

Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 3 September 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>41 - 43 Brook Street, Mayfair, London, W1K 4HJ,</b>		
<b>Proposal</b>	Demolition of the upper floors of 48-49 Brook's Mews and erection of building comprising ground and first to eighth floor levels; alterations to the basement and roof structure of 41-43 Brook Street; use of ground and first floors of 48-49 Brooks Mews as restaurant floorspace, use of lower ground and ground floors of 41-43 Brook Street as retail and use of the remainder of both buildings as hotel guestrooms in connection with the adjoining Claridge's hotel. (SITE INCLUDES 48-49 BROOK'S MEWS AND CLARIDGE'S HOTEL).		
<b>Agent</b>	Blair Associates Architecture Ltd		
<b>On behalf of</b>	Mr Liam Cunningham		
<b>Registered Number</b>	18/04972/FULL and 18/04973/LBC	<b>Date amended/ completed</b>	13 June 2018
<b>Date Application Received</b>	13 June 2018		
<b>Historic Building Grade</b>	41-43 Brook Street – Grade II 48-49 Brook's Mews - Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the completion of a S106 agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> <li>i. A financial contribution of £116,880 (index linked and payable on commencement) to the Carbon Off-Setting Fund.</li> <li>ii. All highway works on Brooks Mews relating to the removal of the redundant vehicle crossover and associated work (legal, administrative and physical).</li> <li>iii. The costs of monitoring the agreement.</li> </ul> <p>2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee meeting then:</p>
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- a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

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

## 2. SUMMARY

The application site encompasses a Grade II listed building at 41-43 Brook Street and an unlisted building at 48-49 Brook's Mews. With the exception of a private members' club in the basement of the Brook's Mews building, both properties are in office use (Class B1). Claridge's Hotel occupies the building to the west of the site.

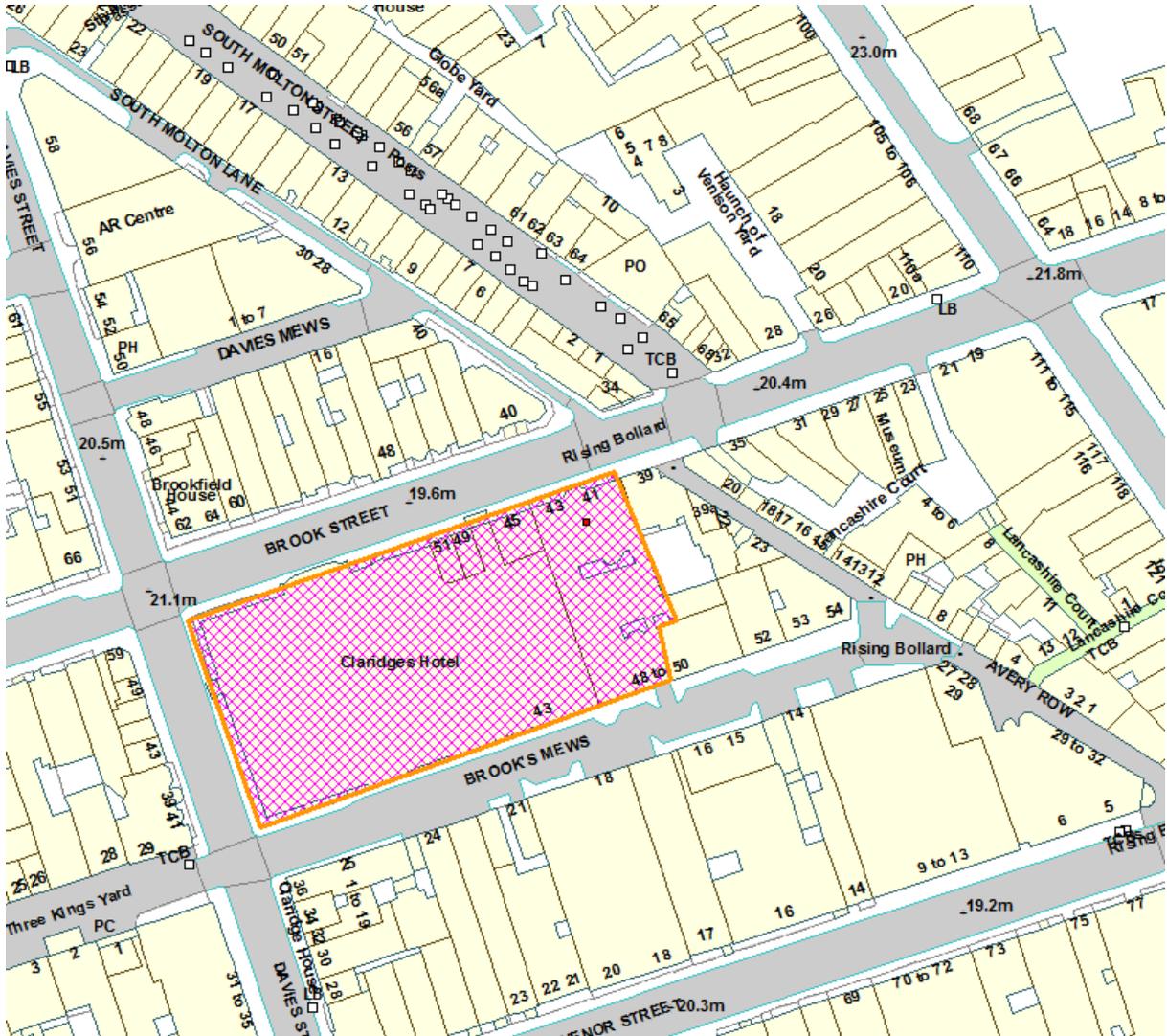
Planning permission and listed building consent are sought for the partial demolition of 48-49 Brook's Mews and the redevelopment of that part of the site to provide an extended building on ground to eighth floors, incorporating two restaurants on part ground and first floor levels; internal and external alterations to 41-43 Brook Street, including alterations to the roof; for the use of part ground and lower ground floors as retail shop (Class A1) and for the use of the upper floors of both buildings to provide 28 hotel bedrooms in association with Claridge's Hotel

The key issues for consideration are:

- The impact of the proposals upon the amenities of neighbouring residential properties.
- The acceptability of the proposed uses in land use terms
- The impact of the works upon the special interest of the listed building and the character and appearance of the Mayfair conservation area.

The loss of office accommodation to provide hotel floorspace is considered acceptable in principle in land use terms, as is the provision of a new retail and restaurant uses. The proposals are considered acceptable in terms of their impact on the amenity of neighbouring residential properties, subject to conditions. The proposed alterations to the listed building and the new building on Brook's Mews safeguard the special interest of the listed building and preserve the character and appearance of the conservation area. For these reasons the proposal is considered to comply with the relevant policies in the London Plan, the City Plan and the Unitary Development Plan (UDP) and it is recommended that conditional planning permission and listed building consent be granted subject to the completion of a S106 agreement to secure a carbon off-set payment and highway works on Brook's Mews.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND

Authorisation to determine as seen fit.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to archaeological conditions

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

Supports the proposal, consider the Brook's Mews elevation to be an improvement.

### WASTE PROJECT OFFICER

No objection subject to conditions.

### HIGHWAYS PLANNING

No objection subject to conditions.

### BUILDING CONTROL

No objection.

### ENVIRONMENTAL SCIENCES

No objection subject to conditions.

### THAMES WATER

Request informatives be attached to any approval.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 177

Total No. of replies: 54 (some have submitted more than one representation)

No. of objections: 11

No. in support: 36

Objections on the following grounds:

#### **Land use**

- Draft City Plan policies resist the conversion of office floorspace to hotel use.

#### **Amenity**

- Increased footfall in Brook's Mews resulting in noise and disturbance to residents.
- Noise and disturbance from restaurant patrons; conditions requested with regard to the operation of the restaurants and external courtyard
- Increased sense of enclosure to neighbouring flats
- Increased overlooking from new hotel windows
- Lack of information relating to daylight and sunlight losses at 50 Brook's Mews (including the garden areas).

## Design

- Bulk and height of extended building would have an adverse impact on the setting of neighbouring listed buildings and the wider Mayfair Conservation Area.

## Other

- Impact of construction activities on residential amenity.
- Detrimental impact on the value of property in the vicinity.
- Design and Access Statement identifies the wrong property as the nearest residential building.
- Lack of individual servicing provision for the proposed retail and restaurant uses.
- Lack of consultation from the applicant.
- Potential for damage of neighbouring properties during construction.

Letter of support on the following grounds:

- Improvements to the appearance of Brook's Mews.
- Confident the extended hotel and restaurant premises can operate without detriment to neighbouring residents.
- Proposal helps to strengthen an important, well regarded hotel premises.
- Increased employment opportunities.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application relates to two adjoining properties located in the Mayfair Conservation Area and the Core Central Activities Zone. The buildings are located just outside the boundary of the West End Special Retail Policy Area, which runs to the east of 39 Brook Street, and outside of any of the designated entertainment stress areas.

No. 41-43 Brook Street (lower ground, ground and first to third floor levels) is a Grade II listed building. No. 48-49 Brook's Mews (basement, ground and first to third floor levels) is unlisted. The buildings are connected internally but, due to differing street levels, the ground floor of the Brook's Mews building corresponds with the lower ground floor of the Brook Street building. There is a courtyard to the rear of the buildings.

Both buildings are currently in office use, with ancillary parking (Class B1), with the exception of the basement at 48-49 Brook's Mews which is occupied as a private members' club. This club (The Bath and Racquets Club) is not included within the development proposals and would continue to operate during the implementation of any approved development.

The Grade II listed Claridge's Hotel is located to the west of the application buildings at 47-57 Brook Street, with frontages on Davies Street and Brook's Mews. The main hotel entrance is located on Brook Street and servicing takes place from Brook's Mews. The

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hotel provides a range of ancillary functions within the building including a ballroom, restaurants and bars and retail units. The hotel currently has 203 guest bedrooms. Permission has been granted for alterations and extensions to the hotel, including new basement levels and a roof extension. This consent is currently being implemented and will increase the number of bedrooms to 243.

The site is located within the Great Estates Archaeological Priority Area.

## 6.2 Recent Relevant History

No relevant planning history for the application sites

### 47-57 Brook Street

23 May 2017: Permission and listed building consent granted for internal and external alterations including the removal of rooftop plant rooms and associated structures and the construction of additional two storeys to provide 40 additional hotel (Class C1) bedrooms; alterations to elevations on Brook Street, Davies Street and Brook's Mews and excavation of five new basement levels to provide additional hotel floorspace (Class C1) comprising ancillary restaurants/bars, function rooms, hotel leisure/spa facilities and ancillary and back of house spaces.

Works are currently progressing on site to implement this permission.

## 7. THE PROPOSAL

At 41-43 Brook Street it is proposed to provide a new retail unit (475 sqm) on part basement and part ground floor levels, with access from Brook Street. Part of the basement, ground and the upper floors would be converted to provide new guest bedrooms for the adjacent Claridge's Hotel. Internal works are proposed to all floors including the formation of new internal links to Claridge's at lower ground and ground floor levels. The existing roof structure is to be retained but is to be raised in height by 1m.

Permission is also sought to demolish 48-49 Brook's Mews on first to fifth floor levels (retaining the ground floor and the basement private members' club), and erection of new first to eighth floor levels. The redeveloped building would provide two separate restaurants on part ground and part first floor accessible from entrances off Brooks Mews and from within the main Claridge's hotel. Part ground, first and the remainder of the property would be used as hotel accommodation associated with Claridge's, providing hotel bedrooms on the upper floors. A small, single storey, extension to the Brook's Mews building is proposed in part of the rear courtyard. The remainder of the courtyard would provide amenity space for the hotel and restaurant patrons. The proposal also includes the removal of the existing vehicle crossover on Brook's Mews as this is no longer required with the removal of the garaging within the building.

The schedule of existing and proposed floorspace is as follows:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (B1)	4073	0	-4073
Restaurant (A3)	0	499	+499

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Retail (A1)	0	475	+475
Hotel (C1)	0	3783	+3783
<b>Total</b>	<b>4073</b>	<b>4757</b>	<b>+684</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of offices

The scheme would result in the loss of 4073m<sup>2</sup> of Class B1 office floorspace. City Plan policy S20 seeks to protect office floorspace on sites within the CAZ. However, this policy does not apply in cases where the offices are being replaced with an alternative commercial use. As the offices are being replaced by hotel, retail and restaurant uses, their loss is acceptable in land use terms.

An objection has been received to the loss of office accommodation to hotel use as the policies of the new City Plan 2019 - 2040 resist this change. Given the very early stage of the consultation process, and having regard to the tests set out in para. 48 of the NPPF, the policies within the emerging draft City Plan are given very limited weight at present. As the loss of offices is considered acceptable in the context of the adopted policy framework, this objection cannot be supported.

#### New retail use

The proposal includes the provision of a retail unit (475 sqm) on the lower ground and ground floors of the Brook Street building. The introduction of new retail floorspace on this frontage is welcomed and complies with policies SS4 of the UDP and S7 of the City Plan which encourage the provision of new retail uses in the Core CAZ. Brook Street is commercial in nature and there are already a number of ground floor retail and restaurant uses particularly to the east of the site, towards Bond Street. The provision of a new retail unit would enhance vitality of the street and its retail character.

#### Extension of hotel use

The scheme involves a large extension to the neighbouring Claridge's Hotel. The extension will provide a further 28 bedrooms to the existing 203-bedroom hotel. A permission to provide 40 additional bedrooms is currently being implemented on this site and consequently, this application would take the total number of rooms to 271.

Policy TACE 2 of the UDP states that within the Core CAZ, in street which are not primarily residential in character, extensions to existing hotels will be permitted where no adverse environmental and traffic effects would be generated and where adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including setting down and picking up of visitors by taxis and coaches.

Policy S23 of the City Plan states that hotels are important to support the visitor and business economy within the City. Proposals to improve the quality and range of hotels will be encouraged.

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London Plan Policy 4.5 seeks to achieve an additional 40,000 hotel rooms by 2036 and requires 10% of these rooms to be wheelchair accessible.

The main entrances to the hotel and ballroom entrance are located on Brook Street. Davis Street provides the main entrance to the restaurants and a secondary entrance. All servicing for the hotel and restaurants takes place from Brook's Mews, and this will continue to be the case, including for the proposed restaurants, which will utilise the existing servicing access points.

The new hotel rooms would be accessed from the existing hotel, with another new entrance on Brook Street between the existing hotel and the new retail unit. All new bedrooms are wheelchair accessible and level access will be provided through the hotel, with lift access to the new accommodation.

Given the site context, it is not considered that the provision of an additional 28 hotel bedrooms would have any significant detrimental environmental effects. The proposed extension to the established hotel is therefore considered acceptable in principle in land use terms. The impact of the proposals upon the amenity of neighbouring residential properties and in highways terms is discussed in the paragraphs below.

A number of letters of support have been received, primarily from other business occupiers in the area. They consider that an extension to the existing hotel, on the basis that it is well managed and well respected would be beneficial for the tourist industry and the reputation of London. These comments are noted.

### **New restaurant accommodation**

Two new restaurant units are proposed on the lower ground and ground floors of the Brook's Mews building. The two restaurants would measure 250 sqm and 249m sqm. Proposals for entertainment uses of this type and size on sites within the Core CAZ, but outside of any designated stress area, would be considered against UDP policy TACE10 of the UDP and S24 of the City Plan. The proposal is considered under TACE10 as there are a number of existing bars / restaurants within the Claridge's Hotel and the proposed increase in restaurant floorspace will take the entertainment floor area over the 500sqm threshold.

Policy S24 of the City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large-scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster. Policy TACE 10 of the UDP also states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'.

It is recognised that there can be considerable variation between the impact entertainment uses have on the local environment and residential amenity. For example, restaurants with a waiter service tend to have fewer adverse effects than bars used by large numbers of customers. When assessing the acceptability of new entertainment uses, the Council will

take account of the size of the unit, its capacity, the type of use, servicing arrangements and any supporting details regarding the management of a use.

There are a number of existing restaurant units on Brook's Mews and the street has a mixed character comprising offices and residential uses. Claridge's occupies a long section of the street frontage. The nearest residential units are located in the adjoining building to the east of the application site, at 50 Brook's Mews.

Other licensed premises in the vicinity include:

The Bath and Racquets Club in the basement of the Brook's Mews building: Licensed opening: 10:00 to 23:30 hours on Monday to Saturday; 12:00 to 23:00 on Sundays;

La Petite Maison at 54 Brook's Mews: Licensed opening 10:00 to 00.30 the following morning on Monday to Saturday and 12:00 till 00:00 on Sundays;

Cafe 19 Brook's Mews: Licensed opening 07:00 to 22:00 daily.

Given the number, type and distribution of entertainment uses in the vicinity, it is not considered that the proposals would have any adverse impact on the character and function of the area, nor any adverse cumulative impact.

The proposed capacity of each restaurant is 100 customers which has been agreed with the applicant and would be conditioned accordingly on any consent. It is noted that the courtyard would have capacity for 40 patrons, however access to the courtyard is shared between the restaurants and hotel guests. The proposed restaurant opening hours (both restaurants) are from 07:00 to 24.00 hours (midnight) on Monday to Thursday and from 07.00 hours until 00:30 the following morning on Friday, Saturdays and the Sundays preceding Bank Holidays. Paragraph 8.88 of the UDP states; 'as a general rule, the Council expects that, in entertainment uses in predominantly residential areas (author's underlining), it will impose planning conditions that no customers will be allowed to remain on the premises after midnight on Sundays to Thursdays, and after 00.30 on the following morning on Friday and Saturday nights'. Given that this is not a predominantly residential area, the proposed opening hours, which reflect those of other uses in the vicinity, are considered acceptable.

Objections have been received from residential occupiers at 50 Brook's Mews on the grounds that the introduction of the new restaurants would result in increased activity and disturbance within the mews to the detriment of residents' amenities, resulting from patrons of the premises, staff and servicing. In order to address these concerns, the application has been revised to move the restaurant entrance doors further eastwards, away from the residential block. The applicant has also agreed that the restaurant entrance doors should be closed after 22.00 hours. After this time, restaurant customers would exit the premises via the main hotel entrance on Brook Street.

In addition, the roof of the ground floor courtyard extension, serving the restaurant use has been changed from a glass roof to a more solid green roof incorporating skylights. A condition is included to ensure that these skylights are fixed shut to ensure there is no potential for noise disturbance.

The courtyard is to be available for use by hotel and restaurant guests. The applicant had requested that access be permitted between the hours of 07:00 and 22:00, whilst the objectors have requested more restricted hours of 09:00 until 19:00. However, the use of the existing courtyard by office tenants is currently unrestricted, and it is considered that a condition limiting access to the courtyard between 08:00 and 22:00 would be reasonable. The capacity of the courtyard has been limited by condition to 40 persons at any one time.

Conditions are also proposed to control restaurant opening hours and capacity and to require the premises to operate as sit-down restaurants, with the size of the bar area restricted to a maximum of 15% of the floor area and to prevent drinks being served other than to restaurant diners. Further, conditions are proposed to prevent the playing of any music that would be audible outside of the premises; to require all restaurant doors and windows to be kept closed, other than for access/egress through the doors, and to prevent the amalgamation of the restaurant units, to prevent the creation of a large entertainment use which may have additional amenity impacts. Subject to these conditions, and given that there is already late night activity within the mews associated with the existing restaurant and club uses, it is not considered that the current restaurant proposals would have material impact on residents' amenities and the objections relating to noise disturbance from the proposed use cannot be supported.

A high level extract duct is also proposed as part of the development. This is considered an acceptable method for odour dispersal from the new restaurant premises and a condition is proposed requiring the installation of this extract duct prior to the commencement of the restaurant use.

Servicing of the extended hotel and the restaurants will take place from the existing servicing bay for Claridge's located in Brooks Mews near the junction with Davies Street at a distance of approximately 75m from the objector's properties at 50 Brooks Mews.

For the reasons detailed above, the applicant considers that the proposals would have a limited impact and that this constitutes 'exceptional circumstances' under Policy TACE10. Conditions are proposed requiring the restaurant operation to accord with the Servicing Management Plan which has been submitted to ensure that the servicing of the unit does not negatively impact upon the amenity of residents in the vicinity or use of the highway. Conditions are also proposed to ensure that there is no takeaway service provided from the property or a home delivery service which might result in increased vehicular movements.

Whilst it is acknowledged the new restaurants would constitute a large entertainment use, given the location of hotel bedrooms directly above, it will be in the interests of the hotel to ensure that these areas are properly managed. In addition, with a condition in place requiring the doors to Brooks Mews to be closed after 22:00 all patrons / staff will exit the restaurant premises through the hotel entrances to Brook Street meaning no additional disturbance in the late evening. Taking this into account and a high degree of management and control at the premises it is not considered the proposal would have a detrimental impact on the living conditions of neighbouring residents nor local environmental quality.

The principle of the proposed restaurant units is therefore considered to be in accordance with UDP Policy TACE10 and City Plan Policy S24 subject to these safeguarding conditions. A number of letters of support have also been received expressing confidence

that the extended use would not be a detriment to neighbouring residents given the way in which the existing hotel is managed and its international reputation.

## **8.2 Townscape and Design**

### **Brook Street**

41 and 43 Brook Street are grade II listed building with phases of development in 1725, 1853 and 1919. Built as a pair of terraced houses in 1725, No. 41 was remodelled by Charles Barry in 1853, and No. 42 was subsequently remodelled by Wimperis and Simpson in 1913-19. The whole now presents as a single, largely symmetrical, composition with a central bow window added in the twentieth century.

Brook Street in general is a historic streetscape containing a number of listed buildings (including the adjacent grade II\* 39 Brook Street). All of the unlisted buildings in this part of the street are considered to make a positive contribution to the character and appearance of the Mayfair Conservation Area.

### **Brooks Mews**

Brooks Mews comprises a greater mix of buildings in terms of character and scale. The application building, on basement, ground and three upper floors, dates from the late twentieth century. It is consistent with the character of the mews in terms of materials (brick) and scale and forms a step in height between the small scale buildings to the east and the much larger Claridge's Hotel to the west. In terms of its detailed design, the building does not make a significant contribution to the character of the area. The value of the existing building, in isolation, is limited. In terms of streetscape, its value is considered to be modest at best. There is no in principle objection to the loss of 48 Brooks Mews, provided that the replacement building makes an equal or greater contribution to the character and appearance of the Mayfair Conservation Area. The loss of the existing building is not considered to cause harm to the character or appearance of the conservation area. The proposed replacement building will make an equal contribution to the character and appearance of the area.

### **Proposal**

#### **Brook Street**

The only external change to the Brook Street building is the raising of the roof by 1m to provide additional headroom in the top floor. The roof is a later addition to the listed building, and this minor alteration is not contentious.

The most significant internal alteration to the listed building is the proposed lowering of the basement floor to provide additional headroom. The basement here is of lesser interest, with most fabric dating from later phases of the hotel development. The plan form would be retained, as is the case at each subsequent storey.

As the site is located within an area of archaeological interest Historic England (Archaeology) have requested a condition be included requiring the submission of a written

scheme of investigation, methodology of site investigation and recording and post-investigation assessment and analysis. A condition is included as requested.

The junction of the listed building with the redeveloped mews building is in the same plane as the existing connection between the buildings. This is in an area of later fabric and considerably lesser significance.

### **Brooks Mews**

The existing building forms a step between the four-storey building to the east and Claridge's ballroom building, to the west, which is eight storeys in height, including a penthouse, which is well set back from the main building line at the front, side and rear. Permission has recently been granted for the extension of this building to provide a total of nine storeys. The proposed building on Brooks Mews would rise to eighth floor level, a very significant increase on the existing, however the top storey, which forms part of the penthouse would be well set back from the principal elevations and would not be visible in street level views.

Objections have been received on the grounds that the bulk and height of the extended building would have an adverse impact on the setting of neighbouring listed buildings and the wider Mayfair Conservation Area.

The increased bulk does not relate visually with the setting of any of the adjacent listed buildings – Claridge's main building, 41-43 Brook Street or 39 Brook Street. The bulk of the building is indeed increased considerably. However, this increase is still considered to be acceptable as the new building will still form a step in scale between the tall ballroom wing and the lower buildings to the east of Brooks Mews.

The scale of the proposed development is considered acceptable on the basis that the approved extension at the Claridge's ballroom roof extension is completed. It would not be acceptable if the adjacent extension is not constructed. Officers have been advised that demolition of the roof structure on Claridge's is currently taking place in accordance with the planning consent. A tower crane has been installed to facilitate the development and steelwork for the new roof steel work is in place. As it is considered that the permission for the main Claridge's roof extension has been implemented and the roof works substantially completed, it is not considered necessary to impose conditions or to require a planning obligation to link the current proposals to the implementation of the proposals on the neighbouring site.

The height of the proposed Brooks Mews buildings with buildings to the east is considered acceptable. Only a very small proportion of the redeveloped building would be visible in views from Brook Street. Due to the change in level between Brook Street and Brooks Mews, the proposed building appears less tall in views including the listed buildings on Brook Street. Verified views have been produced showing that the impact of the new building on the setting of no. 47 Brook Street is minimal.

### **Materials and design**

The proposed Brooks Mews building consists of a brick frame with steel framed windows. The glazing bars are typical of early to mid-twentieth century metal window, and are

consistent with the 1920s styling of the deco Ballroom Wing adjacent, particularly in combination with the penthouse storeys. As a whole, the brick and glass elevation results in a lower solid to void ratio than is seen elsewhere in the mews. However, this is considered acceptable due to the variation in styles throughout the mews and the detailing of the windows, which is to be secured by condition.

The application has been revised to reduce the depth of the balconies so that they now project no further than the projecting bays in the adjacent ballroom building. A 'spine' running up between the balconies had also been removed to reducing the impact of the building in views along Brooks Mews. Privacy screens will still be required between balconies serving adjoining rooms. These should be designed to be as low as possible and details are reserved by condition.

The penthouse floors have been designed in a modern style, with curving elevations and steel framed windows referencing the same inter-war aesthetic as the windows in the main elevation. The topmost penthouse storey will not be visible from the public realm, and the design has been revised to increase the solid elements to reduce the potential for a 'lightbox' effect.

The flank elevation to the Brooks Mews building would include art panels flush with the facade. The materials would be integrated with a brickwork and would be a non-porous limestone, details of this are secured by condition.

There is little detail of the proposed ground floor windows and a condition is recommended requiring the details of subdivision, window surrounds and other shopfront elements. Letters of support have been received from local business occupiers who welcome the improved design of the building fronting Brook's Mews. These comments are noted.

Subject to conditions, the proposals are considered acceptable in design and townscape terms and would comply with policies DES 1, DES4, DES 9 and DES 10 of the UDP and S25, S28 of the City Plan policies. It is not considered that objections on the basis that the development would have an adverse impact on the setting of adjacent listed buildings or on the character and appearance of the conservation area can be supported.

### **8.3 Residential Amenity**

Policy S29 of the adopted City Plan states that; 'the council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment.' UDP policy ENV13 states that the Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and, where the resulting level is unacceptable, permission will be refused.' Additionally, developments should not result in unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

#### **Daylight and Sunlight**

A daylight and sunlight report has been submitted with the application which assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing sensitive properties. Paragraph 2.2.2 of the BRE guidelines states that they 'may

also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

Under the BRE guidelines the level of daylight received by a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. An assessment has also been made of the daylight distribution in rooms, the BRE guidelines state that 'if following construction of a new development, the no sky line moves so that the area of the existing room, which does not received direct sunlight, is reduced to less than 0.8 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit'

With regard to situations where the existing daylight levels are below the BRE recommendations, Policy ENV13 states that 'where principal habitable rooms such as bedsits, living rooms, studies or kitchens are affected, the City Council may find any loss of light unacceptable.' The BRE guidelines state that daylight to living rooms, kitchens, and bedrooms should be assessed but 'windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed'.

The windows included in the assessment serve properties at 17 Brook's Mews on the southern side of Brook's Mews facing the proposed development and 50 Brook's Mews being the adjoining residential building to the east. The report identifies losses of daylight (in VSC terms) to windows serving the residential units at 17 Brook's Mews which are in excess of the BRE guidelines.

Objections were received from the occupiers of 50 Brooks Mews on the basis that the submitted report did not provide adequate information to permit an assessment of the impact on daylight and sunlight levels received to that property. However, additional information has since been provided in relation to daylight / sunlight losses at this property and neighbours have been reconsulted.

### **Daylight**

The daylight analysis for 50 Brook's Mews shows that there would be no material breaches to VSC or to daylight distribution. 17 Brook's Mews is located to the south of the application site on the opposite side of Brook's Mews. There are residential units on the upper floors.

The table below details the impact (VSC) on these north facing windows.

Window	%VSC		
	Existing	Proposed	Loss (%)
First (Living Room)	13.53	10.54	23%
First (Kitchen)	14.25	11.32	21%
First (Living Room)	12.86	9.96	23%
Second (Kitchen)	17.05	13.17	23%

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Second (Living Room)	16.16	12.18	25%
Second (Living Room )	15.32	11.46	26%
Third (Kitchen)	20.68	15.51	25%
Third (Living Room)	19.60	14.29	28%
Third (Living Room)	18.57	13.40	28%
Fourth (Living Room)	23.47	16.62	30%
Fourth (Kitchen)	24.69	18.09	27%
Fourth (Living Room)	22.28	15.56	31%
Fifth (Kitchen)	28.44	20.98	27%
Fifth (Living Room)	27.25	19.38	29%
Fifth (Living Room)	26.12	18.29	30%
Sixth (Living Room)	30.12	23.69	22%

The report also includes an assessment of the daylight distribution within these rooms included in the chart above. This provides an assessment of the daylight distribution within the room itself as opposed to just the daylight received by the window as measured by VSC. The daylight distribution figures for these rooms show that only five rooms would not meet the standards outlined in the BRE guidance being the kitchen at third floor, living room at fourth, kitchen and living room at fifth and living room at sixth with the largest loss being to the living room at fourth floor level with a drop from 94% of the room to 47% equating to 49% of its former value.

Although it is acknowledged that reductions in VSC to these windows exceed the BRE targets, the retained VSC values are considered to provide a reasonable standard of daylight to the affected rooms in this built up central location and it is not considered that the losses would have a material impact on the amenity of the existing residents. It is also noted that no objections have been received from these properties. (There is a current enforcement investigation concerning the use of the premises as short-term letting accommodation).

The application has also been revised to step the building elevations further back on the upper floors fronting Brook's Mews, which is likely to result in some improvements to resulting VSC values. For the reasons set out above it is not considered that the proposals would have a detrimental impact on levels of daylight to flats at 17 Brook's Mews such that the application would be refused on this basis.

### **Sunlight**

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

None of the windows tested at 17 Brook's Mews or 50 Brook's Mews face within 90° of due south and therefore do not need to be tested for sunlight. Consequently, there would not be any material impact on the level of sunlight received by these neighbouring flats and objections on these grounds could not be supported.

The existing flats at 50 Brooks Mews benefit from small patio areas to the rear of the ground floor flats whilst the upper floors have balconies. Objections have been received from some of the residents to the proposal on the grounds that the development may result in a loss of sunlight to these external amenity areas. The BRE Guidance states that; 'it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

A report has been submitted from the applicant to assess losses to the patio areas and balconies. The report concludes that as the patios and balconies all face north the proposal will not result in any additional overshadowing. The objections on these grounds are not therefore considered sustainable.

### **Sense of Enclosure**

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

Objections have been received on the grounds that the proposal would result in an unacceptable increase in the sense of enclosure to residential windows and ground floor gardens at 50 Brooks Mews. The flats on the upper floors are served by small balconies.

The extended height and bulk to the Brook's Mews building will be apparent from the garden areas and balconies at 50 Brook's Mews, as well as in oblique views north-west from inside the flats. The single storey courtyard extension will be set behind an existing party wall and the main extension will be viewed in the context of, and set against, the main Claridge's building, directly behind it. Given the distance involved of approximately 17m the oblique views of the extended building from inside the residential flats and the context of the surrounding built form, it is not considered that the proposals would have a material impact on the sense of enclosure to neighbouring residential windows or external amenity spaces and objections on these grounds could not be supported.

### **Privacy**

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. A number of the objectors consider that the proposed development would result in an increased overlooking from the new hotel bedrooms within the extended Brooks Mews building to residential windows in 50 Brooks Mews. As set out above, there would be only oblique views from the extended Brooks Mews towards the neighbouring flats. The top four windows to the new building serve bathrooms with the four windows on the penultimate floor lighting a hotel corridor.

The new building also includes small balconies to individual bedrooms, which are closer to the main rear elevation of 50 Brooks Mews property, at a distance of approximately 17m from the closest windows. Due to the position of windows in surrounding properties, there is already a degree of mutual overlooking. In these circumstances, and given the distances between the buildings, it is not considered that the proposals increase the opportunity for overlooking to the rear of the neighbouring building to a degree that would justify a recommendation for refusal on amenity grounds. Consequently, objections on privacy grounds cannot be supported.

## 8.4 Transportation/Parking

### Trip Generation

The application is supported by a Transport Assessment which details how the extended hotel will be managed to prevent the use having a detrimental impact upon other highways users. It is accepted that the existing large office uses will have servicing requirements which would generate vehicle movements in the area. Whilst the proposed use will result in higher levels of activity at different times, it is not considered this would result in a significant detrimental impact upon the operation or safety of the public highway.

### Car Parking

There is an existing car parking area on the ground floor of 48-49 Brook's Mews. This was utilised by the office occupiers of the building and some spaces were privately leased out by the building owner (Grosvenor Estate) to occupiers of other commercial buildings in the area. The Grosvenor Estate has confirmed that none of the spaces are let to local residents. The City Council holds no information to the contrary and the loss of this commercial parking is therefore considered acceptable being consistent with UDP policies TRANS21 and TRANS22.

The redundant vehicle crossover on the Brook's Mews pavement is also to be removed as part of the proposals and these works are secured at the applicants cost in the legal agreement. The removal of the vehicle crossover is considered a benefit of the scheme and will provide an improved environment for pedestrian movement.

### Servicing

New servicing access for Claridge's Hotel was approved as part of the 2017 permission which is currently being implemented. This scheme involved alterations to on-street parking spaces on Brook's Mews, near the junction with Davis Street, to provide an additional servicing area outside of the hotel, which was secured by legal agreement. An updated Servicing Management Plan confirms that the extended hotel and the restaurant premises would be serviced via the approved servicing routes for the main hotel. This is considered acceptable in highways terms, minimising the impact of servicing from the highway, and will be secured by condition. A condition is required to ensure that servicing of the extended hotel complies with the requirements detailed in the Servicing Management Plan.

The Highways Planning Manager has requested an additional condition requiring the submission of an Operational Management Plan detailing how coaches and taxis will be

managed to minimise their impact upon highways users. This is considered to address the concerns objectors raise regarding impact on parking.

### **Cycle parking**

Based on the proposal, overall the London Plan would require the provision of 9 cycle parking spaces. The applicant has stated that these will be provided within the new basement extension to the main hotel, which is currently being constructed, where there are approved cycle stores but no detailed drawings have been provided of the new cycle provision. A condition is therefore imposed requiring the submission of a drawing of the new cycle parking to ensure it is provided and retained.

A condition is also imposed to ensure that none of the new doors open over the public highway in order to ensure there is no obstruction to pedestrians. On this basis of the above, the scheme is considered acceptable in highways terms, subject to conditions.

## **8.5 Economic Considerations**

Letters of support to the application have detailed the increased employment opportunities in the expanded hotel and restaurant operations. Any economic benefits generated are welcomed.

## **8.6 Access**

Level access will be provided to the restaurant premises from Brooks Mews and an internal lift will provide access within the restaurant premises to the first floor level. Level access is also provided through the main hotel entrance, which will lead through to the new hotel accommodation. The new bedroom accommodation will be served by lifts. Additionally, level access is provided from Brook Street into the ground floor level of the new proposed retail unit.

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

### **Plant Noise**

A new kitchen extraction system is proposed to serve the new restaurant uses. This would be routed internally and would terminate within an approved plant area at main roof level (ninth floor) on the existing Claridge's Hotel building to the west. Policies ENV6 and ENV7 of the UDP and S32 of the City Plan seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

The plant is proposed to operate at any time over a 24 hour period. An acoustic report has been submitted in relation to the operation of this new plant which specifies acoustic mitigation measures in the form of an attenuator to the end of the ducting set behind the approved acoustic screening. The final plant specification of the kitchen duct has yet to be determined and a condition is recommended to require the submission of a supplementary acoustic report to demonstrate compliance with the City Council standard noise criteria. Standard conditions are also imposed with regard acceptable levels of noise, vibration from

the plant and the installation and retention of the stipulated acoustic mitigation measures as required by Environmental Health.

An additional plant area is also proposed at rear fourth floor level of 41 – 43 Brook Street but this is to serve a communications / switch room and will have no external ventilation openings and would not generate any noise. This is considered acceptable with regard any amenity impacts.

### **Refuse /Recycling**

Full details of the provision of waste and recycling storage have been provided and are shown detailed on a submitted drawings. These have been assessed and considered acceptable by the Waste Project Officer and a condition is proposed to ensure that the stipulated waste storage areas are provided and retained.

### **Biodiversity**

A green roof is proposed to be installed on the roof of the single storey extension into the courtyard area. The introduction of the green roof area is welcomed and a condition is imposed to ensure this is provided and retained.

### **Sustainability**

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO2 emissions over the baseline emissions to be achieved by the development.

Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is accompanied by an Energy Statement which sets out the sustainability credentials of the building. The energy efficiency and sustainability initiatives of the site have been optimised to address the Mayor's Energy Hierarchy and to address the requirements of policies in Chapter 5 of the London Plan and Policy S28 of the City Plan.

The Energy Statement submitted as part of the application states that the proposed Combined Heat and Power (CHP) plant, as well as the installation of thermal stores which will reduce the regulated emissions of the Proposed Development by 21%. This equates to an emission saving of 102 tonnes of carbon dioxide per annum. As these savings are below the targets set out in London Plan a carbon off-set payment of £116,880 is proposed to secure the delivery of carbon reduction measures elsewhere in the borough. This will be index linked and secured by legal agreement

## 8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 took place between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## 8.9 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

## 8.10 London Plan

As detailed above the extension to the hotel use accords with the strategic policies of the London Plan which seeks to increase the number of hotel rooms in London.

## 8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition and construction phases of the development and the archaeological information. The applicant has agreed to the imposition of these conditions.

## 8.12 Planning Obligations

The estimated CIL payments are:

£99,261.25 for the Mayoral CIL and  
£165,573.44 for the Westminster CIL

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

- An index linked carbon off-set payment of £116,880;
- Highways works to Brooks Mews to remove the redundant crossover and restore the pavement.

## 8.13 Environmental Impact Assessment

The proposal is of insufficient scale to require the submission of an Environmental Statement.

## 8.14 Other Issues

### Construction impact

A number of objections have been received on the grounds that the construction works will be disruptive to local residents and businesses.

The Code of Construction Practice was published in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the approach requires a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. Such a condition is recommended and the applicants have agreed to the imposition of this condition. This will ensure all appropriate measures are included to deal with construction vehicle movements, dust, and cleaning of the highway. This will also ensure that no construction vehicles block access to any surrounding properties during the construction process. With these controls in place it is not considered the objections on these grounds could be supported. The standard building hours' condition is also recommended to safeguard residents' amenity. Whilst objectors have requested this is made more restrictive, the standard hours condition is deemed suitable to protect residents' amenity.

### Other

A number of informatives have been required by Thames Water and these have been attached as requested.

Objections have also been received to the application on the grounds of the impact of

construction works on the value of neighbouring properties. This is not a material planning consideration the application could not be reasonably refused on these grounds.

Residents of 50 Brook's Mews are concerned about potential for damage to their property during construction works. Structural information has been submitted in relation to the proposed works and the support works proposed to neighbouring properties. This has been reviewed by Building Control who raise no objections. Works to the party wall will also require the parties to sign a Party Wall Agreement.

An objector has commented on the lack of consultation with neighbouring residents from the hotel operator. It is understood that the applicant undertook a public exhibition and presentations with local stakeholders and residents prior to the application being submitted. The City Council has also sent letters to occupants of neighbouring properties and a site notice has been displayed and the application advertised in the local press.

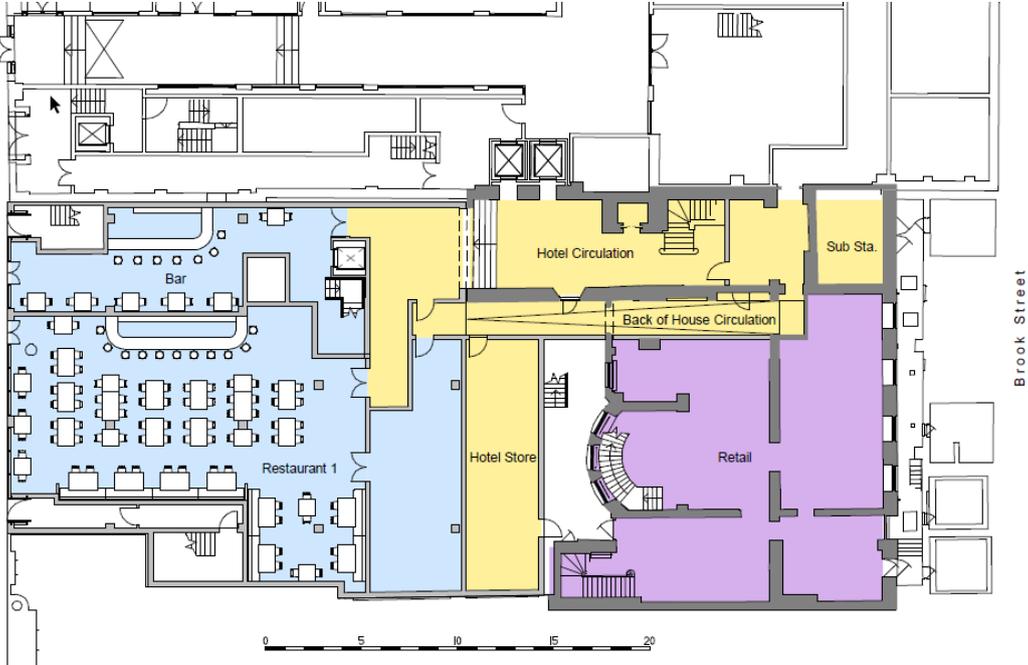
The initial Design and Access Statement omitted reference to the neighbouring flats at 50 Brook's Mews – an error noted by some objectors. However, this oversight has had no bearing on the consideration of the application. Additional information has been sought from the applicant in relation to the impact upon the neighbouring flats and meetings have taken place between these residents and the applicant's agent has also met with a number of neighbouring residents to discuss the scheme.

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

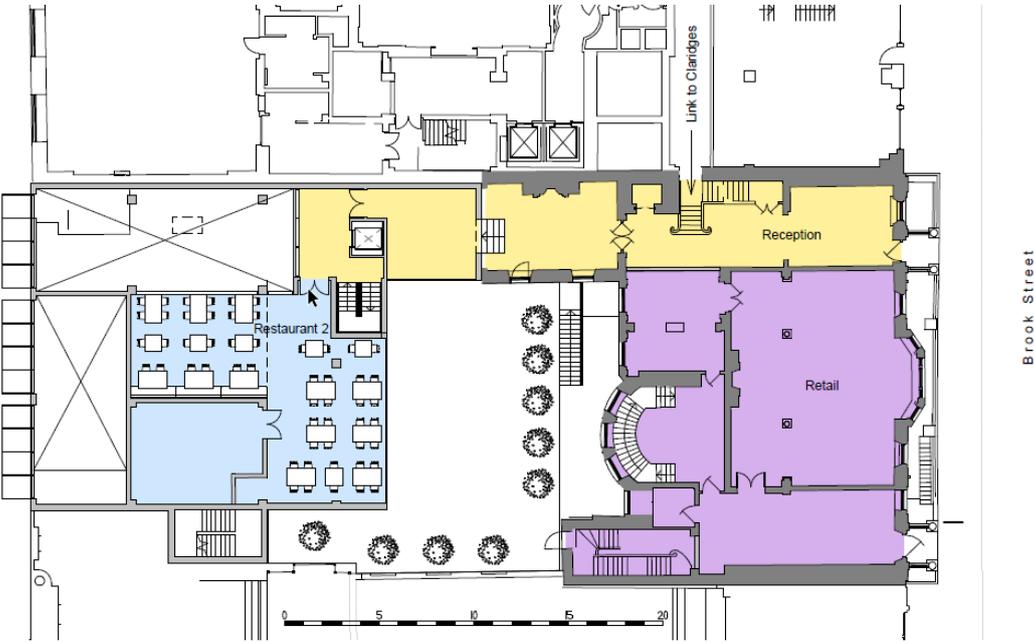
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

**9 KEY DRAWINGS**

Proposed lower ground floor:



Proposed ground floor:



East elevation with consented Claridge's roof extension:



South elevation with consented Claridge's roof extension:



**DRAFT DECISION LETTER**

- Address:** 41 - 43 Brook Street, Mayfair, London, W1K 4HJ,
- Proposal:** Demolition of the upper floors of 48-49 Brook's Mews and erection of building comprising ground and first to eighth floor levels; alterations to the basement and roof structure of 41-43 Brook Street; use of ground and first floors of 48-49 Brooks Mews as restaurant floorspace, use of lower ground and ground floors of 41-43 Brook Street as retail and use of the remainder of both buildings as hotel guestrooms in connection with the adjoining Claridge's hotel. (SITE INCLUDES 48-49 BROOK'S MEWS AND CLARIDGE'S HOTEL).
- Reference:** 18/04972/FULL
- Plan Nos:** Servicing Management Plan dated November 2018, Servicing Management Plan Summary dated 4 December 2018, Proposed Kitchen Extract route Sheets 1-4, Acoustic Report dated 13 November 2018, Energy and Sustainability Statement (May 2018), Structural Statement dated July 2019, Structural Statement Addendum dated 7th August 2019, Drawing: 1441-08-0090D, 1441-08-0091, 1441-08-0100D, 1441-08-0101, 1441-08-0105D, 1441-08-0110D, 1441-08-0111, 1441-08-0116, 1441-08-120D, 1441-08-0121, 1441-08-0130D, 1441-08-0131, 1441-08-0140D, 1441-08-0141, 1441-08-0151, 1441-08-0161, 1441-08-0171, 1441-08-0181, 1441-08-0300, 1441-08-2111, 1441-08-2121, 1441-08-2141, 1441-08-2172, 1441-08-2202, 1441-08-2210, 1374-20-5-094 RevP100.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**Recommended Condition(s) and Reason(s)**

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

**Reason:**

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 **Pre Commencement Condition.** Prior to the commencement of any: (a) Demolition, and/or, (b) Earthworks/piling and/or, (c) Construction, on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 4 You must install the high level duct as shown on the approved drawings before either restaurant unit hereby approved can operate. Thereafter the duct must be maintained in situ for as long as the restaurant units remains in operation.

Reason:

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

- 5 You must not allow more than 100 patrons into either restaurant premises at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 You must not open either restaurant premises to customers, and you must not allow customers on the premises, outside the following hours: 07:00 to 00:00 (midnight) Monday to Thursday; and, 07:00 till 00:30 (following morning) Friday, Saturday and Sundays immediately preceding a Bank Holiday.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

Item No.
<b>1</b>

- 7 Neither of the restaurant uses hereby approved can sell any hot-food take-away from the premises, even as an ancillary part of the primary Class A3 use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 8 Within both restaurant 1 and restaurant 2 any bar and bar seating areas must not take up more than 15% of the floor area of the property. You must use the bar to serve restaurant customers only, before, during or after their meals.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 You must not operate a delivery service or permit a delivery service to be operated from either of the restaurant premises even as an ancillary part of the use.

Reason:

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

- 10 You must not play any music within either of the restaurant premises which is audible externally or within adjoining properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 11 The doors to Brook's Mews serving the two restaurant premises hereby approved are to be shut between 22:00 and 07:00 daily and are not to be used by staff or patrons except in case of emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 12 The restaurant uses allowed by this permission must not begin until you have fitted self-closing doors at ground floor level on the Brooks Mews elevation. You must not leave these doors open except in an emergency or to carry out maintenance.

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

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

## Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 14 (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 (November 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. (R46AB)

- 15 You must install the acoustic mitigation measures as shown on the approved drawings and to the specification detailed in the acoustic report dated 13 November 2018. These must be maintained in situ for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 16 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(s) 13 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 (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 17 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof area to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 18 You must apply to us for approval of an Operational Management Plan for the extended hotel use to include details of the management of coach and taxi activity, this must be approved prior to occupation of the extended hotel use and adhered to at all times.

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

- 19 You must apply to us for approval of details of secure cycle storage for the extended hotel, retail and restaurant uses. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

## 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 2016 (R22FA)

- 20 The servicing of the property must be carried out in accordance with the details in the submitted Servicing Management Plan (Summary Note dated 4 December 2018) which must be maintained and followed for the life of the development for all uses and units.

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

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

- 22 Other than in the case of an emergency you must only provide access to the external courtyard for staff and guests between the hours of 08:00 and 22:00 daily. You must also not allow more than 40 customers within the courtyard at any one time.

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 23 You must not amalgamate the two restaurant units hereby approved and they must be operated as two distinct restaurant premises at all times.

## Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007 or S24 of Westminster's City Plan (November 2016).

- 24 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:
- 1) All new windows and doors,
  - 2) The detailed design of the ground floor shopfronts,
  - 3) Privacy screens between the new balconies,
  - 4) The replacement mansard roof,
  - 5) Balustrades,
  - 6) New public art screens.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (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 (November 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)

- 25 You must apply to us for approval of accurate photographs and manufacturers specifications of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

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 (November 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)

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

Reason:

To 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 (November 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)

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

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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)

- 28 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1374-20-5-094 Rev P100. You must clearly mark them and make them available at all times to everyone using the property. (C14FB)

## Reason:

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

29 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

## Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

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

## Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 31 {b Pre Commencement Condition}. You must not start any demolition work on site until we have approved either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
  - (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 32 The skylights installed at first floor level to the rear of 48-49 Brooks Mews at first floor level must be fixed shut and maintained in this form as long as they are in place.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

#### **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 (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the

landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk. **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.**

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase. Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:  
John Firrell MHCIMA,  
Secretary - Considerate Hoteliers Association,  
C/o Wheelwright's Cottage,

Litton Cheney,  
Dorset DT2 9AR  
E-mail: [info@consideratehoteliers.com](mailto:info@consideratehoteliers.com), Phone: 01308 482313, (I76AA)

- 6 Conditions 12 and 13 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 9 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 10 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. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 11 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to; , Section 2 - New ductwork system cleanliness, Section 3 - Design and access to the internal surfaces of the ventilation system , Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning). Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 12 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply. The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk). If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) . It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access

Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 13 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 14 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses., , Where the developer proposes to discharge surface water to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>, , Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. , , A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).", , Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 15 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 16 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. This agreement relates to a carbon off-setting payment.

Item No.
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**DRAFT DECISION LETTER**

- Address:** 41 - 43 Brook Street, Mayfair, London, W1K 4HJ,
- Proposal:** Internal alterations at all floor levels including internal connections to the adjoining Claridge's hotel and raising the existing roof structure.
- Reference:** 18/04973/LBC
- Plan Nos:** Servicing Management Plan dated November 2018, Servicing Management Plan Summary dated 4 December 2018, Proposed Kitchen Extract route Sheets 1-4, Acoustic Report dated 13 November 2018, Energy and Sustainability Statement (May 2018), Structural Statement dated July 2019, Structural Statement Addendum dated 7th August 2019, Drawing: 1441-08-0090D, 1441-08-0091, 1441-08-0100D, 1441-08-0101, 1441-08-0105D, 1441-08-0110D, 1441-08-0111, 1441-08-0116, 1441-08-120D, 1441-08-0121, 1441-08-0130D, 1441-08-0131, 1441-08-0140D, 1441-08-0141, 1441-08-0151, 1441-08-0161, 1441-08-0171, 1441-08-0181, 1441-08-0300, 1441-08-2111, 1441-08-2121, 1441-08-2141, 1441-08-2172, 1441-08-2202, 1441-08-2210, 1374-20-5-094 RevP100.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 detailed drawings at 1:5 and 1:20 of the following parts of the development:
  - 1) All new windows and doors,
  - 2) The detailed design of the ground floor shopfronts,
  - 3) Privacy screens between the new balconies,
  - 4) The replacement mansard roof,
  - 5) Balustrades,
  - 6) New public art screens.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (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 (November 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 accurate photographs and manufacturers specifications of the facing materials you will use, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials.

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 (November 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:

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 (November 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)

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

- 1) new service runs,
- 2) new fireplace surrounds,
- 3) new decorative plasterwork, skirtings and architraves,
- 4) new internal doors.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and

paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 8 You must not remove historic floorboards. Where floorboards need to be lifted they must be numbered, photographed, carefully lifted and stored, and replaced in their original locations.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

#### **Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- \* any extra work which is necessary after further assessments of the building's condition;
  - \* stripping out or structural investigations; and,
  - \* any work needed to meet the building regulations or other forms of statutory control. Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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