

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>22 Grosvenor Square, 43 North Audley Street And 1 Lees Place, London, W1</b>		
<b>Proposal</b>	The use of 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place as a hotel, restaurant and private members club/bar (Sui Generis), with works including the infilling of the alleyway to the rear of 43 North Audley Street, partial demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including the extension of the basement floor to the front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Audley Grosvenor Limited		
<b>Registered Number</b>	16/01401/FULL 16/01402/LBC	<b>Date amended/ completed</b>	26 February 2016
<b>Date Application Received</b>	17 February 2016		
<b>Historic Building Grade</b>	Grade II (22 Grosvenor Square/43 North Audley Street)		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

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

## 2. SUMMARY

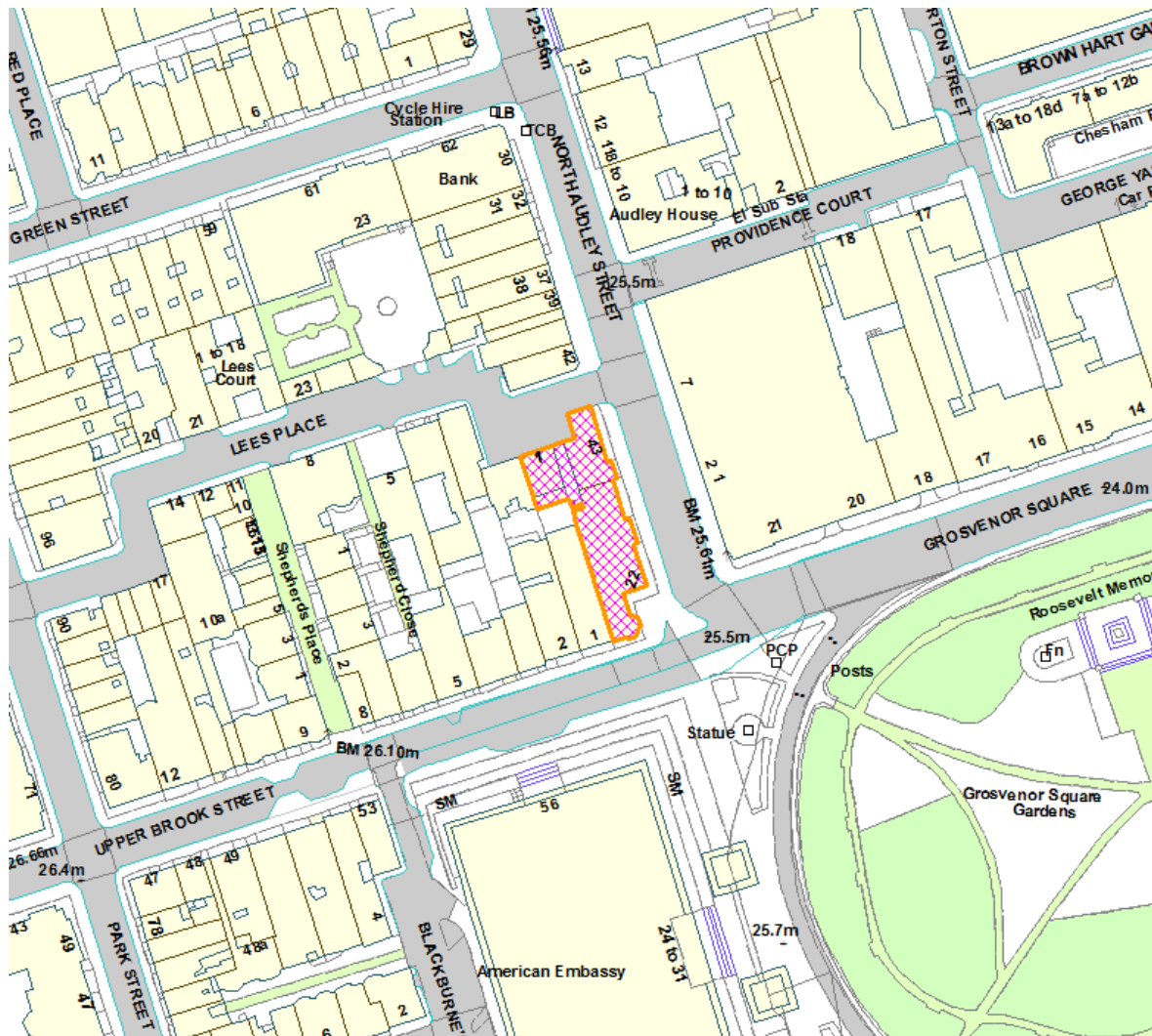
These applications relate to a prominent building on the corner of Grosvenor Square at the junction with North Audley Street and Upper Brook Street. Largely occupied as offices with one flat on part ground floor, permission has previously been granted to convert the main building into six flats and the lower northern section (known as 43 North Audley Street) into a restaurant. The current proposal now include the mews house 1 Lees Place and seeks consent to create a single building predominantly used as a hotel but incorporating a restaurant and private members' club/bar.

The main issues are considered to be:

- The loss of residential accommodation from the site and the applicant's offer of previously approved residential accommodation to offset this loss;
- The extent of demolition and rebuilding of the northern section/wing of the listed building.

Following revisions to reduce the amount of demolition and rebuilding, the proposals are considered to be acceptable in listed building and design terms, as well as with regard to land use, amenity and highways considerations. In particular, the proposals will contribute to the mixed use character and function of this part of the Core Central Activities Zone, in accordance with the Mixed Use Revision to the City Plan.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

22 Grosvenor Square



43 North Audley Street



1 Lees Place (and rear of 43 North Audley Street)



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Initial concern that the demolition of the north wing (43 North Audley Street) will mean the loss of a large quantity of original fabric, and even if the stone and brick were to be reused, the patina of age would be lost and a significant and prominent change would be made to a clear part of the overall architectural design and streetscape value of this listed building.

Following revisions to retain the ground floor frontage of 43 North Audley Street and re-use other elements (such as the stone balustrade) confirm that their concerns have been overcome and have issued a draft letter authorising the granting of listed building consent.

### THE VICTORIAN SOCIETY

Raise objection to the total demolition of 43 North Audley Street and the erection of a taller replacement that adversely impacts the view of the main building; also concerned about the impact of the rear extension on the appearance of the main building.

Welcome the reinstatement of the missing chimneys to the southern roofscape.

Any response to be reported verbally on reconsultation of the revision to retain the ground floor portion of the north wing.

### ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

### COUNCIL FOR BRITISH ARCHAEOLOGY

Representation from the London and Middlesex Archaeological Society: express concern about the demolition of 43 North Audley Street – any replacement should be conditioned to match the existing.

### THE GEORGIAN GROUP

Any response to be reported verbally.

### SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

### TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

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

Any response to be reported verbally.

### DESIGNING OUT CRIME OFFICER

No objections; request that where possible and appropriate the applicant adopts the principles and practices of 'Secured by Design'.

### ENVIRONMENTAL HEALTH

No objection subject to conditions and informatives.

**HIGHWAYS PLANNING MANAGER**

No objection in principle but queried apparent works to the vaults beneath North Audley Street [the applicant subsequently confirmed that there is no change].

**CLEANSING MANAGER**

Initial objection overcome by the submission of additional information.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 108; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The main part of the site, on the north west corner of Grosvenor Square and extending along North Audley Street, comprises basement, ground and four upper floors and is known as 22 Grosvenor Square. At the northern end of the site, at the junction of North Audley Street and Lees Place, the building drops down to first floor level – this part is known as 43 North Audley Street. These parts are connected internally. The main entrance is on North Audley Street (close to Grosvenor Square), with a secondary entrance further along North Audley Street to the lower part of the building. A short passage or ‘alleyway’ runs along the rear of 43 North Audley Street, linking the rear of 22 Grosvenor Square with Lees Place.

Most of the building is occupied as Class B1 offices, apart from a flat that occupies part of the ground floor. The building is listed Grade II and is within the Mayfair Conservation Area and the Core Central Activities Zone. The site is not within a Stress Area.

1 Lees Place adjoins the site to the west: comprising part lower ground, ground and two upper floors, its lawful use is as a residential single dwelling house, which is currently vacant. It is not listed but is also within the Mayfair Conservation Area

North Audley Street links Grosvenor Square with Oxford Street and has a number of restaurants and shops at ground floor level with residential and offices on the upper floors. The nearest existing residential is adjacent to the site at 1 Upper Brook Street and within Lees Place. A new residential development is currently under construction opposite the site (at 19-20 Grosvenor Square).

**6.2 Recent Relevant History**

22 Grosvenor Square was originally purpose built as a single dwelling house in 1906 but in 1927 was converted into serviced flats with showrooms at basement and ground floor levels. It suffered serious bomb damage during the Second World War, which subsequently resulted in the entire south wing being reconstructed. In the 1950s permission was granted for use of the building as offices (though part of the ground floor was retained as the existing flat), initially restricted to professional offices but this restriction was removed in 1991.

In November 2015 planning permission and listed building consent were granted to convert 22 Grosvenor Square into six residential units with associated internal and external alterations, including the infilling of the rear alleyway at ground and first floor levels, installation of a new steel staircase to the front lightwell, alterations to the windows at rear third and fourth floor levels, new plant and enclosure and creation of terraces and stair accesses at main roof level. This was subject to a legal agreement to secure the provision of £2,373,000 towards the City Council's affordable housing fund and the provision of lifetime car club membership (minimum 25 years) for all 6 flats.

Planning permission and listed building consent was also granted in July 2015 for use of the basement, ground and first floors as a restaurant (Use Class A3), infilling of the rear alleyway at ground floor level and installation of plant within an associated enclosure at rear first floor level, creation of a new entrance door on the front elevation and installation of a high level extract duct to the rear of 22 Grosvenor Square from rear first floor level to terminate at main roof level. Associated internal alterations at lower ground, ground and first floor levels. The capacity was restricted by condition to 90 and the opening hours from 07.00 to midnight seven days a week.

At 1 Lees Place permission was granted in January 2015 for the erection of two storey extension to the rear at lower ground and ground level with external amenity space at lower ground floor level and associated external alterations to include the creation of Juliette balconies at first and second floor levels. Works to extend existing single family dwelling house.

None of these permissions have been implemented.

## **7. THE PROPOSAL**

In summary, it is proposed to:

- Convert the existing buildings at 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place from office and residential to a hotel, with a restaurant open to the public and a private members' club/bar;
- Works to 22 Grosvenor Square including infilling of the rear alleyways and extensions to the rear from ground to fourth floor, installation of plant and creation of a terrace at roof level;
- Erection of a two storey extension to the rear façade of 1 Lees Place, including the extension of the basement floor to the front façade.
- Part demolition of 43 North Audley Street and rebuilding with a building of two storeys plus mansard; and
- Associated internal and external alterations to the buildings.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The land use changes can be summarised as follows:

<b>GEA (sqm)</b>	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>	<b>Incl. off-site residential</b>
<b>Office (Class B1)</b>	2,393	0	-2,393	-
<b>Residential (Class C3)</b>	345 (2 units)	0	-345	+454
<b>Hotel/ Restaurant/ Private Members Bar</b>	0	3,155	+3,155	-
<b>Total</b>	<b>2,738</b>	<b>3,155</b>	<b>+417 (15.2%)</b>	-

### **Loss of Offices, Increased Alternative Commercial Uses and Affordable Housing Requirements**

The change of use of this listed building from predominantly offices to a hotel, restaurant and private members' club/bar is considered to be acceptable in principle and in accordance with the Mixed Use Revision to the City Plan: policy S20 does not preclude loss of offices to other commercial uses and policy S1 encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations. In this respect the proposals are considered to be preferable to the approved residential scheme.

At the time the application was submitted, and before the Mixed Use Revision to the City Plan, Policy S1 of the City Plan stated that:

*'Where proposals increase the amount of commercial floorspace by 200sqm or more, or in the case of A1 retail or private educational, health and leisure (D1 or D2), by 400sqm or more, the provision of an equivalent amount of residential floorspace will be required on site, where the Council considers this to be appropriate and practical.'*

Alternatively, commuted payment towards the Council's affordable housing fund might be considered as an acceptable alternative: in this case the increase in commercial floorspace on the site (762 sqm) would generate a payment of £1,744,000. However, the applicant had advised that the scheme was not sufficiently viable to make this contribution. This claim has been assessed by independent consultants acting on behalf of the Council, who concur with the applicant that the scheme is not viable. (It is noted that the proposed operator expects exceptional future performance to provide improved revenue streams, hence their pursuit of these proposals).

However, in view of the Mixed Use Revision to the City Plan now being accorded significant weight as a material consideration, the issue of offsetting the commercial increase is no longer considered to be relevant in this case.

## **Hotel Use**

In addition to policy S1 encouraging development which promotes Westminster's World City functions and supports its living, working and, specifically in this case, its visiting populations, policy S23 directs new hotels to specified areas, including the Core Central Activities Zone (as in this case). The immediate area is mixed use in character and it is considered that the current proposal will contribute to that mix.

The applicant advises that the hotel and other uses are to be run by Blakes Management Ltd, who currently operate Blakes Hotel in Kensington. The intention is to provide a high-end boutique hotel, with a relatively small number of rooms (30). Given its small size and the existing mixed use character and function of the area, it is not considered that the proposal will have an adverse impact on the amenity of nearby residents. The main entrance would be on North Audley Street; in order to protect residents in Lees Place, it is proposed to condition the access to the hotel in that location to staff and deliveries only (apart from escape in an emergency). The hours of use of the roof terrace will also need to be conditioned, to protect residents in adjoining properties on Upper Brook Street.

## **Restaurant and Private Members' Club/Bar**

The principle of a restaurant use has already been agreed with the permission granted for part of the site. That restaurant comprised 470m<sup>2</sup> GEA over basement, ground and first floors, with a capacity of 90 and daily opening hours from 07.00 hours to midnight, though there was no specified user.

In the current proposal the restaurant would comprise 346 sqm (GIA, including apportioned back of house facilities shared with the other uses). It is therefore below the 500 sqm threshold that constitutes a 'large' entertainment use. The site is within the Core Central Activities Zone and therefore Unitary Development Plan Policy TACE 8 is applicable, as it was with the approved scheme. This states that such entertainment uses will generally be permissible, subject to environmental, amenity and traffic considerations, taking account of the number and distribution of existing entertainment uses in the vicinity, any cumulatively adverse effect, and no adverse effect on the character and function of the area.

Policy S24 of the City Plan states that new entertainment uses need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

As with the approved scheme, the proposals include a new high-level brick-clad kitchen extract that rises up the rear of 22 Grosvenor Square.

Although the number of covers is slightly larger than the approved scheme, it is considered that the latest proposals are also acceptable, subject to a number of conditions to safeguard local amenity. As well as conditioning opening times and capacity, a condition will require an updated Operational Management Plan to be submitted (a draft one has been provided as part of the application) once the proposals have been worked up.



The private members' club/bar would be located in the basement, and will have its own direct access from North Audley Street via stairs to the lightwell (as well as being internally linked with the hotel). The applicant advises that it will have a limited food menu and access will be only for hotel guests and members but other than this membership details are vague. Excluding hotel lounge and function rooms and shared circulation space and back of house facilities, the area of the private members' club/bar is indicated as being 229 sqm (GIA). Given the small size of this use and the fact that it forms part of the larger hotel, that is effectively a 24-hour use, there are not considered to be any planning reasons for restricting the capacity nor opening hours of it.

On the basis of relevant conditions, it is considered that the proposed restaurant use is acceptable and complies with UDP Policy TACE8 and S24 of the City Plan.

### **Loss of the Residential use**

Policy S14 of the City Plan seeks to protect all residential uses, floorspace and land. The proposal involves the loss of the existing residential flat in 22 Grosvenor Square (which is a one bedroom unit of 142 square metres), and the existing mews house at 1 Lees Place (which has a floorspace of 134 sqm excluding the garage).

The applicant wishes to re-provide this accommodation elsewhere. 18 Weighhouse Street was granted planning permission in September 2014, for various works and alterations which included the provision of 1x1-bedroom and 1x2-bedroom flats: these are currently under construction. Permission was also granted for works at 20 Bourdon Street, in January 2015, and comprises 2 x 2-bedroom residential units and this development is also currently under construction. The net additional units created at these sites are the 1-bedroom flat at 18 Weighhouse Street (71 sqm) and the 2-bedroom flat at 20 Bourdon Street (94 sqm).

Overall, therefore, the applicant argues that those proposals would re-provide the same number of residential units and the same mix. There would however, be a shortfall in residential floorspace re-provision of 111 sqm (existing 276 sqm versus 165 sqm proposed).

Grosvenor advises that it does not have any other residential schemes in Mayfair that are forthcoming in the near future that are not already committed as part of another land use package. It does, however, have another scheme that is also currently on site, which will provide five new residential units (3x1-bedroom, 1x2-bedroom and 1x3-bedrooms) creating 565 sqm of new residential floorspace at 15 North Audley Street, due for completion later in the year. Grosvenor has never linked these units to another scheme and, if accepted as part of an Estate wide strategy, are offering to also link their delivery to the 22 Grosvenor Square scheme, as well as the Weighhouse and Bourdon Street sites.

The normal expectation is for a land use package to be secured in advance of any permissions having been granted, rather than linking a residential requirement to residential schemes already approved. However, apart from the issue of timing, there would be no overall loss of residential accommodation when these developments are considered as a whole. All the sites are within Mayfair and therefore within the vicinity of the main site. Given the change in policy approach, the current proposal for continued commercial use for the majority of the site is also considered to be preferable than the

approved residential scheme and will ensure promote the mixed use character of the area. On this basis the residential proposals are considered to be acceptable and in this instance can be secured by condition.

## 8.2 Townscape and Design

The building has been substantially altered since it was first built and was partly rebuilt following bomb damage in World War II. Nevertheless, these changes have added to its interest and it was listed many years after most of them were carried out.

Previously approved alterations included demolition and replacement of the main staircase. This is not now proposed. Instead it will be slightly reconfigured at first floor level and extended to access a new roof terrace. This is acceptable in heritage asset terms.

The alterations at the rear (west) of the building are primarily visible from Lees Place and have a neutral impact in design terms. However, the most substantial and contentious alteration is the extension of the two-storey wing in North Audley Street to which Historic England and the Victorian Society strongly object. The proposal has been revised to retain the existing ground floor street and north facades to overcome objections to their demolition. The sheer-storey extension in Portland stone will be four windows wide and match the design of the original building, again to address the objections to its detailed design with regard to the number of windows. The north facade has been simplified, and the mansard roof has been revised to include four dormers to follow the fenestration pattern of the floors below. Noting these changes, the revised design is considered to fully and satisfactorily address the objections which to date has been confirmed by Historic England.

## 8.3 Residential Amenity

Policy S29 of the City Plan seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking. The nearest residential accommodation is in the properties adjacent to the site (1 Upper Brook Street and 2 Lees Place), with new residential accommodation being constructed opposite the site at 20-21 Grosvenor Square.

The proposed extensions have increased slightly from the approved scheme, with the small infill extension to the north-west corner of 22 Grosvenor Square and the additional floor to 43 North Audley Street; these proposals also incorporate the approved alterations and rear extensions to 1 Lees Place that were approved in January 2015.

As with the approved schemes, the alterations will have minimal impact on the daylight and sunlight to the neighbouring residential properties, verified by a daylight and sunlight study submitted as part of the application. Nor will the extensions increase the sense of enclosure. No letters of objection have been received on any amenity grounds from neighbouring occupiers.

The approved scheme did have terraces on the main roof, but these would have been for residents' use. A rooftop terrace is proposed as part of the hotel proposal and it is

considered that this could potential create noise nuisance and disturbance to nearby residents. It is therefore considered appropriate to restrict the use of the terrace to between 08.00 and 22.00 hours (Mondays to Sundays).

It is not considered that the proposed terrace will cause any loss of privacy through overlooking towards 20-21 Grosvenor Square given the distance between the properties of approximately 22m. However, to guarantee no overlooking of the much closer 1 Upper Brook Street, a condition requires details of adequate screening to be submitted.

#### Mechanical Plant

Policies ENV6 and ENV7 of the UDP and S32 of the City Plan seek to protect occupants of adjoining noise sensitive properties from the impacts of noise from new development, including from plant. Most of the proposed plant would be located within basement vaults, though there is small plant room at roof level, as well as the rear kitchen extract duct. Environmental Health have assessed the plant and have no objections to it. Conditions will ensure that the plant operates within acceptable limits. Again, there have been no objections on these grounds.

### **8.4 Transportation/Parking**

The Highways Planning Manager has advised as follows:

#### **Coaches and Taxis**

No provision for coach party arrivals is provided. Given the number and types of rooms within the proposal it is considered unlikely that coaches will be generated by the site. Although he suggests that a suitable condition could be imposed to ensure this, given the small scale nature of the proposal this is not considered necessary.

#### **Trip Generation**

Given the nature and size of the proposal and the availability of public transport in the vicinity of the site it is considered that the proposal is unlikely to have an adverse impact on the surrounding highway network.

#### **Servicing**

TRANS20 requires off-street servicing. No off-street servicing is proposed for the development. The site is located within a Controlled Parking Zone, which means that locations single and double (restriction dependant) yellow lines in the vicinity allow loading and unloading to occur. In the approved scheme it was accepted that servicing for the restaurant could take place from Lees Place and this will be replicated in the current proposal. Whilst the hotel based scheme will require more servicing than the approved scheme, given the small scale nature of the proposals, the increased servicing requirements are not considered to have any adverse impact on amenity.

The largest regular service vehicle expected to be associated with the development in this location is the refuse collection vehicle which will service the site as it does currently. The applicant indicates that the daily trip generation is likely to be between 6 and 9 trips which is considered realistic. The area is likely to be able to accommodate this level of servicing without an adverse impact to the public highway.

The submitted Servicing Management Plan and proposed service access arrangements should help to reduce the impact of servicing generated by the proposal on the public highway. A condition should be imposed to ensure no goods are left on the highway during the servicing process.

### **Cycle Parking**

The Further Alterations to the London Plan (FALP) requires 1 cycle parking space per 20 rooms for hotel use, 2 spaces at a threshold of 100 sqm and 1 space per 175 sqm and the same for the Club. 6 cycle parking spaces are proposed within the site which is considered sufficient and FALP compliant.

### **Waste**

A waste store is indicated on the submitted plans and following additional information this is considered to be acceptable.

### **Vault**

TRANS19 restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway. The Highways Planning Officer was unclear whether the proposal included extending the basement vaults but the applicant has confirmed that they are not.

### **Doors**

Several doors appear to open over the public highway, which is unacceptable and contrary to TRANS2, TRANS3 and S41. A condition is proposed to prevent this on highway safety grounds.

## **8.5 Economic Considerations**

The applicant advises that the development will result in the provision of approximately 120 jobs and will lead to a net increase in annual expenditure above and beyond that generated by the existing office accommodation. It will also contribute to the provision of additional, high quality visitor accommodation, supporting the local economic function of the West End as a tourist and business destination, all of which is welcomed.

## **8.6 Access**

The hotel, restaurant and members' club/bar entrances are all located on North Audley Street but involve steps. The applicant advises that an accessible wheelchair lift was considered, however the restaurant (and secondary) entrance landing is too small to facilitate wheelchair use and so this has been discounted. The main entrance has less existing steps to navigate and it is proposed to provide a mobile ramp to facilitate wheelchair users as part of a hotel operator managed solution. Although not ideal, the constraints imposed by the listed status of the building and the relatively small size of the development are acknowledged.

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

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report.

## **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**

Planning obligations are not relevant in the determination of this application, now that the scheme has been demonstrated as being unviable in terms of a payment towards affordable housing and given the change in policy. With regard to the replacement residential accommodation, it is considered that this can be adequately secured by condition. An informative makes it clear that the replacement residential accommodation cannot be used as a credit for other commercial developments.

The applicant advises that the estimated Mayoral CIL payment is £34,959, and the Westminster CIL would be £113,800.

## **8.11 Environmental Assessment including Sustainability and Biodiversity Issues**

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. The NPPF establishes a presumption in favour of

sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

It is estimated that for the whole site the proposal will achieve an overall total carbon reduction of 24.1% from the national baseline, through the use of high performance building fabric and energy efficient engineering systems, including high efficiency mechanical ventilation with heat recovery. The targeted BREEAM score is 'Very Good'. Given the constraints imposed by this listed building, this aspect of the scheme is considered to be acceptable.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. No biodiversity measures are proposed, with use of the main roof as terraces for amenity purposes precluding the creation of any 'living' roofs. Although regrettable, it is acknowledged that this aspect is constrained by the nature of the site.

## 8.12 Other Issues

### Basement

The proposals do include a small amount of basement excavation beneath 1 Lees Place: this is partly the same as was allowed on this site previously, but whereas that only extended the basement at the rear part of the building's footprint, the current scheme extends this to include the whole of the building's footprint, towards the front of the site (but not extending beyond the front façade), mainly to accommodate a new goods lift. The application submission included a Structural Survey that sets out how the structural stability of the existing building will be safeguarded. There will be no structural impacts on nearby buildings and the proposed works will not exacerbate flood risk. The applicant will comply with the relevant parts of the council's Code of Construction Practice and has awareness of the need to comply with other public and private law requirements.

## 9. BACKGROUND PAPERS

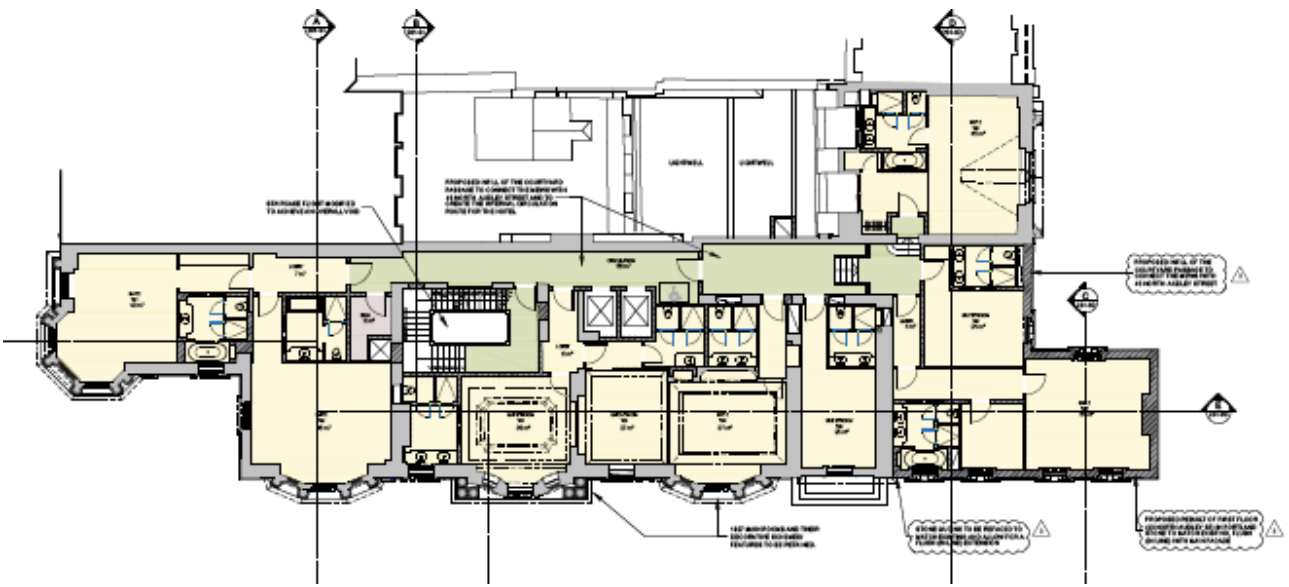
1. Application form
2. Letters from Historic England, dated 31 March 2016 and 6 July 2016
3. Letter from The Victorian Society dated 25 April 2016
4. Email from London and Middlesex Archaeological Society dated 9 April 2016
5. Letter from the Designing Out Crime Office, dated 14 March 2016
6. Memorandum from the Environmental Health Consultation Team dated 7 April 2016
7. Memorandum from the Highways Planning Manager dated 16 May 2016
8. Memoranda from the Projects Officer (Waste) dated 21 March and 16 May 2016

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

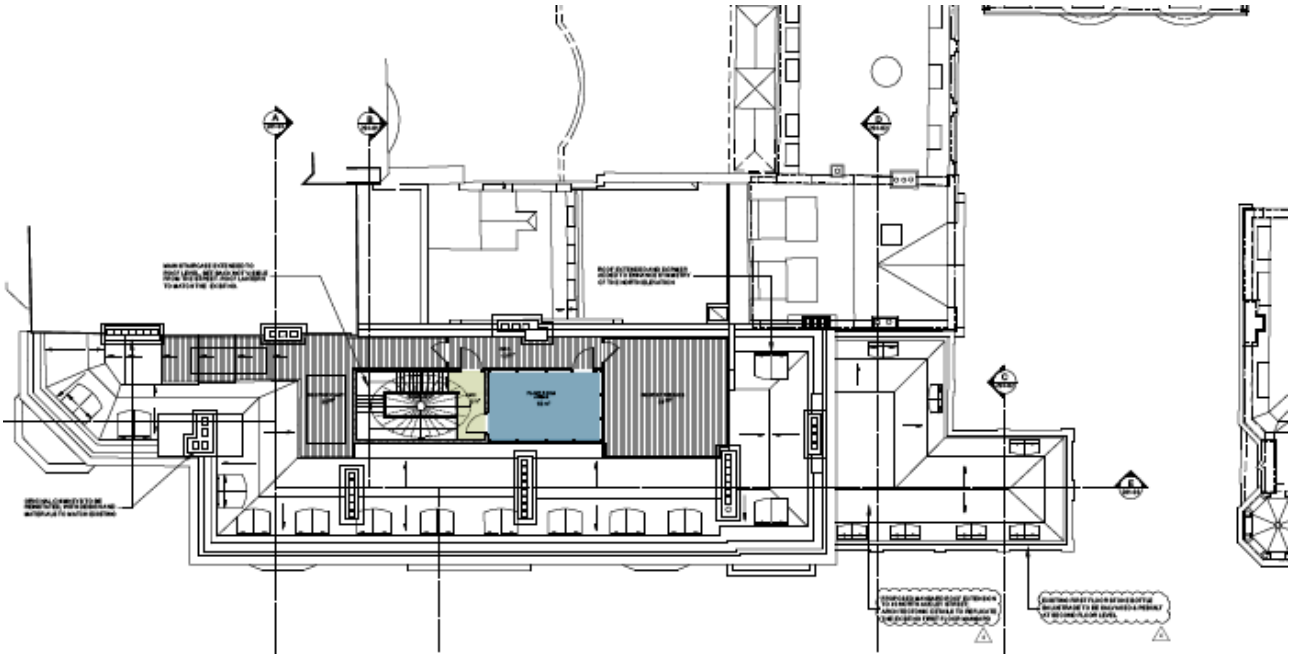
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [PQUAYLE@WESTMINSTER.GOV.UK](mailto:PQUAYLE@WESTMINSTER.GOV.UK)



Proposed first floor plan

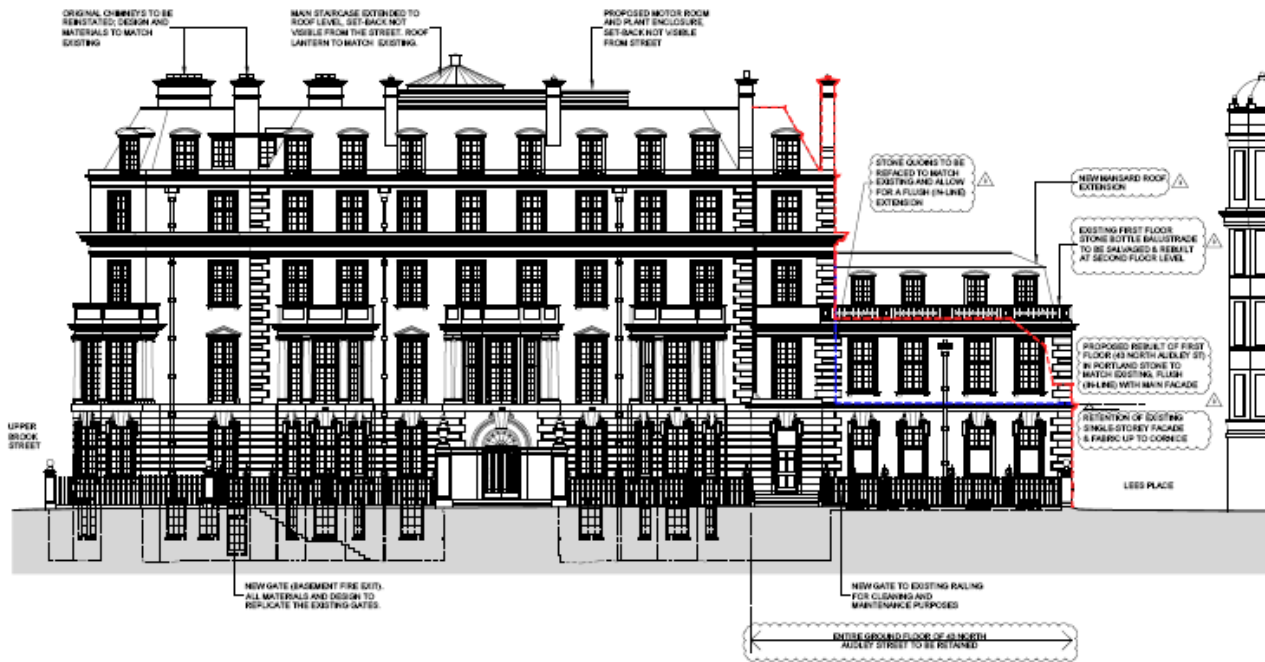


Proposed roof plan

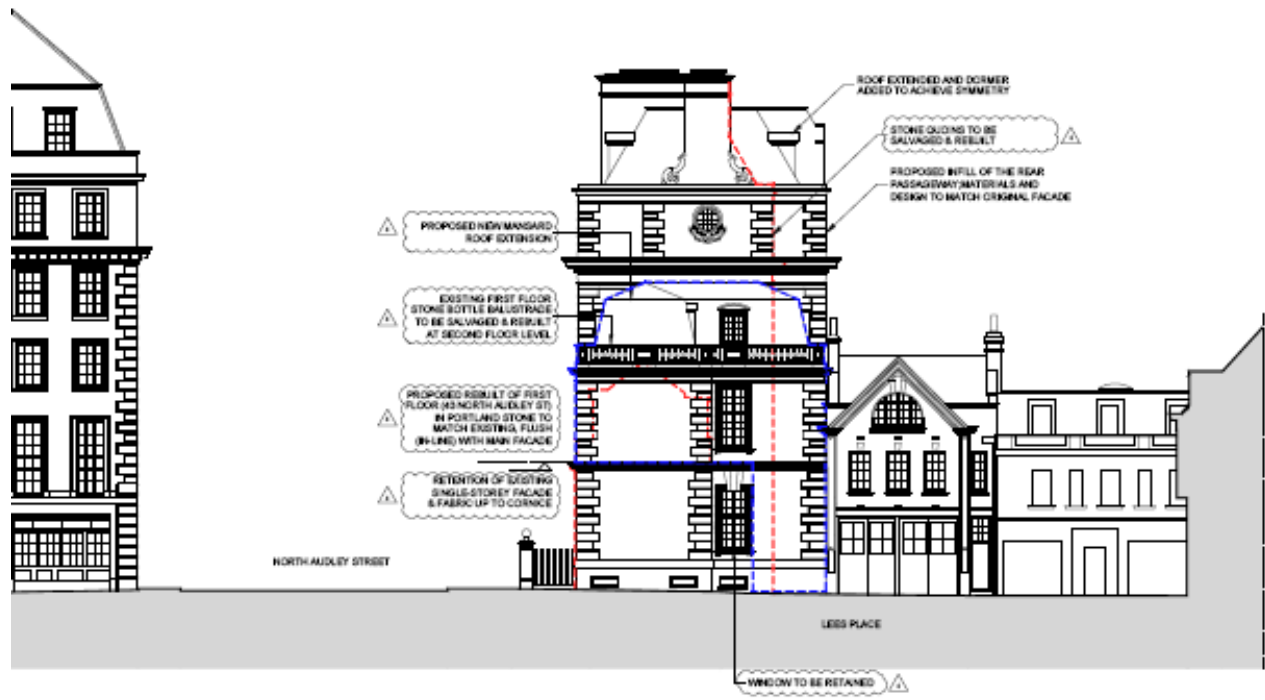




### Proposed east elevation



### Proposed north elevation



**DRAFT DECISION LETTER**

**Address:** 22 Grosvenor Square, 43 North Audley Street And 1 Lees Place, London, W1K 6DT,

**Proposal:** The use of 22 Grosvenor Square, 43 North Audley Street and 1 Lees Place as a hotel (Use Class C1), restaurant (Use Class A3) and private members club (Sui Generis), with works including the infilling of the alleyway to the rear of 43 North Audley Street, demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including the extension of the basement floor to the front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.

**Reference:** 16/01401/FULL

**Plan Nos:** TO BE ADDED

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**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 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)

- 3 You must only use the restaurant part of the development as a sit-down restaurant with waiter service. If you provide a bar and bar seating, it must not take up more than 10% of the floor area of the property. You must use the bar to serve restaurant customers only, before, during or after their meals.

## Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 4 You must not allow more than 120 customers into the restaurant part of the property at any one time. (C05HA)

## Reason:

We cannot grant planning permission for unrestricted use within Class A3 because it would not meet S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05CC)

- 5 Customers shall not be permitted within the restaurant part of the premises before 07.00 hours or after 00.00 hours (midnight) each day. (C12AD)

## Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 You must apply to us for approval of an updated operational management plan, to include details showing how you will prevent customers who are leaving the building (for all of the uses) from causing nuisance for people in the area, including people who live in nearby buildings, to take account of any changes in the proposed management of the premises. You must not start any of the uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the building is in use. (C05JB)

## 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)

- 7 (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.

- 8 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.

- 9 (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 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 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 uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
  - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
  - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
  - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 10 The restaurant use hereby permitted shall not commence until the high level kitchen extract flue has been fully installed on the rear of that part of the property known as 22 Grosvenor Square, as shown on the approved drawings. The duct shall thereafter be permanently retained.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 11 The amount of floorspace for the restaurant and private members's club/bar shall not exceed 350 sqm (GIA) and 230 sqm (GIA) respectively, including any shared/apportioned floorspace also used as part of the hotel.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 and S23 of Westminster's City Plan: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016 and CENT 3 and COM 2 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must provide the waste store shown on drawing A-PL-1B1-01 Rev 08 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 13 You must not sell any hot take-away food or drink on the premises, nor operate a delivery service from the premises, even as an ancillary part of the restaurant use.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 All customers to the restaurant, hotel guests and members of the private club/bar entering and leaving the premises shall only use the entrances on North Audley Street and shall not use the access and egress on Lees Place except in cases of an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 15 With the exception of collecting rubbish, all servicing must take place between 07.00 and 21.00 on Monday to Saturday and 09.00 and 21.00 on Sunday. Servicing includes loading and unloading goods from vehicles.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 16 No goods shall be left on the highway (including within Lees Place) during service deliveries.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 17 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 7 of this permission. You must not commence any of the uses hereby approved 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.

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

## Reason:

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

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

## Reason:

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

- 20 None of the uses hereby approved shall be occupied until i) to iv) below have all taken place:
- i) the works to provide the residential accommodation at 20 Bourdon Street (14/12041/FULL), 18 Weighhouse Street (14/06746/FULL) and 15 North Audley Street (13/04953/FULL as varied by 16/01308/FULL) have been completed in accordance with the relevant planning permissions and the residential accommodation is ready for occupation;
  - ii) the City Council has been notified in writing that the residential accommodation is complete;
  - iii) access has been arranged to 20 Bourdon Street, 18 Weighhouse Street and 15 North Audley Street for a planning officer from the City Council to inspect; and
  - iv) the City Council has confirmed in writing that the works to provide the residential accommodation at 20 Bourdon Street, 18 Weighhouse Street and 15 North Audley Street has been completed to our satisfaction.

## Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved, in particular to secure the replacement residential accommodation and ensure that there is no loss of residential floorspace or units in accordance with policy S14 of Westminster's City Plan: Strategic Policies.

- 21 The area of roof that may be used as a roof terrace shall be confined to the area annotated as "Rooftop Terrace 34 m<sup>2</sup>" on Drawing No. A-PL-105-01 Rev 04. Guests of any of the uses hereby approved shall only be allowed access to the roof terrace between 08.00 and 22.00 hours daily. No access shall be provided until detailed drawings have been submitted to the Council for approval showing the balustrading/screening to the terrace, and the access to it, in particular demonstrating how the amenity of residents in 1 Upper Brook Street will be protected. You must then carry out the work according to these details before access is granted to guests and thereafter maintain the screening for as long as part of the roof is to be used as a terrace.



## Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 22 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

## Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 23 The glass that you put in the two windows in the rear elevation of the second, third and fourth floors (opposite the hotel staircase and adjacent to the rear of 1 Upper Brook Street) must not be clear glass, and you must fix them permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission

## Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 24 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)

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

materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: 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)

- 26 You must paint all new outside rainwater and soil pipes black and keep them that colour. (C26EA)

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)

- 27 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. (C26KA)

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)

- 28 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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)

- 29 All new windows must be single glazed (including any existing windows where the glazing is replaced).

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 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 30 All new stone for the facades must be natural Portland stone to match the colour texture and geological age of the existing Portland stone facades.

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)

- 31 You must apply to us for approval of details of a security scheme for the management of the building. You must not commence any of the uses until we have approved what you have sent us. You must then carry out the work according to the approved details before any of the uses commence and thereafter operate the premises in accordance with the approved security arrangements.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 32 The development hereby approved shall be operated in accordance with the Ramboll 'Delivery and Servicing Plan' dated 16.5.16 (except where varied by any other conditions attached to this planning decision).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

**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 For the avoidance of doubt, you are advised that the residential accommodation at 20 Bourdon Street (14/12041/FULL), 18 Weighhouse Street (14/06746/FULL) and 15 North Audley Street (13/04953/FULL as varied by 16/01308/FULL) is accepted as replacement residential accommodation for this development and therefore cannot be used at any point in the future as a 'residential credit' in connection with any other developments.
- 3 With regard to condition 31, you are advised to liaise with the Design and Conservation Officer Matthew Pendleton to ensure that any crime and security proposals are also acceptable in listed building terms.
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed

on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

- 7 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 8 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 9 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

#### **DRAFT DECISION LETTER – LISTED BUILDING CONSENT**

**Address:** 22 Grosvenor Square, 43 North Audley Street And 1 Lees Place, London, W1K 6DT,

**Proposal:** Works in connection with use of the premises as a hotel (Use Class C1), restaurant (Use Class A3) and private members club (Sui Generis), including the infilling of the alleyway to the rear of 43 North Audley Street, demolition and rebuilding of 43 North Audley Street to provide a building of two storeys plus mansard, erection of a two storey extension to the rear facade of 1 Lees Place, including the extension of the basement floor to the front facade; installation of plant, the creation of a terrace at roof level of 22 Grosvenor Square and associated internal and external alterations.

**Plan Nos:** TO BE ADDED

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

#### **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 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. (C26KA)

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)

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

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)

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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

- i) Detailed drawings at scale 1:10 with full size details of alterations to the main staircase and external lightwell staircase.
- ii) Detailed drawings at 1:10 with full size details of new internal joinery and decorative plasterwork, namely skirting boards, dados, architraves, doors, and cornices.
- iii) Detailed drawings at 1:10 with full size details of all new chimney pieces.
- iv) Detailed drawings of all secondary glazing (if any).

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 drawings/samples. (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 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: 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)

- 8 All new windows must be single glazed (including any existing windows where the glazing is replaced).

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 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 9 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 10 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 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 11 All new stone for the facades must be natural Portland stone to match the colour texture and geological age of the existing Portland stone facades.

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)

**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, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the 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, CM28.1 of Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)