

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 13 September 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	London Hilton, 22 Park Lane, London, W1K 1BE,		
Proposal	Alterations to the tower building facade and reconfiguration of the existing tower building; partial demolition and redevelopment of the existing rear ballroom podium to provide a new podium building on ground to third floors; all to provide between 350 and 448 hotel bedrooms with ancillary bars, lounges, restaurants, meeting rooms, leisure facilities and gardens (Class C1), up to 28 residential units (Class C3) on levels 23-30 and a restaurant (Class A3) on level 21; excavation to provide a total of 3 additional basement levels (7 basement levels in total) for hotel ballrooms, meeting rooms and leisure facilities (Class C1), residential leisure facilities (Class C3) and replacement casino use (Class Sui Generis) and basement car and cycle parking; erection of a new building on ground and first to fourth floors with roof top plant on Stanhope Row to provide up to 29 serviced apartments (Class C1); plant at basement and roof levels; alterations to existing accesses on Pitt's Head Mews [including access to replacement service yard], Hertford Street and to the hotel from Park Lane and associated highway works; new hard and soft landscaping around the site; and all ancillary and associated works.		
Agent	DP9 Ltd		
On behalf of	Hotel (PL Property) Ltd		
Registered Number	16/01042/FULL	Date amended/ completed	18 February 2016
Date Application Received	5 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

For the Committee's consideration:

- Does the Committee accept the applicant's request that the affordable housing payment is phased (a third on commencement, a third after 18 months and a third on first occupation of any part of the development) rather than the normal policy requirement of full payment on commencement?
- Subject to 1. above, grant conditional permission, subject to a legal agreement to secure the following:

- i) A financial contribution of £20,444,000 towards the Council's affordable housing fund, index linked and payable as phased payments (a third on commencement, a third after 18 months and a third on first occupation of any part of the development);
- ii) Unallocated residential parking;
- iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);
- iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hertford Street and associated work (to be implemented prior to the occupation of any part of the development);
- v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);
- vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;
- vii) Stopping up of the highway on the Stanhope Row and Pitt's Head Mews frontages as required to implement the development, at full cost to the applicant;
- viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);
- ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;
- x) Monitoring costs of £500 for each of the above clauses.

3. If the S106 legal agreement has not been completed within six weeks of the date of this resolution, then:

a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4. That the Committee authorises the making of a draft order pursuant to S247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.

5. That the City Transport Advisor (or other such proper officer of the City Council responsible for highway functions) be authorised to take all necessary procedural steps in conjunction with the making of the stopping up order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

The London Hilton Hotel is a prominent building located at the south end of Park Lane. The main frontage and hotel entrance is on Park Lane facing Hyde Park, but there are three other frontages to Pitt's Head Mews, Hertford Street and Stanhope Row and these streets are more residential in character. Hyde Park lies immediately beyond Park Lane to the west. The building comprises a high central tower which sits on a three storey podium. It was granted planning permission by the London County Council in 1960 with construction completed in 1963.

As well as hotel bedrooms the hotel contains a number of entertainment facilities including ballrooms, restaurants, bars, conference/function rooms and a nightclub, with a separate casino in the podium and a public restaurant at the top of the tower.

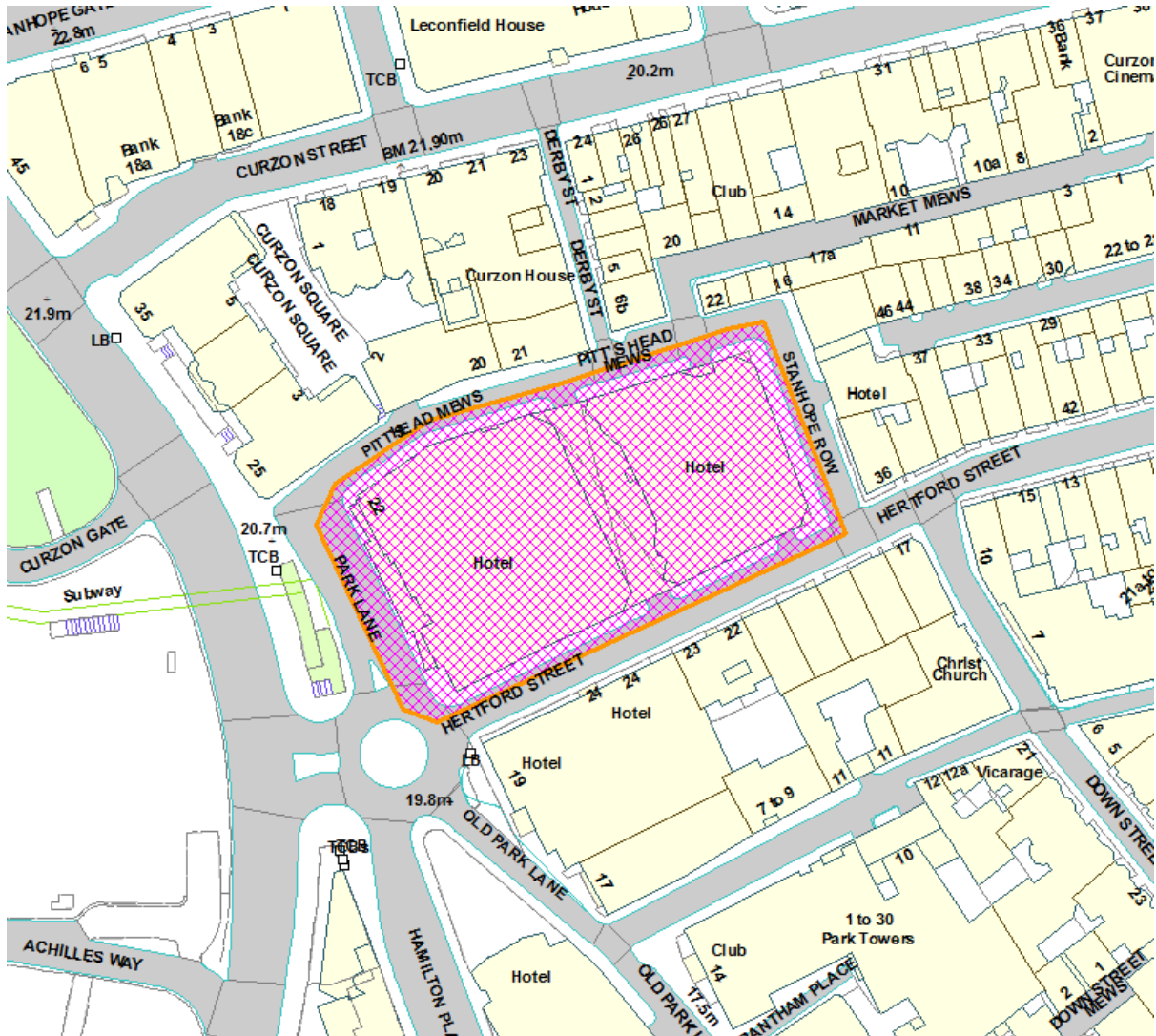
Permission is sought for a major refurbishment of the building, with most of it being rebuilt, and brought up to modern standards expected for a top quality hotel. As part of this scheme it is proposed to convert the upper part of the tower to residential use, though there is still an overall increase in the amount of floorspace in hotel use: in part this is due to the loss of the public car park and expansion of hotel accommodation at basement level. The overall number of hotel bedrooms and bedspaces would be reduced, but this is as a result of amalgamating smaller bedrooms into fewer larger rooms that meet industry standards.

The key issues are considered to be:

- use of part of the existing tower as residential;
- the offer of a full payment towards the Council's affordable housing fund in lieu of on-site or off-site affordable housing provision, to be paid in three instalments;
- the design of the tower, podium and new building at the rear (on Stanhope Row);
- impact on the amenity of neighbouring residential properties;
- highways and transportation implications.

For the reasons set out in the main report, the proposals are considered to be acceptable, subject to a number of safeguards secured by condition or legal agreement. With regard to the affordable housing payment, the normal expectation is for this to be paid in full before commencement of the development and therefore the applicant's request that this is phased is put to the Committee for its consideration.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front of podium



Rear of the site – Stanhope Row



5. CONSULTATIONS

GREATER LONDON AUTHORITY

[For information only] Any response to be reported verbally

TRANSPORT FOR LONDON (TfL)

[Park Lane forms part of the Transport for London Road Network, TLRN]

- Satisfied that the estimates for additional trip generation are sufficiently robust, with additional trips from the enlarged hotel ballroom but with a low travel demand arising from the 28 residential units and the 29 serviced apartments, and satisfied that there will not be a detrimental impact on public transport infrastructure;
- Request more information about the proposed public realm improvements;
- Raise concerns about the practicalities of some of the tree planting proposals, including potential adverse impact on the structure of the adjacent underpass;
- Seek clarification about the future maintenance of the proposed planting and repaving – any extra maintenance liability should not fall on TfL, and the applicant will need to enter a Section 278 agreement with TfL for works to the TLRN;
- Raise objection to the proposed changes to the taxi rank in front of the hotel [subsequently amended to retain the existing location and layout];
- Consider the amount of parking proposed for both the residential units and the hotel to be excessive but given the overall reduction of parking on the site this is considered to be acceptable to TfL (though they would like provision made for Blue Badge holders);
- Note the cycle parking provision but would like to see an additional four short stay cycle spaces provided within the public realm;
- Comment on potential impact of construction vehicles on the wider road network;
- Expect to see a hotel travel plan secured, enforce, monitored and reviewed as part of the S106 agreement;

HISTORIC ENGLAND

Advise that the application should be determined in accordance with national and local planning guidance and do not wish to comment any further.

HISTORIC ENGLAND (ARCHAEOLOGY)

Consider that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and advise that no further archaeological requirements or conditions are necessary.

HISTORIC PARKS AND GARDENS

Any response to be reported verbally.

THE ROYAL PARKS

Any response to be reported verbally.

ENVIRONMENTAL AGENCY

Have no comments to make.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Initial comment that there had been no discussions between the applicant and the Designing Out Crime Officer at that time and emphasised the need to consider and implement minimum standards of security; recommend a pre-commencement condition requiring a full and detailed application for the Secured by Design award scheme to be submitted.

ENVIRONMENTAL HEALTH

No objection – recommend conditions dealing with further contamination survey work and noise from plant and internal activity.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING

Raise some concerns about detailed transportation aspects of the proposals but nothing sufficient to justify a refusal.

CLEANSING

Initially raised objection – insufficient information shown on the submitted plans, and queries and queries about certain aspects of the proposed waste management; objection subsequently withdrawn following the submission of a revised Waste Management Strategy.

BUILDING CONTROL

Any response to be reported verbally

ARBORICULTURAL SECTION

Raise a number of queries, in particular about the adequacy of the proposed tree and other planting in the public realm and the hotel garden.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted:532; Total No. of replies: 5;

No. in support: 1, commenting that the scheme will give the building a new lease of life, and improve the public realm and permeability throughout the site.

No. of objections: 4 representations, raising objections on some or all of the following grounds:

- Loss of light;
- Adverse impact on residents parking;
- noise and disturbance from building works, including noise, air quality and vibration from the basement excavation, and increased traffic (from construction vehicles), with reference to other development in the vicinity.
- Initial objection on behalf of the company that manages the telecommunications infrastructure on the existing roof of the Hilton, to the loss of that equipment; objection subsequently withdrawn.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The London Hilton Hotel is a prominent building located at the south end of Park Lane. The site is bound by Pitts Head Mews to the north, Stanhope Row to the east, Hertford Street to the South and Park Lane to the west. Hyde Park lies immediately beyond Park Lane to the west, with Hyde Park Corner roundabout further to the south, and Mayfair to the north and east. The main frontage and hotel entrance is on Park Lane facing Hyde Park, with a vehicular drop-off/pick-up for hotel guests from a service road off Park Lane at the front of the hotel, but there is also another service road for hotel use only which runs through the hotel internally at ground floor level linking Pitt's Head Mews to Hertford Street. This covered service road also gives access to the hotel and public car park which occupies two levels in the basement and provides 134 parking spaces. The service road also provides access to a few surface level 'incidental' parking spaces and to an area known as 'the garage' which is used by the hotel for purposes including storage and by visiting maintenance/service vehicles. However, the hotel's main servicing bay is a separate internal facility adjacent to the garage which can accommodate large vehicles and has its own vehicular accesses on Pitt's Head Mews and Hertford Street.

The building was granted planning permission by the London County Council in 1960 with construction completed in 1963. The tower is 101 metres in height, has 31 storeys and 453 rooms including 56 suites. The tower is Y-shaped in plan form and rises out of a three storey podium covering the base of the site. The current basement extends four storeys below ground level, with the reinforced concrete framed building above. Externally, the building is primarily faced with reconstituted Portland stone slabs contrasted with spandrel panels of dark bottle green glass.

The tower accommodates mainly the hotel suites and bedrooms, though at the top of it (the 28th floor) is a public restaurant, Galvin at Windows Restaurant and Bar (opening hours vary for lunch, dinner and the bar but in all cover a period of 11.00 – 02.00 hours, and the bar until 22.30 hours on Sundays). The podium provides most of the entertainment facilities including a number of ballrooms/conference/function rooms and publically accessible restaurants and bars: the CC Bar (17.00 – midnight Mondays to Saturdays), the Podium Restaurant and Bar (07.00 – 22.30 hours) and Trader Vic's (17.00 – 01.00 hours Sundays to Thursdays, until 03.00 hours Fridays and Saturdays). There is also a nightclub (Drama, open Thursday- Sunday 22.30 - 03.00 hours) directly accessed from Hertford Street, and a relatively new replacement casino occupying parts of the first and second floors of the podium that has its own access adjacent to the hotel's main entrance facing Park Lane.

Surrounding the site are a number of different uses such as serviced apartments, offices, embassies, restaurants and hotels along with the Park Lane Mews Hotel situated adjacent to the site to the east: this received planning permission in January 2016 for 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) at 2-6 Stanhope Row and three-storey building to Market Mews to provide 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.

The site is situated in the Mayfair Conservation Area, and there are a number of listed buildings in the immediate locality, including 36 and 46 Hertford Street (Grade II). There are residential properties on Hertford Street, Stanhope Row and Pitt's Head Mews, including some close to the service road entrance to the garage area part of the application site. There are, however, no residential properties either side of the hotel on Park Lane, and on the opposite side of Hertford Street the closest property is another hotel, the Metropolitan.

6.2 Recent Relevant History

There have been a number of applications relating to the property, mainly concerning advertisements, mechanical plant and minor alterations and extensions. The following planning decisions are the most pertinent to the current proposal in clarifying aspects of the existing site:

October 1992 – permission granted for change of use of part of first floor from hotel use to a casino and installation of ancillary ventilation plant on podium roof.

December 1998 – permission granted for use of part basement and ground floor as ancillary hotel accommodation along with a two storey extension to the Hertford Street elevation for ancillary office accommodation along with external alterations.

February 2000 – a Certificate of Lawfulness was issued confirming the existing use of the car park on two basement levels, and the entrance and exit at ground floor level, as a public car park.

April 2002 – permission granted for the installation of roof mounted telecommunications apparatus including 29 microwave dish antennae.

March 2006 – permission granted for the use of part ground, first and second floors as a casino (sui generis) [replaced the previous casino that vacated in 1998], but not implemented.

July 2009 – permission granted for the installation of 16 small antennae, 5 microwave dishes with 1 equipment cabinet located at roof level of the Hilton Hotel.

December 2013 – permission granted for the use of part first and part second floor levels as a casino and ancillary bar/restaurant (sui generis) with a ground floor entrance on Park Lane and separate staff area at ground floor level incorporating kitchen extract duct with louvre panel screening at second floor level on the Pitt's Head Mews elevation.

September 2014 – permission granted for alterations to Park Lane entrance to provide a glazed external lobby; erection of a single storey extension on flat roof at second floor level on Hertford Street frontage to provide additional hotel (Class C1) or casino (sui generis) floorspace in connection with the existing hotel/casino; creation of an enclosed smoking terrace at second floor level with green wall; relocation of plant from second floor

flat roof to the adjacent main roof of the podium together with additional plant; other associated alterations.

The above application was varied in May 2015 in order to create additional gaming accommodation in the previously approved plant room at second floor level and alterations to the terrace and glass roof.

7. THE PROPOSAL

The development proposals seek to upgrade the existing building into a luxury hotel with the intention of improving its form at both podium and tower level. The use of the building would predominantly remain as hotel (Class C1) use, but with the introduction of 28 residential (C3) units from level 23 to 30 of the tower with additional ancillary residential facilities at basement level 2. There will be a separate residential entrance from Pitt's Head Mews. A replacement public restaurant (Class A3) would be provided at a lower level than currently (level 21 rather than 28), separating the residential above from the hotel below. It is proposed to excavate under the existing basement levels to allow for a larger subterranean ballroom, function rooms, spa and meeting rooms. In addition a larger replacement dedicated servicing area will be created in approximately the same location as the existing.

The form of the tower is intended to remain in its current Y shape, with the between façade wings extending out slightly further to give the tower a slightly fuller (curved) appearance. The rear podium adjacent to Stanhope Row would be split to the north east of the tower to create a serviced apartment building (the Mews Building), which is part of the hotel and linked to the main building with an underground passageway. The revised podium will be rationalised to become symmetrical around the tower with curved corners and will be four stories in height with a semi-public landscaped garden between the mews building and the hotel.

The applicant also has aspirations for improving the public realm around the site, in particular by enhancing the arrival point at the main hotel entrance. However, most of these works are outside of the application boundary and will be subject to separate highway approval procedures (s278 for highways works).

The proposed development would see an increase of 17,404 sqm of space from an existing quantum of 55,109 sqm to 72,513 sqm, which is largely derived from the increase in the size of the basement, with an above ground increase of 6,500 sqm (GEA) of space.

The floorspace changes are summarised as follows:

Use	Existing (GIA sqm)	Proposed (GIA sqm)	Existing (GEA sqm)	Proposed (GEA sqm)	Totals
Residential (C3)	-	10,339	-	10,862	Residential
Residential Plant	-	1,202	-	1,223	+12,085 sqm
Hotel (C1)	39,107	45,834	40,615	47,229	Hotel
Serviced Apartments (C1)	-	3,494	-	3,708	+10,322 sqm
Restaurant (A3)	681	1,070	725	1,135	Restaurant +410 sqm
Casino (Sui Generis)	801	1,026	823	1,034	Casino +211 sqm
Commercial Plant	5,706	5,867	5,926	5,972	+46 sqm
Public Car Park	6,732	-	6,746	-	-6,746 sqm
Ancillary floorspace (parking, refuse storage etc)	274	2,388	274	2,405	+2,131 sqm
Total	53,301	71,220	55,109	73,568	+18,459 sqm

8. DETAILED CONSIDERATIONS

8.1 Land Use

Hotel Use

Policy TACE 2 of the UDP states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ frontages, planning permission will be granted for new hotels and extensions to existing hotels where no adverse environmental and traffic effects would be generated, and adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for setting down and picking up of visitors by coaches and for taxis serving the hotel. Policy S23 of Westminster's City Plan (amended July 2016) also protects existing hotels where they do not have significant adverse effects on residential amenity. Furthermore, the policy goes on to say that proposals to improve the quality and range of hotels will be encouraged, which is the case with the current application.

The application site is a long established hotel and is located within the Core CAZ and so its expansion in this location is acceptable in principle. The proposed hotel use will comprise between 350 and 448 bedrooms and the following amenities:

- Ancillary restaurant / bar / retail – Level 1 (ground floor)
- Hotel leisure facilities – Basement level 2

- Grand ballroom – Basement level 6
- Junior ballroom – Basement level 5
- Meeting rooms – Basement levels 1 and 5 and Level 2

The proposed development has been driven by the aspiration to upgrade the hotel to a luxury 5 star hotel which provides an internationally attractive offer for visitors to stay at. This is informed by Hilton's brand standards and their essential requirement for larger hotel room sizes, together with an increased proportion of suites, in accordance with evolving market trends. Whilst Council policy seeks to protect hotel use, it does not specifically protect the number of rooms. The proposed scheme increases the size of the hotel to 45,834 sqm (GIA) with the proposed final room number estimated to be between 350 – 448 rooms.

A comparison between the existing and proposed hotel is summarised below:

	Existing	Proposed
Hotel GIA sqm	36,764	45,834
Hotel Room GIA sqm	13,800	15,148
Hotel Rooms	453	350 – 448
Hotel Bed Spaces	906	704 – 896
Serviced Apartments	-	29
Serviced Apartment Bed Spaces	-	90
Combined Hotel / Serviced Apartment Bed Spaces	906	794 – 986

The table above illustrates that the proposed scheme increases the overall hotel floor area and significantly the hotel room floor area but with up to a 22% reduction in bed spaces for the lower end of the proposed range. The applicant considers that this reduction is not significant and results from the aspiration to upgrade the overall quality of the hotel, including the provision of larger bedrooms, and in particular not replacing 92 of the existing rooms which are only 20 sqm, and which fall well under the necessary hotel standards.

This is not dissimilar to the approved 2013 scheme at Park Lane Mews Hotel where 17 of 72 bedrooms were lost (24%) including a loss in hotel room area of 453 sqm (Ref. 12/10538/FULL). This was justified and approved on the basis that the existing bedrooms were small and that it was proposed to improve and increase the size of the hotel bedrooms: although there was a (24%) reduction in the number of rooms, the quality of the hotel accommodation would be improved in line with Policy S23, which states that proposals to improve the quality and range of hotels will be encouraged.

During the construction and prior to fit out the Hilton will review the market conditions before finalising the hotel room layouts. The applicant has offered to accept an appropriate condition attached to the planning permission to allow for final layouts to be submitted and approved at a later date.

It should also be noted that a further 90 bed spaces are proposed within the 29 serviced apartments. These will be located within the Mews Building, to the east of the tower, along Stanhope Row. It is proposed to provide a range of apartments (6 x Studio, 9 x 1-bedroom, 12 x 2-bedroom, and 2 x 3-bedroom), which are operated and serviced as part of the hotel. Guests will use the main hotel reception to check into the serviced apartments. From street level views (above ground) the building will read as entirely separate to the tower and podium. However, below ground there will be a connecting hotel corridor link, allowing guests within the serviced apartments to access the hotel facilities.

In accordance with City Plan and UDP policies the proposals protect and enhance the hotel and serviced apartment offer, which the applicant believes will return the Hilton to a standard that competes at the international level. More floorspace is dedicated to hotel accommodation, but the applicant advises that the number of rooms needs to be flexible to achieve this. In addition to upgrading the hotel to an international luxury standard, the applicant argues that the proposed new grand ballroom and associated conferencing facilities will be a major benefit for London as a whole. The existing ballroom can host up to 1,250 guests: this compares with 2,000 people for a reception or banquet at Grosvenor House's ballroom, which is apparently the largest facility of this calibre in Central London. The new grand ballroom will be larger at 1,911 sqm with the ability to host up to 2,135 guests for a reception or banquet or 1,175 delegates for a conference, which will also make an important economic contribution.

In addition to the ballroom, the conferencing complex will also include pre-function space, a number of meeting rooms and servicing areas, offering new space of a greater scale to host large events and corporate functions. Together, these new facilities will not only be larger than any equivalent central London venue, they will also be more flexible, built to modern standards allowing a greater range of events. The total area of the ballroom, pre-function space and meeting rooms will be approximately 2,800 sqm, which is an increase from the existing area of 1,350 sqm.

The proposed space is being promoted as offering something no other central London venue offers, adding not only to the number of large venues in London, but also the range. The applicant argues that the size and flexibility of the new venue means that events held here will include some that could not have been held in London previously, bringing new trade and visitors to London who might otherwise have gone elsewhere in Europe.

The proposed hotel and serviced apartment offer is therefore considered to accord with UDP Policy TACE1 and City Plan Policy S23

Residential and Mix Use Policies

UDP Policies CENT3 and, until recently, Westminster's City Plan Strategic Policy S1 aimed to encourage mixed use developments within Central Westminster, requiring any increase in commercial development to be matched by residential provision provided this is appropriate and practical. However, in the amended City Plan (July 2016) the requirement to match the commercial increase (for non-B1 uses) with an equivalent

amount of residential floorspace is no longer required. The revised policy S1 does state that the council “will encourage development which promotes Westminster’s World City functions, manages its heritage and environment and supports its living, working and visiting populations. Within the CAZ, a mix of uses consistent with supporting its vitality, function and character will be promoted”.

The proposal does involve the loss of approximately half of the tower’s hotel floorspace being converted to residential use. Whilst this might normally be resisted, it is considered to be acceptable in this case on the basis that there is still an overall increase in hotel accommodation. Including the restaurant, casino and commercial plant, there is an increase in commercial floorspace of 10,989 sqm GEA. However, it is noted that the loss of the public car park (6,746 sqm) means that overall the proposed total residential floorspace (12,085 sqm GEA) is considerably greater than the uplift in total commercial floorspace (4,243 sqm GEA).

In this case the provision of residential accommodation is an integral part of the applicant’s proposals for the site. Policy S14 of the City Plan states that residential use is still a priority across Westminster (except where specifically stated), that the number of residential units on development sites will be optimised and that the council will work to achieve and exceed its borough housing target set out in the London Plan. It is also understood that the provision of the residential accommodation will help facilitate the improvements to the hotel.

28 residential units are proposed. These will be in the following mix: 4 x 1-bedroom, 7 x 2-bedroom, 15 x 3-bedroom, 1 x 4-bedroom and 1 x 6-bedroom apartments. Policy S15 of the City Plan requires residential developments to provide an appropriate mix of units in terms of size and type; policy H5 of the UDP requires that 33% should be family sized and 5% of this family housing to have five or more habitable rooms, a requirement that is exceeded in this case (61%) but which is considered to be acceptable.

As would be expected in a development of this nature, the proposed residential units will have exceptional amenity and unit size which is as follows: 1-bedroom = 101 sqm, 2-bedrooms = 175-211 sqm, 3-bedrooms = 251-321 sqm, the 4-bedroom unit is 387 sqm and the 6-bedroom unit is 643 sqm. Although some of these are large, it is accepted that the unique standard of accommodation arises from the prime location. The arrangement of the floorplates in the tower also poses some physical constraints on the number and layout of the proposed units.

Affordable housing

The provision of the residential accommodation does trigger a requirement for affordable housing. In this case the amount required would be 3,021 sqm, equivalent to 37.7 units based on a nominal size of 80 sqm. Policy 16 of the City Plan (July 2016) concerns affordable housing and states the following:

“The affordable housing will be provided on-site. Where the council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity of the development will only be acceptable where the council considers that the affordable housing provision is greater and of a higher quality than would be possible on- or off-site in the vicinity, and where it would not add to

an existing localised concentration of social housing, as set out in City Management policy.”

The applicant has set out an assessment of why it considers that it is not possible to provide affordable residential accommodation on the site, or off-site. On-site constraints are listed as follows:

1. Physical constraints of the Development:

When considering on-site affordable housing as part of a mixed tenure development a key requirement is for the affordable and the private to be separately accessed, which the applicant argues is a requirement from WCC’s Registered Provider’s, primarily for management reasons but also to minimise service costs. Effective integration of onsite affordable housing relies upon the housing provided being protected as affordable for residents into the future. The optimal way of ensuring this on a scheme would be to design separate cores for each tenure of housing so that the managing RP can control the service provision and resultant charges for residents, in isolation from the market housing which, as described below, would otherwise be prohibitively expensive.

Whilst in theory a second residential core could be designed with the scheme to serve affordable housing, this could only be included at the expense of hotel accommodation, given an affordable housing core would clearly need to travel ‘through’ the hotel floors below. This is a hotel led scheme with an element of residential at the top of the tower. The hotel element of the scheme represents what is wholly necessary to deliver a high quality 5-star hotel. The loss of any hotel accommodation would undermine aspirations to deliver one of London’s leading hotels.

2. Prohibitive service charge

The proposals for London Hilton, Park Lane are for a high quality, luxury scheme providing residential accommodation aimed at the prime central London market. There is a direct relationship between the level of service and achievable values; the applicant argues that one must be at a commensurate level with the other. Therefore in order for a scheme of this quality to achieve the targeted market values it must be supported by the highest levels of service and management.

In addition, any Registered Provider would be leaseholder within a freehold estate and will pay a proportion of the costs of maintaining the freehold, which includes maintenance of the refurbished building. Given the high quality nature of the Development any external treatment will require a high level of servicing and cost.

Charges must comply with the Residents Charter and Landlord and Tenants Act and must be apportioned equitably between residents according to the costs incurred. If residents of private units were to be charged a higher contribution to make up for any shortfall against expenditure attributable to the affordable housing it would be considered unreasonable and could result in a challenge by private leaseholders to a Leasehold Valuation Tribunal.

3. Marketability

Notwithstanding the issues in relation to service charge and physical constraints, the negative impact of any on-site affordable units on the private market value would also need to be considered. This is a difficult concept to quantify in that on-site affordable housing is rarely delivered as part of a residential Mayfair development however in the applicant's consultants' experience and following discussions with the applicant's residential advisors, it is alleged that any on-site affordable units would have a significant detrimental impact on the marketability of the private units, reflected both in achievable values and overall sales period, which would render the scheme unviable.

In terms of off-site provision, the applicant's consultant argues that the applicant does not own any other land or buildings in the Borough which offer the opportunity to provide affordable housing on this site. It is stated that the applicant has explored the potential of entering into an agreement with a registered provider to provide funding that could deliver identified affordable housing units, provided this is directly linked to the principal development site (e.g. through the S106 agreement). The nature of the potential options however means that it is not possible to identify specific units (quantum or location) in advance so that they may be linked to the principal development through the S106 agreement.

The applicant has also explored options to acquire land or property that may present options to deliver affordable housing. In doing so they have spoken to several land agents, who have advised that land opportunities in Westminster are limited in the current market, with many landowners delaying bringing sites to market until certainties of the post-Brexit vote have eased and land values have improved. As such, the applicant has been unable to purchase a site within the borough to meet their affordable obligation. Delivering off-site affordable in Westminster is challenging due to the shortage of available sites.

Assessment of Applicant's Argument

The applicant's arguments are noted and are considered to have some merit, especially in this location. It is therefore considered that a payment in lieu to the Affordable Housing Fund administered by the Council, instead of on-site or off-site provision, is the only practical and feasible method of delivering affordable housing in this case. This approach would allow the Council to pool the financial contribution and use it to fund a better affordable housing outcome elsewhere. This approach accords with national, regional and local policy guidance.

Based on the total residential floorspace of 12,085 sqm GEA, the full policy compliant figure in this case is £20,444,000. Having initially stated that the scheme was not viable enough to afford any payment, the development's viability was due to be assessed by consultant's acting on behalf of the Council. Following issues arising from the provision of confidential information, such that discussions in respect of the viability have not been concluded, the applicant, on a without prejudice basis, is willing to offer the full policy compliant payment in lieu of the affordable housing obligations for the application.

However, the applicant argues that given the uncertainty created by Brexit, and the impact this has had on financial and debt markets, it proposes that the payment in lieu is phased as follows: one third on commencement, one third after 18 months and one third on first

occupation. The normal policy requirement is that the full contribution is paid on commencement of the development: the Committee is therefore asked to consider whether this request is acceptable.

Entertainment Uses

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses. The TACE policies are on a sliding scale in which developments where TACE 8 is applicable would be generally permissible and where TACE10 is applied (where the gross floorspace exceeds 500m²) only in exceptional circumstances. City Plan Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of 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. The policy states that new large-scale late-night entertainment uses of over 500 sqm will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

In this case the proposals include a casino and Class A3 restaurant, as well as ancillary bar, all of which are over 500 sqm. However, these are replacements for large entertainment uses that already exist. As shown in the land use table above, there are increases in the size of both the public restaurant and the casino, but these increases are considered to be acceptable in the context of the existing uses and the proposed scheme as a whole. The public restaurant is considered to be an important element of the proposals, enabling the general public to access the tower and benefit from the views of London. Although relocated to a lower level (from 28 to 21) this is still considered to be an important public facility that helps offset the loss of the upper part of the tower from a semi-public use to a wholly private one. Access will be gained in a similar way to the current restaurant, by lift from the main hotel lobby.

The replacement casino is also considered to be an important contributor to the mix of uses that enhance this part of the core CAZ's vitality, function and character in accordance with policy S1 of the City Plan (July 2016). The casino will be largely relocated to part of the basement, with its own access on Hereford Street. A small part is at mezzanine level, including a smoking terrace. This is small in size and directly above the entrance to the car park, but details of the terrace are requested by condition to ensure there is limited overlooking for the properties opposite.

There is a reduction in the current scheme in the size of the ancillary restaurants/bars and the nightclub (at ground and basement level) from 1,622 sqm to 686 sqm GIA (the proposed ancillary restaurant/bar at ground level). However, being ancillary it is not considered to be appropriate to restrict the area of these from expanding in the future. The existing hotel facilities are not subject to any planning constraints in terms of capacity or opening time (though there will still be licensing restrictions). The casino did not have a condition restricting hours, but capacity is limited to 250. The applicant is willing to accept

the following opening hours (to non-resident hotel guests) and capacity restrictions for the restaurants / bars within the hotel.

Ground floor restaurant: Opening hours: 06.30 to 02.00, Capacity: 170 persons.

Lobby lounge / bar: Opening hours: 10.00 to 02.00, Capacity: 85 persons.

Level 21 restaurant / bar: Opening hours: 11.00 to 04.00, Capacity: 260 persons.

It is considered however that the hours for the lobby lounge/bar and A3 restaurant at level 21 can be extended in the morning, until 08.00 hours. The proposed closing hour for the Level 21 restaurant / bar extend beyond the latest closing of 2am for the existing restaurant on the top floor, Galvin at Windows. However, the applicant argues that the hotel currently has a nightclub at basement level accessed off Hertford Street, called Drama, which is open until 3am Thursday to Sunday, which is not proposed to be retained within the application proposals for the hotel. The Level 21 bar will be very different from a nightclub therefore the potential for disturbance caused by customers entering and leaving the existing nightclub via Hertford Street will be removed as a result of the scheme. These arguments are noted and are considered to be acceptable.

The proposals include a small amount (approximately 90 sqm) of retail on part of the ground floor: this is considered to be ancillary to the hotel and is considered to be acceptable. It is also proposed to provide some recreational facilities (spa, pool, etc) at basement level for both hotel guests and residents in the tower. As these are clearly ancillary it is not considered necessary to restrict them in any way.

8.2 Townscape and Design

Urban design and conservation issues

The hotel was built as a 31 storey tower and podium in the early 1960's, opening in 1963. It was designed by Lewis Solomon, Kaye and Partners. At that time it was the tallest building in London. It is a famous London landmark but not one of special architectural and historic interest. Historic England declined to list it in 2013 and they issued a Certificate of Immunity from listing. Because of its height, the tower has a major impact on a number of important local views, not least those from Hyde Park.

The building lies within the Mayfair Conservation Area, and is adjacent to the Royal Parks Conservation Area and a number of listed buildings including those in Hertford Street, Pitts Head Mews and Derby Street.

The tower

It is proposed to remodel the existing tower by extending the floor plates between the three projecting wings. The extensions range between 2 and 3.2 metres (at the junction of the wings) from the existing facade line. The tower becomes slightly fatter, but the extensions would not affect the silhouette of the tower because the ends of the wings, which define its outline against the sky, are not affected. The height of the tower remains unchanged, although it will have a flat roof, rather than the stepped profile it has currently. Therefore, in terms of its massing, the proposed tower has a very similar impact on views from the surrounding area as the existing tower does.

The concrete and green aluminium cladding of the tower is replaced with a modern, lighter facade with full height glazing within aluminium framing. The walls and floor slabs are in precast concrete panels. The balconies at the end of each wing will be recreated where they currently exist or added where they don't. The new cladding is carefully designed and will give the tower a fresh, modern appearance, an improvement on the existing cladding, which is not of particular architectural interest.

The applicant has advised that replacement telecommunications equipment will not be reinstalled on the roof, which is welcomed.

The podium

The existing podium covers the whole of the site at the base of the tower. It presents unattractive street frontages on its north, south and east sides. It is a negative feature of this part of the Mayfair Conservation Area and its replacement with a new, better building, is acceptable in principle.

The whole of the podium is to be demolished. It is to be replaced with a smaller podium at the base of the tower and a stand-alone building at the east end of the site, separated from the new podium, by a semi-public garden, accessed from the hotel only. It is disappointing that the garden is not a fully public accessible space (i.e. with direct access from the street), but it will be a visually attractive green space, visible from the adjacent streets and is considered that this is a significant improvement and benefit in townscape terms.

The new podium at the base of the tower has a curving ground floor frontage, with the hotel entrance on the Park Lane side, and a Ballroom entrance on Hertford Street. The residential entrance is on Pitts Head Mews. This gives it three attractive, active street frontages. The fourth side faces on to the garden. Above the ground floor the three storey podium is rectangular in plan, with rounded corners. The podium is an impressive cantilevered structure at the base of the tower, independent of the tower, comprising four steel work trusses on the line of the hotel corridors, with outer steel work trusses supporting the podium façade. This minimises the number of columns at ground floor level, allowing the creation of large internal spaces.

The podium facade is clad in solid aluminium panels, with large areas of glazing, related to the design of the steel framework which supports it. The corners comprise curved sections of glass and aluminium. The aluminium panels will be textured rather than flat, giving the facade greater richness.

There have been no discussions about public art but it is considered that there is scope for its provision, either as part of the design of the podium or within the garden. This matter has been addressed by condition.

The new building on Stanhope Row

The new building at the east end of the site is of a smaller scale, to relate to its conservation area context. It is four storeys high, with a recessed roof story. The proportions of the facade and its fenestration are related to the period houses adjacent. However, the facades are clad in aluminium tiles giving it a striking modern appearance. This means that it relates to the materials used in the tower and podium, and also to its more historic neighbours, by reason of its scale, proportions and

fenestration pattern. This is a bold design which might not be appropriate in other locations in the Mayfair Conservation Area but here it is an imaginative response to the characteristics of the site and its context. (It should be noted that planning permission has been granted for a modern hotel on the opposite side of Pitts Head Mews to the east). The roof storey is extensively glazed, but well set back to reduce its visual impact in street views.

Basement levels

The existing building has four basement levels at its western end (Park Lane) and three at the eastern end (Pitts Head Mews). The proposed building will have much deeper basements, the equivalent of approximately seven at the west and eight at the eastern. There are fewer levels in reality because some, like the ballroom, have very tall floor to floor levels. However, this extent of excavation should not create any issues with the structural stability of adjacent listed buildings and is considered acceptable in terms of the City Council's recently adopted basement policy.

Structural works

The works to the tower and podium require a complicated structural engineering operation. The top three floors of the tower will be demolished and rebuilt. The remainder of the tower will be retained and supported temporarily. The tower's core, the podium and basements will then be demolished and a new steel work core built from basement level up, on new foundations below the existing basement raft foundations. The lower part of the tower will then be demolished and a temporary support structure installed whilst the extensions to the tower are built above. Then the new podium is built underneath the retained and extended tower.

Conclusion on urban design and conservation matters

It is considered that this is a high quality scheme which will improve the appearance of the hotel and contribute positively to the character and appearance of the Mayfair Conservation Area. It will not harm the settings of the Royal Parks or adjacent listed buildings, or harm important local views. The scheme complies with the City Council's urban design and conservation policies, including City Plan policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 9, DES 10, DES 12 and DES 15. It is noted that there has been one letter in support of the design.

8.3 Amenity

Mechanical Plant and Noise Levels

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The scheme incorporates plant within the building at basement level, within the tower and within the roof of the new building on Stanhope Row. Environmental Health consider the proposals to be acceptable. All plant will be conditioned to minimise noise levels and vibration. Conditions will also ensure that the design of the entertainment uses is such that they will not cause a noise nuisance and that the new residential accommodation is adequately insulated.

Sunlight and Daylight

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. The 'no sky line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The application site occupies a complete freestanding block but has properties opposite along Pitt's Head Mews, Stanhope Row and Hertford Street. This includes some residential properties, as well as other hotels, serviced apartments and a mosque. A detailed daylight and sunlight assessment has been submitted which shows that some properties will lose daylight and sunlight: this is principally due to the increased height of the new serviced apartment block at the rear of the site (Stanhope Row). Other properties will benefit from the creation of the garden space in the centre of the site. It should be noted that none of the occupiers of these properties have objected to the proposals. (There has only been one objection from local residents on grounds of loss of light, and they live at 42 Shepherd Street: this is separated from the application site by 2-6 Stanhope Row and 16-17a Market Mews. It is not considered that they will be materially affected by the changes to the tower.)

As Council policy is primarily concerned with protecting residential accommodation, the greatest changes to this use are summarised as follows:

Property	Type of Residential (Room) Use	Max. Loss of VSC (%)	Max. Loss of Daylight Distribution (%)	Max. Loss of APSH (%)	Max. Loss Winter Sunlight (%)
17-20 Pitt's Head Mews	Unknown	-22.49	-35.05	-35	-66.67
20 Market Mews	Bedroom	(-8.27)	-27.64	N/A	N/A
22 Stanhope Row	Bedroom	-23.9	(-15.62)	N/A	N/A
36 Hertford Street (several flats)	Living room, kitchen and bedrooms	-22.98 to -31.52	-21.83 to 43.52	-26.09 to -50.00	-33.33 to -50.00
20 Hertford Street	Unknown – serviced apartments	-21.38 to -33.03	-24.01 to -30.09	N/A	N/A

The worst affected habitable room in known residential use is a living room on the ground floor of 36 Hertford Street: this loses 31.51% VSC, 50% of its annual sunlight and 50% of its winter sunlight. However, the room is dual aspect (facing Stanhope Row and Hertford Street). The annual sunlight is reduced from 20 hours to 10 hours, which is still considered to be good for an urban location such as this. The 50% reduction in winter sunlight appears high because the existing level is already small (4 hours, reduced to 2). Whilst these losses, and the losses to the other properties, are unfortunate, it is considered that they are not so bad as to justify a refusal, especially when assessed against the overall improvements that the scheme proposes (especially to the podium).

8.4 Transportation/Parking

The site is close to Hyde Park Corner, which is on the Piccadilly Line and which is the closest transport interchange. There are also a number of bus routes available on Park Lane and Piccadilly to the south. The site is designated as having a PTAL rating of 6B which is excellent.

The Highways Planning Manager has assessed the proposals and commented as follows:

Supported transportation issues

Electric Car Charging Points

The London Plan requires at least 20% active provision of EV points and 20% provision of passive EV points. The applicant states that at least 20% of spaces will have access to an EV point, which is welcomed.

Cycle Parking

The London Plan Policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwellings, 1 space per 20 hotel bedrooms and 1 space per 8 staff for D2 class uses. All uses have a minimum of 2 spaces required. For the residential units, the proposal would therefore require 52 (4 x 1 bedroom and 24 x 2+bedroom) cycle parking spaces. The submitted drawings indicate a total of 54 cycle parking spaces for the residential. These are located within the basement car parking areas and would be accessible by the various lifts.

A maximum of 477 hotel rooms would generate a need for 24 cycle parking spaces. The applicant has provided a total of 46. While this is 22 more than the minimum London Plan requirement for just the hotel use, this includes provision for the ancillary hotel uses including the separate casino use and is acceptable.

Servicing

S42 of the City Plan and TRANS 20 of the UDP require off-street servicing. The proposal provides for a large servicing bay access from Pitt's Head Mews, in a similar fashion to the existing loading bay. This is consistent with policy requirements and is welcomed. All servicing should be conditioned to occur from within the development and not from the highway.

Development Over the Highway

Various sections of the building are indicated to over sail the highway. Structures over the highway must maintain a minimum of 2.6 metres vertical clearance to allow for pedestrian passage and 1 metre from the kerb edge to allow for sufficient clearance from vehicles. The submitted drawings appear to indicate the building does comply with these requirements, however the detail is limited. It is suggested this element of the scheme is conditioned. Any other license or permission (other than planning permission) required will need to be applied for separately. For solid structures, a license will only be issued where the structure provides a minimum of 2.6 metre clearance and is set back 1 metre from the existing kerb line.

Development Under the Highway

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. As the works affect a structure supporting the highway, technical approval will also be required.

Vehicle Access Points

The vehicle access points to the basement car park and servicing bay are acceptable. The trip generation figures presented by the applicant do not support the need for other vehicle drop-offs on-street, which were provisionally shown as part of the proposals. Limiting vehicle crossovers would reduce the conflict points with pedestrians (consistent with S41 and TRANS3) and improve the highway environment/public realm for all highway users and allowed for increased active frontages. As with all works to the highway, these will require separate highways consent under s278 applications.

Travel Plan

Although Transport for London has requested that there is a travel plan, the Highways Planning Manager considers that this is not required.

Transportation issues generating some concern

Highway Works

The applicant has indicated a number of changes to the highway and public realm around the site. Particular reference has been made to improving the area in front of the hotel, to provide a suitably impressive arrival point. Third party funded public realm improvements are welcomed, however they must accommodate all highway users and not a single development proposal (especially where an off-street facility current exists, as is the case here with the covered service road). Maintaining a high quality pedestrian environment is vital to facilitate pedestrian movement while managing the numerous competing demands on highway space and footway width would be part of the detailed design of highway works.

The loss of on-street car parking spaces would not be supported. Any detailed designed highway scheme will need to retain or increase the number of existing on-street spaces. Removal of unnecessary vehicle crossovers could allow for increased allocation of kerb space to support various activities both within the subject site and surrounds, including pedestrian movement.

On the basis of the all the above, the initially proposed changes to the surrounding highway as indicated on submitted drawings were not agreed and not considered to deliver any significant improvements to pedestrians or other highway users. There was also an issue concerning proposed changes to the taxi rank in front of the hotel, to which TfL raised concerns. The indicative layout has been amended, the taxi rank retained as existing and car parking spaces rearranged so that no spaces are lost. Whilst the applicant's aspirations are noted, they are not directly linked to the acceptability of the overall planning proposals, and the applicant will need to continue to work with the Council as Highway Authority to progress the detailed design of highway matters. These will need separate highways approval and will be subject to separate consultation.

Traffic Managements Orders

The proposed changes to on-street restrictions will be subject to the formal Traffic Management Order process. Removing two-way working for vehicles (or introducing entry restrictions or one-way working), even for short sections of highway, will need to be carefully considered as part of the detailed design. It is noted that the site can operate within the current highway layout.

It is worth noting that the final decision on on-street parking is for the Council as Traffic Authority. As it a separate legal process, their outcome cannot be guaranteed, as all representations will need to be carefully considered. This is emphasised by the separate statutory process under the Road Traffic Regulation Act 1984. The commencement of the use could not occur until all the Traffic Orders had been confirmed. Any costs associated with the proposed changes will need to be covered by the applicant. The process can only be undertaken by the Council, as Highway and Traffic Authority.

Reduction of Existing Public Car Park

The proposal is to remove the 130 public car parking spaces from the site (the parking will be replaced with a lower amount of hotel and residential car parking). The evidence of the Council's most recent night time parking survey in 2015 indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 62% (38 available residential bays). However TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 52% (144 available spaces).

During the daytime, the parking occupancy of ResPark bays within a 200 metre radius of the site is 82% (18 available residential bays). TRANS23 includes all legal parking spaces. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

The Highways Planning Manager considers that the applicant has broadly addressed the criteria of TRANS25, regarding the loss of existing off-street public car parking. The existing public car park has a capacity of 130 vehicles: the peak parked occupancy was 110 vehicles/85% (Saturday evening). Weekday demand is lower with 65 vehicles/50% parked as a maximum (Thursday evening). The applicant suggests the average usage is around 52 vehicles/44%. Despite the peak usage figures of the existing public car parking, the re-provision of 28 car parking spaces for the hotel and three laybys for vehicle drop-off, the applicant suggests that there is no the demand for public car parking on-site.

It is accepted that surrounding car parks currently have capacity for any existing users to park off-street within a public car park, though additional vehicle trips might be generated on the highway network between the site and these alternative car parking spaces, as people are dropped-off and the vehicle is then parked.

On balance, while some concern is raised to the loss of this public car parking facility, the Highways Planning Manager considers that the removal of the existing public car parking facility will not have a significantly adverse impact on existing on-street parking pressures. On this basis, there is no objection to the loss of the existing car park, when considered against TRANS25. There is no objection to the loss of this parking from Transport for London.

Car Parking – Residential

42 car parking is proposed for the 28 residential units (57 if the serviced apartments are included, which the Highways Planning Manager has done in assessing the parking provision). This is 0.73 car parking spaces per unit (and something that TfL considers to be excessive. Whilst it is acknowledged that the site has a high level of public transport accessibility, households with 1 or more car in the West End Ward is 29% (2011 Census figures). This indicates that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy.

57 residential units (including the serviced apartments) would be expected to generate 17 cars. Therefore the provision of 42 car parking spaces on an unallocated basis will ensure that no vehicle needs to park on-street and therefore existing on-street stress levels will not be adversely affected by the proposed development. Provided the unallocated car parking is secured via legal agreement, the car parking provision is consistent with TRANS23. TfL's request for securing Blue Badge parking is noted but not something considered appropriate as part of the planning application.

Car Park Layout

The residential and hotel car parking is indicated to be within the same area, albeit in different sections. The residential car parking is indicated to be a traditional car park layout, with each space individually accessible. The 28 hotel car parking spaces are provided in a single group with only a third of all spaces being independently accessible. This means if a vehicle is parked at the end of a row, at least 2 other vehicles will need to be moved to gain access. While this is not considered ideal, it will all be managed within the basement and should not affect operations on the highway.

Concern is raised to the mixed nature of the car parking, particularly if there are multiple movements associated with the hotel parking and the impact on residents when accessing their vehicles. Further information is required as to how this is to be managed to ensure resident car parking spaces will not be used by cars associated with the hotel, how user safety will be maintained etc.

The applicant has advised the following with regard to car parking management: the proposed basement car park will only be accessible by site residents and hotel staff for valet parking, therefore only drivers familiar with the site layout and site access will utilise the car park. Both resident and hotel parking will be signed, and the way spaces are demarcated on the ground, by colour and/or by number, can ensure that all users are clear about where it is permissible to park. It is envisaged that all residents will be provided with plans detailing where parking is permissible as part of their lease documentation.

For site residents 42 spaces will be provided, in line with the maximum number of spaces permissible. The hotel will make use of 28 parking spaces and these spaces are provided in a block of 3 x 10, with 2 spaces used on a temporary basis to ensure that all guest vehicles can be accessed, as and when required.

It is the intention that the parking on site will be managed by the Hotel Operator and they will be responsible for managing the car park infrastructure and enforcing the proper use of the car park. While hotel parking is to be provided in a separate part of the basement from the resident cars, no physical barrier is proposed to separate these areas. However, all residents and staff using the basement car park will be familiar with the site layout and how parking is allocated, and the hotel operator will be very well placed to contact residents should parking take place in a location that is not appropriate. The proximity of the residential units to the hotel, and level of management that will be adopted by the hotel to ensure that its guests receive high quality treatment in all aspects of their guest experience, will mean that site residents will not be permitted to use, or block, access to hotel spaces at any time. It is envisaged that the correct use of parking spaces within the basement will be self-enforcing, as it is not in the hotel's interest to allow residents to use any of their allocated car parking spaces.

The car park will be operation 24-hours a day, and will be monitored by hotel security staff, hotel valet staff (as they move vehicles to and from the parking area) and CCTV. All hotel management and front desk staff will be familiar with the location and operation of their car park, and hotel staff will be able to contact site residents directly should parking take place in a manner that impacts on the hotel's operation. The degree of activity in the car park, and the level of security and control that will be required by the hotel operator in order to ensure that guest vehicles are accessible when required, and are adequately looked after,

will mean that it will not be practical or possible for any resident to misuse on-site hotel parking spaces on a regular basis.

Like residents, the hotel must ensure that only spaces allocated to them will be used by the hotel valet. Residents will retain free access to the hotel front desk, 24-hours a day, should hotel vehicles be observed to park in resident spaces, and as hotel valets will also operate on a 24-hour basis there will always be an opportunity to address any on-site parking issue, quickly.

The proposed vehicular access will include shutters to ensure that the general public cannot freely access the basement parking area, removing the ability for on-site parking spaces to be abused. Shutters will be located within the demise of the development and will be positioned well into the site to allow a vehicle to drive off the highway before the shutters open. As only authorised personal will be accessing the car park, it is envisaged that the car park's shutter control will be activated remotely by residents and hotel staff as they approach the system. This will mean shutters open automatically as a vehicle approaches and there is no requirement to wait on the ramp or within the basement car park. On-site security will be present, and will be able to open the gates manually, if required.

In the interests of security, the car park will include CCTV controls. 'Secure by Design' principles, such as good lighting and appropriate parking space arrangement will be adopted for the car park.

Overall, the applicant advises, it is not envisaged that there will be any management or operational problem arising from the way spaces are allocated or laid out in the basement car park. However, should an issue arise, then both the hotel and site residents will have the ability, 24-hours a day, to resolve the problem.

Trip Generation

The applicant indicates that only the ancillary hotel facilities (ballroom and function rooms) and serviced apartments will generate an increase in trip generation associated with the development. The applicant highlights that the site has a high level of public transport accessibility.

For the ballroom use, the applicant has discounted the trips associated with the ballroom, as some people will already be on-site and some trips surveyed relate to the uses on site. While this is considered acceptable in principal, the rate of allocating 75% trips to the function room seems low without evidence to support the number.

Broadly, a key difference in trips proposed by the applicant from the existing ballroom facility to the proposed ballroom facility is an extra 120 people departing between 0000 and 0100. The submitted information indicates that no activity associated with the existing ballroom in this time period (i.e. the main increase is derived from a later finish time). Allowing for an occupancy of 1.5 of a vehicle, this would equate to approximately 80 vehicles. It is accepted for all uses except the ballroom, the trip generation levels will be low and not have a significantly adverse impact on the wider highway network.

It is noted that TfL agree that additional trips will be generated by the increased hotel ballroom but do not raise objection to this.

Coaches

TRANS6 and TRANS22 require hotels to provide for coach arrivals and departures. The Highways Planning Manager has concerns that without sufficient coach parking, coaches may stop in the carriageway and obstruct through traffic. It is noted that there is existing on-street single yellow line provision and coach bays in the vicinity of the development. Coach parties could either be associated with the hotel accommodation or more likely events within the ancillary facilities/ballroom.

The applicant has indicated that any coach arrival will stop on Park Lane, where there are existing bus stops and coach stops currently. Guests would then walk to the hotel entrance. While this is generally acceptable in principle, there is no guarantee that these existing spaces will be available. Coaches stopping elsewhere could have a negative impact on other traffic in the area.

Although briefly referred to in the draft Operational Management Plan, no formal process has been provided for dealing with coach arrivals or departures, including managing the transfer of guests to and from the coach to the hotel or ancillary facilities. Concern is raised that coach arrivals and departures will have a short term localised congestion and unnecessary obstructions to pedestrians. It is therefore recommended that an updated OMP should be secured by condition, clarifying how coach arrivals and departures will be managed so as to limit their impact on the highway.

Highway Boundary – Dedication of Highway and Stopping Up

Within Westminster, maintaining a high quality pedestrian environment is vital to facilitate pedestrian movement. The proposal sets back the building line on the Pitt's Head Mews and the applicant has indicated a willingness to dedicate this area as highway. The rationalisation of the building line and increased width of the pavement is welcomed consistent with S41 and TRANS3. The area must be dedicated as highway prior to occupation, should permission be granted. It is noted that a small section of highway would need to be stopped up to accommodate the development on Pitt's Head Mews. Given the minor nature of this, no objection is raised to this incursion.

For the two existing chamfered corners on Stanhope Row which are to be incorporated into the new building at this location, these areas are clearly part of the highway. The applicant maintains that these areas are not part of the highway, but both areas have been open and passable for at least the last 20 years. The applicant indicates that refuse bins are regularly left on the highway but this does not support the assertion that the area is not part of the highway: rather, the Highways Planning Manager suggests that this is due to poor management by the current operator. The applicant also indicates that the area has been signed as private. There is no historical evidence that this signage has been in place until recently.

The Highways Planning Manager is of the view that the applicant has not demonstrated any highway benefit in this area being stopped up. He does not consider that the loss of these corners maintain or improve the existing pedestrian environment and are therefore contrary to S41 and TRANS3. While the applicant makes reference to wider public realm proposals being of benefit, the Highways Planning Manager considers that proposals

result in an uncomfortable and artificial line between the current highway and that which will be private. In the long term, he believes that it is likely to result a disjointed appearance as well as on going uncertainty of maintenance responsibility. However, he concludes that whilst not ideal, the proposals are not refusable on these grounds.

Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place for the works, which will be subject to separate consultation and assessment. This process is secured as part of the legal agreement.

Overall therefore, whilst the proposals raise a number of queries in highways terms, they are considered acceptable on the whole, subject to further consideration, either as part of any planning approval or under separate highways approvals.

8.5 Economic Considerations

The economic benefits associated with the creation of an upgraded high-class hotel, with new improved conference and ballroom facilities, are welcomed. The applicant advises that the existing hotel employs 538 people in both full and part time positions. This is a full time equivalent of 450 jobs. Hilton predict there would be 633 FTE jobs within the redeveloped hotel. Assuming a similar multiplier as the existing hotel, this would equate to a headcount of 757 jobs within the hotel. This equates to a net increase of 183 FTE positions and an approximate net increase of 219 total headcount.

8.6 Access

The proposed development has been designed to incorporate a good level of inclusive design. This includes:

- Accessible routes to all entrances with local pedestrian routes and public transport;
- A shared space area to the front of the hotel on Park Lane with level surfaces for comfortable use by residents and local people;
- Inclusion of vehicle, mobility scooter and coach parking and drop off for all entrances;
- Step-free access to all parts of the buildings;
- Accessible residential and recreational facilities in the basements - spa, ballroom, bars and restaurants;
- Accessible state of the art hotel bedrooms and serviced apartments with interconnecting suites meeting both ADM 1 and London Plan ratios for accessible bedrooms (5% from fit out and a further 5% adaptable);
- 90% of dwellings will be designed to meet building regulation M4(2) – accessible and adaptable dwellings;
- 10% of the dwellings will be designed to be easily adaptable to meet the needs of a wheelchair user, as required by local authority and London-wide policy 3.8, Housing Choice and to meet building regulation M4(3) – wheelchair user dwelling; and
- Access to six lifts for hotel guests, one of which doubles as fire-fighting.

8.7 Other UDP/Westminster Policy Considerations

Archaeology

This matter has been assessed by Historic England who advise that there are no archaeological requirements.

Waste

Following initial concerns raised by the Projects Officer (Waste), a revised Waste Management Strategy has been submitted, along with amended drawings. On this basis his initial objection has been withdrawn, subject to standard conditions.

Crime and security

The applicant has met with the Crime and Prevention Design Officer. The crime and security measures are at an early stage of development and will be subject to a condition.

Sustainability

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. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. 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.

The development proposes to achieve BREEAM 'excellent' for the hotel, services apartments and casino elements of the scheme. The energy strategy for the development has been produced to follow the 'be lean, be clean, be green' principles of the energy hierarchy as follows:

Be Lean: A wide range of passive and energy efficiency measures are incorporated in the design, including very good levels of thermal insulation, building air tightness, daylight infiltration reducing reliance on artificial lighting, efficient artificial lighting, as well as high efficiency building services such as a water source heat pump recovering heat from the chiller. These exceed Part L:2013 requirements and reduce the overall CO2 emissions of the development.

Be Clean: Due to the constant heat demand from swimming pool, hotel rooms and residential domestic hot water load two Combined Heat and Power (CHP) units have been specified. There are currently no existing or planned heat networks in the vicinity of the development, but the design will allow for future connection by incorporating sleeved connections points, space for Plate Heat Exchangers along with safeguarded routes for inter-connecting pipework.

Be Green: A detailed assessment of renewable energy opportunities and viability has been undertaken, which has determined that ground source heat pumps are a viable technology for integration into the scheme and are to be incorporated.

Chiller cooling capacity is limited by the roof space available for heat rejection equipment (e.g. cooling towers). Ground source heat pumps have primarily been incorporated to meet the resulting additional cooling demand requirements without the necessity for roof space. Ground source heat pumps will be less efficient than the systems currently specified and will not achieve an annual reduction of CO₂ emissions in comparison to these; as such ground source heat pumps are included under the 'Be Lean' section for calculation purposes.

The applicant advises that measures that reduce the predicted CO₂ emissions from the proposed development have been considered and thoroughly assessed by the project team. All possible viable measures have been integrated into the proposed design and specification resulting in a 16.9% improvement beyond the Part L 2013 target emission rate. Given the scale of the development it is unfortunate that a greater reduction has not been achieved. However, the applicant is reviewing this and is prepared to accept a condition requiring the submission of a revised Energy Statement for approval prior to commencement providing details of a scheme that provides a policy compliant 35% reduction in regulated CO₂ emissions in comparison to Building Regulations 2013. In the event that this target is not achieved, the condition will require alternative measures (such as a contribution towards the Council's carbon offset fund) to make up the shortfall in carbon reduction.

Biodiversity, Landscaping and Trees

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity and other green infrastructure. The applicant has aspirations to improve the public realm, including trees and planting bays, as well as the garden at the centre of the site and on the roof of the rebuilt podium.

The Arboricultural officer has raised a number of detailed queries about the proposals, questioning the technical feasibility of some of the proposals and conflicts with highways requirements. Key issues include:

- The proposed service ducts occupy the entire footpath surrounding the new buildings to a depth of 2m. The implications are that replacement street tree planting in the public footpath of Stanhope Row is not possible and the new planting is created within the roadway on small footpath build-outs. Invariably this kind of planting solution means conflict between trees and vehicles, especially when using ornamental species like pear that will not produce a clear stem high enough to clear traffic until the end of their lives. This matter will need to be addressed by condition.
- The section of the sustainability statement on climate change adaption mentions that 'water efficient irrigation to be specified' but there is no mention of whether any irrigation will be provided or if irrigation will have any sustainability features.
- There are questions about the suitability of some of the proposed trees as, for example, Rowan and Alder are not very tolerant of dry urban street conditions.
- Competition for footpath space will mean that some soft planting beds that have been proposed are unlikely to be practical.

- The new tree planting in Stanhope Row is outside of the public footpath in small build-outs into the roadway, and the tree planting on the roundabout is an island surrounded by the road. The rooting space for these trees will be limited with the root-hostile environment below the road and in Stanhope Row the service ducts beneath the paving add to the root constraints.
- The rear garden landscape is a perched landscape above basement structures and the eight trees that are shown are planted in large planters. Trees in planters have much shorter life expectancies, smaller stature and require more irrigation to maintain health than trees planted in normal landscapes. The security section of the Design and Access Statement states that the planting in this garden will be small stature to allow surveillance. Consequently, the perched landscape will not support large shrubs or trees and the necessity for surveillance will mean that the trees and tall shrubs will be maintained at a smaller size therefore it is disingenuous to imply that planting here has a large environmental impact or contributes to the London Mayor's tree planting targets.
- The value of the biodiversity introduced is not discussed in the ecological report and sustainability is limited because the hotel planting is within a completely dependent environment. Aesthetically it will have benefits for hotel guests and visitors but for Westminster as a whole the benefits are imperceptible. The details of the podium roof garden in terms of species planted, quantities, planting infrastructure (soil volume, irrigation, maintenance etc.) is not mentioned.

The Arboricultural Officer considers that the new planting in the public realm and the creation of the rear garden and podium roof garden do create small net benefits, but the shrub beds proposed for much of the highway planting are likely to conflict with space requirements for pedestrians and likely to be impractical. Some examples of the species proposed will be short-lived in central London footpaths they may struggle to survive.

There are no objections to the loss and replacement of highway trees but the landscape design of the public realm is considered to be impractical and there will need to be some more design work to accommodate trees in Stanhope Row and the roundabout at the head of Hamilton Place by creating rooting space below roadways. The sustainability of the landscaping within the site could also be improved.

The need to remove the three trees in Stanhope Row to facilitate the proposal is considered to be acceptable and will need to be subject to the s106 agreement for their replacement. The remaining tree removal, new planting and soft landscaping are not necessary to facilitate the development and will need to be subject to a s278 agreement for approval by the Council as Highway Authority, to include all the other highways modification proposed but not agreed.

Structural issues relating to basement excavation

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 (NPPF) 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.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

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.

Given the complexity of the proposed construction, the applicant has provided a helpful summary of the proposed demolition and construction methodology. The proposed additional basements in this commercial scheme are considered to be acceptable in land use terms and will be subject to the usual Building Control regulations.

Construction impact

Objections have been received that the proposed works would result in a lengthy construction process and create general noise and disturbance. The proposal will be subject to the Council's recently adopted Code of Construction Practice which will help ensure that the impacts of the development process are ameliorated as much as reasonably possible.

8.8 London Plan

The proposal does not raise any strategic issues and is not referable to the Mayor of London. The Mayor has been consulted for information purposes after the applicant presented the scheme to him/the Greater London Authority but no response has been received.

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

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes 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, 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; and
- c) fairly and reasonably related in scale and kind to the development.

From 6 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 6 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 adopted its own Community Infrastructure Levy on the 1st May 2016.

The applicant has offered to enter into a S106 legal agreement to secure the following:

- i) £20,444,000 towards the City Council's affordable housing fund in lieu of on-site provision (index lined and, subject to the Committee's consideration of the applicant's request, payable in three phases);
- ii) Unallocated residential parking;
- iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);
- iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hereford Street and associated work (to be implemented prior to the occupation of any part of the development);
- v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);
- vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;
- vii) Stopping up of the highway on the Stanhope Row frontage as required to implement the development, at full cost to the applicant;
- viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);
- ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;
- x) Monitoring costs of £500 for each of the above clauses.

The planning obligation is considered to meet the tests outlined above and would be secured by a S106 legal agreement. The Crossrail charge of £325,450 (plus indexation) will be offset by the Mayoral Community Infrastructure Level (CIL) charge of £895,950. The applicant's consultants advise that the scheme will also generate a Westminster CIL of £9,620,758. These figures will need to be verified in due course.

8.11 Conclusion

The proposals' aim to improve the quality and standard of this well-known purpose-built hotel are welcome in principle. The introduction of residential accommodation into the tower is considered to be acceptable, subject to the other improvements to the site, as is the full commuted payment towards the Council's affordable housing fund. There are a number of issues to be resolved with regard to the applicant's aspirations for works to the public highway, and although these need to be subject to separate highways approval, it is considered that they can be resolved in due course.

9. BACKGROUND PAPERS

1. Application form
2. Response from Residents Society of Mayfair & St. James's, dated 4 April 2016
3. Responses from Historic England dated 15 March 2016
4. Letter from the Designing Out Crime Office, Metropolitan Police, dated 10 March 2016
5. Letter from occupiers of 42 Shepherd St, London, dated 29 March 2016
6. Letter from occupier of 46 Shepherd Street, dated 27 March 2016
7. Letter from occupier of Christ Church Mayfair, Down Street, dated 30 March 2016
8. Letter from Transport for London, dated 4 April 2016
9. Responses from the occupier of Rutland House, 5 Allen Road, dated 4 May and 10 June 2016
10. Letter from occupier of 23 Bellclose Road, London, dated 23 March 2016
11. Email from the Environment Agency, dated 21 March 2016
12. Memorandum from the Highways Planning Manager dated 12 August 2016
13. Memoranda from the Projects Officer (Waste) dated 8 March 2016 and 30 August 2016
14. Memorandum from the Tree Section dated 15 August 2016
15. Memorandum from Environmental services dated 22 March 2016

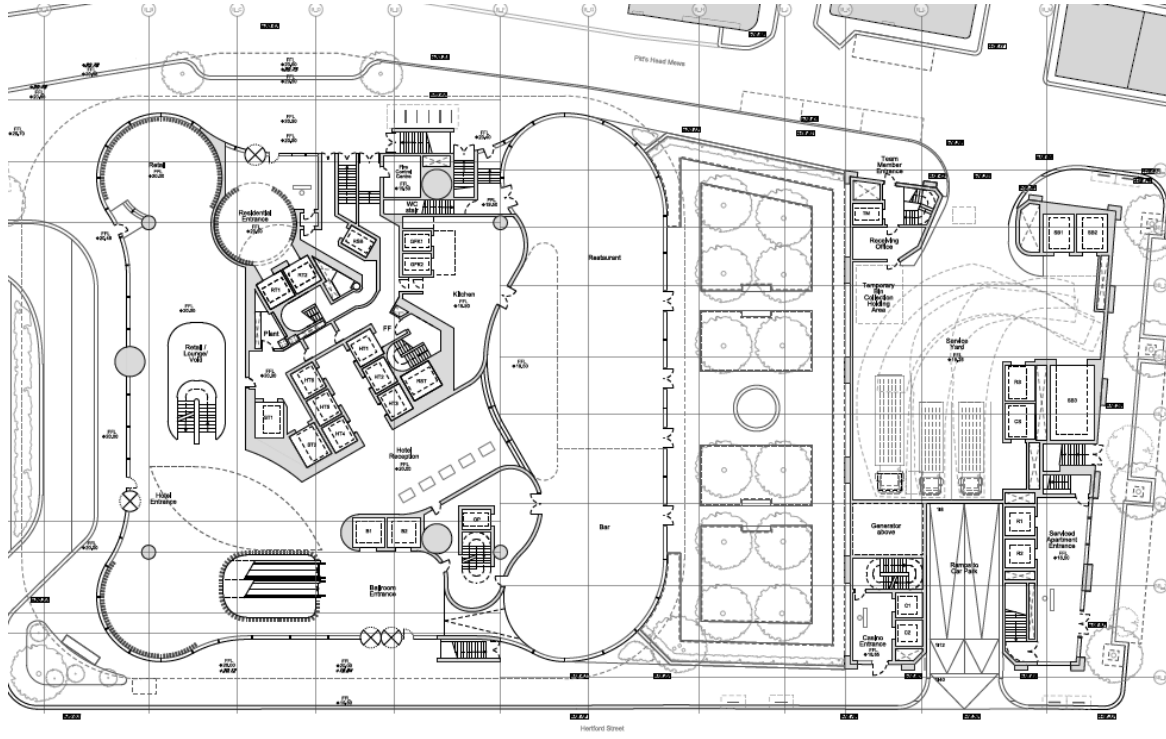
Selected relevant drawings below

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

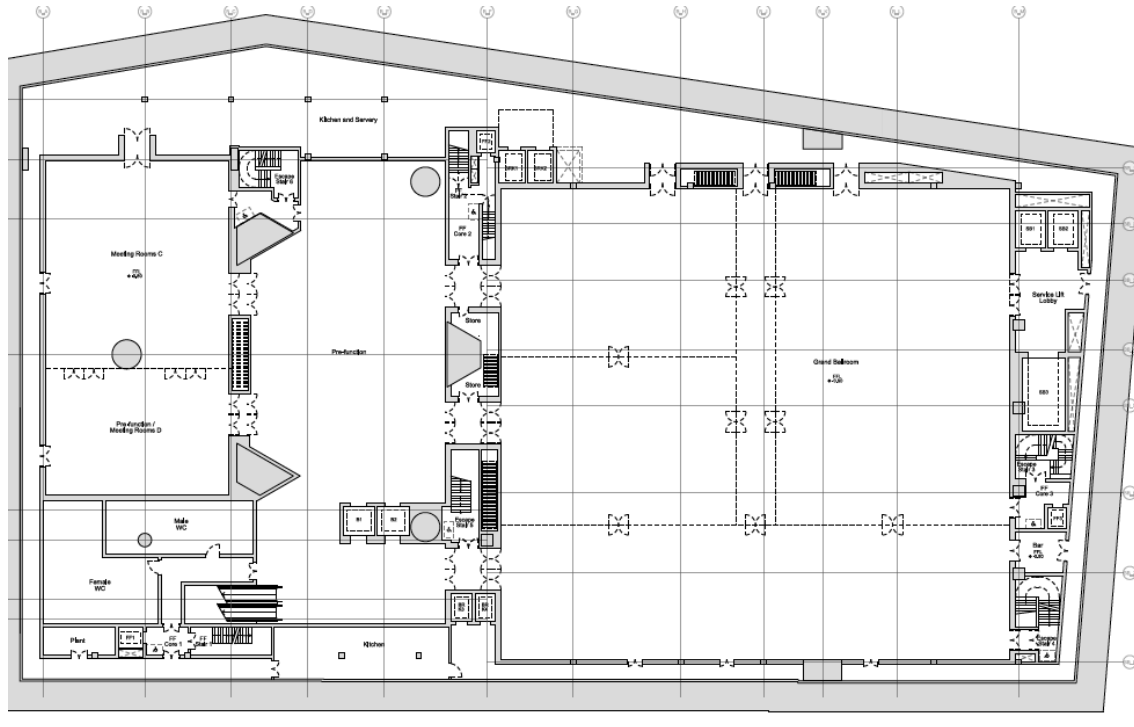
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS

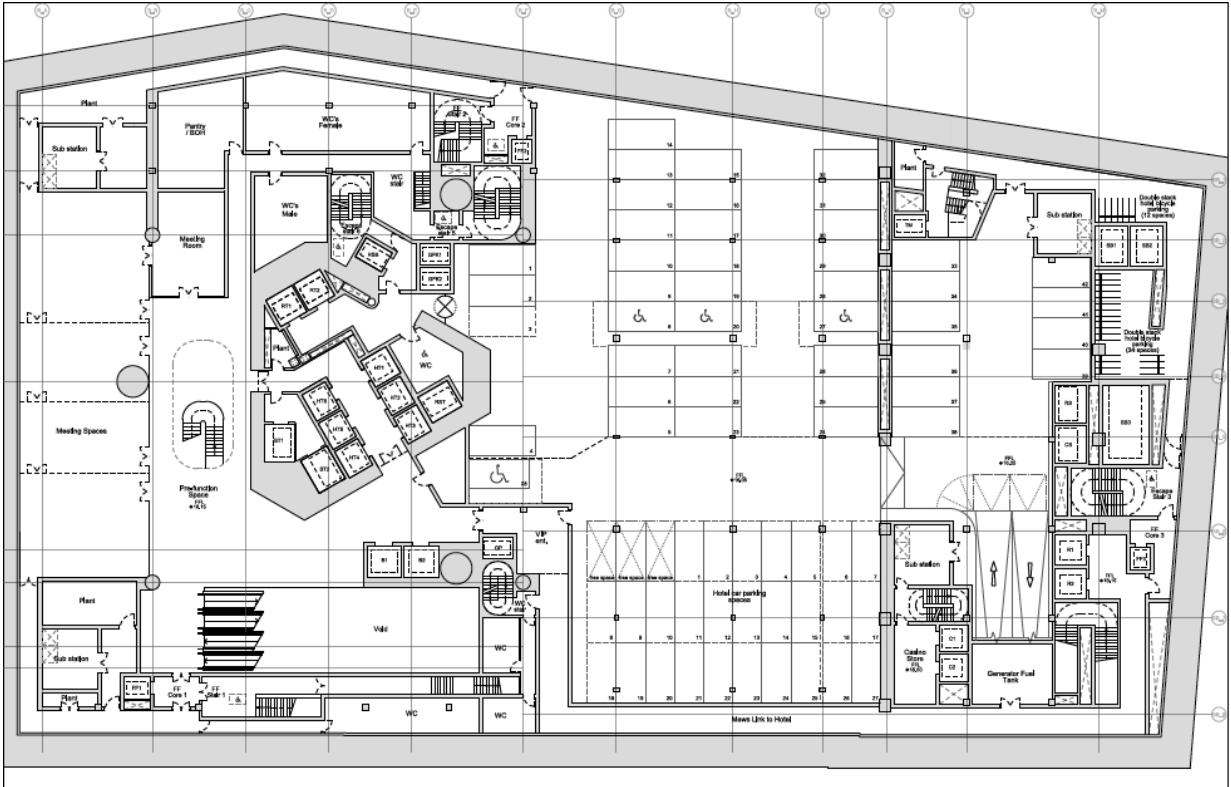
Proposed ground floor



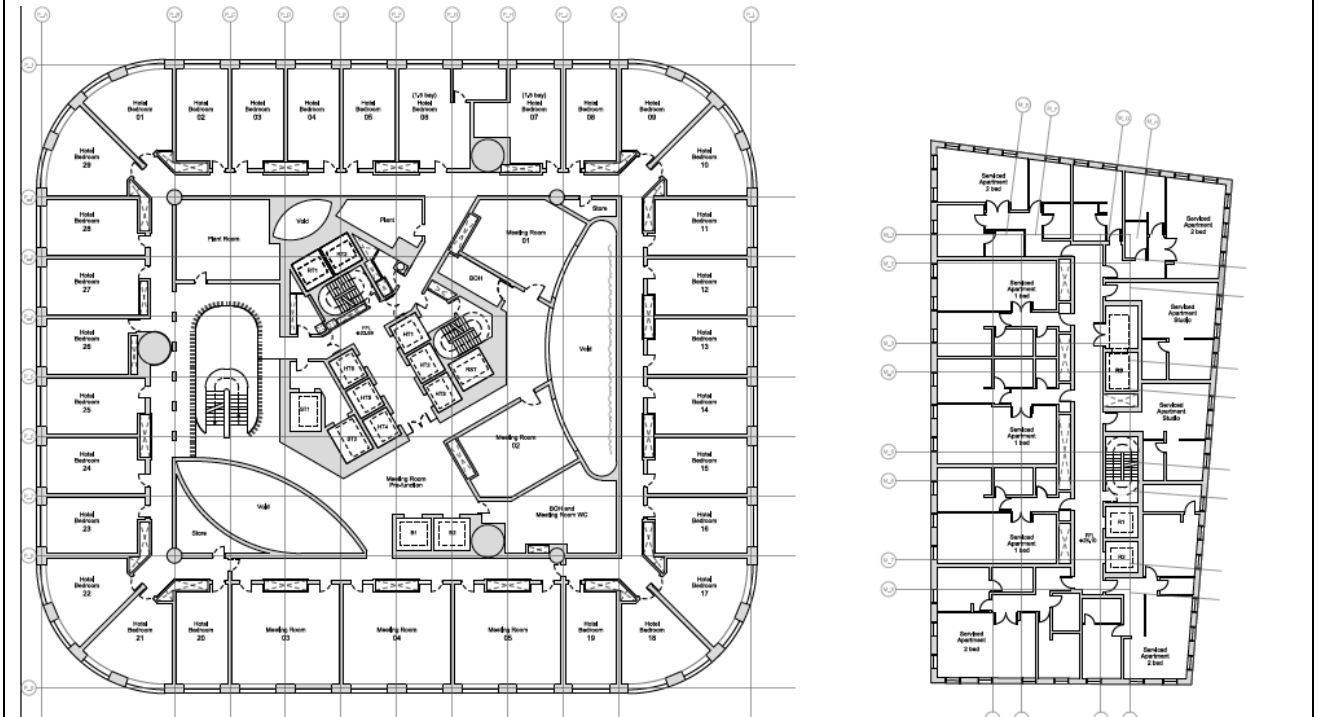
Proposed basement level B06



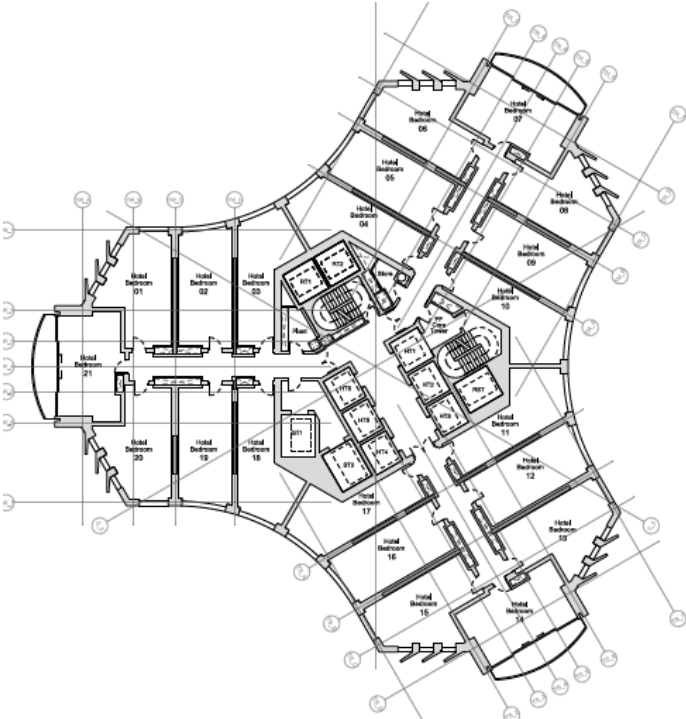
Proposed basement level B01



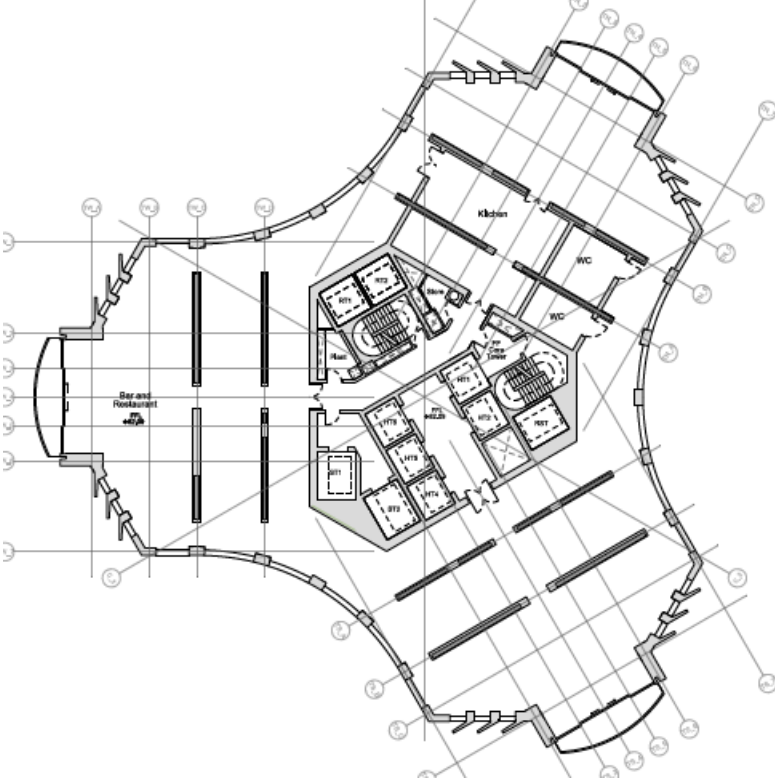
Proposed podium level 02



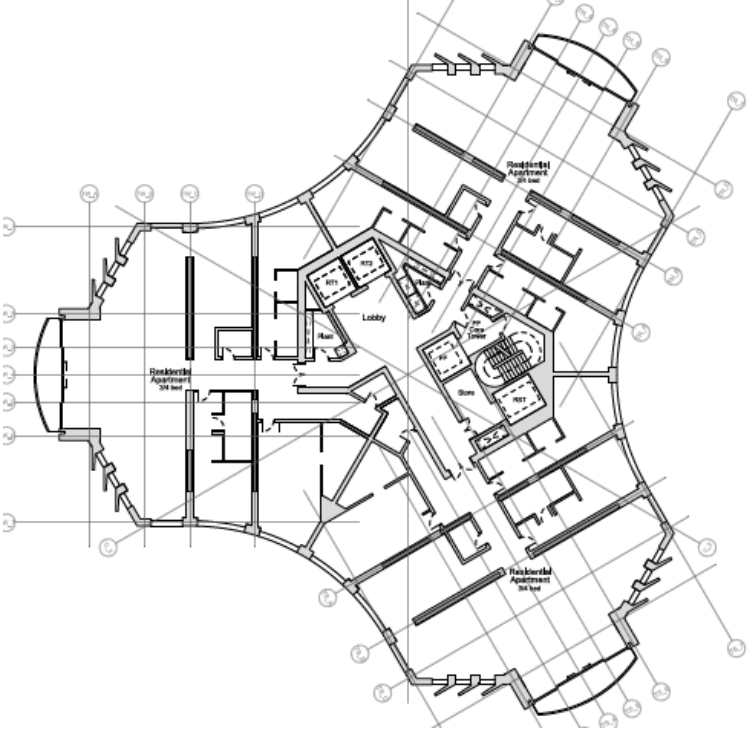
Proposed tower levels 08-20



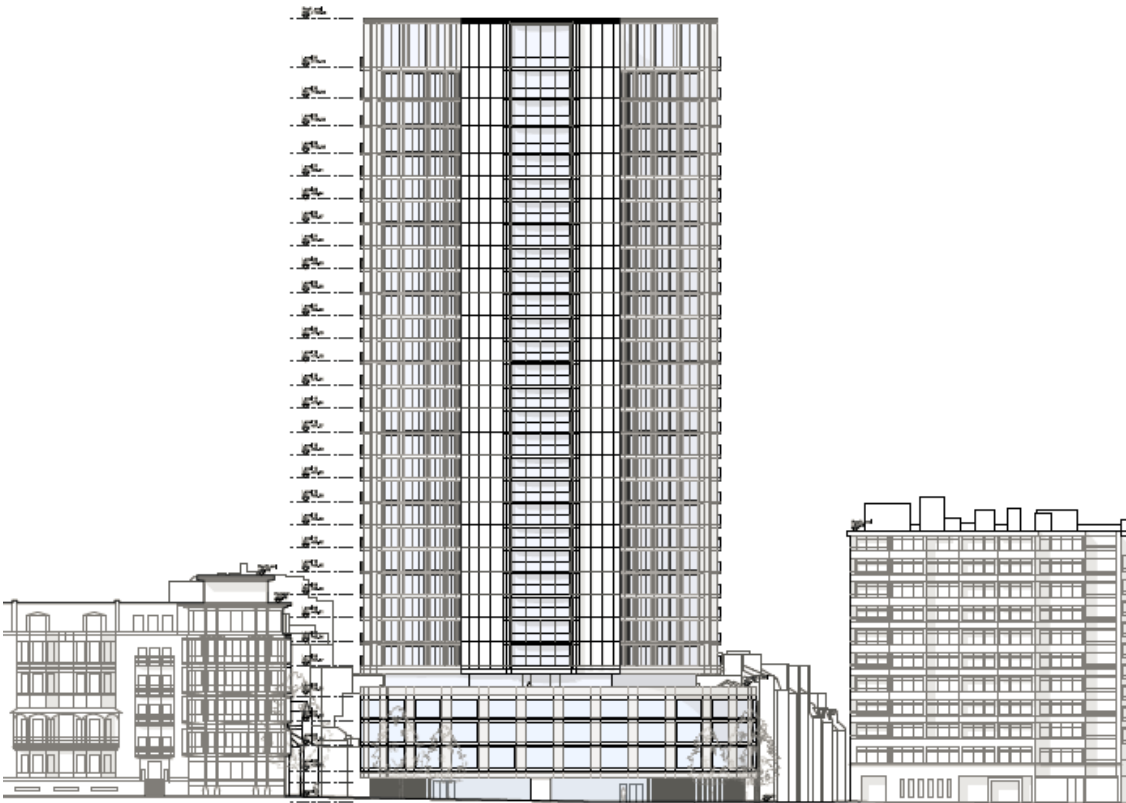
Proposed tower level 21 [A3 restaurant]



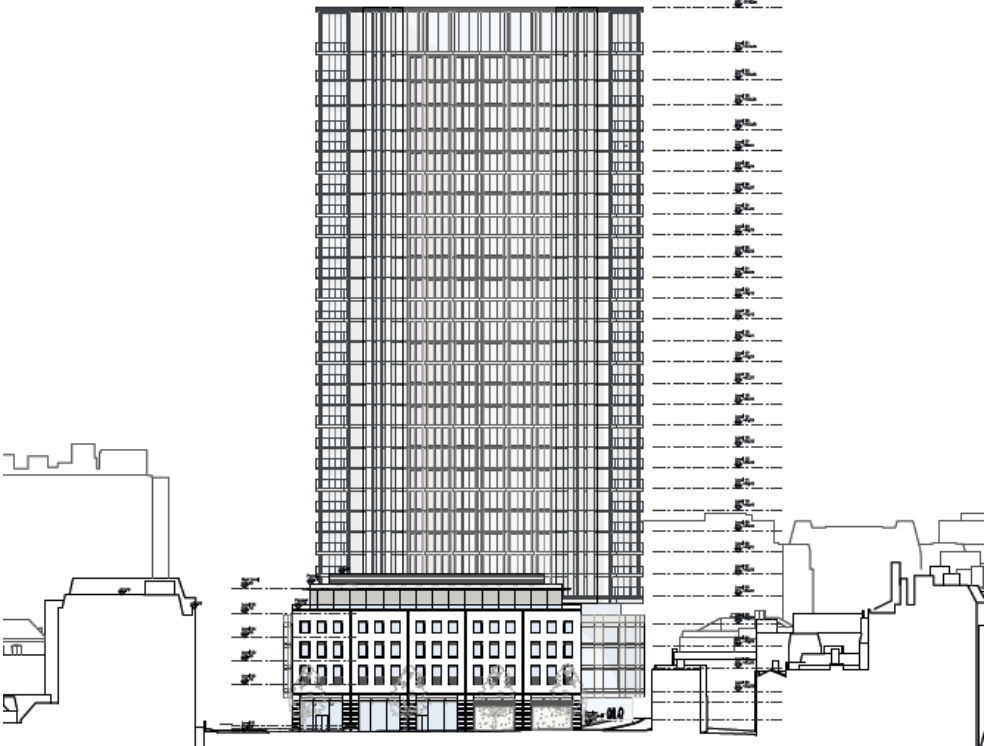
Proposed tower levels 25-28



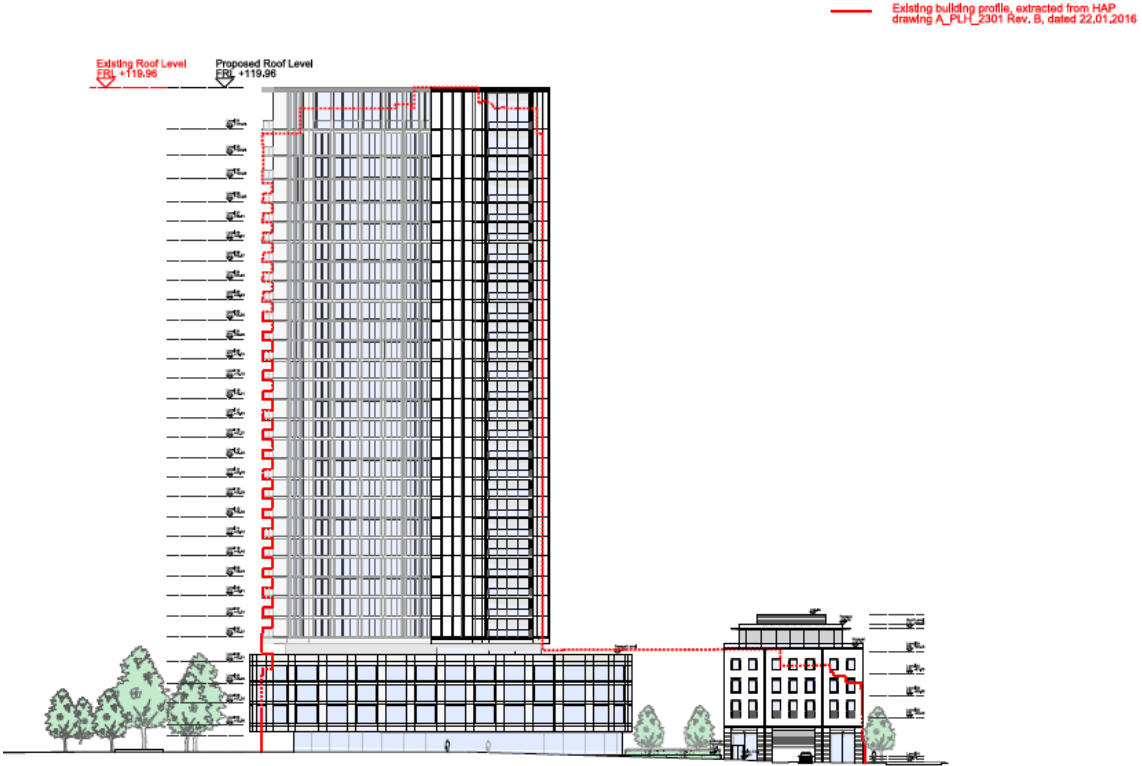
Proposed elevation to Park Lane



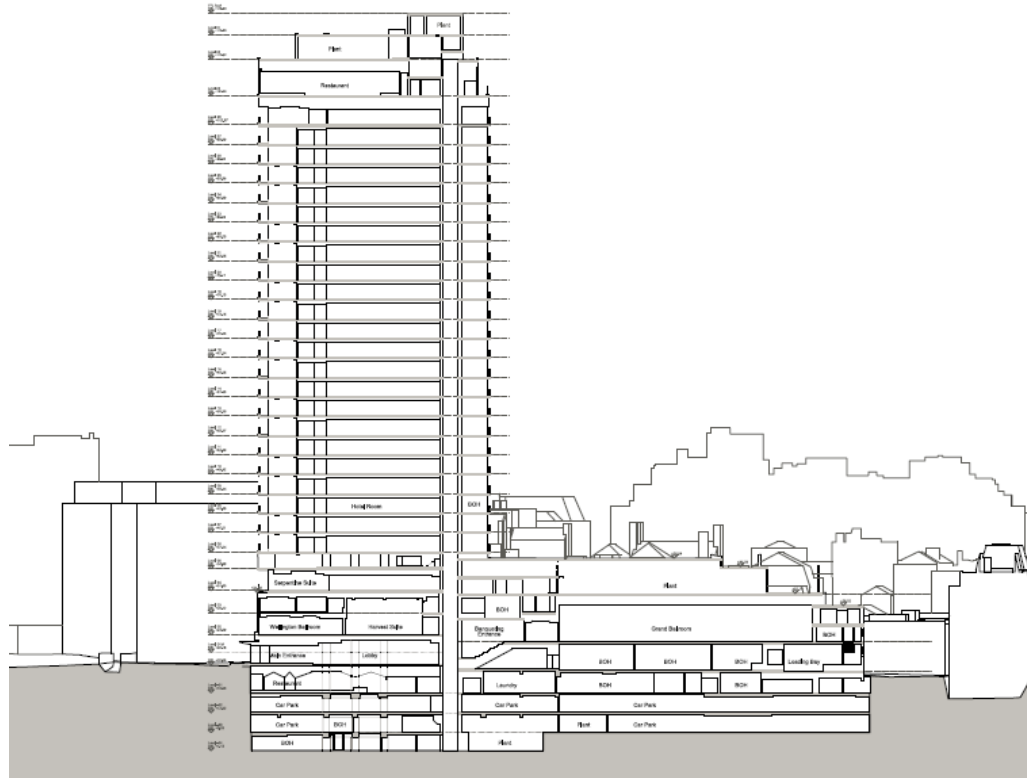
Proposed elevation to Stanhope Row



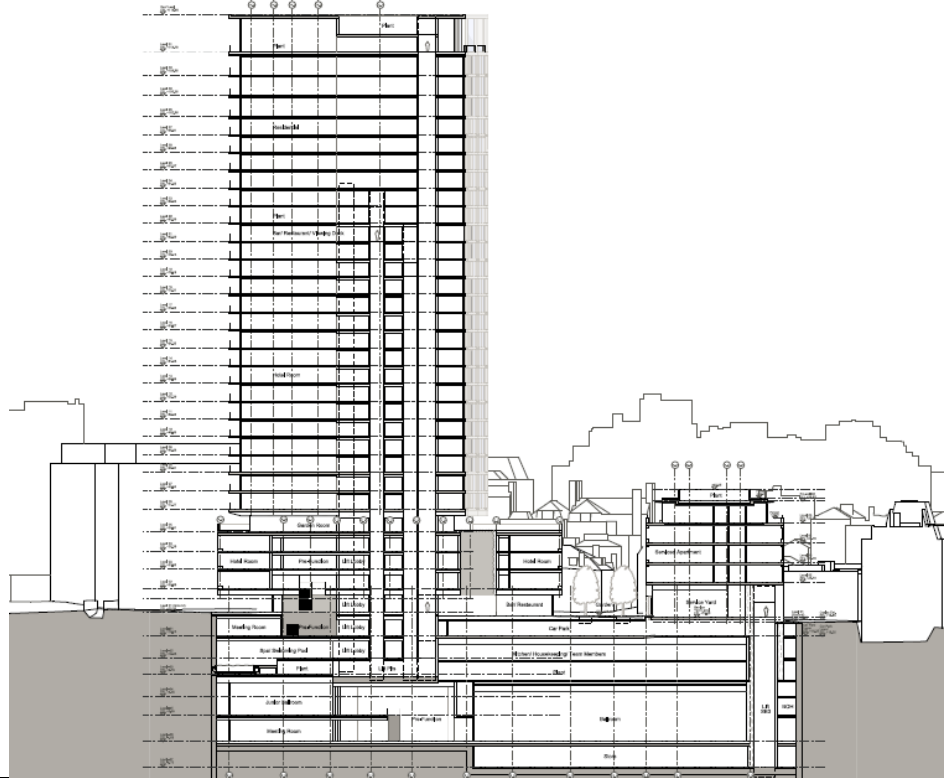
Proposed elevation to Hertford Street [with existing building profile]



Existing section AA



Proposed section AA



DRAFT DECISION LETTER

Address: London Hilton, 22 Park Lane, London, W1K 1BE,

Proposal: Alterations to the tower building facade and reconfiguration of the existing tower building; partial demolition and redevelopment of the existing rear ballroom podium to provide a new podium building on ground to third floors; all to provide between 350 and 448 hotel bedrooms with ancillary bars, lounges, restaurants, meeting rooms, leisure facilities and gardens (Class C1), up to 28 residential units (Class C3) on levels 23-30 and a restaurant (Class A3) on level 21; excavation to provide a total of 3 additional basement levels (7 basement levels in total) for hotel ballrooms, meeting rooms and leisure facilities (Class C1), residential leisure facilities (Class C3) and replacement casino use (Class Sui Generis) and basement car and cycle parking; erection of a new building on ground and first to fourth floors with roof top plant on Stanhope Row to provide up to 29 serviced apartments (Class C1); plant at basement and roof levels; alterations to existing accesses on Pitt's Head Mews [including access to replacement service yard], Hertford Street and to the hotel from Park Lane and associated highway works; new hard and soft landscaping around the site; and all ancillary and associated works.

Reference: 16/01042/FULL

Plan Nos: TO BE ADDED

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 You must apply to us for approval of 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 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 (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Typical façade details at all levels:

- a. Tower;
- b. Podium;
- c. New building (at east end);
- d. 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 (July 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 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 (July 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 6 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 7 You must apply to us for approval of details (including examples of indicative layouts) of the following parts of the development - the range in the number of hotel bedrooms and bedspaces proposed for the podium and tower. You must not commence the hotel use until we have approved what you have sent us, and the hotel accommodation must be provided in accordance with the approved details and range of hotel bedrooms and bedspaces.

Reason:

To ensure that the development is carried out in accordance with policies S23 of Westminster's City Plan (July 2016) and TACE 2 of our Unitary Development Plan that we adopted in January 2007

- 8 The Class A3 restaurant at level 21 of the tower must be fitted out and made ready for occupation before commencement of either the residential units or the hotel use in the remainder of the development. Thereafter it shall only be used as a Class A3 restaurant that is open to the general public.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (July 2016).

- 9 Non-hotel guests shall not be permitted within the following parts of the development (or any similar facilities providing food and beverages that are created within the hotel in the future) at the following times:

the ground floor restaurant: before 06.30 hours or after 02.00 hours; and

the Lobby lounge / bar: Opening hours: before 08.00 hours or after 02.00 hours.

No customers (including hotel guests) shall not be permitted within the Class A3 restaurant at level 21 before 08.00 hours or after 04.00 hours.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 You must not allow more than the following numbers of customers (including hotel and non-hotel guests) into the specified parts of the property at any one time:

Ground floor restaurant: maximum capacity - 170 persons;

Lobby lounge / bar: maximum capacity - 85 persons;

Level 21 restaurant / bar: maximum capacity - 260 persons.

Reason:

To make sure that the uses will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 11 The 3-, 4- and 6-bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides at least three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (July 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 12 You must not allow more than 250 customers (including hotel guests) into the casino at any one time. (C05HA)

Reason:

In accordance with the capacity restrictions for the existing casino, 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 (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 13 You must apply to us for approval of an updated operational management plan to show how:

1. you will prevent customers who are leaving the building (in particular from the Class A3 restaurant, the casino and the hotel bars, restaurants, conferencing facilities and any functions in the ballrooms) from causing late-night nuisance for people in the area, including people who live in nearby buildings;

2. details of how coach arrivals and departures (including functions in the ballrooms) will be managed so as to limit their impact on the highway.

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 any part of the property is in use.

Reason:

To make sure that the uses will not cause nuisance for people in the area (as set out in S24, S29

and S32 of Westminster's City Plan (July 2016) and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007), and 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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 14 The courtyard garden at ground floor level shall not be used for any dining or drinking activities (including any activities linked to conferences or functions within the ballrooms) before 07.00 hours or after 00.00 hours (midnight).

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 15 You must provide the waste stores shown on drawings 2203 Rev E (B07 Basement Level), 2208 Rev E (B02 Basement Level) and 2210 Rev F (Ground Floor) before any of the uses commence. You must clearly mark them and make them available at all times to everyone using the property. You must store waste inside the property and only put it outside just before it is going to be collected, and no waste should be stored or left on the public highway at any other time. You must not use the waste stores for any other purpose. All waste generated on site must be managed and collected in accordance with the Waste Management Strategy (Tricon) dated August 2016.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 16 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 17 (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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 18 (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 any of 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 any of 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 (July 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 19 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.

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

Reason:

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

- 21 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.

- 23 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (July 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 24 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 17 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 25 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Conditions 21 and 22 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 26 Before any of the approved uses commence, you must submit for approval a car parking strategy (including detailed drawings) providing the following details:

- a) Location of no less than 42 unallocated residential (Class C3) car parking spaces, and no more than 28 other car parking for the non-residential uses, within the basement;
- b) Disabled access car parking spaces (for the residential and other uses within the development);
- c) Electrical vehicle charging points (minimum of 20% active and 20% passive);
- d) Access arrangements to the car parking area;
- e) a strategy for managing the car parking for the different uses within the development.

You must provide each of the 42 residential car parking spaces shown on the approved drawings, which shall only be used by the parking of vehicles of people living in the residential part of this development, on an unallocated basis without restriction for all of the residential occupiers of the building and these shall be maintained for such use for the lifetime of the development in

accordance with the car parking strategy approved pursuant to this condition.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 27 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 S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 29 Before any of the approved uses commence, you must submit for approval a Servicing Management Plan (SMP). The plan should identify and provide specific details of the processes, internal storage locations, scheduling of deliveries and staffing. The uses in the development must be operated in accordance with the approved SMP for the life of development.

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 (July 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 30 All servicing must take place between 07.00 and 23.00 hours on Monday to Saturday and 09.00 and 22.00 hours on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 31 You must provide each cycle parking space shown on the approved drawings prior to occupation - a minimum of 52 cycle parking spaces for the C3 residential units and 46 cycle parking spaces for the other uses within the development. 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.

- 32 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 (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 33 Any part of the development's structure over the footway (highway) must maintain a minimum 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge. Any structure within 1 metre of the kerb or over carriageway must maintain a minimum vertical clearance of 5.3 metres.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 34 Prior to the commencement of any construction on site, you must apply to us for approval of detailed drawings showing the relationship of the new service trench and any part of the development that extends beneath the footway/carriageway. You must not start any construction work on those parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.

Reason:

To ensure that services and essential street furniture can be provided, as set out in TRANS 19 of the Unitary Development Plan adopted in January 2007.

- 35 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees, shrubs and other plants to be used on the podium roof garden (including specific measures to encourage biodiversity), the hotel Garden and the public highway. You must not start any construction work until we have approved what you have sent us. You must then carry out the landscaping and planting within 12 months of completing the development (or within any other time limit we agree to in writing).

For both the podium roof garden and the hotel garden you must provide details of the landscape infrastructure (for example soil volume, irrigation systems, water storage and maintenance), with

due regard for the sustainable resources that will be necessary for the plants to thrive during normal and extreme weather.

Where highways planting has restricted rooting space (e.g. Stanhope Row and the traffic island in Hamilton Place) you will need to design rooting space to provide a suitable and sufficient rooting environment that includes the ground beneath the public highway.

If you remove any trees or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 36 You must apply to us for approval of detailed drawings showing a 'buffer zone' of minimum width of 4m around the perimeter of the garden on the roof of the podium. This garden shall only be used by individual hotel guests and shall not be used for group dining or drinking activities (including any activities linked to conferences or functions within the ballrooms).

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 37 You must apply to us for approval of detailed drawings showing the casino's terrace at mezzanine level (above the entrance to the car park), including details of screening to prevent overlooking of the properties opposite.

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 (July 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 38 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Access Statement (David Bonnett Associates) that forms part of the Design and Access Statement dated February 2016 before you use any part of the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (July 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 39 You must submit a revised sustainability/energy statement to the Council for written approval that demonstrates a 35% reduction in regulated CO2 emissions in comparison to Building Regulations 2013. In the event that this target is not achieved, you must provide alternative measures to make up the shortfall in carbon reduction. The revised sustainability/energy report must be submitted before construction works begin; the approved measures must then be implemented before you start to use any part of the development. You must not remove any of these features without written approval of the City Council as local planning authority. (C44AA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S40 of Westminster's City Plan (July 2016), and policy 5.2 of the Further Alterations to the London Plan, March 2015. (R44BC)

- 40 Prior to the commencement of any construction works, a full and detailed application for the Secured by Design award scheme shall be submitted to the Local Planning Authority and the Metropolitan Police NE Designing Out Crime Office, setting out how the principles and practices of Parts Two & Three of the Secured by Design Scheme are to be incorporated. Once approved in writing by the Local Planning Authority, in consultation with the Metropolitan Police Designing Out Crime Officers, the development shall be carried out in accordance with the agreed details.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in S29 of Westminster's City Plan (July 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

- 41 You must apply to us for approval of details of the ventilation system to get rid of cooking smells from the Class A3 restaurant at level 21 and the hotel bar restaurant at ground level, including details of how they will be built and how it will look (specifically the external extraction discharge points). You must not commence either of these uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

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 (July 2016), 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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the following:
- i) A financial contribution of £20,444,000 towards the Council's affordable housing fund, index linked and payable as phased payments (a third on commencement, a third after 18 months and a third on first occupation of any part of the development);
 - ii) Unallocated residential parking;
 - iii) Lifetime [25 years] car club membership for the residential occupiers (one membership per residential unit);
 - iv) All associated costs for the highway works immediately surrounding the site required for the development to occur, including reinstatement of existing vehicle crossovers on Pitt's Head Mews and Hertford Street and associated work (to be implemented prior to the occupation of any part of the development);
 - v) Provision of cycle parking spaces in Pitt's Head Mews (14), Park Lane (22) and Hamilton Place (18);
 - vi) Dedication of the highway where the building line has been set back from the existing line in Pitt's Head Mews (subject to minor alterations agreed by the Council), prior to occupation of the development and at full cost to the applicant;
 - vii) Stopping up of the highway on the Stanhope Row and Pitt's Head Mews frontages as required to implement the development, at full cost to the applicant;
 - viii) All costs associated with the replacement of the three trees in Stanhope Row (to be planted prior to the occupation of any part of the development);
 - ix) Payments towards Crossrail of £325,450, subject to the Mayoral CIL payment;
 - x) Monitoring costs of £500 for each of the above clauses.
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:

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

Forms can be submitted to CIL@Westminster.gov.uk

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

prison terms.

- 4 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 5 For the avoidance of doubt, this permission does not confer approval for any works to the public highway - such works as are shown as part of this submission are for indicative purposes only and you are reminded of the need to obtain separate consent from the Highways Authority (including Transport for London where appropriate) under the relevant part sof the Highways Acts.
- 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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 8 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 9 You are reminded of the need to obtain technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress consent for works to the highway.
- 10 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor

markings, or both. (I88AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.