/A	1214	+1214
Total hotel/casino floorspace	3188	4108	+920
Office floorspace (46)	668	239	-429

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Hertford Street)			
Total commercial	3856	4347	+491
Residential floorspace	1831	2236	+405*

8. DETAILED CONSIDERATIONS

8.1 Land Use

Overview

The proposals at Site 1 and Site 2 result in an increase in commercial floorspace over existing of 491m². UDP Policy CENT3 and S1 of the City Plan aim to ensure where there are increases of commercial floorspace over 200m² it is set off by an equivalent amount of residential floorspace. The proposed residential floorspace across the two sites is proposed to increase by 405m², which represents an 86m² shortfall, therefore not in strict compliance with policy. However, it is considered that due to the constraints of the site and other benefits the proposals deliver, the shortfall is considered acceptable.

Loss of commercial car parking

The ground floor of 16a, 16b, 17 Market Mews is currently used for off-street commercial car parking. This use is not protected in terms of UDP policy and therefore the loss of this is not considered contentious.

Loss of office floorspace

The proposals at Site 2 include the loss of 429m² of office floorspace. The application was submitted prior to the 1st September 2015, therefore the loss of the office floorspace cannot be resisted in this instance.

Hotel floorspace

The lawful use of 2-6 Stanhope Row is as a hotel (Class C1). The proposal involves the creation of a new hotel with an ancillary casino. As a result of the proposals there is a reduction of *actual* hotel floorspace of 1308m² and a reduction of hotel bedrooms from 72 to 29. UDP Policy CENT1 states that planning permission will not be granted for developments resulting in the loss of Central London activities within the CAZ including tourism related facilities. UDP Policy TACE 1 and City Plan S23 resist the loss of existing hotels within the CAZ where they do not have significant adverse effects on residential amenity. The proposed hotel floorspace does not take into account the hotel restaurant or the shared services (plant/escape stairs/service entrance etc), therefore by taking into account the shared services, the proposed hotel floorspace is likely to be greater than that reported in the table above.

The existing hotel does not have a large dining facility and the hotel bedrooms are small and have low floor to ceiling heights. The previously approved schemes (see paragraph 6.2) resulted the reduction from 72 to 44 bedrooms (2010) and 72 to 31 bedrooms in the 2012 scheme

A hotel function albeit reduced in size will remain on-site and there is no evidence to suggest that it would not continue to remain viable. The proposals will improve the quality of the hotel accommodation and are considered acceptable.

Casino floorspace

Casinos are considered to be appropriate Central London activities which are, in general and subject to compliance with other relevant planning policies, suitably located within CAZ under UDP Policy CENT1.

City Plan Policy S24 states, among other things, that entertainment uses (including casinos) are appropriate to the character and function of the area including in terms of size and scale, also

taking into account existing concentrations of similar uses. This part of Mayfair already contains a number of casinos. However, it is not considered that there are so many that it has a negative impact on local character and function. The existing casinos are located at 30 Curzon Street; 28 Curzon Street, 24 Hertford Street; 14 Old Park Lane; the Hilton Hotel and 5 Hamilton Place. The casino licence is likely to be transferred from an existing casino in Soho.

An objection has been received from a neighbouring residential occupier at No. 38 Hertford Street on the grounds that the introduction of a casino will cause more noise and disturbance at night and early morning, especially since it would be a 24-hour facility. Whilst these concerns are understood, in reality casinos as an entertainment genre are almost always well-managed and attract mainly serious and/or professional gamblers who attend for gaming purposes and not drinking and revelry. As such, casinos are recognised in the UDP at paragraph 8.85 as contributing little to disorder or otherwise having adverse effects. The proposed casino would be relatively small and, given this, it is unlikely that it would generate large crowds or the type of customers who would cause a harmful disturbance in the area. It is also relevant to consider that the site already operates as a 24-hour hotel with guests arriving and departing at all times, and it is therefore not considered that the proposed casino would materially increase late-night activity.

The proposed casino would be smaller in scale than the existing casinos on Curzon Street, and the applicants have stated that as they are also the hotel operator, it is in their interest to ensure that their own hotel guests would not be disturbed by the casino operation, or cause a disturbance to neighbouring local residents.

It is anticipated that the number of customers attending the casino would be maximum of 75 during any 24-hour period, with the peak hours being between 20.00 – 03.00. A management plan has been submitted to demonstrate how the casino would be operated to control its impact, the compliance with which would be required by planning condition.

Increase in restaurant floorspace

The new hotel restaurant, although ancillary, could be used by hotel and non-hotel guests and this must therefore be considered in light of policies relating to entertainment uses. The existing restaurant (which can be used by non-hotel guests) has approximately 40 covers (120m²). The proposed restaurant (348m²) would accommodate up to 75 covers. UDP Policy TACE8 is the applicable policy. Entertainment uses of the type and scale proposed will generally be permissible, provided the proposed development has no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic and has no adverse effect on the character or function of the area.

The existing restaurant is not subject to planning control, and it is not visible from the main Stanhope Row frontage. Although the size of the restaurant is larger than the existing restaurant it is not considered that it will have an impact on the surrounding character and function of the area. However, it is considered that conditions be attached to the decision to control hours and covers. The restaurant is located at lower ground floor level and will be accessed via the ground floor bar/lobby area. It is the applicant's intention for non-hotel guests to be able to use the restaurant, accessing it from the ground floor entrance. There is also direct access to the restaurant from the upper floor of the hotel via a lift.

An objection has been received from a resident in Hertford Street on the grounds of additional noise disturbance.

It is recognised that this part of Mayfair has a high residential population. Ordinarily, the City Council would seek to impose planning conditions that no customers other than hotel guests would be allowed to remain on the premises after midnight on Sundays to Thursdays and after 00.30 on Fridays and Saturdays. Given the existing and new residential in close proximity to the

site, earlier times are sought, when non-hotel guests should be off the premises. The proposed hours of 09.00 – 23.30 Monday to Saturday and 10.00 – 23.00 on Sundays and Bank Holidays are to be reserved by condition.

It is not considered that the increased size of the restaurant will have an adverse impact on the character of the surrounding area, subject to conditions regarding hours and capacity. Subject to these conditions, the objections received are not considered sustainable.

Residential floorspace

There is existing residential floorspace at 36 and 37 Hertford Street, 16 Stanhope Row and 16a, 16b and 17 Market Mews (17 residential units/1831m²). As a result of the proposals, the existing residential accommodation at 16a, 16b and 17 Market Mews will be relocated to 36 and 37 Hertford Street (Site 1) and 46 Hertford Street (Site 2). Seventeen units are to be re-provided over a greater floorspace of 2236m² (increase of 405m²). The increase in residential floorspace complies with UDP Policy H3 and S14 of the City Plan.

The existing residential units comprise 2 x studio flats, 7 x 1 bed units, 7 x 2 bed units and a 1 x 3 bed unit. The proposed units comprise 9 x 1 bed units, 6 x 2 bed units and 2 x 3 bed units. Although the provision of 2 x 3 bed units falls short of the 33% family housing required by UDP Policy H5 (6 units), given the improvement compared to the existing situation, it is considered that the mix is acceptable.

The three 1-bedroom flats at first floor level within Site 1 (at 44m² (x2) and 45m² GIA) are slightly below the minimum 50m² GIA for a 1-bedroom/2 person unit standard set out in the London Plan (although larger than the 37m² GIA for a 1 person unit). The London Plan Policy 3.5(D) recognises that, in some instances, development which compromises on some of the design standards may be acceptable where it contributes to meeting other planning objectives and is exemplary quality. Para 2.1.26 of the draft Interim Housing SPG also recognises that “Failure to meet one standard would not necessarily lead to an issue of compliance with the London Plan.”

The scope to fully satisfy the London Housing Design Guidelines/London Plan standards is limited by the constraints of the existing building which is being converted and is listed. The proposed first floor units would still provide a good standard of residential amenity, improves the overall housing yield from the proposed development and provides a wider mix of residential units.

Table showing the flat sizes (m²)

Level	1 Bed			2 bed				3 bed
G				94	79	134	87	
1	79*	45			112			
2	71*	44	52	101				
3	74*	52	44					122
4	71*							149
Total	9			6				2

* residential units with Site 2

The residential flats within Site 1 will be accessed from both 36 and 37 Hertford Street. The existing listed staircase within No.36 would be retained and a new lift would provide access to the upper floors in No.37.

8.2 Townscape and Design

Both sites comprises four unlisted buildings and two Grade II listed building, all in the Mayfair Conservation Area.

1. The existing hotel building at 2-6 Stanhope Row is a modern neo-Georgian building of little architectural quality. It is considered that the existing building does not make a positive contribution to the character and appearance of the conservation area.
2. 16a, 16b and 17 Market Mews are probably Georgian mews buildings but much altered with no original features remaining. Its interior is early Twentieth Century. It is considered to make a neutral to positive contribution to the conservation area.
3. 16 Stanhope Row is of similar quality although not painted white.
4. 37 Hertford Street was originally a Georgian house but following bomb damage the house was rebuilt in a Georgian style, although not to a high standard.
5. 36 Hertford Street is Grade II listed and contains a good staircase, and some principal rooms but the remainder has been heavily altered. In 1996 a mansard roof extension was built at the rear.
6. 46 Hertford Street is also Grade II listed, similar to No.36, it has a good stair and modified interiors, especially at second floor level and above.

The immediate context is dominated by the rear of the podium of the Hilton Hotel which blights this part of Hertford Street and Stanhope Row.

Demolition

Apart from the listed buildings, there is not a strong presumption to retain any of the buildings on the site. Their demolition has been permitted in 2010, in the context of a different redevelopment scheme. The issue is whether or not the current proposal provides a suitable replacement building which will preserve or enhance the character and appearance of the Mayfair Conservation Area and respect the settings of the adjacent listed buildings.

Proposed hotel building

The new building will replace the existing hotel building, 6 Stanhope Row, 16a, 16b and 17 Market Mews. The plan form of the building adopts the existing building lines and retains the passageway from Stanhope Row to Shepherd Street. In terms of height and bulk, the proposed building is similar to the existing building, and similar to the previously approved. These aspects are acceptable.

The new building has three street frontages: Stanhope Row, Shepherd Street and Market Mews

- a. The front facade is seven bays long and five storeys high, with a set-back roof storey. The base is clad in glazed terracotta. The upper floors are clad in a light coloured handmade facing brickwork, with recessed bays also clad in glazed terracotta, but this profiled to add texture, from which the windows project. There is a decorative spandrel panel at second floor level. The roof storey is also clad in glazed terracotta and zinc. This is facade design is less modelled, and perhaps more conventional, than the previous approved design, but it is an acceptable design approach in this location.
- b. The rear facade on to Shepherd Street is a simple design, with windows projecting from the façade which is again clad in hand-made bricks. The ground floor level is clad in glazed terracotta (faience). The roof is clad in zinc. The roof level plant will be visible in longer views from the east. It takes the form of a rectangular box is clad in black aluminium louvres.

- c. In Market Mews a similar design approach is used. At ground floor level there are large doors top the service areas, and a substation.

It is considered that the proposed design is of high quality and that it responds positively to its conservation area context. Detailed drawings of the facades and samples of the materials should be reserved by condition.

Hertford Street buildings

No. 36 is to be refurbished and restored. The render is to be removed and the brickwork reinstated and stained black. This will improve the appearance of the building and enhance the terrace. The 1990's mansard at the rear is to be replaced with a more appropriate mansard, with the top floor set back, to reduce its bulk. The interior will be respected, with the retention of surviving original features, and replacement of later (1990's) work.

No. 37 is to be rebuilt as a modern interpretation of the Georgian house, using high quality brickwork and external metalwork. It will feature a mansard roof, at a similar level to that at No. 38. This is similar to the approved design. It will also enhance the appearance of the terrace and the conservation area generally.

The interior of No.46 has been altered over the years, especially at second floor level and above, but it retains a good staircase and rooms at ground floor level and first floor level, although these too have been modified, to a lesser degree than the upper floors. The proposal is to convert the upper floors into residential use, from first floor level upwards. Given the degree of alteration to the interior the proposal is acceptable in principle.

Design Conclusion

This is a high quality, well considered scheme in design and conservation terms. It will enhance the character and appearance of the Mayfair Conservation Area, and is in accordance with UDP Policies DES1, DES4, DES9 and DES10.

8.3 Residential Amenity

There are a number of residential properties in close proximity to Site 1. Shepherd Street to the rear is predominantly residential, with Nos.44-46 and No.37 sharing boundary walls with the application site. No. 18 Stanhope Row is located to the west of the site and shares a boundary wall with 16 Stanhope Row. There are also a number of residential properties in Hertford Street with No.38 adjoining part of the application site.

Daylight and Sunlight overview

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

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

daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

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

Site 1

Park Lane Mews Hotel

Planning permission was refused in August 2009 on the grounds of the loss of light that the proposal would cause to the neighbouring property at 44-46 Shepherd Street. No objection has been received from this property and the proposals are almost identical to those granted planning permission in 2010. A daylight and sunlight report has been submitted in support of the proposals and this indicates that there are losses to VSC to 44-46 Shepherd Street (ranging from 1-17%) but as these do not exceed 20% it is not considered that these will be noticeable.

There are losses of sunlight (annual and winter) to three known residential properties in Shepherd Street (Nos. 40, 42 and 44-46). However, losses in summer are below the 20% BRE guideline and as such the losses are considered to be acceptable. There are losses to winter sun above 20%, but the actual losses are not so high as to justify a refusal of the scheme, particularly in this built up urban location and given that for the year as a whole no loss is greater than 20%, with very good sunlight levels maintained for summer.

Increased sense of enclosure

The proposed rear hotel elevation abutting 44-46 Shepherd Street is being brought forward by 0.5m and will be set back from the party wall by 4m. Given this modest alteration to the building footprint it is not considered that there will be any material increased sense of enclosure created by the proposal.

Overlooking

The rear garden area of 44-46 Shepherd Street looks directly into the existing windows of the hotel. Although this elevation is proposed to project 0.5m closer to Nos. 44-46 it is considered that the existing overlooking situation will improve. This is due to the proposed windows being smaller than existing. The windows serve store rooms over the lower levels and two hotel bedrooms at third and fourth floor. A condition is recommended that they contain obscure glazing, therefore there will be no overlooking to 44-46 Shepherd Street.

The fifth floor level of the hotel would have a roof terrace along its perimeter to the front; this will overlook Stanhope Row and Market Mews. However, the terraces would be set back from the building edge and therefore it is not considered that there will be any potential for direct overlooking arising from this aspect of the scheme.

Servicing

The existing hotel is serviced from Stanhope Row, which means that a large part of the ground floor frontage is an unattractive blank facade. To improve the townscape in Stanhope Row, it is proposed to move the servicing bay to Market Mews. Objections have been received from properties in Hertford Street on the grounds that there will be increased noise from the servicing of the hotel/casino.

The applicant has identified that there will be on average 3-4 servicing vehicles per day between 07.00 and 19.00 daily. There are currently no restrictions in place with regards to the existing

hotel servicing. Market Mews is used once daily by the waste collection service at 06.30 – 08.30 Monday to Friday and in addition there is a recycling collection on Friday only, between the hours 07.00 – 14.00. Even though refuse vehicles can enter Market Mews from 06.30, and given the relocation of the servicing bay and proximity to residential, it is considered that the earliest servicing for the hotel should be restricted to between 07.00 and 19.00, and a condition is recommended.

Subject to this condition, it is not considered that the relocation of the hotel servicing would affect the surrounding residential amenity to a degree that would justify a recommendation for refusal.

16a, 16b and 17 Market Mews

The existing building comprises ground and two upper floors. The proposed building will be slightly taller due to increased floor to ceiling heights. The ground floor will be used as a hotel loading and servicing bay and the two upper floors will provide hotel rooms. The properties directly opposite the site are lower than the existing and proposed building and appear to be used as garages and offices used in connection with 29 Curzon Street.

Two terraces are proposed at first and third floor level. These have been approved in the previous application and it is not considered that they would afford any opportunity for direct overlooking into adjoining properties.

37 Hertford Street

The new building at 37 Hertford Street will comprise of basement, ground and four upper floors, with a rear extension at first to fifth floors. There is a lightwell to the rear of the site which would be infilled at second to fourth floors. There is an existing rear terrace at third floor level which projects out further than the existing building line. The rear extensions will be brought out to this line.

The new lift will be part of these rear extensions to No. 37, and this will be slightly higher than the roof line. However, it is not considered that the additional bulk to the rear of the building would adversely affect neighbours amenity.

Site 2

No external alterations are proposed and therefore there are no amenity implications arising from this proposal.

8.4 Transportation/Parking

Objections have been received on the grounds that there are existing on street parking problems in the area and the proposals will increase pressure on parking. There are currently no off-street car parking for the existing hotel and residential flats and with a decrease in the number of hotel bedrooms and with the number of residential flats staying the same across both sites, there is no policy requirement to provide off-street car parking. The proposed provision of 27 off-street cycle spaces is in line with FALP standards and will be secured by condition.

Coach parking arrangements will be as existing, whereby passengers will utilise the 20 coach bays on Park Lane. It is expected that there will be some reduction in the coaches as the number of bedrooms are reduced.

The existing access points from Stanhope Row are to be retained within the redeveloped hotel. The existing pedestrian passageway from Stanhope Row to Shepherd Street will not be changed.

Objections have been received on the grounds that the casino and restaurant will increase the amount of traffic congestion in the area and increase the amount of pedestrian traffic. It is

considered that there may be traffic movements over and above the existing situation, but these are not considered to be numerous enough to cause highways issues, provided that they are in line with the submitted management plan.

The Highways Planning Manager raises no objection to the proposed servicing arrangements as set out in the Servicing Management Plan.

The Highways Planning Manager initially raised concerns regarding the lack of off-street car parking at Site 2. However, as the proposals have been submitted as a land use package, the number of residential units does not increase, therefore no objection is raised. No off-street cycle parking is proposed, normally cycle parking would be accommodated within the basement vaults, however, as the lower floors are remaining in office use the vaults are not accessible by the residential occupiers. On this basis it is not considered reasonable that cycle parking can be accommodated in this building.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

Level access is provided for the entrances to the hotel/casino (Site 1). Lift access is provided to all levels of the building, including to the lower ground restaurant use.

There is existing stepped access to No.36 and 37 and it is not proposed to alter the steps as part of the scheme.

Similarly at Site 2, there is existing stepped access into the building and this would remain. It is not considered practical to change this within the context of this scheme.

8.7 Other UDP/Westminster Policy Considerations

Basement

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

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

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

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

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution

carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory, but request further information before works start on site which is to be conditioned. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The City Management Plan will include policies specifically dealing with basement and other subterranean extensions. This is at an early stage of development and will not carry any weight as a material consideration in determining planning applications until it has progressed significantly along the route to final adoption.

Construction impact

A construction management plan (CMP) has been submitted with the proposal and this is secured by condition. Objections have been received on the impact of the construction on nearby residential properties.

The applicant has offered to fund the Council's Environmental Inspectorate to monitor compliance with a Site Environmental Management Plan. This contribution will be secured under via a Grampian condition given the close proximity of the site to adjoining residential properties.

Hours of building and excavation works can also be controlled by condition. Through the use of these measures it is considered that objectors concerns about the impact of the construction process have been mitigated as far as reasonable practicable.

Plant

New screened roof top plant is proposed at Site 1, plant and services is also proposed within the basement. Environmental Health has no objection to the proposal on the basis that a supplementary acoustic report is submitted once the plant has been selected.

No new plant is proposed at Site 2.

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles. The proposals seek to accord with the London Plan energy hierarchy of Lean, Clean and Green. Policy 5.2 of the London Plan requires a 35% improvement in carbon dioxide emissions over the 2013 Building Regulations. The proposals at

Site 1, would provide approximately 40% of carbon reduction improvements over the Building Regulations which are welcomed.

This will be achieved by designing a low energy building, by adopting high levels of insulation, solar shading, high performance glazing and low air permeability and the use of high efficiency plant and equipment.

A green roof is proposed to the hotel building which is to be secured by condition.

The proposals at Site 2 are of an insufficient scale to require an energy statement.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

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

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced later in 2015. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by

other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

A Grampian condition is recommended to deal with the contribution to the Council's Environmental Inspectorate (merged services Environmental Sciences and the Environmental Inspectorate).

9. BACKGROUND PAPERS

Site 1

1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 28 September 2015
3. Response from Historic England dated 5 October 2015
4. Response from Environmental Health, dated 23 September 2015
5. Response from the Environmental Inspectorate, dated 23 September 2015
6. Response from the Highways Planning Manager dated 20 November 2015
7. Letter from occupier of Flat 1, First Floor, 38 Hertford Street, dated 24 September 2015
8. Letter from Savills on behalf of the owners/occupiers of 38, 40 and 49 Hertford Street dated 6 October 2015

Site 2

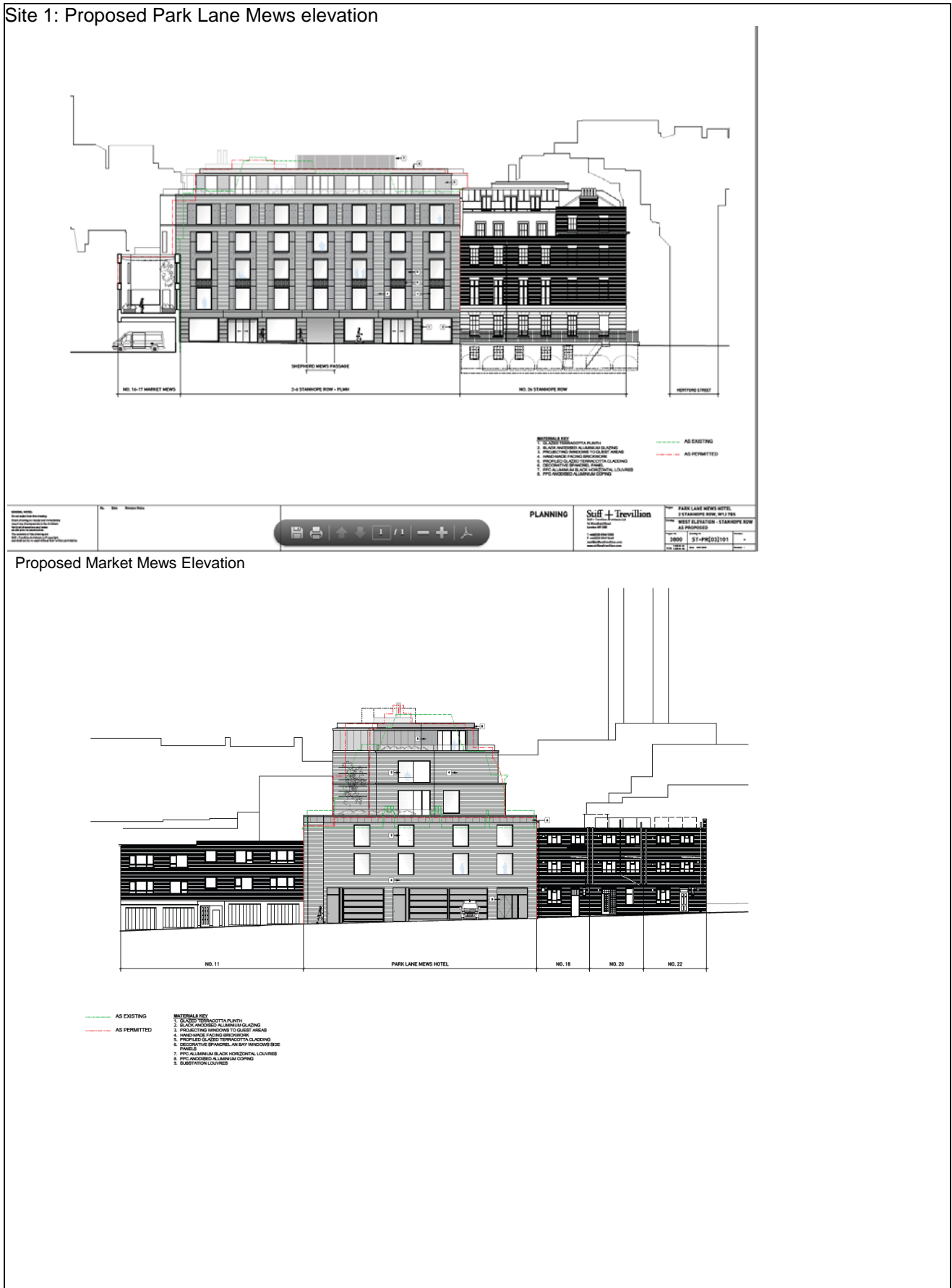
9. Application form
10. Response from Residents Society Of Mayfair & St. James's, dated 28 September 2015
11. Response from the Highways Planning Manager dated 20 November 2015

(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 HELEN MACKENZIE ON 020 7641 2921 OR BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS

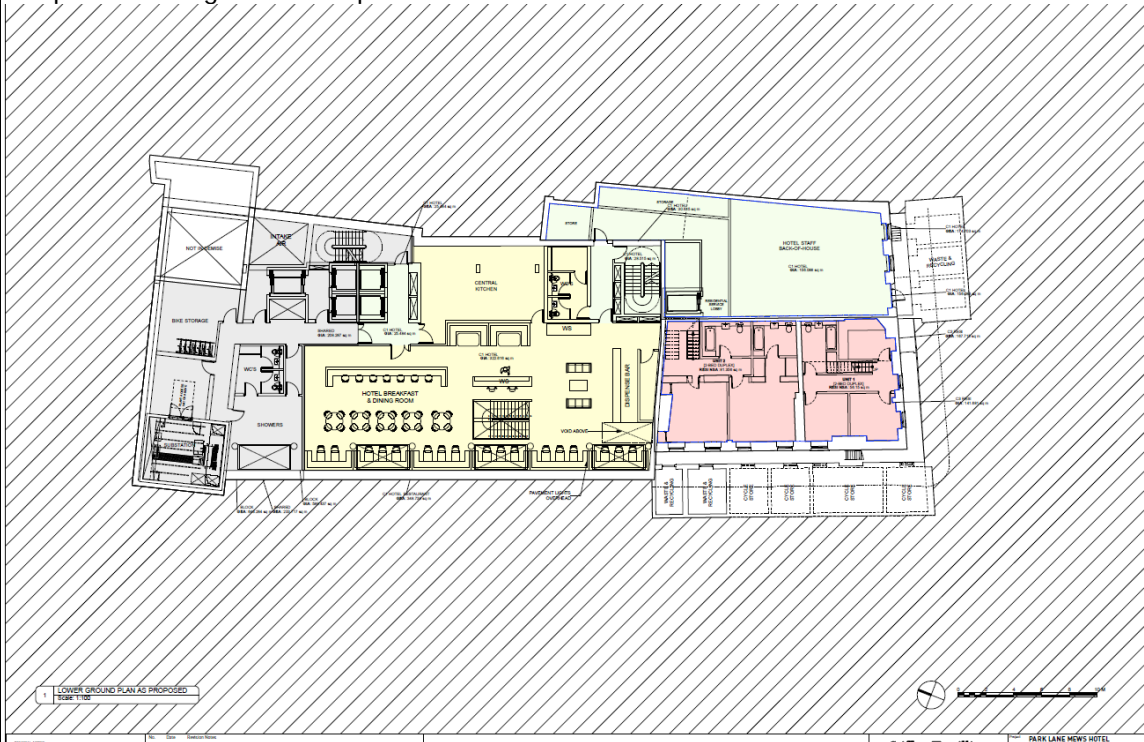
Site 1: Proposed Park Lane Mews elevation



Proposed Market Mews Elevation



Proposed lower ground floor plan

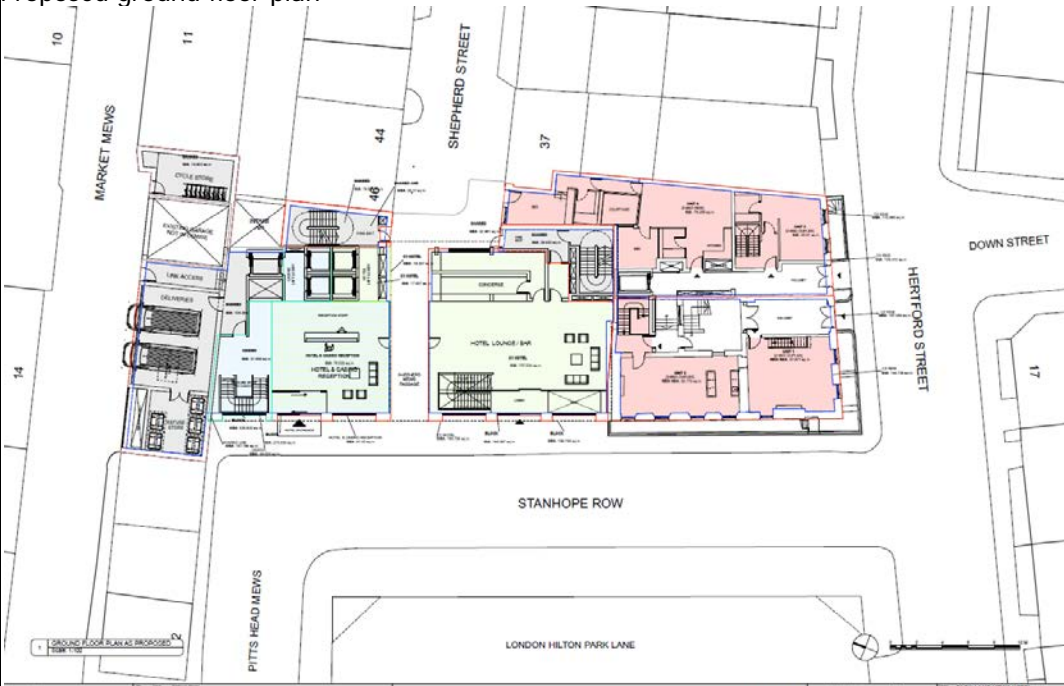


GENERAL NOTES:
1. THIS PLAN IS FOR INFORMATION ONLY.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AUTHORITY.
4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AUTHORITY.
5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE LOCAL AUTHORITY.

PLANNING **Stiff + Trevillion**

PARK LANE NEWS HOTEL
2 STANHOPE ROW, W1J 7BS
LOWER GROUND FLOOR PLAN
AS PROPOSED
3800 PR-02-099-2

Proposed ground floor plan

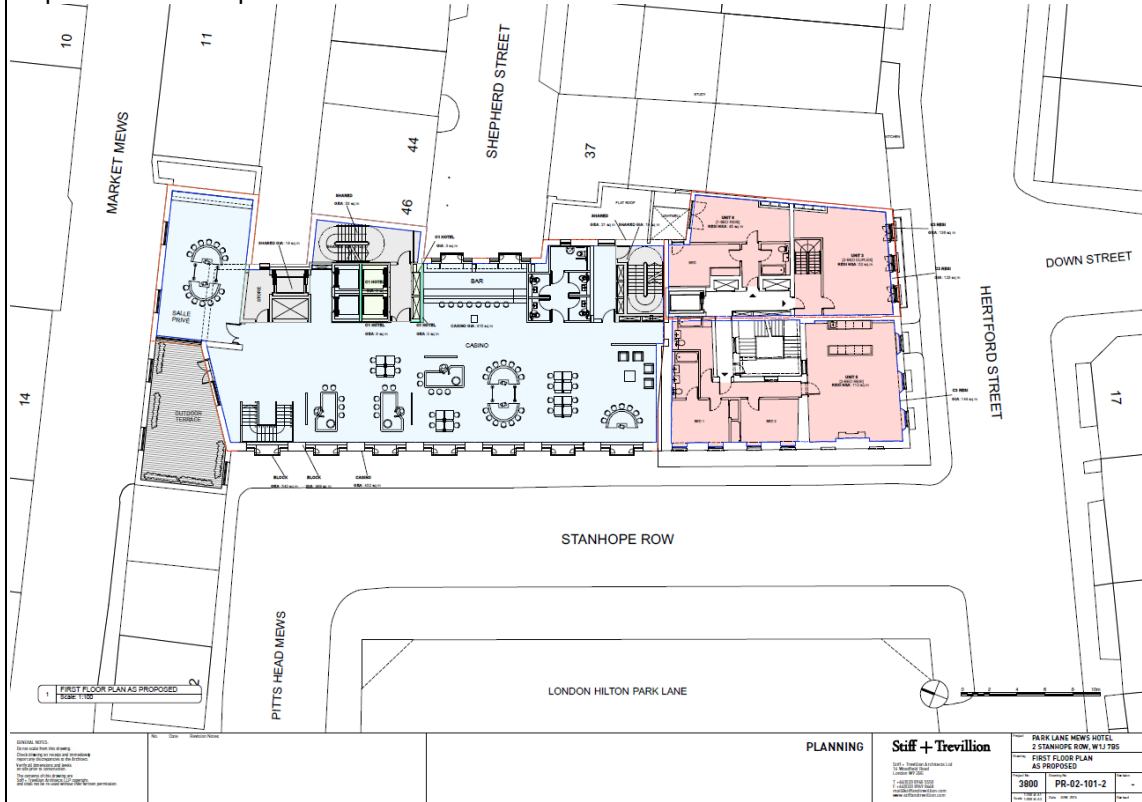


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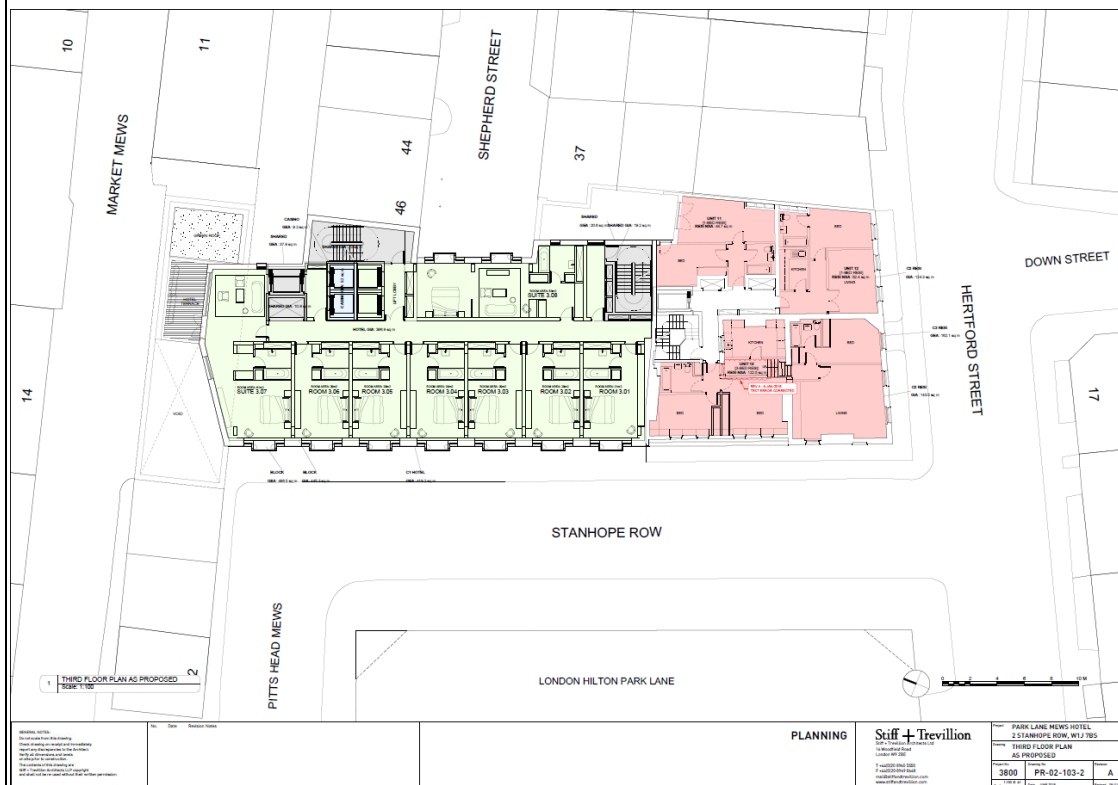
PLANNING **Stiff + Trevillion**

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GROUND FLOOR PLAN
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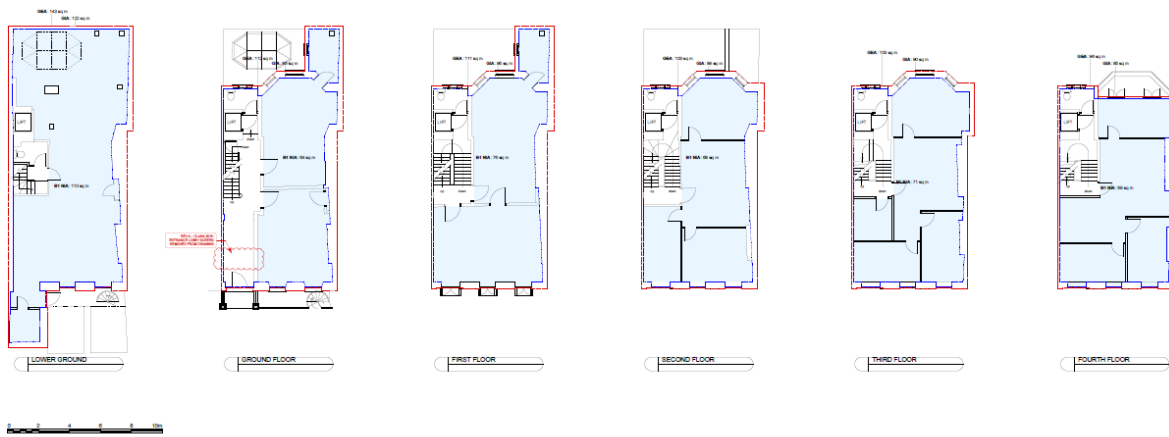
Proposed first floor plan



Proposed third floor plan

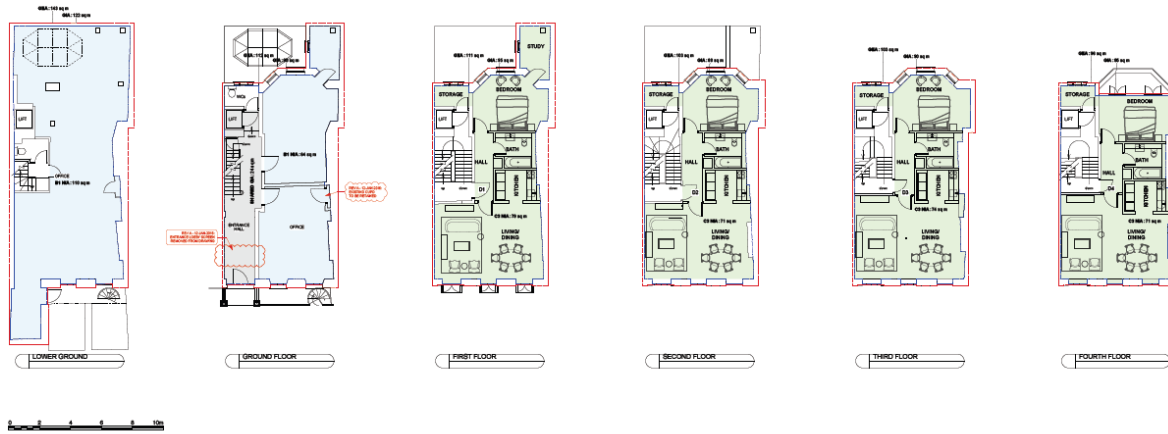


Site 2
Existing floorplans



<p>GENERAL NOTES</p> <p>1. All dimensions are in millimetres unless otherwise stated.</p> <p>2. Check drawings for consistency and accuracy.</p> <p>3. Verify all dimensions and levels.</p> <p>4. All work to be completed in accordance with the relevant Building Regulations.</p> <p>5. All work to be completed in accordance with the relevant Building Regulations.</p> <p>6. All work to be completed in accordance with the relevant Building Regulations.</p>	<p>No. Date Revision Notes</p>	<p>PLANNING</p>	<p>Stiff + Trevillion 10 HERTFORD STREET LONDON W1T 2ET T +44 (0)20 7641 0100 F +44 (0)20 7641 0101 www.stiffandtrevillion.com</p>	<p>PROJECT PARK LANE NEWS HOTEL PROJECT 46 HERTFORD STREET LONDON W1T 2ET PLANS AS EXISTING</p> <p>3800 ST-EX(02)110</p> <p>Rev. 1002 of 1 Date: 06.03.2019</p> <p>Sheet: A of 1</p>
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Proposed floorplans



GENERAL NOTES:
 Do not scale from this drawing.
 Check all dimensions and levels.
 All dimensions are in millimetres.
 All levels are in metres above sea level.
 All levels are to finished floor level.
 All levels are to be confirmed by the client.
 All levels are to be confirmed by the client.
 All levels are to be confirmed by the client.

No.	Date	Revision Notes

PLANNING

Stiff + Trevillion
 10 Hertford Street
 London W1P 9SE
 Tel: +44 (0)20 7380 0300
 Fax: +44 (0)20 7380 0301
 Email: info@stiffandtrevillion.com
 www.stiffandtrevillion.com

PARK LANE NEWS HOTEL PROJECT 2 STANHOPE ROW, W1J 7WS		
44 HERTFORD STREET		
PLANS AS PROPOSED		
3800	ST-PR(02)110	A
1000	1000	1000

DRAFT DECISION LETTER

- Address:** 2 Stanhope Row; 16 Stanhope Row, 36 And 37 Hertford Street, 16a, 16B And 17 Market Mews, London
- Proposal:** Demolition of 2-6 Stanhope Row and 16-17a Market Mews, excavation of sub-basement beneath 2-6 Stanhope Row and excavation of basement beneath 17a Market Mews and erection of replacement building over sub-basement, basement, ground - fifth floors (with plant above) (2-6 Stanhope Row) and three-storey building to Market Mews to provided a 29 bedroom hotel (Class C1) with ancillary casino. Demolition of 37 Hertford Street and rear third floor mansard roof of 36 Hertford Street and erection of replacement building over basement, ground to third plus mansard roof to provide 13 x flats (Class C3) provision for cycle parking, refuse storage and rooftop plant, together with other associated works. [Land use swap with 46 Hertford Street].
- Plan Nos:** 3800 DM-02-099-2, EX-02-100-2, DM-02-101-2, DM-02-102-2DM-02-103-2, DM-02-104-2, D,-02-105-2DM-02-106-2, ST-DM[03]101-2ST-DM[03]102-2, ST-DM[03]103-2, ST-EX[03]104-2
3800 PR-02-098-2, 099-2, 100-2, 101-2, 102-2, 103-2, 104-2, 105-2, 106-2
PR-04-100-20101-2, ST-PR[04]103, ST-PR[03]101, 102, 103, 104, 105, ST-PR[31]201-2, 202-2,203-2, 204-2. Email from DP9 dated 12.01.2016, Construction management plan, casino management plan

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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

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

You must carry out basement excavation work only:

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

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

Reason:

To protect the environment of neighbouring residents. This is as set out in STRA 16, STRA 17 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AB)

- 2 You must apply to us for approval of detailed drawings (1:20 and 1:5) of the following parts of the development:

1. Typical facade details (all facades, including 37 Hertford Street)
2. Roof extension at rear of 36 Hertford Street
3. Green roofs
4. Public Art

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 3 You must apply to us for approval of samples of all facing materials including glazing. 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 samples.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of a sample panel of the ceramic and brickwork (all buildings). You must not start any work on these parts of the development until we have approved these sample panels. You must then carry out the work according to these panels.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of full particulars and a sample panel of the treatment of the brickwork at 36 Hertford Street (colour to be agreed)

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 particulars and the sample panel.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 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 restaurant and other ancillary facilities except between 09.00 - 23.30 Monday to Saturday and 10.00-23.00 on Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not sell any take-away food or drink on the premises, even as an ancillary part of the hotel restaurant.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 The 2 No. three-bedroom residential units must be provided and each one shall thereafter be retained as a residential unit with three separate bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 9 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 10 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and

DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application.

- green walls

You must not remove any of these features, unless we have given you our permission in writing. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in STRA 37 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FA)

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the

window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

- 14 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our

Unitary Development Plan that we adopted in January 2007.

- 16 All servicing must take place between 07.00 and 19.00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect neighbouring residents from noise nuisance, as set out in STRA 13, STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FA)

- 17 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in STRA 24, STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AB)

- 18 You must not allow more than 75 customers into the hotel restaurant at any one time.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with STRA 28 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FB)

- 19 You must use the bar to serve hotel residents and restaurant customers only, before, during or after their meals. You must only use the rest of the property as a sit-down restaurant with waiter service.

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Mayfair Conservation Area. This is in line with STRA 28 and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FB)

- 20 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in STRA 16, STRA 17, ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AB)

- 21 The hotel use allowed by this permission must not commence until the residential use has been completed to our satisfaction.

Reason:

Developing the site without the residential would not meet Policies S1 of Westminster City Plan: Strategic Policies that we adopted in November 2013 or CENT3 of our Unitary Development Plan that we adopted in January 2007.

- 22 The glass that you put in the windows in the east elevation (overlooking the rear of 44-46 Shepherd Street); must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in STRA 16, STRA 17, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BB)

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

Reason:

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

- 24 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.

- 25 The casino use hereby approved can only be carried out in the areas shaded blue on drawings PR-02-100-2, PR-02-101-2, PR-02-105-2.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE1 of our Unitary Development Plan that we adopted in January 2007, or CS22 of the Core Strategy. (R05AB)

- 26 You must carry out the measures included in your management plan by Genting UK plc at all times that the casino is in use. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 27 You must adhere to the Construction Management Plan by BWB Consultancy dated 13 August 2015 at all time the construction is taking place.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 28 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 30 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

- a contribution to the Council's Environmental Inspectorate

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 31 You must apply to us for approval of details of the following parts of the development: the proposed construction stages of excavation and temporary supports, as well as the sequencing of the piling proposed. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these details. (C26CB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Conditions 12 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware

that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

- 6 Under condition 30, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a contribution to the Environmental Inspectorate, as set out in the letter dated 12.01.2016 from DP9. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

- 7 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

DRAFT DECISION LETTER

Address: 36 Hertford Street, London, W1J 7SE,

Proposal: Internal and external alterations including the rebuilding of the rear third floor mansard roof.

Plan Nos: 3800 PR[02]209, 210, 211, 212, 213, 214, 215

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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

- 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 full particulars and a sample panel of the treatment of the brickwork at 36 Hertford Street (colour to be agreed).

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 particulars and the sample panel.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development -
 1. The new roof of the rear wing
 2. Green roof
 3. New windows
 4. New doors
 5. Cornice to facade.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

DRAFT DECISION LETTER**Address:** Archeson House, 46 Hertford Street, London, W1J 7DP**Proposal:** Use of first to fourth floors as four flats (Class C3)**Plan Nos:** 3800-ST-PR-02-110A, PR-03-110**Case Officer:** Helen MacKenzie**Direct Tel. No.** 020 7641 2921**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available

detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

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). (I38AB)

- 3 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.

You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.

DRAFT DECISION LETTER

Address: Archeson House, 46 Hertford Street, London, W1J 7DP

Proposal: Internal alterations to all floors.

Plan Nos: 3800-ST-PR-02-110A, PR-03-110

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 The internal decorative features at ground floor and first floor level in the front and rear rooms shall be retained insitu.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in

S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 You must apply to us for approval of detailed drawings and /or full particulars of the following parts of the development -

All internal works at ground floor level and first floor level

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.