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| <b>CITY OF WESTMINSTER</b>                                       |   |  |                     |
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b>                       | <b>Date</b><br>21 February 2023   | <b>Classification</b><br>For General Release |                     |
| <b>Report of</b><br>Director of Town Planning & Building Control |   | <b>Ward(s) involved</b><br>West End          |                     |
| <b>Subject of Report</b>   | <b>2-6 Stanhope Row; 16 Stanhope Row, 36 And 37 Hertford Street, 16a, 16B And 17 Market Mews</b>  |  |                     |
| <b>Proposal</b>  | Demolition and replacement of existing fifth floor, demolition of existing plant room, and erection of a single storey roof extension at sixth floor to 2-6 Stanhope Row with replacement windows, terraces at fifth and sixth floors and remodelling works; demolition of 16 Stanhope Row, 16a, 16b and 17 Market Mews, excavation at basement level and erection of a four-storey (plus part basement floor) replacement building, all to provide an 82-bedroom hotel (Class C1). Demolition of 37 Hertford Street and erection of replacement building (basement to fourth floor plus mansard roof); and Internal and external alterations to 36 Hertford Street including demolition and remodelling of existing mansard roof, with new roof level plant enclosure; together with excavation at basement level to 36 and 37 Hertford Street to lower existing basement slab level; all to provide 16 residential dwellings (Class C3) along with provision for cycle parking, terraces, refuse storage and rooftop plant, together with other associated works. |  |                     |
| <b>Agent</b>   | DP9   |  |                     |
| <b>On behalf of</b>  | BCC Pine Bidco Ltd  |  |                     |
| <b>Registered Number</b>   | 22/05759/FULL<br>22/05744/LBC   | <b>Date amended/<br/>completed</b>           | 8 September<br>2022 |
| <b>Date Application Received</b>                                 | 22 August 2022  |  |                     |
| <b>Historic Building Grade</b>                                   | II (36 Hertford Street)   |  |                     |
| <b>Conservation Area</b>   | Mayfair   |  |                     |
| <b>Neighbourhood Plan</b>  | Mayfair Neighbourhood Plan  |  |                     |

## 1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following planning obligations:

- a) The residential flats on Hertford Street to be provided prior to the occupation of the reconfigured

- hotel accommodation;
- b) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of redundant crossovers on Stanhope Row. All of the above to the Council's specification, at full cost (administrative, legal and physical) of the developer;
  - c) Be seen energy monitoring;
  - d) The costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:
- a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under delegated powers;
  - b) The Director Town Planning & Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.
3. Grant conditional listed building consent,
4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

## 2. SUMMARY & KEY CONSIDERATIONS

The application site comprises five properties within the Mayfair Conservation Area including the Park Lane Mews Hotel at 2-6 Stanhope Row and 16a, 16b and 17 Market Mews, 16 Stanhope Row and 36 and 37 Hertford Street which are in residential use. The application involves the comprehensive refurbishment and extension of Park Lane Mews Hotel to create an 82-room boutique hotel and the refurbishment and reconfiguration of 36 and 37 Hertford Street to create 16 residential apartments.

The proposals involve demolition of 16a, 16b and 17 Market Mews and 37 Hertford Street together with the demolition of the top floors of the hotel to enable two new floors (levels 5 and 6) above the retained lower levels. A new plant area is proposed at roof level which has been designed to be sunk into the top floor of the hotel. The ground floor layout will comprise a new publicly accessible restaurant, café and hotel lobby.

The existing Market Mews building will be replaced with a four-storey building (three levels plus a new mansard roof) and will provide 15 of the hotel bedrooms for the hotel.

The existing site contains 17 residential units, with four units within the Market Mews block, seven units in 36 Hertford Street and six units in 37 Hertford Street. The proposed development will re-provide three of the four existing residential flats from Market Mews within the rebuilt 37 Hertford

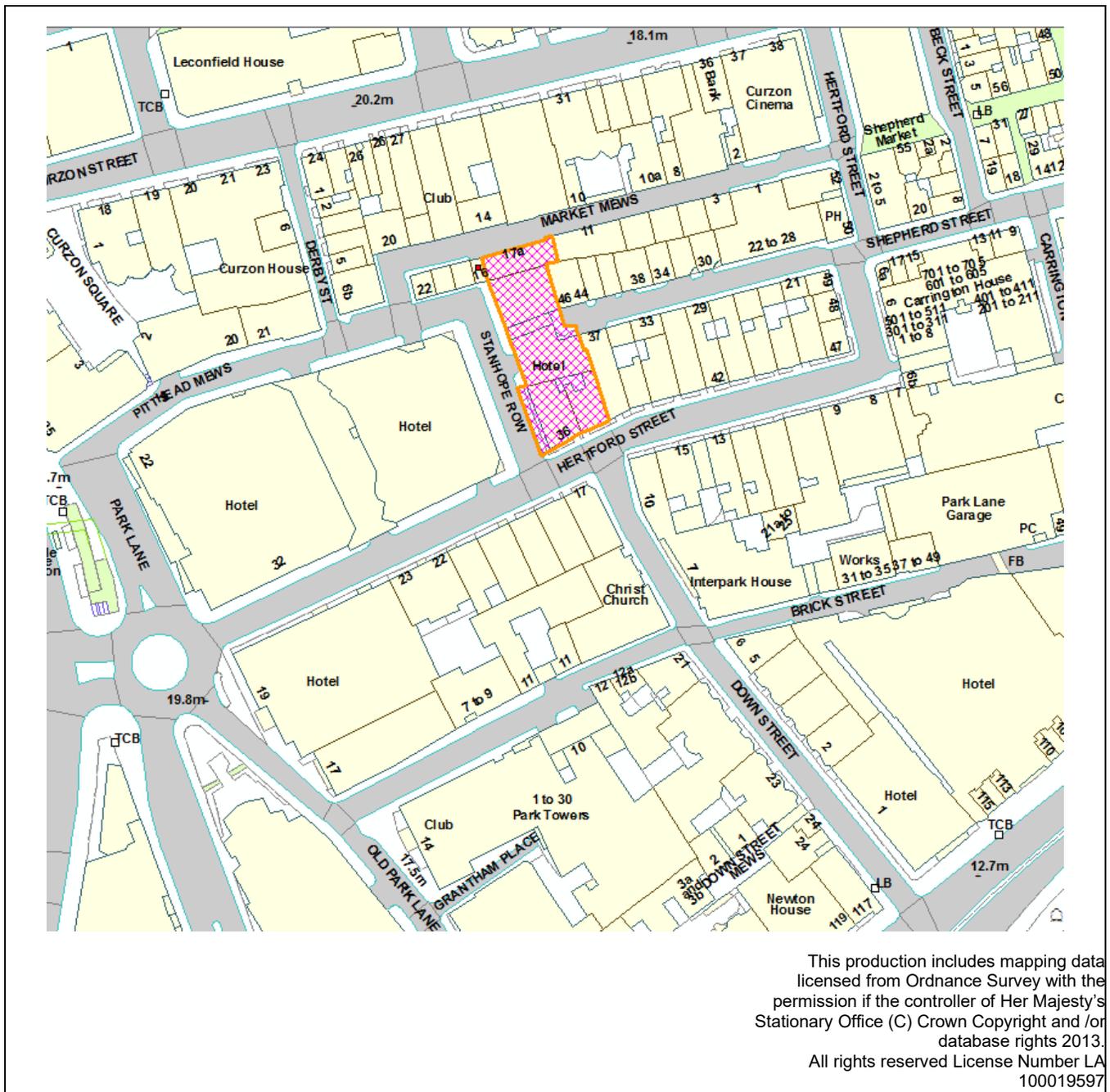
Street which will have five storeys comprised of four levels plus a mansard roof. An additional floor and rear extension is proposed at the refurbished 36 Hertford Street. This will result in the overall reprovision of 16 apartments.

The key considerations in this case are:

- The principle of the demolition of the existing buildings and the acceptability of the energy performance of the proposed building.
- The acceptability of the proposed residential accommodation in terms of its size, quality and mix
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Mayfair Conservation Area and the setting of other nearby designated heritage assets.
- The impact on the amenity of neighbouring residential properties.

This report explains the proposed development/ works would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). There would be less than substantial harm to heritage assets, but this harm is outweighed by public benefits. As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the application is recommended for approval.

### 3. LOCATION PLAN



4. PHOTOGRAPHS

Park Lane Mews hotel



36 Hertford Street



16-17 Market Mews



38 Hertford Street



16 Stanhope Row



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Grant authorisation to determine the listed building consent.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised.

#### HEALTH AND SAFETY EXECUTIVE

The proposals do not relate to a 'relevant' building.

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

No response to date

#### MAYFAIR RESIDENTS GROUP

No response to date.

#### MAYFAIR NEIGHBOURHOOD FORUM

Requests a briefing from the applicant's team as to the background, rationale, design and proposed implementation of the proposals.

#### METROPOLITAN POLICE

No objections raised.

#### HIGHWAYS PLANNING TEAM

No objections raised.

#### ENVIRONMENTAL HEALTH

No objections raised.

#### BUILDING CONTROL

No objections raised.

#### WASTE PROJECT OFFICER

No objections raised.

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

No. Consulted: 113

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 letters of objection received (including one on behalf of all the homeowners of 44,42,40,38,36,34 and 31 Shepherd Street) raising the following concerns:

\* object to any increase in height;

\* size and scale of the proposed development is out of proportion within the locality;

- \* loss of light and sunlight;
- \* overlooking and loss of outlook;
- \* object to any potential roof top terrace or roof top bar.
- \* out of character with the Mayfair Conservation Area and harmful to the setting and curtilage of Listed buildings;
- \* 37 Hertford Street should be refurbished rather than demolished and rebuilt;
- \* pressure on parking;
- \* noise, pollution and disturbance during construction;
- \* noise nuisance and pollution from plant and machinery.

PRESS NOTICE/ SITE NOTICE:

Yes

*Responses to second round of consultation to revised scheme*

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 114;

Total No. of replies: 2

Two letters of objection received (one on behalf of two other neighbouring properties) raising the following concerns:

- \* the amendments fail to address issues raised by objectors;
- \* additional height is unacceptable;
- \* loss of light
- \* loss of light and privacy to terrace areas;

## 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

| Engagement Method/Event/Activity                                      | Date          | Attendance  | Summary of Discussions   |
|---|---------------|-------------|--------------------------|
| Briefing email, phone calls with political and community stakeholders | May/June 2022 |             |                          |
| Community newsletter and dedicated website                            |               |             |                          |
| Public consultation event including feedback forms                    | June 2022     | 4 attendees | Massing, height, parking |

In summary, across the range of engagement undertaken by the applicant the principal issues raised were massing, height and parking.

A separate briefing to the Mayfair Neighbourhood Forum was carried out following the submission of the application.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

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

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

### **6.3 National Policy & Guidance**

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

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

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

1. Park Lane Mews Hotel, which occupies 2-6 Stanhope Row. This is an unlisted building over basement, ground and five upper floors and provides a 75-bedroom hotel, ground floor dining rooms and reception area and a loading/servicing area at front

ground floor. There is an existing ground floor passageway which connects Stanhope Row with Shepherd Street.

2. 16a, 16b and 17 Market Mews is an unlisted building comprising ground floor commercial parking spaces, and two floors of residential accommodation.

3. 16 Stanhope Row is an unlisted building, located next to the existing hotel. The upper floors of this building are connected to the upper floors of 16a-17 Market Mews.

4. 36 Hertford Street is a Grade II listed building on basement, ground and three upper floors, comprising seven residential flats.

5. 37 Hertford Street is an unlisted building over basement, ground and three upper floors, which suffered bomb damage during World War II. Substantial building works were required to rebuild the property, which is currently used as six residential flats.

There are residential properties on Hertford Street, Stanhope Row, Market Mews and Shepherd Street, all within close proximity of the site. There are also a number of hotels within the immediate vicinity of the site, including the Hilton Hotel on Park Lane, the rear façade of which faces this site.

## 7.2 Recent Relevant History

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

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

On 27 January 2016 planning permission was granted for the demolition of 2-6 Stanhope Row and 16-17a Market Mews, excavation of sub-basement beneath 2-6 Stanhope Row and excavation of basement beneath 17a Market Mews and erection of replacement building over sub-basement, basement, ground - fifth floors (with plant above) (2-6 Stanhope Row) and three-storey building to Market Mews to provide a 29-bedroom hotel (Class C1) with ancillary casino. Demolition of 37 Hertford Street and rear third floor mansard roof of 36 Hertford Street and erection of replacement building over basement, ground to third plus mansard roof to provide 13 residential units (Class C3) provision for cycle parking, refuse storage and rooftop plant, together with other associated works.

## 8. THE PROPOSAL

The proposal involves the comprehensive refurbishment and extension of the existing hotel building at 2-6 Stanhope Row to create an 82-room boutique hotel and the

refurbishment and reconfiguration of 36 and 37 Hertford Street to create 16 residential apartments.

As with the two previous permissions, the proposals seek to demolish and re-build 16a, 16b and 17 Market Mews, which are in a state of severe disrepair. The scheme also proposes to demolish and rebuild 37 Hertford Street to align the floorplates with the adjacent 36 Hertford Street and re-provide improved residential accommodation. The top floor and roof level plant room of the hotel are also to be demolished to enable two new floors (levels 5 and 6) above the retained levels (ground through 4). A new plant area is proposed at roof level and designed to be sunk into the top floor of the hotel. The ground floor layout will comprise a new publicly accessible restaurant, café and hotel lobby.

The rebuilding of 16a-17 Market Mews is proposed as part of the hotel extension, accommodating three floors of guestrooms above a ground floor service bay. The existing Market Mews building will be replaced with four storeys (three levels plus a new mansard roof) and will provide 15 hotel bedrooms for the hotel. This will provide a combined 82-bedroom hotel with enhanced accessibility.

The existing site contains 17 residential units, with four units within the Market Mews block, seven units in 36 Hertford Street and six units in 37 Hertford Street. The proposed development will re-provide three of the four existing residential flats from Market Mews within the rebuilt 37 Hertford Street which will have five storeys comprised of four levels plus a mansard roof. An additional floor and rear extension is proposed at the refurbished 36 Hertford Street. This will result in the overall reprovision of 16 apartments.

**Table: Existing and proposed land uses.**

| Land Use    | Existing GIA (sqm) | Proposed GIA (sqm) | +/-  |
|-------------|--------------------|--------------------|------|
| Hotel       | 2,836              | 3,736              | +900 |
| Residential | 1,540              | 1,542              | +2   |
| Total       | 4,376              | 5,278              | +902 |

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Commercial Uses

##### Loss of commercial car parking

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

##### Hotel floorspace

The proposal will result in an extended hotel comprising 3,736 sqm with 82 bedrooms. There is some restaurant and bar floorspace which will be accessible to members of the public and hotel guests.

London Plan Policy E10(F) states, 'Within the CAZ, strategically-important serviced accommodation [which includes hotels] should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods'.

City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel facilities (as defined within the NPPF and London Plan). Policy 15 'Visitor Economy' states that we will maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities. Part (H) of Policy 15 states that, 'Applications for extensions and upgrades to existing hotels will have regard to impacts on the wider area. Development proposals should improve accessibility and enable the extended lifetime of buildings by incorporating principles and measures of sustainable design wherever possible. Development proposals should, where appropriate, reveal the historic significance of hotels located within heritage assets.'

The supporting text to this policy at paragraph 15.12 gives a strong level of protection to existing hotels. Para 15.13 states that when assessing proposals for hotel extensions account will be taken of the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking. Proposals for extensions and upgrades to existing hotels will also consider how the sustainability and accessibility of the building can be improved. When located within heritage assets and where appropriate, development should better reveal the historic significance of the building. Para 15.14 states that there is a need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents.

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

Given that the proposals involve only a small increase in hotel bedrooms (7 in total), it is not considered that the extended hotel would have a material impact on local residents, nor adversely affect the character and function of the local environment.

There are a number of residential properties within close proximity to the site, including mews houses at 18, 20 and 22 Stanhope Row, residential properties on Hertford Street and Market Mews and those at the rear on Shepherd Street. The application is supported by an Operational Management Plan (OMP) and a 'Delivery and Servicing Plan' to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded.

Policy 15 requires proposals for extensions and upgrades to existing hotels to consider how the sustainability and accessibility of the building can be improved. There are significant improvements to sustainability and accessibility and these are set out in sections 9.2 and 9.6 below.

The proposals are considered to be in line with London Plan and Council policy which encourages the protection of existing visitor accommodation throughout the city.

### **Restaurant and Bar Use**

The proposals involve a cocktail bar at lower ground floor and a restaurant at ground floor. The bar area measures some 100 sqm with an indicative capacity of 80. The ground floor restaurant measures some 130 sqm with an indicative capacity of 70. There is also an ancillary coffee shop area at ground floor that measures some 80 sqm. The total entertainment floorspace comprises some 310 sqm and is similar to the amount of restaurant floorspace in the 2016 permission (348 sqm).

Such uses are typically part of the hotel function and whilst there is no objection in principle to these activities, as they could be used by hotel and non-guests they need to be considered against the relevant policies. As well as the policies listed in the above section, policy 16 (A) states that “proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.”

The amount of restaurant and bar accommodation within the hotel is slightly less than in the 2016 approved scheme. (The approved scheme had a restaurant at lower ground floor with a hotel lounge and bar at ground floor level.) As with the approved scheme, it is proposed to restrict the hours that the bar and restaurants are open to non-hotel guests:

The proposed entertainment floorspace is considered acceptable and will complement the character and function of the area. There is a limited number of other entertainment uses in the vicinity of the site and it is not considered that the entertainment floorspace will lead to a cumulative impact in the area.

An operational management plan (OMP) has been submitted, however, this does refer to the basement bar being accessed via Market Mews which could cause some disruption to residents in the Mews and a revised OMP is to be secured by condition to ensure that access to this bar is solely via Stanhope Row. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

### **Residential Use**

Policy 8 of the City Plan protects all existing residential units, uses, floorspace and land except where:

1. the reconfiguration or redevelopment of supported or affordable housing would better meet need; or
2. non-family sized housing is being reconfigured to create family sized housing

At present the site contains 17 flats with a GIA of 1,540 sqm within three separate planning units with four within Market Mews, seven within 36 Hertford Street and six in 37 Hertford Street. The mix of units comprises 6 x 1-bedroom flats, 9 x 2-bedroom flats and 2 x 3-bedrooms flats.

The existing Market Mews building is in a significant state of dilapidation, comprising single aspect north facing units. These units are not habitable and as one of the units is a windowless 1-bedroom flat at basement level it is recognised that this cannot realistically be brought back into use.

As a result of the proposals the existing residential accommodation at 16a, 16b and 17 Market Mews will be relocated to 36 and 37 Hertford Street. There will be an overall reduction in the number of residential units from 17 to 16 (but no loss in residential floorspace). The mix of units comprises 10 x 1-bedroom flats, 3 x 2-bedroom flats and 3 x 3-bedroom flats. Given the increase of three family sized units (from 11% to 18%), the loss of one windowless basement level flat is considered acceptable in principle under Policy 8, part C2.

The proposed flats meet or exceed the Nationally Described Space Standards, in accordance with Policy 12 of the City Plan. None of the proposed flats exceed 200 sqm GIA, in accordance with Policy 8 of the City Plan.

The new flats proposed at third and fourth floor levels also include private outdoor amenity space in the form of terraces and the majority of the flats would be dual aspect, in accordance with policy 12 of the City Plan and D6 of the London Plan. Whilst some of the flats on the upper floors are single aspect, it is recognised that the scope to fully satisfy the London Plan standards is limited by the constraints of the existing building which is being converted and the listed status of 36 Hertford Street. The proposed units would be provided with mechanical ventilation and would still provide a good standard of residential amenity, being an improvement over the existing layouts and providing a better mix of family-sized residential units.

### **Affordable Housing**

The proposals would result in the seven flats within 36 Hertford Street being reconfigured to provide nine flats, and the roof is being replaced to provide additional head height to the existing flat at fourth floor. No. 37 is being completely demolished to provide seven new flats.

Policy 9 of the City Plan requires the provision of at least 35% of any “new” homes as affordable housing if they:

1. have a site area of 0.5 hectares or more; or
2. are proposing ten or more residential units; or
3. are proposing 1,000 sqm or more residential floorspace (for sale or rent).

In this case, as 36 Hertford Street is being reconfigured and extended, this element of the scheme does not result in “new homes”. Consequently, this part of the site would not trigger the application of Policy 9.

With regard to 37 Hertford Street, the 9 new dwellings here fall below the policy threshold in relation to both the 1,000 sqm residential floorspace figure, and in terms of the number of new dwellings, and so also would not, at this time, trigger the need for affordable housing.

## 9.2 Environment & Sustainability

### Principle of demolition

City Plan Policy 38, Part D states, 'development will enable the extended lifetime of buildings...'. and paragraph 38.11 of the City Plan states, '...the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building'. The Environmental SPD advises that 'where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition.'

In this case, the proposed development seeks to re-use and refurbish a great majority of the existing buildings on the site to prevent unnecessary demolition. The vast majority of the existing hotel envelope, the cores and the slab are to be retained.

Market Mews is proposed to be demolished due to the derelict, structurally unsound nature of the existing fabric here. The building contains damp, mould and rot through ingress of multiple openings in the roof which has caused internal damage. In addition, there is substantial lower ground water ingress, moisture and mould. The existing internal structure currently poses a safety risk, with significant damage/opening to the floors.

Objections to the demolition of 37 Hertford Street have been received, however, the existing structural joists are in a poor condition with rotting joists and there is water ingress and mould to walls and floors. It is considered that the scheme seeks to retain as much as is technically possible. If the building were to be retained, significant structural intervention is required which would require a significant amount of demolition and rebuilding to transform the site into a building that is fit for reuse.

Whilst this scheme, as a non-major development, would not necessitate the submission of Whole Life Carbon & Circular Economy assessments, these reports have been submitted. The Applicant commits to incorporate Circular Economy principles and measures to reduce demolition waste, identifying waste streams (based on pre-demolition reports) and potential revenues for upcycling materials. In addition, the applicant has provided further information during the course of the application in relation to BRUKL reports (demonstrating that the building is compliant with Part L of the Building regulations), GLA carbon reporting information and the building has been redesigned to enable future connection to a district heating system. This will be secured by condition.

The development is targeting the following:

- Significant retention of existing structure and façade.
- All-electric Air Source Heat Pump (ASHP) led energy strategy.
- Lightweight cross laminated timber (CLT) extension to the hotel.
- Maximum re-use of existing internal walls.
- Specification of materials with optimum cement replacement and recycled content.

Based on the above information, and subject to conditions including 'Whole Life Carbon',

the proposed demolition and re-development is considered to comply with Westminster's City Plan Policy 38. A planning obligation requiring "Be seen" monitoring is also proposed to ensure that the development delivers the carbon savings promised.

### **Sustainable Design**

There is no requirement to carry out an Energy Assessment with a minor planning application. Nonetheless, to demonstrate the applicant's commitment to enhancing sustainability in the face of climate change, an Energy and Sustainability Statement has also been provided with the application to demonstrate the sustainable design which is proposed. The key elements are summarised below:-

- BREEAM Excellent targeted
- A 'fabric first' approach to reduce the energy demand
- The installation of high-efficiency mechanical ventilation
- Provision of Air Source Heat Pumps with heat recovery.
- Installation of energy efficient controls and metering measures.
- Installation of PVs at roof level
- Installation of water-efficient fixtures and fittings.
- Future-proofing measures to be implemented to enable connection to any future low carbon district heating network.
- Reduction of regulated carbon emissions in the region of 72% when measured against the existing building at the site

It is considered that the proposal has been designed with sustainability in mind and the energy efficiency of the building is much improved reducing on-site energy demand. As such the proposal is considered to meet with the aims and aspirations of Policy 38 (Design principles) and Policy 36 (Energy).

### **Air Quality**

The applicants air quality assessment indicates that there are no impacts to both existing residents and proposed users of the development from air quality.

The proposed development is expected to be car-free, generating taxis and servicing vehicles only, and will utilise an all-electric energy strategy, as such it is therefore considered Air Quality Neutral.

### **Flood Risk & Sustainable Drainage**

The application site is in Flood Zone 1 (Low Risk) and within a Surface Water Flood Risk Hotspot. The application is supported by a flood risk assessment, which assessed all sources of flood risk, including surface water flooding. The assessment concludes that there is a low risk of flooding from all sources. In terms of the drainage strategy, green roofs, and planted terraces are proposed in accordance with policy. These mitigation measures will be secured by condition.

### **Light Pollution**

City Plan policy 33B, requires development to be designed to minimise the detrimental

impact of glare and light spill on local amenity, biodiversity, highway and waterway users. The proposals include up-lighting to the pedestrian passageway from Stanhope Row to Shepherd Street. It is not considered that this would be harmful to local amenity, and will help to resolve current issues of anti-social behaviour (see the Crime and Security section below).

### **Odour**

The applicant has advised that a recirculation system is proposed as it is not possible to vent the kitchen flue to roof level. This is secured by condition.

### **Land Contamination**

The City Council's Environmental Health officer has advised that the contaminated land map (1950) shows ruins within the development area. Consequently, a contaminated land condition is recommended. This will ensure that this matter is adequately addressed in accordance with Policy 33 (Local environmental impacts).

## **9.3 Biodiversity & Greening**

It is proposed to introduce green roofs to the main roof of the hotel, to the rear second floor flat roof, to the Market Mews roof and to the roof of 37 Hertford Street. Additional planting is also proposed to the balconies to the main hotel and a green wall to its north-facing gable. Those measures are welcome as they contribute to the greening of the City in line with the objectives of Policy 34. Their provision will therefore be secured by a condition and a maintenance management plan will also be required to ensure that those elements provide long term benefits.

## **9.4 Townscape, Design & Heritage Impact**

### **Legislative & Policy Context**

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 66 of the LBCA Act requires that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 72 of the LBCA Act requires that "*In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **Site & Significance**

The application site includes 2 Stanhope Row, 36 and 37 Hertford Street 16a, 16B and 17 Market Mews. It is located in the Mayfair Conservation Area. 36 Hertford Street is Grade II listed.

1. 2-6 Stanhope Row is not considered to make a positive contribution to the character and appearance of the area. It comprises a neo-Georgian twentieth century building with a mansard storey with plant above and is of no architectural quality. Permission was granted in 2016 for its demolition (RN. 15/07611/FULL).
2. 16a, 16b and 17 Market Mews makes a neutral contribution to the conservation area. They are likely to form altered Georgian buildings, which survive in a state of disrepair. They have been altered significantly, including the addition of modern garage doors and windows. They are of an appropriate height, contributing to a continuous parapet level and uniform character within the mews. They are, therefore, considered to have a neutral contribution to the townscape. 16 Stanhope Row is of similar quality although not painted white. Permission was granted in 2016 for its demolition (RN. 15/07611/FULL).
3. 37 Hertford Street was originally a Georgian house but was rebuilt or refaced in a Georgian style during the mid-twentieth century. The positive contribution it makes to the appearance of the conservation area stems from its appropriate scale and traditional townhouse character to Hertford Street. Permission was granted in 2016 for its demolition (RN. 15/07611/FULL).
4. 36 Hertford Street is Grade II listed, dating from c.1765. The modern render to the upper floors is in a state of disrepair. Internally it retains a stone staircase with wrought iron balustrade, cornicing, chimneypieces delicate plaster roundels and festoons to the hallway and joinery in some places. The introduction of modern partitions has impacted the legible plan form of the building. Architectural features of interest are mostly found within the hallway, principal stair compartment and rooms to the front (Hertford Street) of the property. In 1996 a mansard roof was added. It also has a modern extension at the rear.

The immediate context of the site is formed of differing townscapes, in terms of scale. The rear of the podium of the Hilton Hotel afflicts this part of the conservation area,

forming a large blank brick frontage to Hertford Street and Stanhope Row. Hertford Street is primarily characterised by four storey townhouses, while two storey mews buildings populate either side of Shepherd Street to the rear of the site.

4 letters of objection (including one on the behalf of 38, 40 and 49 Hertford Street) were received in the first round of consultation and 2 further letters provided in the second round of consultation. The primary concerns of the neighbours relate to the increase in height at 2-6 Stanhope Row and the impacts on daylight. However, the following concerns were raised in relation to the historic environment:

- The scale of the proposals is out of proportion within the locality;
  - The alterations and extension to the hotel building fails to reflect the local vernacular;
- and
- The proposals will harm the Mayfair Conservation Area and listed buildings.

Below provides consideration of the proposed and the objections raised.

### **Demolition**

2-6 Stanhope Row, 16a, 16b and 17 Market Mews all make a neutral contribution to the character and appearance of the conservation area. Their demolition has been approved previously in 2010 and 2016. This application seeks to retain and extend 2-6 Stanhope Row. The degree of demolition proposed is considered acceptable in this case because the mews buildings are of no architectural merit and the scheme will improve the contribution that the site makes to the character and appearance of the conservation area and the townscape.

The demolition of 37 Hertford Street was approved in 2016. Its loss is considered to be acceptable because its façade is not historic. As such, a replacement building with the same traditional character has the potential to provide an equal contribution to the character and appearance of the conservation area.

### **Detailed Design**

#### **1. 2-6 Stanhope Row**

Unlike the 2016 scheme the proposals will retain, adapt and extend the existing building. The principle of this is reflective of policy 38 of Westminster's City Plan 2019-2040 (adopted April 2021) and the Environmental SPD (February 2022).

The proposals will see the removal of the existing mansard. The parapet will be extended to from a continuous shoulder to the street façade approximately 1.5m taller than the existing. A two-storey extension will be added in the form of a setback sheer storey and modern zinc mansard above.

It will read as a five-storey building with two storeys set back in views from both Shepherd Street and Stanhope Row. The knee of the new mansard will reflect the height of the existing plantroom at roof level, with a smaller area of lift over-run extending a further metre above. This additional bulk will be particularly notable within the north and south portions of the building where the parapet is currently lower with little plantroom above. The height of the building will be similar to that previously approved under 15/07611/FULL.

The existing building appears somewhat out of scale when viewed among the three storey buildings along Shepherd Street, furthermore the cluttered roof detracts from the townscape. While the extensions will appear prominent in this context, the rationalised roofscape, updated finishes and improved walkway through to Stanhope Row contributes to a composed termination to the street. Furthermore, the scale reflects the previous approval granted in 2016 (RN. 15/07611/FULL) and would be difficult to resist in design terms.

The acceptability of contemporary architecture on this site has been established through the 2016 permission. Setting this aside, the use of stained brickwork, projecting bronze finished windows, white glazed brick treatment to sixth floor and zinc roof form is appropriate here because the local townscape is varied. Twentieth century development is located to the west, with traditional townhouses to Hertford Street and modest mews properties to the east. The brickwork is proposed to be stained, due to proposed retention of the existing building. Throughout the pre-application process and the course of this application Officers have requested a sample to understand whether the staining will work successfully on the patina of brickwork resultant of proposed upward construction and alteration of window openings. However, this was never provided. A condition is recommended to ensure that new bricks match the existing and a sample patch of stained brickwork produced. This will ensure high quality finishes are achieved while the degree of demolition is kept to a minimum.

The existing curved brick structure at the rear of the building, to Shepherd Street will be demolished and a new mews building erected. While the parapet level will sit slightly higher than the neighbouring (No.35), the building line will be brought back in line with the mews. This is welcomed and considered to enhance the contribution that this part of the site makes to the character and appearance of this part of the conservation area.

The proposals are considered to be acceptable in this case, in compliance with policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and policies MD1, MD2, MD3 and MD4 of Mayfair's Neighbourhood Plan 2018-2038 (adopted December 2019).

## 2. Market Mews Buildings:

The proposals have been negotiated. The parapet height will reflect the height of the neighbouring properties at 20 and 22. A double pitched zinc mansard is proposed above. The roof form will serve to screen plant and the additional bulk of the hotel building behind. While no roof extensions are found within the southern side of the street, the modern mews buildings and their roofs are of no particular quality and do not contribute to a traditional townscape or roofscape of interest. As such, there is no objection to the introduction of such extensions to the roofscape

Officers raised concerns over the large size and projecting/expressed design of the windows. The expressed detail has been omitted. Given the modern character of this part of the mews, the large opening sizes are acceptable in this case.

The proposals comply with policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and policies MD1, MD2, MD3 and MD4 of Mayfair's Neighbourhood Plan 2018-2038 (adopted December 2019).

3. 37 Hertford Street:

The proposed front façade will have three bays of sash windows across four storeys with brick arches above. The ground and lower ground floor will be faced in a channelled stucco, while the upper floors will be exposed brick. This reflects the typical façade treatment found within the locality. The submitted drawings show it to be finished in a warm grey coloured brick. This is not appropriate as it fails to reflect the prominent traditional brickwork in the street. A condition is recommended regarding the materials to ensure a yellow stock or red brick is used. The roof form of this building has been negotiated. It now forms a dormered mansard with set-back plant enclosure. While the plant enclosure will be visible from mid-distant views along Down Street, once finished in a grey colour it will appear inconspicuous in the roofscape. As such, the character of this view will be preserved.

The rear elevation (to Shepherd Street) is visible from a limited number of private high-level views. The proposed rear (north) elevation is formed of a five-storey replacement extension to 36 which steps down to form a three-storey addition to the rear of 37, with two set back balconies. A narrow lightwell at ground and first floor level will be finished in glazed brickwork and the upper floors in brick. It is disappointing that the fifth storey will not form a mansard at the rear, however, given the corner location of the plot and the lack of views towards the rear façade, it is considered acceptable in this case. Furthermore, the sheer addition allows for a dummy roof slope to screen the plant. The submitted drawings do not make clear how step up between 35 and the increased height of 37 will be detailed. A drawing showing this detail is required by condition.

4. 36 Hertford Street:

This application seeks to demolish and replace the rear extension to allow connection through to No 37, a new lift and staircase. The demolition works affect modern fabric only and given the degree of change that has taken place in this area, the replacement infill addition will have neutral impact on the plan form and the contribution that it makes to the special interest of the listed building.

Permission is sought for the demolition of the 1990s roof which was previously approved in 2016. Again, it is of no historic or architectural interest and its demolition will have no impact on the special interest (significance) of the building. The proposals will see it replaced with a sheer storey extension and mansard above.

The detailed design was negotiated throughout the course of the application. The height of the upstand has been reduced and a lost chimney stack is proposed to be reinstated to break up its massing. While the additional height will see a reduction in the step up to the corner of the listed building, the new parapet will sit several brick courses lower to ensure that this part of the building remains recessive in the streetscene. The new upstand and bulk of the mansard will not be visible in views from the street and will have little impact on the overall appearance of the building.

The proposals will see the reinstatement of vaults at lower ground floor level, removal of the later staircase within the front principal room, reinstatement of panelling within the entrance hall, reinstatement of windows to the Stanhope Row, the removal of partitions from the second-floor front room, the removal of the render from the upper floors of the building and restoration of the front façade. These alterations will enhance the legibility of the original plan form, appreciation of architectural features of interest and the contribution that it makes to the character and appearance (significance) of the

conservation area.

The extension to the listed building and new roof form of No. 37 will appear to crowd the formerly prominent corner section of the listed building. This will cause a low level of less than substantial harm to the special interest of the listed building and the character and appearance of this part of the conservation area.

However, Paragraph 202 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The proposals will see the following Heritage and Design benefits; removal of modern render and exposure of brickwork to 36 Hertford Street, enhancement to the plan form within 36 Hertford Street, reinstatement of appropriate joinery within 36 Hertford Street, replacement of curved brick blank wall to Shepherd Street with new mews building, rationalisation of the hotel roofline and its refurbishment with good quality materials, provision of greening and creation of an attractive passageway from Shepherds Street and Stanhope Row.

The low level of substantial harm is considered to be acceptable when weighed against these benefits.

### **Design Conclusion**

While the proposals will see a low level of less than substantial harm to the listed building and character and appearance of the conservation area. There are sufficient benefits brought about to outweigh this harm.

The proposals form a well-considered scheme which complies with Paragraph 202 of the NPPF and policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and policies MD1, MD2, MD3 and MD4 of Mayfair's Neighbourhood Plan 2018-2038 (adopted December 2019).

### **Fire Safety**

Policy D12 of the London Plan states that all developments achieve the highest standards of fire safety and ensure that they are constructed in an appropriate way to minimise the risk of fire spread. The application is accompanied by a Fire Safety document and the Health and Safety Executive have been consulted, however, they raise no comments as the proposals do not relate to a 'relevant building'.

### **Archaeology**

The site lies in the Great Estates Archaeological Priority and is supported by an Archaeological Desk Based Assessment (DBA). The archaeological impact of the proposal has been carefully assessed, and Historic England (Archaeology) are satisfied that monitoring and recording can be dealt with by condition.

## 9.5 Residential Amenity

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

### Daylight & Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2022), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also recommends that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing SPG which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The applicant's consultant, GIA Chartered Surveyors, has carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties in Hertford Street, Market Mews and Shepherd Street. An updated report has also been received to include an assessment of the impact of overshadowing on adjoining terraces/balconies.

Strong objections to loss of light have been received from neighbouring residential occupiers and from Aspinall's Club on Curzon Street.

## **Daylight**

The sunlight and daylight report shows that, in terms of daylight, there are losses to both VSC and NSL to 44-46 Shepherd Street and losses of NSL to 14 Market Street (as set out in detail below). The remainder of the properties assessed are shown to comply with BRE guidelines for daylight. Aspinall's Club on Curzon Street would also be unaffected in terms of daylight.

### 14 Market Mews

There are 8 windows within this property facing the new mews building on Market Mews. When assessed against the VSC methodology all 8 windows satisfy BRE guidance retaining values of between 14.5 and 21%.

However, when assessed against the No Sky Line test, two out of four rooms which fall below BRE criteria will experience relatively minor losses of 28.5% and 22.4% respectively.

### 44-46 Shepherd Street

There are 25 windows within this property serving 12 rooms located to both the front and rear of the property which have been assessed. Seven windows located to the rear of the property are adversely affected in terms of losses of more than 20% to VSC.

Of these seven windows falling below guidance, four form part of bay windows, where there are alternative windows within the same room which are unaffected by the proposals. One window on the ground floor will see a 64% change in VSC, however, the existing VSC level is very low (2.5% against a target of 27%) and consequently the actual change in VSC is 1.6%, which is highly unlikely to be noticed and is represented disproportionately as a percentage. The remaining two windows are on the third and fourth floor, which would experience losses of 31.6% and 21.4% respectively, however, retain VSC values of 19.3% and 24.2%, and as such are considered to retain good levels of light for this location.

When assessed against the NSL daylight methodology, 3 rooms do fail the BRE criteria. One room which experiences NSL losses is located to the front of the property and will see an NSL loss of 24.5%, however the retained NSL value for this room is 47.8% which would mean that around half of the room will remain suitably lit. The remaining two rooms will experience NSL losses of 35% and 71% respectively, are located at the mid to lower levels at the rear of the property where lower levels of natural light are currently received. The worst affected, a rear ground floor single aspect room would see losses of 71%. However, BRE guidelines do refer to the fact that if an existing building contains rooms 'lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable.'

## **Sunlight**

The sunlight/daylight report shows that, in terms of sunlight, there are losses to winter sunlight hours to 40, 42, 44-46 Shepherd Street, 14 Market Street (as set out in detail below). The remainder of the properties assessed are shown to comply with BRE guidelines for sunlight.

### 14 Market Mews

When assessed for Winter Probable Sunlight Hours (WPSH), four windows will see winter sunlight values reduced to between 0% and 1% WPSH (against a target of 5%). All four of these rooms have poor existing winter sunlight levels of between 2% and 3%. These windows will continue to enjoy annual sunlight levels of between 41% and 50% (against a target of 25%) meaning that despite a reduction of winter sunlight, they will continue to enjoy very good levels of sunlight annually.

### 44-46 Shepherd Street

Three windows all located on the second floor will see winter sunlight values reduced to between 2%-3% WPSH (against a target of 5%). These windows will continue to enjoy annual sunlight levels of between 39% and 43%.

### 42 Shepherd Street

Two windows will see winter sunlight values reduced from 3% to 1% WPSH (against a target of 5%). These windows will continue to enjoy annual sunlight levels of 41%.

### 40 Shepherd Street

Two windows will see winter sunlight values reduced to between 0%-2% WPSH (against a target of 5%). These windows will continue to enjoy annual sunlight levels of between 37% and 47%.

### **Sunlight/daylight Conclusions.**

As noted above, the proposed development would result in losses of daylight and sunlight to a number of neighbouring properties. It is recognised that the BRE Guide is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites within Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live.

It is considered that these losses are considered acceptable given this central London Location and therefore the proposals are considered to comply with policies 7, 33 and 38 in the City Plan.

### **Overshadowing**

The BRE Guidelines advises that for a garden or amenity area 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 the 21st 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 the 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

The overshadowing analysis shows that the roof terraces at both 40 and 42 Shepherd Street will enjoy at least 2 hours of direct sunlight on the 21st March, with a proposed Sun Hours on the Ground 'SHOG' value of 69% and 97% respectively. While the remaining six private amenity spaces assessed (the roof terraces at 38 and 44-46 Shepherd Street and the rear terraces at 40 and 42 Shepherd Street and 11 and 15 Market Mews) would not achieve half of their spaces receiving at least 2 hours of direct sunlight, they currently do not receive two or more hours of sunlight on 21st March. The level of sunlight loss caused by overshadowing from the proposed development would be relatively limited and in all cases below the 20% loss threshold set out in the BRE Guidelines (with a maximum loss of 8%). Accordingly, the overshadowing impact of the development on existing garden areas adjacent to the site would be acceptable and in accord with Policy 7 in the City Plan.

### **Sense of Enclosure**

Policy 7 aims to prevent unacceptable impacts in terms of sense of enclosure. The existing building at its tallest point (above the existing plant room) rises to a height of 20m (with the lift overrun rising a further 1m above this). The proposed extended hotel would be taller than the existing hotel at this point by 1m (with the lift overrun a further 1m above this). The southern part of the existing hotel is lower in height as there is no plant room here. This part of the building would subsequently see a larger increase in height, from 16.8 to 21.2m.

The new sixth floor, whilst this is set back from the rear façade, would also be closer to the properties in Shepherd Street than the existing plant room at this level.

Objections to the increased height of the building have been received. Objector's concerns are that this would result in loss of outlook. The increase in height however is comparable to the consented scheme, which rose approximately 0.6m above the height of the tallest part of the existing hotel. Whilst there would be some loss of outlook to the properties on Shepherd Street, the largest increase in bulk (at the southern end of the site) would be at the furthest point, some 12.5m, from these residential properties in Shepherd Street. The additional bulk would be most noticeable from roof level terraces, and only obliquely noticeable from windows within the Shephard Street properties. It is not considered that the proposal would result in an adverse increased sense of enclosure to these windows to warrant refusal.

The proposed rear hotel elevation abutting 44-46 Shepherd Street is being brought forward by 2m and will be set back from the party wall by 1.5m. This again is similar to the consented scheme, and given this modest alteration to the building footprint it is not considered that there will be any material increased sense of enclosure created by the proposal

### **Privacy**

The rear garden area of 44-46 Shepherd Street looks directly into the existing windows of the hotel. This elevation is proposed to project 2m closer to Nos. 44-46 and 4 hotel windows are proposed in this elevation. A condition is recommended that they contain obscure glazing, to mitigate any overlooking to 44-46 Shepherd Street.

One objection has been received to the 'viewing panels' and any potential roof top terrace or roof top bar. However, no such roof terrace is proposed and a green roof and PV panels are secured by condition to prevent the roof being accessible other than for maintenance purposes. Terraces are shown at rear fifth and sixth floor levels and the applicant has agreed that these would not be accessible by guests. This is secured by condition.

Aspinall's Club also object to loss of privacy to their roof terrace, and whilst new windows are proposed in the north elevation facing the club, this is similar to the approved scheme where new windows were also proposed. The club is on the opposite site of Market Mews and obliquely faces the proposed north elevation and it is not considered that the application could reasonably be refused on these grounds.

### **Noise & Vibration**

New screened roof top plant is proposed, together with additional plant and services within the basement. Objectors believe that this would result in noise and disturbance, however, Environmental Health has no objection to the proposal on the basis that a supplementary acoustic report is submitted once the plant has been selected.

## **9.6 Transportation, Accessibility & Servicing**

### **Highway Impact**

Objections have been received on the grounds that there are existing on street parking problems in the area and the proposals will increase pressure on parking. There are currently no off-street car parking for either the existing hotel or the residential flats, but instead the hotel operates a valet parking system with a local off-street car park. On street parking will remain available for all residents in line with the existing situation.

It is not anticipated that hotel guests will arrive by coach, however coach bays do exist on Park Lane.

### **Servicing**

The existing hotel is serviced from Stanhope Row, which means that a large part of the ground floor frontage is an unattractive blank facade. To improve the townscape in Stanhope Row, it is proposed, as in the consented schemes, to move the servicing bay to Market Mews.

The applicant has identified that there are currently on average 6-8 servicing vehicles per day. The proposed trips are expected to generate a similar pattern as the existing conditions and it is understood that most trips to and from the site would be made by sustainable travel modes. There are currently no restrictions in place with regards to the existing hotel servicing. Market Mews is used once daily by the waste collection service at 06.30 – 08.30 Monday to Friday and in addition there is a recycling collection on Friday only, between the hours 07.00 – 14.00. Even though refuse vehicles can enter Market Mews from 06.30, and given the relocation of the servicing bay and proximity to residential, it is considered that the earliest servicing for the hotel should be restricted to between 07.00 and 19.00, and a condition is recommended.

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

### **Accessibility**

The existing hotel building does not provide level access as a stepped access leads into the hotel, which is served by small lifts that do not allow wheelchair access. It is proposed to amend the existing external passage levels to achieve level access into the ground floor hotel lobby from Stanhope Row.

The lifts have been increased to a compliant 1400x1400mm car footprint. A 1500mm turning circle in front of the lifts is sustained at each level and accessible rooms will now be provided in the hotel.

### **Waste & Recycling Storage**

The City Council's Waste Project Manager has confirmed that the details of waste and recycling are in line with the council's waste storage requirements. Consequently, subject to a condition to require the provision in perpetuity, the proposal meets Policy 37 (Waste management).

### **Cycling & Cycle Storage**

Cycle parking will be provided in accordance with the London Plan with 18 spaces for the hotel and 28 spaces for the flats. One long-stay cycle space for the flats is shown on the footway on Stanhope Row which would be secured by S106 legal agreement if it can be demonstrated that the highway here could accommodate this.

## **9.7 Economy including Employment & Skills**

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by... [insert economic benefits of the scheme].

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

## **9.8 Other Considerations**

### **Basement**

The application involves a new partial basement to the Market Mews building. City Plan Policy 45 relates to basement developments.

Part A of the policy relates to structural stability; surface water and sewerage flooding;

requiring developments to minimise the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area. The applicant has provided a Structural Methodology Statement prepared by an appropriately qualified structural engineer. This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this stage.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

### **Crime and Security**

Shepherd Street passageway is currently a dark and poorly lit route through to the main street. There are issues of anti-social behaviour here and the Metropolitan Police believe that the changes proposed will enhance the area and bring a level of natural surveillance to the area. The improvements to accessibility here as set out above, and improved lighting are considered a public benefit to the scheme. The Police recommend a cobbled type floor to discourage anyone from loitering or causing a nuisance and the imposition of a condition requiring the development to achieve a Secured by Design accreditation prior to occupation.

### **Construction matters**

Objections have been received from neighbouring properties regarding the impact of construction, including noise and pollution. It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. Whilst the concerns of local residents are well understood, it is established planning law that planning permission cannot be refused due to the impact of construction.

It is considered that through appropriate controls and careful management the impact from construction works can be lessened. The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects, including site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison. . This will assist with managing the environmental impacts and will identify the main responsibilities

and requirements of developers and contractors in constructing their projects.

This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team.
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel.
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

## **9.9 Environmental Impact Assessment**

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

## **9.10 Planning Obligations & Pre-Commencement Conditions**

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

The estimated CIL payment is:

Westminster CIL: £235,793

Mayoral CIL: £134,324

Total CIL = £370,117

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, a written scheme of investigation and a construction contract prior to demolition. The applicant has agreed to the imposition of these condition.

## **10. Conclusion**

As set out above, it is acknowledged that the proposal would result in some less than substantial harm to heritage assets. As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which include improved accessibility and heritage benefits such as those derived from the reinstatement of windows to the Stanhope Row, the removal of the render from the upper floors of the building and restoration of the front façade, the proposal is considered acceptable in terms of its impact on the designated heritage assets.

Therefore, the recommendation to grant conditional permission is compliant with the

requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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)

11. KEY DRAWINGS

Existing view from Stanhope Row



Proposed view from Stanhope Row



Existing view from Shepherd Street



6.13.2 Visualisation - From Shepherd Street looking West



Proposed view Stanhope Row/Hertford Street



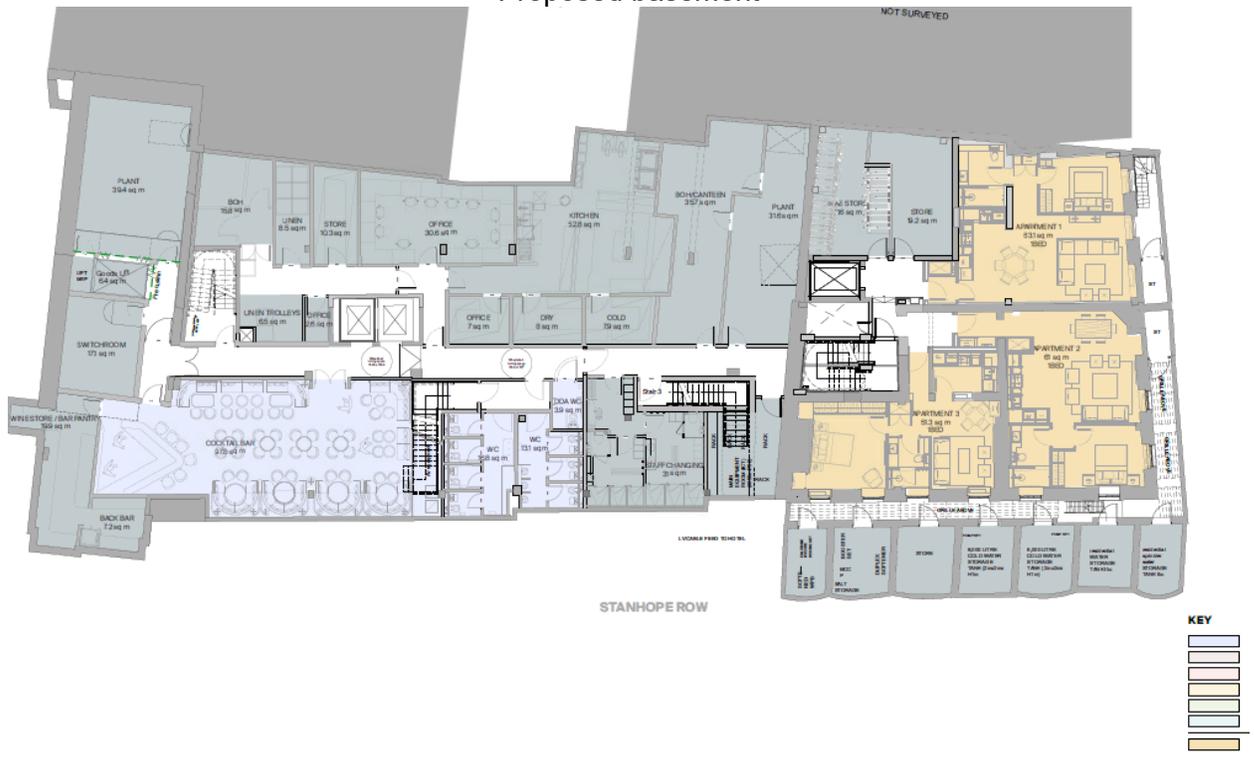
# Existing Ground & Lower Ground



Proposed ground floor



Proposed basement



Typical Upper floor plan



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Existing Market Mews elevation



Proposed Market Mews elevation



MARKET MEWS

MARKET MEWS

18-22 STANHOPE ROW

Existing Hertford Street Elevation

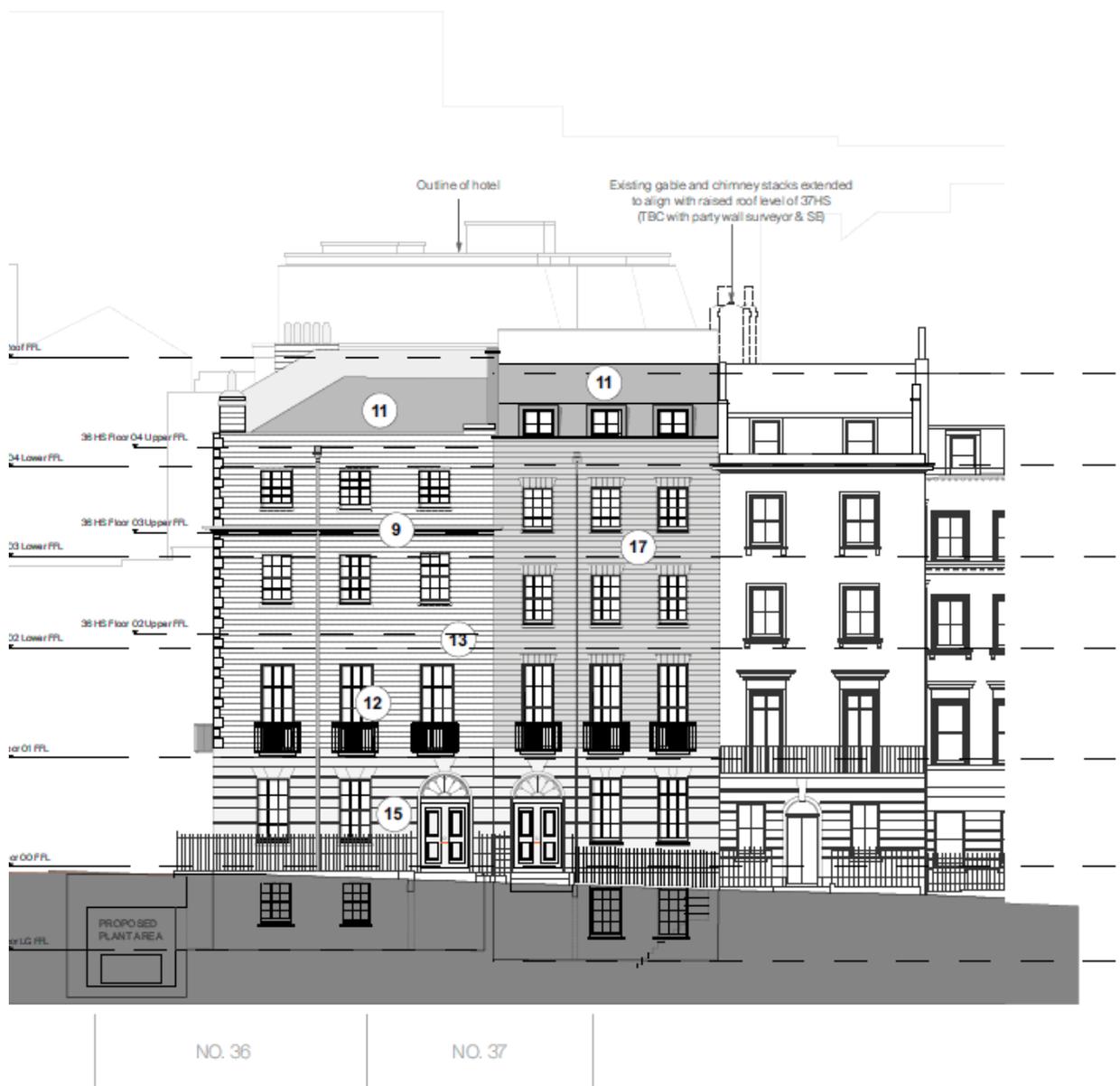


HOPE ROW

NO. 36

NO. 37

### Proposed Hertford Street Elevation



**DRAFT DECISION LETTER**

- Address:** 2 Stanhope Row; 16 Stanhope Row, 36 And 37 Hertford Street, 16a, 16B And 17 Market Mews
- Proposal:** Demolition and replacement of existing fifth floor, demolition of existing plant room, and erection of a single storey roof extension at sixth floor to 2-6 Stanhope Row with replacement windows, terraces at fifth and sixth floors and remodelling works; demolition of 16 Stanhope Row, 16a, 16b and 17 Market Mews, excavation at basement level and erection of a four-storey (plus part basement floor) replacement building, all to provide an 82-bedroom hotel (Class C1). Demolition of 37 Hertford Street and erection of replacement building (basement to fourth floor plus mansard roof); and Internal and external alterations to 36 Hertford Street including demolition and remodelling of existing mansard roof, with new roof level plant enclosure; together with excavation at basement level to 36 and 37 Hertford Street to lower existing basement slab level; all to provide 16 residential dwellings (Class C3) along with provision for cycle parking, terraces, refuse storage and rooftop plant, together with other associated works.
- Reference:** 22/05759/FULL
- Plan Nos:** PLM-BGY-X-B1-DR-A-GA099 PL6, PLM-BGY-X-00-DR-A-GA100 PL6, PLM-BGY-X-01-DR-A-GA101 A1 PL6, PLM-BGY-X-02-DR-A-GA102 PL6, PLM-BGY-X-03-DR-A-GA103 PL6, PLM-BGY-X-04-DR-A-GA104 PL6, PLM-BGY-X-05-DR-A-GA105 PL6, PLM-BGY-X-06-DR-A-GA106 PL6, PLM-BGY-X-07-DR-A-GA107 PL6; PLM-BGY-X-AA-DR-A-GS101 PL5, PLM-BGY-X-BB-DR-A-GS102 PL2, PLM-BGY-X-CC-DR-A-GS103 PL5, PLM-BGY-X-DD-DR-A-GS104 PL2, PLM-BGY-X-EE-DR-A-GS105 PL2, PLM-BGY-X-FF-DR-A-GS106 PL2, PLM-BGY-X-HH-DR-A-GS108 PL5; PLM-BGY-X-AA-DR-A-GE101 PL7, PLM-BGY-X-BB-DR-A-GE102 PL6, PLM-BGY-X-CC-DR-A-GE103 PL6, PLM-BGY-X-DD-DR-A-GE104 PL6, PLM-BGY-X-EE-DR-A-GE105 PL6, PLM-BGY-X-FF-DR-A-GE106 PL6, PLM-BGY-X-GG-DR-A-GE107 PL6, PLM-BGY-X-HH-DR-A-GE108 PL6, PLM-BGY-X-B1-DR-A-DE099 PL2, PLM-BGY-X-00-DR-A-DE100 PL2, PLM-BGY-X-01-DR-A-DE101 PL2, PLM-BGY-X-02-DR-A-DE102 PL2, PLM-BGY-X-03-DR-A-DE103 PL2, PLM-BGY-X-04-DR-A-DE104 PL2, PLM-BGY-X-05-DR-A-DE105 PL2, PLM-BGY-X-06-DR-A-DE106 PL2, PLM-BGY-X-07-DR-A-DE107 PL2, PLM-BGY-X-AA-DR-A-DE201 PL2, PLM-BGY-X-BB-DR-A-DE202 PL2, PLM-BGY-X-CC-DR-A-DE203 PL6, PLM-BGY-X-DD-DR-A-DE204 PL2, PLM-BGY-X-EE-DR-A-DE205 PL2, PLM-BGY-X-FF-DR-A-DE206 PL1, PLM-BGY-X-GG-DR-A-DE207 PL5, PLM-BGY-X-HH-DR-A-DE208 PL5, PLM-BGY-X-AA-DR-A-DE301 PL5, PLM-BGY-X-BB-DR-A-DE302 PL2, PLM-BGY-X-CC-DR-A-DE303 PL1, PLM-BGY-X-DD-DR-A-DE304 PL2, PLM-BGY-X-EE-DR-A-DE305 PL2, PLM-BGY-X-FF-DR-A-DE306 PL2, PLM-BGY-X-XX-DR-A-PA101 PL1, PLM-BGY-X-EE-DR-A-SK107 PL1, PLM-BGY-X-EE-DR-A-SK106 PL1; STRUCTURAL REPORT DATED August 2022 (FOR INFORMATION ONLY).

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641  
07866040238

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or,
- (b) earthworks/piling and/or,
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition,

earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 4 Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk)

To support the results provided in the template, the following minimum evidence requirements should be submitted at the same time:

- a) site energy (including fuel) use record
- b) contractor confirmation of as-built material quantities and specifications
- c) record of material delivery including distance travelled and transportation mode (including materials for temporary works)
- d) waste transportation record including waste quantity, distance travelled and transportation mode (including materials for temporary works) broken down into material categories used in the assessment
- e) a list of product-specific EPDs for the products that have been installed. The data collected at this stage will provide an evidence base that could help inform future industry-wide benchmarks or performance ratings for building typologies.

The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. A copy and confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason:

In the interests of sustainable development as set out in policy 38 in the City Plan ( 2021-2040) and the Council's adopted Environmental SPD.

- 5 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 6 The provision for the storage of waste and recyclable materials for the development, as shown on drawing numbers PLM-BGY-X-00-DR-A-GA100 Revision PL5 and PLM-BGY-X-ZZ-DR-A-GA108 Revision PL5 within the waste clarification note dated 14 December 2022 is to be made permanently available and used for no other purpose.

Reason:

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

- 7 Prior to occupation of the proposed development you must provide evidence of Secure by Design Accreditation.

Reason:

To ensure that the development has been built with suitable security measures in place to minimise the risk of crime and anti-social behaviour in accordance with Policies 38 and 43 of the City Plan 2019 - 2040 (April 2021).

- 8 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain on the premises within the hotel restaurant and bar and other ancillary facilities except between 09.00 - 23.30 Monday to Saturday and 10.00-23.00 on Sundays and Bank Holidays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 9 i. The kitchen extract ventilation shall be limited to a recirculation system approved by the Local Planning Authority and all equipment within the premises shall operate by electricity only and not by gas or solid fuels such as coal, wood etc
- ii. Following installation of the recirculation plant and equipment, you are required to

submit a further report confirming previous details. The supplementary report must include:

- (a) A schedule of all plant and equipment installed.
- (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.
- (c) Proof that the breakout noise in the working environment in the kitchen is not exceeding 55 dB (A)
- (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating
- (e) Details of service / filter replacement and maintenance arrangements.

Reason:

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

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

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

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

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

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

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

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 15 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) 14 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 16 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:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

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

Reason:

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

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

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and

33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

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

Reason:

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

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

- green roofs

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

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

Reason:

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

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

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 23 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition(s) 23 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 25 Prior to commencement of the relevant part of the development details of a system of mechanical ventilation, shall be submitted to and approved in writing by the LPA. The ventilation system shall be capable of ensuring that:

1. The internal noise levels for the noise sensitive properties do not exceed the noise levels specified in condition 23
2. The mechanical ventilation is designed in compliance with the current Technical Memorandum produced by CIBSE to prevent overheating when the windows are closed

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

Reason:

To ensure a satisfactory environment for future occupiers as set out in Policy 7 of the City Plan 2019 - 2040 (April 2021)

- 26 **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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 27 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 30 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:;  
a) All new windows,

- b) Upgrades to existing windows,
- c) The new external door to 37 Hertford Street,
- d) New balustrades to No. 37 Hertford Street

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.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 31` You must apply to us for approval of a test patch of stained retained brickwork at 2-6 Stanhope Row.

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 this sample area.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 32 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing with a key plan for each facade. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 33 Plant enclosures shall be finished and maintained slate grey.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 34 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

Omission of casement windows proposed to No. 37 Hertford Street and their replacement with sash windows.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 35 You must apply to us for approval of a sample area of exposed and soot washed brickwork to 36 Hertford Street. You must not start work on this part of the development until we have approved the sample in writing. You must then carry out the work according to the approved sample area.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 36 A post construction BREEAM assessment demonstrating that a minimum target rating of 'Excellent' has been achieved. If 'Outstanding' has not been achieved confirmation of why and how this target was failed. This shall be submitted to and approved by the local planning authority within six months of first occupation. The details submitted in the BREEAM assessment shall thereafter be retained.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

- 37 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

PV panels and Air Source Heat Pumps

You must not remove any of these features. (C44AA)

Reason:

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

- 38 You must apply to us for approval of details showing the location of connection points to enable connection to any future district heating network. 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 details prior to the occupation of the hotel.

Reason:

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

- 39 You must not use the second floor rear flat roof or the east and north-facing terraces/balconies of the hotel building for sitting out or for any other purpose. You can however use them for maintenance purposes or to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 41 {b Pre Commencement Condition}. You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

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

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

Phase 4: Validation report - summarises the action you have taken during the

development and what action you will take in the future, if appropriate.  
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 42 You must apply to us for approval of details of a biodiversity management plan in relation to the green roofs. You must not start work on this part of the development until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

### 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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil), Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), **Payment of the CIL charge is mandatory and there**

**are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 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, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the

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

- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 7 Written schemes of investigation will need to be prepared and implemented by a suitably 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.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to residential re-provision, highway works and energy monitoring. (I55AA)
- 9 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

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

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**DRAFT DECISION LETTER**

**Address:** 2-6 Stanhope Row; 16 Stanhope Row, 36 And 37 Hertford Street, 16a, 16B And 17 Market Mews

**Proposal:** Internal and external alterations to 36 Hertford Street including demolition and remodelling of existing mansard roof, with new roof level plant enclosure. (Linked with 22/05759/FULL)

**Reference:** 22/05744/LBC

**Plan Nos:** PLM-BGY-X-B1-DR-A-GA099 PL6, PLM-BGY-X-00-DR-A-GA100 PL6, PLM-BGY-X-01-DR-A-GA101 A1 PL6, PLM-BGY-X-02-DR-A-GA102 PL6, PLM-BGY-X-03-DR-A-GA103 PL6, PLM-BGY-X-04-DR-A-GA104 PL6, PLM-BGY-X-05-DR-A-GA105 PL6, PLM-BGY-X-06-DR-A-GA106 PL6, PLM-BGY-X-07-DR-A-GA107 PL6; PLM-BGY-X-AA-DR-A-GS101 PL5, PLM-BGY-X-BB-DR-A-GS102 PL2, PLM-BGY-X-CC-DR-A-GS103 PL5, PLM-BGY-X-DD-DR-A-GS104 PL2, PLM-BGY-X-EE-DR-A-GS105 PL2, PLM-BGY-X-FF-DR-A-GS106 PL2, PLM-BGY-X-HH-DR-A-GS108 PL5; PLM-BGY-X-AA-DR-A-GE101 PL7, PLM-BGY-X-BB-DR-A-GE102 PL6, PLM-BGY-X-CC-DR-A-GE103 PL6, PLM-BGY-X-DD-DR-A-GE104 PL6, PLM-BGY-X-EE-DR-A-GE105 PL6, PLM-BGY-X-FF-DR-A-GE106 PL6, PLM-BGY-X-GG-DR-A-GE107 PL6, PLM-BGY-X-HH-DR-A-GE108 PL6, PLM-BGY-X-B1-DR-A-DE099 PL2, PLM-BGY-X-00-DR-A-DE100 PL2, PLM-BGY-X-01-DR-A-DE101 PL2, PLM-BGY-X-02-DR-A-DE102 PL2, PLM-BGY-X-03-DR-A-DE103 PL2, PLM-BGY-X-04-DR-A-DE104 PL2, PLM-BGY-X-05-DR-A-DE105 PL2, PLM-BGY-X-06-DR-A-DE106 PL2, PLM-BGY-X-07-DR-A-DE107 PL2, PLM-BGY-X-AA-DR-A-DE201 PL2, PLM-BGY-X-BB-DR-A-DE202 PL2, PLM-BGY-X-CC-DR-A-DE203 PL6, PLM-BGY-X-DD-DR-A-DE204 PL2, PLM-BGY-X-EE-DR-A-DE205 PL2, PLM-BGY-X-FF-DR-A-DE206 PL1, PLM-BGY-X-GG-DR-A-DE207 PL5, PLM-BGY-X-HH-DR-A-DE208 PL5, PLM-BGY-X-AA-DR-A-DE301 PL5, PLM-BGY-X-BB-DR-A-DE302 PL2, PLM-BGY-X-CC-DR-A-DE303 PL1, PLM-BGY-X-DD-DR-A-DE304 PL2, PLM-BGY-X-EE-DR-A-DE305 PL2, PLM-BGY-X-FF-DR-A-DE306 PL2, PLM-BGY-X-XX-DR-A-PA101 PL1, PLM-BGY-X-EE-DR-A-SK107 PL1, PLM-BGY-X-EE-DR-A-SK106 PL1;

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641  
07866040238

**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:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 4 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development: , a) All new windows, b) Upgrades to existing windows, c) The new external door to 37 Hertford Street, d) New railings to No. 37 Hertford Street, e) All new window linings within 36 Hertford Street, f) All new doors within the 36 Hertford Street, g) All new cornicing, skirtings within 36 Hertford Street , h) Roof insulation build-up within 36 Hertford Street, i) Floor build-up within 36 Hertford Street, , 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.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 5 You must apply to us for approval of a test patch of stained brickwork at 2-6 Stanhope Row. , 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 this sample area.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our

Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 6 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing with a key plan for each facade. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 7 Plant enclosures shall be finished and maintained slate grey.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 8 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

Omission of casement windows proposed to No. 37 Hertford Street and their replacement with sash windows.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 9 You must apply to us for approval of a sample area of exposed and soot washed brickwork to 36 Hertford Street. You must not start work on this part of the development until we have approved the sample in writing. You must then carry out the work according to the approved sample area.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 10 You must apply to us for approval of method statements outlining: , ,

a) how the cantilevered stone stair at 36 Hertford Street will be supported and protected during the construction works,

b) Any proposed repairs and restoration work to the cantilevered stone stair at 36 Hertford Street

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 this statement.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.