

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	63-65 Piccadilly, London, W1J 0AJ,		
Proposal	Use of part basement, part ground and first to sixth floors as nine residential units (Class C3), associated internal alterations at all floor levels and external alterations including the installation of dormer windows at mansard roof level, removal of rear fire escaper stairs at fifth and sixth floors, creation of terrace at fifth floor level and installation of plant within enclosures at first - fourth and sixth floors.		
Agent	CBRE		
On behalf of	Antham 1 Limited		
Registered Number	15/07383/FULL 15/07384/LBC	Date amended/ completed	11 August 2015
Date Application Received	11 August 2015		
Historic Building Grade	Grade II		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

The application site is located on the corner of Piccadilly and Albemarle Street and comprises basement, ground and six upper levels. A bank occupies the basement and ground floor level, there are offices at first to fifth floor levels and a two bed residential unit at sixth floor level. Access to the upper floors is separate from the bank. Permission is sought for the use of part basement and ground floors and the upper floors as nine residential units (eight additional units). External alterations are proposed to the rear and a new dormer window is proposed at sixth floor level on the Piccadilly elevation. Listed building consent is sought for internal alterations to facilitate the residential use.

The scheme includes an uplift in residential floorspace of 1,775m². This would require the provision of on-site and/or off-site affordable housing, but no affordable housing is included in the proposals and, in lieu of this, the applicant has offered to contribute to the City Council's affordable housing fund.

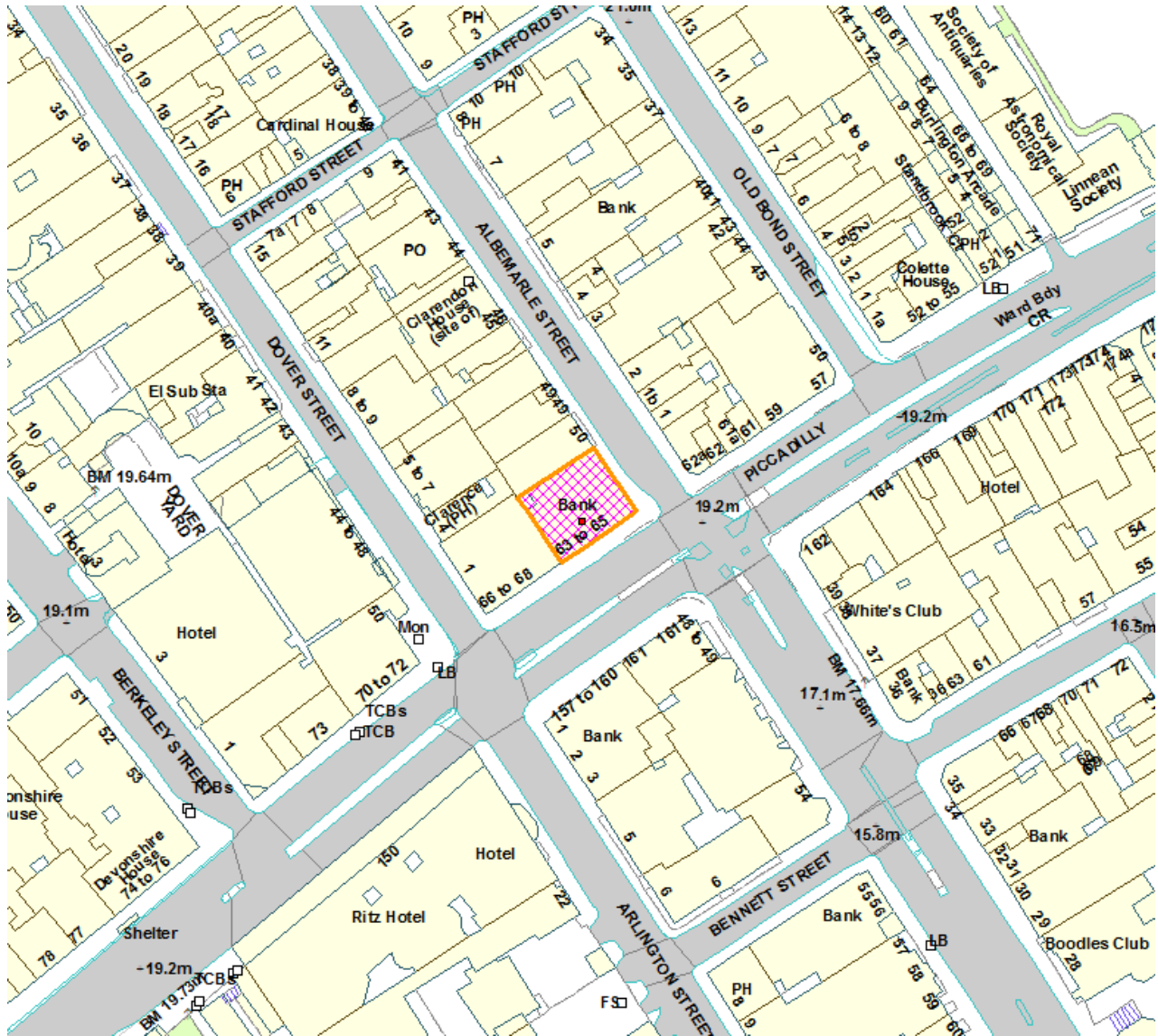
The key issues for consideration are:

- * the impact of the residential use on existing activities in the surrounding area; and
- * the lack of affordable housing on-site.

It is accepted there are physical constraints that make the provision of on-site affordable housing difficult to achieve, and on that basis the applicant's offer to pay the full policy compliant financial contribution is considered to be acceptable.

It is considered that the proposals are acceptable in all respects and comply with the policies set out in Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND
Authorisation received.

COUNCIL FOR BRITISH ARCHAEOLOGY
No objection; conditions should be imposed to ensure that historic fabric is retained.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S
No objection.

ENVIRONMENTAL HEALTH
No objection.

HIGHWAYS PLANNING - DEVELOPMENT PLANNING
No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED
No. Consulted: 70; Total No. of replies: 3
No. of objections: 3; No. in support: 0

Three letters of objection have been received on behalf of Mahiki nightclub at 1 Dover Street raising the following:

- Potential impact of the new residential use on the longstanding entertainment use at 1 Dover Street;
- Concern over the party wall connection;
- Adequate protection of the proposed residential from external noise.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is a Grade II building situated on the corner of Piccadilly and Albemarle Street. Part basement and most of the ground floor is in use as Natwest Bank (Class A2) and is accessed from Piccadilly. The basement area includes bank vaults and the remaining basement floor serves the offices on the upper floors. Part of the ground floor is used for access to the upper floors. At sixth floor level there is a two bedroom residential unit and a plant room. The residential unit shares the office entrance and core areas.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Permission is sought for the use of part basement, part ground and upper floors as nine residential units (eight additional units) comprising 5 x 3 beds and 4 x 2 bed units. External

alterations are proposed and these include the creation of a terrace at rear fifth floor level, the installation of one new dormer window on the Piccadilly elevation and alterations to the two existing dormers. Listed building consent is sought for the internal alterations to facilitate the residential use.

The bank at basement and ground floor levels is not affected by the proposals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The first to fifth floors are in use as offices. The applicants originally claimed that the upper floors were in Class A2 (financial and professional services) use. However, it is considered that the first to fifth floors are in B1 office use as they are not solely connected to the day to day operation or running of the bank and therefore do not fall within Class A2. The fourth floor is used as a private banking facility and it is likely that customers will access this part of the building. The majority are offices linked to the wider, corporate banking function (professional and financial services team, hotel and leisure team, technology and media team) for Natwest, not just the bank at ground floor level.

The proposal thus involves the loss of B1 office floorspace. Interim measures (set out in an initial statement dated 1 March 2015) have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential accommodation. These measures apply to the consideration of applications received on or after 1 September 2015. However, as the application was received prior to 1 September it must be assessed in relation to City Plan and UDP policies (without the amending interim measures) which do not protect existing office floorspace and therefore the loss of the office floorspace cannot be resisted in this instance.

Residential – use/standard of accommodation

There is an existing residential unit at sixth floor level comprising 140sqm; the proposal will result in an uplift of residential floorspace of 1,775 sqm. This uplift in residential floorspace is considered acceptable and is in line with UDP Policy H3 and S14 of the City Plan.

The scheme will reconfigure the existing residential unit and provide an additional eight units. These will be in the form of 4 x 2 bed and 5 x 3 bed units, providing family-sized housing (55%) in compliance with UDP Policy H5. It is not considered that the number of units can be increased as the building is Grade II listed, thereby constraining the extent of physical intervention. All the homes would meet the Mayor of London's Housing Standards Policy Transitional Statement and the Draft Interim Housing SPG.

Affordable housing

The provision of 1,775 sqm of new residential floorspace would trigger a requirement to provide on-site affordable housing under policies H4 and S16. Policy S16 would require a proportion of new floorspace to be provided as affordable housing. Under the terms of the

Council's Interim Affordable Housing Guidance there is a requirement to provide 240sqm/3 flats of affordable housing. Where it is accepted that it would not be appropriate or practical to provide the affordable housing requirement on site, the provision of the housing on an alternative commercial site in the vicinity should be explored. Where it is acknowledged as being impractical or inappropriate to provide affordable housing either on or off-site (on land nearby), the City Council may consider a financial contribution to the City Council's affordable housing fund in accordance with the adopted formula. Given the increase in floorspace, a policy compliant contribution would be £1,398,000.

As the building is Grade II listed it is considered that the amount of physical intervention required to provide separate access etc. make it impractical to provide the affordable housing on-site. The applicant does not own any other properties in the vicinity and in these circumstances they have offered to pay the full payment in lieu. This is considered acceptable and will be secured via a Grampian condition.

8.2 Townscape and Design

The building was designed by William Curtis Green and was awarded the RIBA medal for the best street frontage of 1922. It has two Portland stone facades and is a fine classical composition. Externally it is largely unaltered, but internally the areas containing features of special interest are mostly at ground floor level, although the staircase and lift shaft are also of special interest and there are some original chimney pieces on the upper floors.

The proposed alterations are mostly confined to the rear or interiors that have been modified in the past. Of most importance is the alteration to the recessed dormer windows at roof level were they are to be slightly widened and a third, central, dormer will be added on the Piccadilly frontage. Whilst original in terms of their location the current windows are crude modern replacements, therefore there is no objection in principle to changing the existing windows. Furthermore, the proposed increase in size is slight and will maintain the original hierarchy of fenestration on the building, and the additional window in the centre of the roof will match those either side and will not seem incongruous. These alterations therefore accord with UDP policies DES 6 DES 9 and DES 10.

At the rear, new plant areas are to be provided and in the context of what is a functionally designed and very plain part of the building, the alterations would not seem out of character. These alterations accord with UDP policies DES 5, DES 9 and DES 10. However, the proposed glass balustrade would be incongruous and must be omitted in favour of a black-painted metal balustrade. This may be dealt with by condition.

Internally, the proposed sub-division of the upper floors is acceptable and the existing chimneypieces will be retained. The secondary glazing required to address potential noise issues is also acceptable. However, the chimney piece on the mezzanine floor is to be boxed in which is considered unnecessary and detrimental to the special interest of the building. It should remain fully visible and this may be secured by condition. Subject to this revision the internal alteration are acceptable in heritage asset terms and accord with UDP policy DES 10.

8.3 Residential Amenity

The external alterations include the removal of an existing rear fire escape stair at fifth and sixth floor level, the creation of a terrace at rear fifth floor level, and the installation of a new dormer window on the Piccadilly elevation.

The nearest residential property is to the north of the application site at 50 Albemarle Street. This property is lower than the application site and the proposed terrace will be located higher than the roof of No.50. The terrace is small (11 sqm) and it is not considered the use of the terrace will have an adverse impact on noise or overlooking and is therefore acceptable. It is noted that the fire escape at fifth floor level is being removed an informative is recommended to ensure that the applicants speak to Building Control about this matter. The new dormer window at roof level will not have an impact on amenity.

New residential amenity

Three letters of representation have been received on behalf of Mahiki nightclub at 1 Dover Street. This venue occupies a small entrance area at ground floor, and main bar/nightclub areas at lower ground and basement level. The nightclub shares a party wall with the application site, but only at lower ground and basement level. There is a shared lightwell to the rear of both properties, but there are no windows serving the nightclub at lower ground and basement level in this lightwell. The existing premises licence for Mahiki allows customers to be on the premises from 09.00 – 03.30. The initial letter from the nightclub stated that their principle concerns relate to the future noise and disturbance to new residents at the application site from the late night uses at 1 Dover Street but also elsewhere in the vicinity. (It is important to note that there is a resolution to grant planning permission at 70-72 Piccadilly (directly opposite 1 Dover Street) for the use of the site for 52 residential units.)

The objection letter concluded that the submitted noise report did not address the issues of a late night venue in close proximity and the site was an inappropriate location for residential use. In response to this letter, a revised internal noise report was submitted which assessed the noise from midnight to 04.00 on a Saturday evening in November. The report concluded that at no point was the noise from the nightclub audible within the application site.

Environmental Health assessed the new report and the objection. They raised concerns over the potential impact of customers of the nightclub leaving the premises and gathering on Piccadilly outside the application site. Environmental Health requested additional information relating to the party wall connection between the application site and Mahiki, the noise levels on Piccadilly taking in account the capacity and closing times of Mahiki and any façade mitigation or other improvement within the development which will be sufficient to comply with WHO guidance.

Subsequent to the objection from Environmental Health, the applicants commissioned a new noise survey. The report reinforced the original outcomes that the structural borne noise between the two buildings is limited, especially considering that the nightclub is located at lower ground and basement level and the new residential is located at first floor level and above.

An additional noise survey was also carried out on a Saturday in February between midnight and 04.00. This was carried out at first and fifth floor level. The weather that evening were not ideal and there was intermittent drizzle, meaning that road surfaces were wet throughout the survey increasing overall noise levels (the first survey was carried out in dry conditions). The dominant noise levels during this period were from road traffic. Noise from people in the street was intermittent and only audible when traffic noise reduced. The noise report also assessed the activity on the street and these can be summarised as follows:

- When customers entered Mahiki they queued on Dover Street. Noise from customers was inaudible at the façade of the application site – due to distance, screening and high ambient noise levels;
- Customers entered and left Mahiki in small numbers throughout the night. There were no periods when a large number of people left the club at the same time;
- When people left Mahiki they tended to disperse in all directions or in some cases linger at the junction of Piccadilly and Dover Street to hail taxis;
- Some customers left Mahiki and walked past the application site, but these tended to be in small groups and were spread over the evening;
- There is also a club opposite Mahiki at 49-50 Dover Street (The Mayfair Club), and people would also gather outside this entrance – although noise from people here was also inaudible at the application site.

As the building is Grade II listed, secondary glazing is proposed to all the windows (rather than double-glazed windows) and the specific secondary glazing to be used is detailed within the acoustic report. Environmental Health are now satisfied that the worst case scenario has been tested and have no objection to the proposal in terms of the noise levels within the new residential units and the impact on Mahiki.

The objectors are still raising concerns over the introduction of new residential units in this location and the potential impact the new occupiers will have on their longstanding use. It is considered that the site is an appropriate location for residential, especially considering that there is an existing residential unit at sixth floor level. Environmental Health has considered the objections submitted and they have no objection to the proposal. The application is recommended for approval, subject to the City Council's standard noise conditions and a further condition to ensure that a full assessment of the party wall is carried out and any remedial works are implemented before the residential units are occupied.

8.4 Transportation/Parking

UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standard would normally require one parking space per additional residential flat, which in this case, would amount to a requirement for eight spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

No off-street car parking is proposed. The City Council's most recent daytime survey (2011) indicates that Resident's and Shared Use bays were 63% occupied; during the evening this reduces to 62%. The parking levels in the area are below 'stress levels' and

the addition of the residential units in this location can be absorbed into the surrounding street network. The proposal is therefore consistent with UDP Policy TRANS23.

The applicant has offered to provide Lifetime Membership (25 years) to a Car Club for all the flats. This is welcomed and secured by condition.

Adequate cycle parking is provided for the commercial and residential parts of the development. This complies with UDP Policy TRANS10.

8.5 Economic Considerations

Any economic benefits generated by the proposal are welcomed.

8.6 Access

There is existing stepped access and this would remain. It is not considered practical to change this within the context of this scheme.

8.7 Other UDP/Westminster Policy Considerations

Plant

New plant is proposed to the rear of the building at every level. Environmental Health has no objection to the proposal, subject to the imposition of a condition to ensure that a supplementary acoustic report is submitted once the plant equipment has been selected.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if

appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

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

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

A Grampian condition will secure the following:

- £1,398,000 million towards the affordable housing contribution fund
- Lifetime Membership (25 years) to a Car Club, for all the flats.

8.11 Environmental Impact Assessment

Environmental Impact Assessment is not required with this scale of application.

9. BACKGROUND PAPERS

1. Application form
2. Response from Historic England, dated 16 September 2015
3. Response from Council of British Archaeology, dated 13 October 2015
4. Response from Residents Society Of Mayfair & St. James's, dated 28 September 2015
5. Response from the Highways Planning Manager, dated 16 November 2015
6. Response from Environmental Health, dated 17 December 2015 and 8 March 2016
7. Letters on behalf of Mahiki at 1 Dover Street from Bidwells, dated 15 October 2015, 25 February 2016 and 16 March 2016

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE BY EMAIL
AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

Proposed front (Piccadilly) elevation



Typical Proposed first four floors

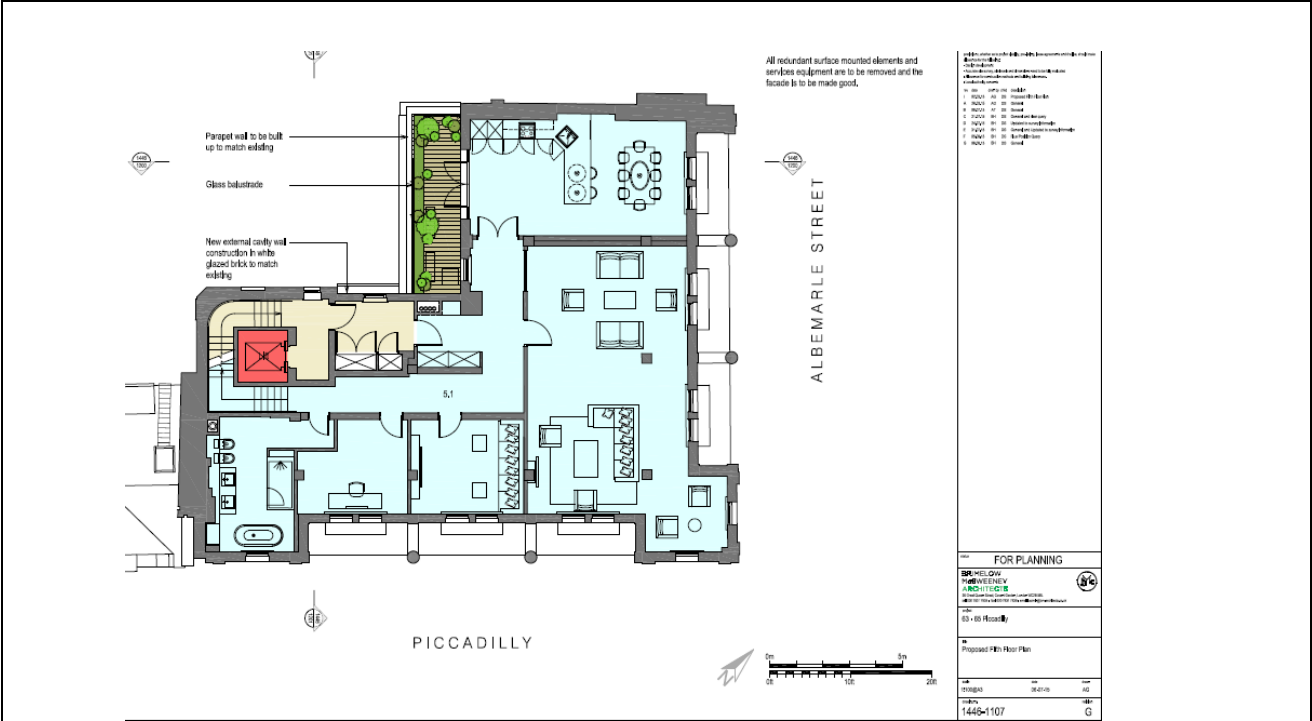
necessary to improve U-values,
All redundant surface mounted elements and services equipment are to be removed and the facade is to be made good,

1	ROOF	0.15	0.15
2	WALL	0.15	0.15
3	FLOOR	0.15	0.15
4	WALL	0.15	0.15
5	FLOOR	0.15	0.15
6	WALL	0.15	0.15
7	FLOOR	0.15	0.15
8	WALL	0.15	0.15
9	FLOOR	0.15	0.15
10	WALL	0.15	0.15
11	FLOOR	0.15	0.15

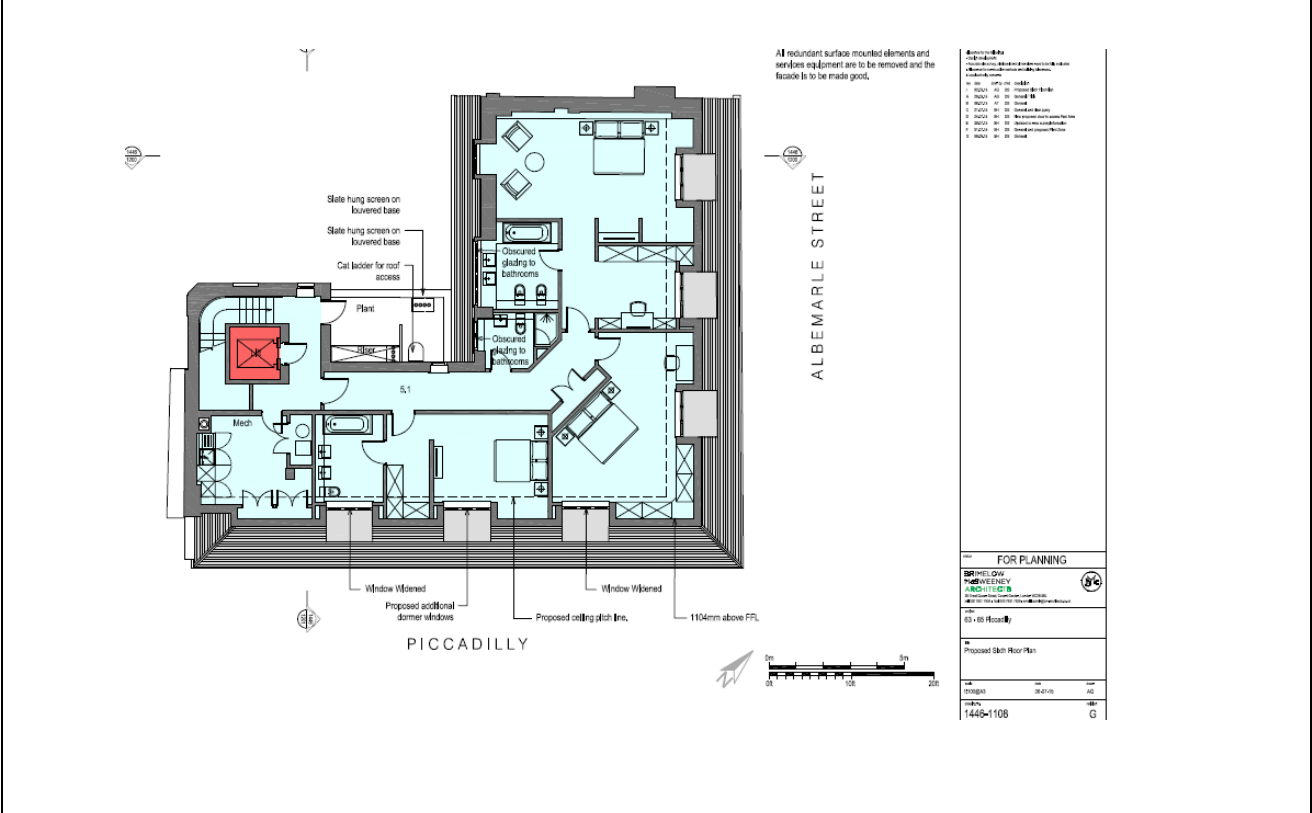
FOR PLANNING
 SHELL & CORE
 ARCHITECTS
 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Proposed First Floor Plan



Proposed fifth and sixth floors



DRAFT DECISION LETTER (PLANNING)

Address: 63-65 Piccadilly, London, W1J 0AJ,

Proposal: Use of part basement, part ground and first to sixth floors as nine residential units (Class C3), associated internal alterations at all floor levels and external alterations including the installation of dormer windows at mansard roof level, removal of rear fire escaper stairs at fifth and sixth floors, creation of terrace at fifth floor level and installation of plant within enclosures at first - fourth and sixth floors

Reference: 15/07383/FULL

Plan Nos: 1446-1100 F, 1446-1101 G, 1446-1102 G, 1446-1103 H, 1446-1104 G, 1446-1105 G, 1446-1106 F, 1446-1107 G, 1446-1108 G, 1446-1109 G, 1446-1110, 1446-1200 A, 1446-1201 A, 1446-1300 C, 1446-1301 C

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

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

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

Reason:

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

- 3 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 S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: the proposed glass balustrade at the rear must be omitted in favour of a black-painted metal balustrade. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

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

Reason:

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

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

Reason:

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

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;

- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

- 11 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 9 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 12 **Pre Commencement Condition.** You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them. The details must also include an assessment of the party wall shared with 1 Dover Street to ensure that any noise/vibration is reduced. You must not start work until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 13 You must provide the waste store shown on drawing 1446-1102 C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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

- mitigation for not providing affordable housing on-site.

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

Reason:

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

- 16 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following:
- a) Confirmation of approval of the particular car club which is to be a Carplus accredited club;
 - b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of:
 - 1. the existence of the car club
 - 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee;
 - 3. details of how to become a member of the car club; and
 - 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident [for a continuous period of [25] years]
 - b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents.
 - c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development.
 - d) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club.
 - e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club.
 - (f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with CS41 of our Core Strategy that we adopted in January 2011 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In relation to Condition 16, Carplus was established in 2000 to support the development of car clubs and 2+ car sharing schemes in the UK, in response to growing environmental concerns around private car use. Carplus provide technical support, best practice guidance and practical advice to car club operators, community groups, local authorities and transport authorities to assist in setting up and developing car clubs. www.carplus.org.uk
- 3 Under condition 15 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure £1,398,000 million as confirmed in writing by Rachel Ferguson of CBRE Planning dated 6 April 2016. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk.

Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

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

If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>. Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 6 The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 8 The existing first escape at fifth floor level is to be removed. You are advised to discuss this matter with our Building Control officers.

DRAFT DECISION LETTER (LISTED BUILDING)

Address: 63-65 Piccadilly, London, W1J 0AJ,

Proposal: Internal alterations at all floor levels and external alterations including the installation of dormer windows at mansard roof level , removal of rear fire escape stairs at fifth and sixth floors, creation of terrace at fifth floor level and installation of plant within enclosures at first - fourth and sixth floors.

Reference: 15/07384/LBC

Plan Nos: 1446-0900, 1446-0901, 1446-0902, 1446-0903, 1446-0904, 1446-0905, 1446-0906, 1446-0907, 1446-0908, 1446-0909 A, 1446-0910 A, 1446-0911, 1446-0912 A, 1446-1100 F, 1446-1101 G, 1446-1102 G, 1446-1103 H, 1446-1104 G, 1446-1105 G, 1446-1106 F, 1446-1107 G, 1446-1108 G, 1446-1109 G, 1446-1110, 1446-1200 A, 1446-1201 A, 1446-1300 C, 1446-1301 C

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

Reason:

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

- 3 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area.

This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- the proposed glass balustrade at the rear must be omitted in favour of a black-painted metal balustrade;
 - the partition on the mezzanine floor must be partially omitted so that the chimneypiece is fully visible and not concealed.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.